**QUESTIONS AND ANSWERS**

1. ***Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability.***

**Legal framework**

The Law no. 5378 on the Persons with Disabilities, dated 2005, sets out the legal framework for persons with disabilities (PwDs) including older PwDs. The main aim of the law is to take necessary measures to provide equal opportunity for PwDs.

In addition, in view of protecting and improving the rights of both PwDs who are ageing and older persons who acquire a disability, definitions of some basic concepts, such as disability based discrimination, accessibility, reasonable accommodation have been included in the law and thus they were included in the Turkish legislation for the first time. Within the scope of the amendments made in 2014, in the Law on Persons with Disabilities, a separate anti-discrimination article was introduced, prohibition of discrimination was emphasized, and with the purpose of securing equality, it was stipulated that the necessary measures are taken to ensure reasonable accommodation for PwDs. Besides, affirmative action for PwDs gained constitutional base by the amendment to its Article 10 on “Equality before the Law”. It is guaranteed that special measures to provide de-facto equality among persons with disabilities shall not be construed to be “contrary to the principle of equality”.

With the objectives to extend the rights based approach to all levels of society and to steer practices in this direction, Turkish Legislation was reviewed in 2013. The terms such as “handicapped, faulty” or “impaired” in 87 Laws and 9 Decree Laws were replaced with “persons with disabilities”.

The Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol were ratified by Turkey in 2009 and 2015 respectively. The Law on the Persons with Disabilities was amended on 6 February 2014 with a view to conform the national legislation to the liabilities and perspective provided by the CRPD). Through these amendments, the objective of the law has been harmonized with CRPD’s objective.

In accordance with the CRPD, the definition of a person with disability in the Law has been amended as follows:

*“A person who has a physical, mental, intellectual or sensory impairments, at various levels, which in interaction with various barriers may hinder his full and effective participation in society on an equal basis with others.”*

In this way, instead of a medical perspective emphasizing the deficiencies and incapacities of the person with disability, a new approach has been reflected to the Law, which defines disability in conjunction with the social environment of the individual.

Additionally, the amendments stipulated that it is essential to ensure PwDs live independently in society among other individuals and that they cannot be forced to lead an excluded way of life. The law also stipulated providing PwDs with access to community based support including individual support services.

The General Directorate Services for Persons with Disabilities and the Elderly (EYHGM) was established under the Ministry of Family and Social Policy by the Decree Law no. 633 in 2011 with the purposes of improving life quality of persons with disabilities and providing services more efficiently. It is the focal point of Turkey for promoting the implementation and monitoring of CRPD at national level. It aims at providing intersectoral coordination at national level and thus, reflecting the rights based approach to national legislation and practices. In line with the reform in the executive system in 2018, Ministry of Family and Social Policy was restructured and renamed as the Ministry of Family, Labor and Social Services (ACSHB). In this scope, EYHGM currently functions affiliated with the Ministry of Family, Labour and Social Services.

The first national report prepared in accordance with Article 35 of CRPD was prepared under the coordination of the focal point of Turkey in cooperation with all relevant stakeholders that operate in the field of disability such as civil society organizations, public institutions and universities. The national report was submitted to UN Committee on the Rights of Persons with Disabilities in July 2015.

Moreover, the Project on Supporting the Capacity of Implementation and Monitoring of CRPD (2013-2016) was conducted by EYHGM in cooperation with UNDP with the purpose of improving and monitoring the implementation of CRPD at sectoral and general levels. Within the scope of project activities, various activities were carried out to increase awareness of all relevant public institutions and indicator sets, which aim at specifying the level of exercised rights, were developed on the fields of employment, health-care, education, culture and tourism, sports, right to be free from exploitation and violation, participation to political and public life. Additionally, with the purpose of specifying at a common ground under the coordination of EYHGM the legal, institutional and practical requirements to achieve protection and improvement of the rights of PwDs, the preparatory work for the National Plan of Action and Strategy Paper on the Rights of PwDs started with the cooperation and participation of all parties, including CSOs, in 2017. Within the frame of preparatory work, strategic goals and objectives were defined to develop comparable and reliable disability statistics and to strengthen the opportunities of PwDs in terms of vocational education and employment.

Furthermore, the efforts on preparing a “Barrier-Free Vision Document” aimed at improving services for PwDs and the elderly with an inclusive and rights-based approach started by the end of 2018.

1. **Please provide information on discrimination against older persons with disabilities in law and practice.**

Through an amendment on the relevant provisions of Turkish Disability Act in 2014, the act was revised in line with the obligations imposed by CRPD. Therewith, the objectives and principles of the law were restructured with a right based approach, plus the definitions of “disability-based discrimination and the types of discrimination” have been included in the law. In other words, a separate anti-discrimination article was introduced for the first time in the law and prohibition of discrimination was emphasized with the purpose of securing equality. Besides, affirmative action for PwDs and the elderly gained constitutional base by the amendment to its Article 10 on “Equality before the Law”. It is guaranteed that special measures to provide de-facto equality among persons with disabilities and the elderly shall not be construed to be “contrary to the principle of equality”.

Being the high-level policy documents of Turkey, National Plan of Action and Strategy Paper on the Rights of PwDs, that is currently being prepared, and “Barrier-Free Vision Document” provide for significant measures on fighting against disability based discrimination.

With the objective of fighting against discrimination on all grounds including disability and/or ageing, Human Rights and Equality Institution of Turkey (TIHEK) was established in 2016. The Institution was designated as the national human rights institution, national preventive mechanism and the equality body in line with the Paris Principles, OPCAT and EU equality Directives respectively. The law of establishment defined the types of discrimination as follows; “Discriminating in favor of/against someone, giving orders to make discrimination or fulfilling such orders, multiple discrimination, direct/indirect discrimination, mobbing at the workplace, not applying reasonable accommodation measures, harassment and discrimination based on any assumed grounds”. Besides, this law provides that “if persons who already started or participated in administrative or legal proceedings to have the principle of equality being observed or to prevent discriminative practices, as well as their representatives, are imposed to adverse treatment because of those proceedings, such treatment shall also be considered as discrimination”. The law prohibits discrimination on the basis of gender, race, color, language, religion, faith, sect, philosophical or political opinion, ethnic origin, wealth, birth, civil status, medical condition, disability and age. It also stipulates that; “public institutions and organizations that provide education, training, judicial services, law enforcement, health services, transportation, communication, social security, social services, social aid, sports, accommodation, cultural, touristic or similar services, professional organizations with the nature of public institutions, real or private legal persons shall not discriminate against persons who benefit from, apply for benefiting from or those wishing to be informed of such services. This provision shall encompass the access to public places and buildings. Persons and institutions who are responsible for the planning, offering and auditing of these services shall be liable for taking into consideration the needs of persons with different types of disabilities and fulfilling reasonable accommodation measures”. Additionally, natural and legal persons can apply to TIHEK with a claim of being imposed to discrimination during the proceedings of purchasing or renting property, participating to political and public life or to employment processes including vocational education. Children under guardianship or protection can also submit an application to the institution. The identities of applicants are not disclosed upon request. TIHEK is authorized to impose an administrative fine between 1.000 and 15.000 Turkish Liras. Another grievance complaint mechanism that can be applied with the claim of discrimination is the Ombudsman Institution (KDK). Upon application, KDK gives legal warnings or provides recommendations to public institutions about all types of administrative actions/procedures/attitudes or behaviors that are deemed to constitute discriminatory actions. Applications are processed in accordance with national and international legislation and court practices; then the resolutions are submitted to TGNA (Turkish Grand National Assembly-TBMM) through annual reports. In addition to administrative procedures for individuals, KDK makes structural proposals such as legislative amendments. The applications are kept confidential upon request. KDK performs the task of awareness-raising through releasing its annual reports, special reports, all printed publications, as well as its resolutions on all types of administrative actions/procedures/attitudes or behaviors that are deemed to constitute disability based discrimination.

Disability based discrimination is included in Turkish Criminal Law No. 5237 (TCK) and thus, as per the related provisions of this law, discriminatory actions based on disability became subject to penal sanctions.

1. **Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas:**

* Exercise of legal capacity;

Legal capacity in Turkish Legislation includes the issues of capacity to hold rights (lawn capacitas) and capacity to act. The main legislation on legal capacity in Turkey is the Turkish Civil Code No. 4721. Article 8 of Turkish Civil Code reads as follows: “Every person is entitled to a vested right. Accordingly, all the persons are equal in using rights and fulfilling obligations within the legal limits.” On the other hand, actual exercise of rights is bind to specific conditions stated in Article 10. In other words, persons having capacity to act may possess any right by his/her own will and may undertake any obligation thereof (Art. 9). The conditions of incapacity to act are also explained in the Law.

Infants and persons who are in a state of disability or lack of distinguishing power are regarded non sui juris (Art. 14). At this point, power of discernment comes to the front as a significant issue with regards to legal capacity of PwDs. The law explains: “every person who is not minor, or mentally defective or suffering from mental illness, or intoxicated, or beyond self-control by similar reasons, is deemed to possess distinguishing power” (Art. 13). Besides, “provided that the cases specifically indicated in the Law are being reserved, any act by a person lack of distinguishing power may not lead to legal consequences (Art. 15)”.

Furthermore, Turkish Civil Code also provides that any adult who cannot handle his affairs due to mental illness or mental impairment or who needs assistance for protection and care or who jeopardizes the safety of others shall be restricted (Art. 405). Infants and disabled persons with distinguishing power may not undertake any obligation by their own will unless they receive the consent of their legal representatives. Such consent is not necessary for uncovered earnings and use of rights strictly bound to that person. Infants and disabled persons with distinguishing power are deemed responsible from a tort arising out of a wrongful act (Art. 16).

Restriction of legal capacity can be applied with or without personal consent. A guardian may be appointed over an adult at the latter’s request provided he/she proves that he/she is unable to manage his/her affairs properly as a result of senility or some other infirmity or because of inexperience (Art. 408). However, restriction can be applied only in accordance with an officially approved medical board report. Judge may hear the person whose legal capacity is to be restricted in line with the medical board report before rendering a judgment (Art. 409). Guardianship ordered on grounds of mental illness or learning disabilities may be revoked only after obtaining expert opinions from specialists which establish that such grounds no longer obtain (Art. 474).

Guardianship mechanism was regulated in Turkish Law with the purpose of protecting the rights of persons. Guardians are liable for protecting the interest of persons with mental disabilities or infirmities (including interests on assets) and representing them in legal actions. On the other hand, in case a guardian cannot protect the best interest of the concerned person, reassignment of another guardian can be demanded at any time. Besides, Article 426 of Turkish Civil Code stipulates that if the legal representative cannot conduct its duty due to an obstacle, then a trustee will be appointed ex officio or upon a request of the person concerned. Turkish Criminal Code regulates that the conditions of mental illnesses, hearing disabilities or deafness are among the reasons of incapacity or lessening the effects of legal capacity (Art. 32 and 33).

The study on “guardianship system from the perspective of persons with disabilities and older persons” was conducted with the purpose of putting forward, assessing, as well as developing solutions for the problems faced in placing under guardianship the persons with disabilities and older persons that stay in care institutions affiliated with ACSHB. In addition, a draft guidebook that covers frequently asked questions of 2018 and a report on examples of good practice were prepared.

* Admission procedures to social or healthcare services, including involuntary admissions;

Application and other relevant processes for social care services are carried out by provincial directorates of ACSHB in 81 provinces. Entitlement for the benefits in-kind within the context of social care services are based on universal entitlement, all residents in need of care can benefit from social care services. Health Board Report on disability and health status is required for PwDs to benefit from institutional care services. There is no upper or lower age condition for cash benefits and institutional care services for PwDs. Persons at or above 60 years old can benefit from public nursing homes whereas, persons at or above 55 years old can benefit from private nursing homes. There is no minimum degree of dependency required to qualify for institutional care of PwDs and the elderly.

Cash benefits for long-term care are based on the means-tested. Applicants of cash benefits (including Home Care Allowance), who cannot fulfill the requirements of daily life without the support and care of others, have to hold Health Board Report on disability that indicates a severe disability at a rate of at least %50 and to meet the financial criteria.

There is no limit for the duration of dependency to benefit from both benefit in-kind and cash benefit.

The involuntary placement procedure provided in Articles 432 to 437 of the Civil Code in principle also applies to the admission of older persons with disabilities to a social care center. The Civil Code provides for a number of safeguards in cases where a person is placed in care center with the consent of the person’s court-appointed guardian. In particular, the approval of the guardianship court is required in such cases (Article 462 of the Civil Code) and the appointment of a guardian is only valid for two years and may only be prolonged by decision of the court, for renewable periods of two years (Article 456 of the Civil Code).

Additionally, according to Article 409 of the Civil Code, the judge may hear the person whose legal capacity is in the process of being restricted.

* Older persons with disabilities living in institutions;

EYHGM is responsible for carrying out the tasks of identification, protection, care and rehabilitation of persons with disabilities, planning services to support independent living of persons with disabilities in society, rendering continuous care services to persons that are not able to benefit from such services, establishing new institutions and steering the services to be provided in these centers. Care services can be rendered as home care or institutional care. It is essential that the service is provided without separating the person from his/her social and physical environment.

Elderly people, who are in an adequate economic condition but deprived of social support, can benefit from the nursing homes in question with appropriate fees. The elderly, who are deprived of financial or social potential, and the elderly, who were awarded with the War of Independence Medals as per Law No. 1005 can benefit from such services free of charge. A monthly pocket money is also allocated from the ACSHB budget for the elderly, who reside at nursing homes free of charge.

As of today, 26.490 elderly people, who are in need of institutional care and could not receive care at home or do not prefer receiving care services at home, are provided with care services in a total of 396 nursing homes with the capacity of 33.146 run by the government, private sector and associations. Destitute, needy or vulnerable older people over the age of 65 are provided with old age pension in accordance with Law No. 2022.

* Access to support to live independently in the community;

In Turkey, there have been significant developments in recent years with regard to ensuring independent living and inclusion of PwDs to society. The general principle of Law no. 2828 on Social Services were defined as: ensuring that PwDs, persons in need of support and the elderly lead a healthy, peaceful and safe life; providing care and rehabilitation services to PwDs in a way that can enable them live independently and productively and taking necessary measures for rendering constant care to PwDs who cannot be treated. The law also provides that all services to persons in need of social protection, care or support shall be provided in compliance with human dignity.

Law on Social Services specially regulates the principles that will form a basis to services for PwDs. The principles of services for PwDs were stated in the law as follows; raising awareness of individuals, family members and society on their rights and responsibilities regarding participation of person with disabilities to society as equal individuals; ensuring medical treatment and rehabilitation of these individuals; increasing their capacity of independent living; taking measures necessary for ensuring accessibility of information services, physical environments and technological devices and instruments; and including PwDs to all decision making processes that would affect their economic and social statuses.

Institutional care services in Turkey have recently started to transform in parallel with the approach of “community based care”. Within this context, “Barrier Free Life Centers” that provide institutional care service and living environments to PwDs in need of care in single floor houses with gardens for 10 to 12 persons and “Hope Homes” that aim for ensuring active participation to social life by means of providing care services to small groups of PwDs in apartment houses have put into service since 2006.

Additionally, “Living Homes for the Elderly” provide home care to the elderly at or over the age of 60 who are in social and/or economic deprivation and in need for care or protection; persons who demanded a change of environment while residing in a public institution due to a problem of adaptation inflicted by various reasons; persons who should be placed in a more protective environment due to various health conditions; older persons who lost their spouses while staying in a public institution; retired older persons who can perform daily life activities independently and persons who seek for a safe and peaceful environment. These living homes provide service to 145 older persons in 40 homes with the capacity of 158.

Strategy Paper on Active Aging (2017-2020) was drafted and submitted to the High Planning Council for approval. The draft strategy has three priorities; (1) active participation in the labour market, (2) participation to social life and (3) independent living.

Some other forms of assistance in the home of the person in need of care is also provided by different establishments to promote and support to live independently in the community.

Home care support services are provided by an appointed caregiver from a care institution affiliated with the AÇSHB. Home care support services include professional help with personal hygiene, cleaning, laundry, getting dressed and such in addition to counseling and psychological support for the person in need and his/her family.

Healthcare at home is provided by the Ministry of Health and its affiliates in the home environment for patients with bedridden and chronic diseases. Physical examination, medical work up, medical analysis, treatment, medical care, follow-up and rehabilitation services including social and psychological counseling are provided by the specialized units.

Home care and assistance to elderly and PwDs are also provided by local authorities. The dimension of the assistance depends on the capacity of the local government and the condition/requirements of the beneficiary.

* Access to free or affordable healthcare:

General Health Insurance Practice entered into effect in 2008, and started to be implemented in all aspects in 2012. One of the most crucial steps of this reform is that it has almost covered all population. All people such as immigrants, refugees, asylum seekers, PwDs and similar groups were assessed in this scope. General health insurance system provides comprehensive, equally and fairly accessible health service to all individuals living in our country, regardless of their economic status. Besides, coverage package implemented in our country is considered to be one of the most wide-ranging coverage packages in the world. In our legislation, health services, individuals and situations that will not be asked for additional fee or participation fee are defined and these individuals’ access to health is facilitated.

PwDs and older persons who acquire a disability can access to all health services such as all kinds of medicines, medical device, without facing any barriers. For example, devices that PwDs need most such as electric wheelchair, hearing aid, telescopic cane, external prosthesis, tailored orthesis and prosthesis are in repayment cover.

Among costs incurred under the scope of guarantee period, maintenance and repair costs of medical devices used in outpatient treatments are covered by company, and costs incurred out of the scope of guarantee period are covered by Social Security Institution (the institution). Again, calibration of devices requiring calibration is conducted by the institution. The list of repayment data within the last five years for medical devices that are mostly used by PwDs and covered within the scope of individual payment is given in the table below:

|  |  |
| --- | --- |
| **NAME OF MEDICAL EQUIPMENT** | **UNIT** |
| EXTERNAL ORGAN ORTHESIS | 1,812,268 |
| EXTERNAL ORGAN PROTHESIS | 40,444 |
| EXTERNAL ORTHESIS PROTHESIS MAINTENANCE AND REPAIR | 152,188 |
| OTHER ORTHESIS | 9,684 |
| MANUAL WHEELCHAIRS | 48,615 |
| ELECTRIC WHEELCHAIRS | 2,159 |
| HEARING AIDS | 595,423 |
| RESPIRATORY APPARATUS | 483,421 |
| OTHER MEDICAL DEVICES | 9,235 |
| TOTAL | 3,153,437 |

In order for our general health insurers to access to medical equipment more easily, the institution has signed agreements with pharmacies/medical companies/hearing aid, orthesis and prosthesis centres, and if an individual applies to these centres with regards to his/her prescription or health report, medical devices they need are supplied.

Medical home services provided by hospitals affiliated to Ministry of Health are covered by the institution under the scope of outpatient treatments. Additionally, prescriptions prepared by Medical Home Centre or its Units providing service as special health institution are covered by our institution on the grounds that these prescriptions are within the scope of prescriptions paid by the Institution.

In addition, within the framework of Healthy Ageing Action Plan and Implementation Programme, easily accessible primary healthcare services, application of positive discrimination, effective care service planning and planning of immunization for over 65 –year- old elderly with chronic diseases and between 50 and 70 ages scanning programmes are performed.

With the purposes of improving the capacity and protecting the health of the elderly within the scope of health-care at home, care and support services, a protocol was signed by Ministry of Health, Ministry of Family, Employment and Social Services, Ministry of Interior and Union of Municipalities of Turkey.

* Access to free or affordable rehabilitation goods and services;

Institutions that render services to PwDs take into consideration the principle of performing rehabilitation and social services in line with human dignity of PwDs. Within the scope of these services which aim at fulfilling vital necessities, some extra activities such as practicing, sportive activities, artistic - cultural activities and social, vocational and occupational activities are performed in order to maintain and develop skills and abilities.

* Access to social protection schemes; and

Related information provided above.

* End of life and palliative care.

1. **Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.**

Long-term care is not ensured by a single system, but it is mainly provided and run by the Ministry of Family, Labour and Social Services. Thus, care services for persons with disabilities (PwDs) and the elderly are centrally administered. Application and other relevant processes for long term care are carried out by provincial directorates of the Ministry in 81 provinces. Benefits are financed from the government budget. Benefits provided by the ACSHB for long-term care are combined (benefits in-kind and cash benefits including Home Care Allowance). Entitlement for the benefits in-kind (both for PwDs and the elderly) is based on universal entitlement. Cash benefits are based on the means-tested.

Healthcare at home and some assistive devices are provided under general health insurance system (universal) run by the Ministry of Health, and some home support services for PwDs and the elderly are provided by local government based on necessities.

There have been significant developments in recent years with regard to ensuring independent living and inclusion of PwDs to society. The general principle of Law no. 2828 on Social Services were defined as: ensuring that PwDs, persons in need of support and the elderly lead a healthy, peaceful and safe life; providing care and rehabilitation services to PwDs in a way that can enable them live independently and productively and taking necessary measures for rendering constant care to PwDs who cannot be treated.

1. **Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities.**

Access to justice is secured by freedom to claim rights and principle of social law state of the constitution. Article 36 of the Constitution is titled “Freedom to Claim Rights” and is stipulates that; Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures and no court shall refuse to hear a case within its jurisdiction.

In line with strategic goals titled “increasing effectiveness and efficiency of jurisdiction system” and “facilitating access to justice” which were encompassed by 2009 Judicial Reform Strategy of Ministry of Justice, it was planned to take measures necessary for enhancing accessibility of courthouses and building a system which would help all parts of society including PwDs access to justice services fully and equally. . Within the scope of a draft issued in 2012 in the process of updating Judicial Reform Strategy, some concrete measures were planned to ensure effective access of PwDs to the justice. The objectives set within this draft included; preparing guides about judicial processes for PwDs, preparing accessible web sites, planning regular scientific meetings in order to evaluate judicial practices for PwDs with the participation of related institutions and organizing awareness raising activities.

10th Development Plan (2014-2018) includes measures to facilitate access to justice, such as strengthening the right of defense and legal aid, activating judicial services and extending use of information technologies in judicial and judiciary services.

Justice Academy of Turkey that was established affiliated with Ministry of Justice in accordance with Law No. 4954 provides pre- and in-service training courses for the professional development of civil, administrative and military judges and prosecutors, auxiliary judicial personnel and for lawyers. The training programmes include information on disability legislation. Additionally, in-service training seminars on fundamental rights and freedoms are held for probation officers and other officers with various titles in the training centers of penal institutions and prisons.

Within the frame of Turkish Code of Criminal Procedure (Law No. 5271) and Code of Civil Procedure (Law No. 6100), various measures were taken in order to ensure active participation of PwDs to judicial system and legal processes. In accordance with Turkish Code of Criminal Procedure, “in case they are literate, persons with hearing or speaking disabilities shall take an oath by writing and signing the oath. Persons with hearing or speaking disabilities who are illiterate shall take an oath by sign language and by the help of a sign language interpreter” (Art. 56/2). The code also stipulates that if the accused is a person with a hearing and speaking disability or a person who has a disability to the degree of failing to express himself/herself, a defense counsel is appointed on behalf of him/her without the requirement of his/her official request. In case the suspect or the defendant is underage (has not attained the age of eighteen), or deaf, or speechless, or has a disability to the degree of failing to defend himself/herself and a defense counsel cannot be arranged; a defense counsel is appointed without the requirement of his/her official request (Art. 150). The code includes the provision that in the hearing of an accused or victim with a disability, the essential points of the prosecution and defense shall be explained to him/her in a way that he/she is able to comprehend. The provisions of this article shall also apply in respect of suspects, victims or witnesses heard during the investigation phase (Art. 202). In case the victim has not attained the age of eighteen, or is deaf, or speechless, or has a disability to the degree of failing to express himself/herself and a defense counsel cannot be assigned on behalf of him/her; a defense counsel is appointed without the requirement of his/her official request (Art. 234/2). Request shall not be necessary for providing a lawyer in cases where the victim or the injured party is a child or a person with a hearing, speaking or mental disability to the extent of being unable to defend himself (Art. 239/2).

Code of Civil Procedure covers measures to facilitate access of PwDs to justice. For example, Article 172/2 stipulates that persons who cannot attend to hearings due to disabilities, illnesses or other reasons of similar nature shall be heard at the places where they reside. On the other side, some special measures were taken for the oath taking procedure of PwDs. Accordingly, literate persons with hearing or speaking disabilities shall take an oath by way of signing his/her declaration and those who are illiterate shall take an oath by the help of a sign language interpreter (Art. 234). In case the person to take an oath is so sick or disabled that he/she cannot attend the hearing, the judge shall take his/her oath at the place where he/she stays. Attorneys of both parties may be present during fulfillment of the procedure, in case they request to do so (Art. 235).

Hearing of the witnesses in courts where the case is ruled is the basic principle in the Code of Civil Procedure, but witnesses who cannot attend a trial due to disabilities or illnesses are heard at the place where they reside. In case a witness is literate but has a speaking or hearing disability, the questions are directed to him/her in written form and the answers are written by the witness. In case he/she is illiterate, the judge hears him/her through a sign language interpreter (Art. 263/2).

By means of legal aid mechanism arranged by the provisions between Articles 334 and 340 of Code of Civil Procedure, some special measures are taken in order to facilitate access of PwDs to justice. Within the scope of these measures, PwDs who are deprived of adequate economic conditions and cannot afford to litigation costs have the right to request benefiting from legal aid mechanism especially for initiating bankruptcy and enforcement proceedings or intervening cases in favor or against themselves. In case a legal aid request is deemed appropriate by the court and if the legal aid decision is still in force; paying of litigation costs, fees or advance payments is postponed and the concerned costs are collected from the party that loses the case. In such circumstances the court can decide that litigation costs are paid in equal installments in a year or the party that lose the case can be exempted from such costs totally or partially.

Finally, Law No. 5275 on the Execution of Penalties and Security Measures includes some measures with regard to informing the convicted about their rights and responsibilities or the complaining mechanism and provision of such information in accessible formats for PwDs. In this regard, convicted persons with hearing disabilities are informed through a sign language interpreter and those with visual disabilities are provided with booklets printed in Braille.

In order to enhance the effectiveness of investigations about torture and ill-treatment, the Circular No. 158 was issued by the Ministry of Justice in 2015. The Circular refers to various European Court of Human Rights judgments including the judgment in the case of Price v. United Kingdom; thus clarifies the current situation and proposes to have several measures taken to raise public awareness, such as protection of the right to a fair trial and of other universal rights, prevention of human rights violations and avoidance of any action with regard to torture and ill treatment.

Accessibility arrangements in existing buildings and penitentiary institutions of the judicial system are performed by the Offices of the Chief Public Prosecutors and Directorates of Penal Institutions. The new buildings are designed and constructed in accessible style by the Ministry of Justice. Based on the task of monitoring penal institutions as National Prevention Mechanism (UOM), National Rights and Equality Institution of Turkey (TIHEK) prepared a checklist to obtain information on several issues such as the number of PwDs staying in the institution, special measures that were taken by the administration and the accessibility status. As a result of the visits paid to the institutions, TIHEK submits recommendations. In addition, PwDs who are deprived of their liberty can also evaluate the services they receive. Subsequently, TIHEK monitors whether the recommendations are taken into account by the visited institution or not. Another individual complaint mechanism with regard to this issue is the Ombudsman (KDK).

In 2018, KDK initiated studies for the preparation of a special report in order to assess the current situation of the detained PwDs in penal institutions including prisons or in other penitentiary institutions and to identify the problems in the penal system, including accessibility related problems.

Law No. 2828 stipulates that the administrative fines and temporary liberty binding punishments to be imposed on the personnel who commits any offense against persons under protection and care, including PwDs and older persons with disability, in social service organizations, shall be increased by one third. In accordance with the relevant arrangement, Directorate of Guidance and Inspection of ACSHB audits these institutions at least once a year. The revision of legislation in 2013 stipulated that an administrative fine shall be imposed to institutions in case it is understood by inspection that they have any deficiencies or contradictions compared to the conditions identified by the relevant regulation on opening, working conditions, management of the institutions and effective provision of services. In case the concerned institution does not fill make up the deficiencies or remove the contradictions within 30 days, twice the amount of the previous administrative fine is re-imposed and if the problems are not corrected within the following thirty days, then the institution is closed by the ACSHB. The same amendment in Law No. 2828 also stipulates that; in case any physical, sexual, medical, psychological or economical abuse including threatening, pressure or arbitrary restriction of freedom of beneficiaries occurs in social service institutions, managing directors who failed to take necessary preventive measures are punished with judicial fine. In the event that such a fine is imposed to the institution or to its founders or managing directors with the aforementioned reasons; or if it is understood that the institution had started providing service without receiving official permissions; or the operating rights were taken over or transferred without former official permission; or if it is understood that the documents submitted to authorities prior to opening of the institution do not reflect the truth, ACSHB closes the institution in question.

1. **Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.**

Pursuance of the issue of disability and/or ageing in all fields of policy under a rights based approach and ensuring participation of PwDs along with older PwDs to decision making processes constitute the basis of disability policy in Turkey. Ensuring that the opinions of them, their families and their representative organizations taken into account during decision making processes or service provision was defined as general principle of Turkish Disability Act. In this regard, disability organizations and/or old age organizations participate in policy making, planning, implementation and monitoring activities of ACSHB.

Educational seminars are organized at regional level in order to strengthen advocacy and legal remedy seeking capacities of disability CSOs and to encourage active participation of PwDs and/or older persons with disabilities in decision making mechanisms. In this context, 24 training seminars were organized at regional level between 2014 and 2016. In addition, the National Plan of Action and Strategy Paper on the Rights of PwDs is prepared with the participation of disability CSOs. It is planned that this document, which aims at mainstreaming the issue of disability in all policy fields, will also include measures to strengthen the participation of PwDs including older persons with disabilities in decision-making mechanisms and monitoring processes.

1. **Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.**

In 2016, the Elderly Support Program (YADES) was initiated in order to facilitate the lives of persons who need bio-psycho-social care, protection and support or other services and older persons over the age of 65 who reside in Turkey through providing services in places where they reside.

Within the scope of YADES; a call for projects was published for Metropolitan Municipalities and the projects offered by the municipalities were evaluated. Then the eligible projects were supported in 2016, 2017 and 2018 with the consecutive financial grants of 4.125.000 TL, 11.461.000 TL and 11.604.416 TL.

With the announcement of Second 100-Day Action Plan of the Presidency; the Year of 2019 was declared as the “Year of Older Persons” in order to raise awareness on active aging and elderly rights. Additionally, Turkey hosted the “1st Council on Ageing” with the participation of international guests in February 2019.