**CONTRIBUTION OF THE REPUBLIC OF TURKEY FOR THE THEMATIC REPORT OF THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING**

**ADEQUATE HOUSING OF PERSONS WITH DISABILITIES**

**Ministry of Family and Social Policies:**

The measures for promoting and ensuring full and equal enjoyment of all human rights and fundamental freedoms by 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 nineties, many significant institutional or legal arrangements, policies and programs have been actualized with the aim of promoting PwD’s participation to decision making processes and realizing their human rights including adequate housing.

Understanding of disability policy in Turkey was shaped by Turkish Disability Act, put into effect in 2005, that can be defined as a framework law on disability. This law 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 honour; ensuring anti-discrimination forms the basis of disability focused policies. Furthermore, ensuring that the opinions of PwDs, their families and voluntary agencies taken into account during decision making processes or service provision was also included in the general principles.

United Nations Convention on the Rights of Persons with Disabilities that promotes full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities 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 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.

Turkish Disability Act was restructured on 6 February 2014, by the 6518 numbered Law, in line with the obligations stipulated by the CRPD. First and foremost, the principles of the CRPD are strongly reflected to the Law. Moreover, ‘person with disability’ is redefined based on human rights approach of the CRPD so as that 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.3). Besides various terms including "disability based discrimination, types of discrimination, reasonable accommodation and accessibility" were defined in accordance with the CRPD (Art.3). Within the amendments made in 2014 in the Turkish Disability Act No. 5378 separate articles were devoted to non-discrimination (Art.4/A) and inclusion into society (Art.4/B). Regarding non-discrimination, all forms of discrimination including direct and indirect discrimination based on disability are prohibited. Moreover, it is regulated that to provide defacto equality, necessary measures shall be taken to provide reasonable accommodation. Besides, it is stated that the measures to be taken to ensure the equality exist in practice shall not be considered as violation of the principle of equality. In terms of social inclusion of persons with disabilities; the law provides that separation and/or exclusion of persons with disabilities shall be prevented and that persons with disabilities shall not be forced to live in specially designed living conditions. The legal provisions clearly state that it is a general principle to support persons with disabilities lead independent lives in equal terms with other persons. In parallel with this principle, necessary services such as individual support services and community based support services were put into practice for facilitating the social inclusion of persons with disabilities.

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, General Directorate of Services for Persons with Disabilities and the Elderly (EYHGM) under the Ministry of Family and Social Policy is the focal point. As the focal point EYHGM 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 strengthen the coordination role of the EYHGM, Monitoring and Evaluation Board on the Rights of Persons with Disabilities was established in line with Prime Ministry Circular No. 2013/8. 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 or 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.

Regarding mechanisms stipulated by the second paragraph of Article 33 of CRPD, two independent structures exist in Turkey. The first is the Ombudsman Institution that was established in 2012 under the National Assembly, the second mechanism is the Human Rights and Equality Institution established in 2016 based on the Law No. 6701.

To promote the adequate housing for persons with disabilities; building projects of Housing Development Administration (TOKI) are planned in line with related accessibility legislation, especially with Turkish Standards Institution Standard TS9 111 - Minimum Requirements in Buildings to Ensure Accessibility for Persons with Mobility Restrictions and/or Disabilities. Special projects are also planned on demand of PwDs. In accordance with Social Dwellings Construction Protocol and the Supplementary Protocol signed between TOKI and Ministry of Family and Social Policy General Directorate of Social Benefits in 2009 and 2011, it was planned to provide economically deprived persons without any social security with dwellings by means of repayment method. In mass housing projects, 10% quota is allocated for persons with at least 50% disabilities. In addition, various facilitating measures were taken in Property Ownership Law No. 634 for the project revision of the dwellings where PwDs reside (Art. 19).

Furthermore, Real Estate Tax Law authorized the Council of Ministers for reducing or cancelling out the taxes of real estate that belong to PwDs provided that they possess only one dwelling smaller than 200 square meter. In 2007 and the following years, PwDs have been exempt from real estate tax in accordance with the dccree of Council of Ministers.

Institutional care services of Turkey are in the process of transformation in parallel with the approach of community based care in recent years. Within this scope, the work on establishing principles and standards of care services for PwDs who need personal care has gained acceleration in order that the services are rendered without prejudice to human dignity.

To promote the deinstitutionalization process towards community based living for persons with disabilities “home based care services” have been promoted since 2005. In this respect, in 2006 a subsidy is brought that is based on the Turkish Disability Act (2005). The basis of “home based care services” is to be paid monthly minimum wage to the person who takes responsibility of care of the person with disability. Moreover, IPA Project under the title of “Promoting Services for People with Disabilities” was implemented between the years 2010 and 2014. The aim of the Project is to contribute to the effort of government of Turkey in the provision of effective, appropriate and efficient community based support services for persons with disabilities. The Project’s purpose is to develop a model of community based care and support service delivery, to improve quality of existing services, to determine the service standards, to clarify roles and responsibilities of related institutions and to provide effective collaboration among them (TR080104 Promoting Services for Persons with Disabilities).

Regarding community based living; a new model has been developed for persons with especially intellectual and mental disabilities by providing living in apartments in small groups in the community. These apartments are called as “hope homes”. It is aimed that these persons with disabilities will actively participate into social life of the community through psycho-social support and support relating to education and employment. First home was provided in 2008 in Izmir and the number of such homes is 131 (as of March 2017) and it will increase rapidly as the feedback is positive.

Another service in the scope of community based living is the “support services to home care” that has been in practice since 2010. If families of persons with disabilities need support in terms of delivery of care, care personnel of public care centers go to the dwelling and provide half time service. Currently 73 families and persons with disabilities benefit from this service.

Within the scope of the service “Care for Temporary Visitors and Guests” which is a new service model and includes provision of care service free of charge to a person with disability whose family members cannot deliver care to him/her as they have to travel to another city or country with the purposes of a vacation or health care etc. In such cases, persons with disabilities can stay and receive care in public care institutions for maximum 30 days in a year. All needs of persons with disabilities are covered by the institution during this period. Currently, 327 persons with disabilities benefit from this service.

Along with the residential care and rehabilitation centers affiliated with the Ministry, there are also Rehabilitation and Family Consulting Centers that provide day service for out­patients. These centers, providing either half day or full day service, combine rehabilitation and care services for individuals or groups and also provide consultancy service for families - especially for mothers of persons with disabilities. These centers are opened nationwide on demand. Currently there are 6 centers that render service to 406 persons with disabilities.

Persons in need of special care can also receive daily or institutional service from private care centers operated by natural or private entities and audited by provincial directorates of Ministry of Family and Social Policy. The government pays two minimum wages per person to private care centers for 24 hours inpatient care service.

Table 1. Statistics on Care Services for Persons with Disabilities

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Years | Private Care Center | | Public Centers of Care and Rehabilitation | | Number of Persons Receiving Home Care Fee | Number of Hope Houses |
| Capacity | Number  Care  Recipients  with  Disabilities | Capacity | Number of Care Recipients |
| 2017  (March) | 14.979 | 12.316 | 7.535 | 7.433 | 485.239 | 131 |
| 2016 | 14.236 | 11.923 | 7.458 | 7.507 | 481.141 | 128 |
| 2015 | 13.656 | 10.823 | 6.992 | 6.926 | 508.481 | 111 |
| 2014 | 13.443 | 10.319 | 6.682 | 6.284 | 450.031 | 84 |
| 2013 | 13.325 | 10.173 | 6.293 | 5.892 | 427.434 | 48 |
| 2012 | 12.869 | 9.328 | 6.055 | 5.586 | 398.335 | 17 |
| 2011 | 8.651 | 6.707 | 5.833 | 5.162 | 347.756 | 7 |
| 2010 | 7.065 | 4.331 | 5.468 | 4.905 | 284.595 | 3 |
| 2009 | 3.744 | 2.144 | 4.758 | 4.569 | 210.320 | 1 |
| 2008 | 2.003 | 768 | 4.098 | 4.272 | 120.000 | 1 |

**Housing Development Administration of Turkey:**

The fact that housing is a human right is included in Article 56 of the Constitution of Republic of Turkey with the expression *“Everybody has the right to live in a healthy and balanced environment” and in Article 57 of our Constitution as “Our State shall take measures to meet the housing need within the framework of a plan to observe the characteristics and environmental condition of the cities”.*

The Mass Housing Law, numbered 2985, passed to this end is a framework law defining the fundamental principles, which give direction to the solution of the housing problem in Turkey, particularly on the subjects of organization and funding. Housing Development Administration of Republic of Turkey (TOKI) established with that Law, performs housing production and supply in Turkey on its own lands raising itself the necessary financial resources required to ensure that middle and low income groups, who are unable to purchase housing units under the current market conditions, become home-owners with suitable monthly installments at long-term maturities in compliance with their saving patterns.

TOKI develops its projects in line with the Government Programs in accordance with the legislation in question, and makes implementations in 81 provinces throughout the country.

With Article 1 of the Decree with the Power of Law dated 6 June 1997 and numbered 572, an article was added to the Zoning Law numbered 3194, bringing the provision “For making physical environment accessible and habitable for the people with disabilities, relevant standards of the Turkish Standards Institute has to be followed in zoning plans, urban, social, technical infrastructure areas and in buildings” to effect.

TOKI acts in accordance with that article in construction of all buildings in its mass housing projects. In this context, the Zoning Law numbered 3194 and all of its regulations, ‘Requirements of Accessibility in Buildings for the Persons with Disabilities and People with Limitations on Movement Ability’ as well as “Rules of Structural Measures on Avenues, Streets, Squares and Roads and Design Markings for the Persons with Disabilities and the Old People” are followed.

“Disadvantageous groups” including people with disabilities are TOKI’s priority in social housing production.

In this context, a quota of 5% of the number of houses in the projects put to sale by the Administration for the citizens with disabilities has been allocated and the beneficiaries and their houses are determined by drawing of lots. As a result of the lots, applicants of this category who are not beneficiaries are included in the lot again along with the applicants in the “Other Purchasers” category.

Not only a quota is allocated for the citizens with disabilities, but also special sales are made in some project sales for the people with disabilities only.

Matters such as building entry ramps, necessary arrangements within the building (easy accessibility to the ground level elevation, all doors being 90 cm, all corridors being 115 cm, elevators being suitable for wheelchair use, rails and balustrades on both sides of the stairs) are taken into consideration for easy access of the citizens with disabilities to the houses in all of our housing implementations. Besides, measures are taken to meet their needs in landscaping of the project sites.

In addition to standard practices in accordance with the concerned regulation, TOKI also realizes necessary arrangements (arrangement of flat door dimensions,etc.) in ground floor houses allocated as quota of 5% of the house number for our handicapped citizens in case of demand.

When the citizens with disabilities wish to buy a house, anti-slip ceramics are applied to the bathrooms and kitchens, handles are made, handicapped toilets are placed, and arrangements in compliance with the needs of the flat owner are made in the flats they are to buy.

The Administration, furthermore, realizes non-handicapped life centers and rehabilitation centers accessible with wheelchairs to meet the special needs of children with disabilities in line with needs and demands through cooperation with government agencies.

Respectively 1 game group in projects up to 100 houses, 2 groups in projects up to 250 houses and 3 groups in projects up to 400 groups are built without regard to the green space area within the framework of the mass housing implementations by TOKI. In the event that the children’s playgrounds are three or more, one is made as “non-handicapped game group”.

TOKI also has set standards for the landscapes of its projects. In its implementations, ramps are absolutely built for the people with disabilities in the project site with an inclination of 6-8%.

The Constitution of the Republic of Turkey has secured the right to housing of the citizens at healthy and modern standards, and in line the Housing Development Law and the secondary legislation issued in relation therewith, realizes implementations necessary to meet the accommodation needs of the segments of need in the country with the support of the State.

Miscellaneous conditions and minimum standards have been imposed with the concerned legislation on building and housing design also taking into consideration international standards for the people with disabilities technically included among disadvantaged groups. The principal aim here is to make the areas of life equally available to everyone including the people with disabilities.

Under the Ministry of Environment and Urbanization, the Housing Development Administration (TOKI) and the local governments, several works are in progress in Turkey for solution of the housing and accommodation problem of the people with disabilities, and provision of healthy and reliable living environments within the framework of modern acknowledgements of that group.