



**An Alternative Report from the Association for Monitoring Equal Rights
in relation to the State Report of the Republic of Turkey
for the 21st Session of the Committee on the Rights of Persons with Disabilities**

by

Association for Monitoring Equal Rights (AMER)

with the contribution of

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The Association for Monitoring Equal Rights - AMER) (*Eşit Haklar İçin İzleme Derneği - ESHİD*)

was established in October 2010 to monitor and combat discrimination in society, to enable equal rights for each person belonging to disadvantaged groups. AMER carries out all its monitoring and reporting activities in consultation and partnership with national and grassroots civil society organizations (CSOs) which work with various disadvantaged groups including women, persons with disabilities, different ethnic and religious minority groups in different parts of Turkey. AMER has been observing every election since 2011 in terms of equal access of disadvantaged groups within society, as well as reporting discrimination with regards to the enjoyment of human rights. Since 2016, AMER has been working on access to justice for persons with disabilities in Turkey. In this respect, the General Comments of the Committee on the Rights of Persons With Disabilities, the Guidelines to Individual Communications to the Committee and relevant international court decisions have been translated to Turkish for the first time. Legal aid, legal support, including trial monitoring has been provided to persons with disabilities through the Legal Aid Hotline. The International Conference on Disability Rights has been organized in December 2018. Prior to this report, AMER has submitted an Alternative Country Report on Turkey for the 88th CERD Meeting in 2015, a list of issues to the 10th Pre-Session of the CRPD in August 2018.

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Abbreviations

AÇSB	Ministry of Family, Labor and Social Services
AMER	Association for Monitoring Equal Rights
CEDAW	Committee on the Elimination of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CMK	Code of Criminal Procedure
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DPO	Disabled People's Organization
ECHR	European Court of Human Rights
EYHGM	General Directorate of Services for Persons with Disabilities and the Elderly in Turkey
KDK	Ombudsman Institution in Turkey
OZIDA	Prime Ministry Disability Administration
TBMM	Grand National Assembly of Turkey (the Parliament)
TCK	Turkish Penal Code
TİHEK	Human Rights and Equality Institution of Turkey
TİHK	Turkey Human Rights Institution
TÜİK	Turkish Statistical Institute
UYAP	National Judiciary Informatics System
YSK	Supreme Board of Elections

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Executive Summary

This alternative report has been prepared for the 21st session of the Committee on the Rights of Persons with Disabilities in relation Turkey's documents in the first reporting cycle. None of the relevant documents have been translated to Turkish or accessible format by the State party. It pertains to the headings of Art. 5 Equality and Non-Discrimination, Art. 12 Equal Recognition Before the Law, Art. 13 Access to Justice, Art. 29 Participation in Political and Public Life and Art. 31 Statistics and Data Collection. These headings have been chosen in direct connection to AMER's area of work as well as data and experience collected through various projects, pertaining to the time period in which the reporting takes place.

Turkey's ratification of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol is an important development for persons with disabilities in their enjoyment and access to human rights and fundamental freedoms. The initial step has been taken in this process with the enactment of the Disability Act (No: 5378), yet there is still a long road to go for the effective implementation of the Convention. Domestic law has not been harmonized with UNCPRD in the past 12 years since the ratification of the Convention. Unfortunately, the main approach of the State to disability is still the charity or the medical model.

While many Plans of Action and Strategies are referenced, the outcomes of the previous such initiatives or the progression of the ongoing ones are not mentioned. An important issue arises in terms of the lack of intersectional perspective, target oriented and specific policies with respect to persons with disabilities. Further, the involvement of CSOs and DPOs have been mentioned, but the Report is silent on the variety of these participants as well as their criticisms or the effects of this collaboration.

Serious structural and institutional barriers exist with respect to access to justice for persons with disabilities in Turkey. Among other things, measures should be taken to raise awareness of the persons with disabilities about their rights, complaint mechanisms; physical accessibility issues should be solved and legal system should be adapted in accordance with the needs of the disabled.

Concerning the participation in political and public life, it is hard to find persons with disabilities in the posts of state, government and local authority levels. Enjoyment of the right to vote for the disabled persons continue to be a problem and their full and independently involvement in the public life is hampered by accessibility issues.

Data Collection is required to implement almost all provisions of the Convention. However, Turkey is far from collecting disaggregated data on persons with disabilities and sharing them with the general public in accordance with the Convention.

Discrimination against persons with disabilities is highly prevalent in society, yet persons with disabilities are reluctant to take action on discriminatory practices for several reasons described in the report in detail. An overall action is required to increase the level of awareness for persons with disabilities on the right to equality and non-discrimination, besides a clear-cut definition and grounds of discrimination should be explicitly included in the legislation.

Introduction

Despite the past 12 years since the ratification of the Convention by Turkish government in 2007, Turkish domestic law has not been harmonized with UNCRPD. Since then, the main amendment in domestic law has only been to change the word “handicapped”, which was used in numerous legislation, to “persons with disabilities”. The current legislation has not been reviewed in terms of the other obligations arising from the Convention, especially with respect to the prohibition of discrimination. Although there is a principal legislation on disability, many other pieces of legislation also contain regulations concerning disability. In the Disability Act (No: 5378), the types of discrimination are defined and prohibited. However, the Disability Act does not contain any penal sanctions for the discrimination prohibited by law. Article 122 of the Turkish Criminal Code (No: 5237) does impose penal sanctions for discrimination, however this provision is only applicable in cases where the motive for discrimination is based on “hate”. Additionally, the reversal of the burden of proof in cases of discrimination is only contained in Labor Law (No: 4857). Yet, the scope of this provision does not cover the job application and recruitment processes. Therefore, it is not possible to utilize this provision in cases where a person is not hired because they have been discriminated on the basis of disability.

Discriminatory provisions in various different legislations are still in force. For example, Article 74(e) of the Law of the Union of Chambers and Commodity Exchanges of Turkey, and the Chambers and Commodity Exchanges (No: 5174) and Article 8(g) of the Judges and Prosecutors Act (No: 2802) contains discriminatory provisions which will be elaborated on this report. The Convention is not used as a point of reference for new legal amendments or legal reforms.

The deadlines and obligations for the implementation of the accessibility arrangements contained in the Disability Act, which was enacted in 2005, are perpetually extended to a further date. Contrary to the obligations arising from the Convention, Turkey still views persons with disabilities, as an object of charity and develops policies according to this perspective. Personalized support mechanisms are not available in any field. The central perspective of the State is still the medical approach. This has also been expressed by Mrs. Aylin Çiftçi, the General Director for Services for Persons with Disabilities and the Elderly (EYHGM) under the Ministry of Family, at the Grand National Assembly of Turkey in 2013, which was also included in a report.¹

After the ratification of the Convention, two official reports were prepared by the State Supervisory Council of the Presidency in 2009 and by Committee on Human Rights Inquiry of the Grand National

¹ https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2013/raporlar/engelli_haklari_inceleme_raporu.pdf

Assembly of Turkey in 2013 on the identification of the problems concerning disability. However, the recommendations in neither report have been implemented yet.

According to the medical approach to disability, which is contrary to the Convention, persons whose medical reports show “less than 40% disability” are not recognized as persons with disabilities.

Monitoring of the implementation of the Convention is not carried out by an independent body. On the contrary, the body authorized for monitoring is the General Directorate for Services for Persons with Disabilities and the Elderly (EYHGM), which is a governmental institution, where all employees are assigned in all levels by the government itself. Civil Society Organizations (CSOs), persons with disabilities and their representative organizations, as set out in the Convention, are unable to participate in the monitoring of the implementation of the Convention; and there is no established mechanism set up for this particular purpose. For example; the care centers which are public institutions are not open to independent monitoring with the participation of CSOs. From time to time, the cases of abuse, violence and harassment in these institutions are reflected in the news media, which shows that these are ongoing problems.

The Ombudsman Institution of Turkey (KDK) and the Human Rights and Equality Institution of Turkey (TİHEK) are not independent institutions, in contrast to the Paris Principles. It is not possible to define these institutions as effective complaint mechanisms.

The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) makes limited efforts regarding awareness raising activities. For example, Turkish sign language interpretation of the Convention has not been done yet. None of the General Comments issued by the Committee on the Rights of Persons with Disabilities have been translated yet into Turkish by The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) or any other government agency.

Yet again, the government report submitted to the Committee by the General Directorate of Services for Persons with Disabilities and Elderly (EYHGM), the list of issues submitted to Turkey by the Committee² and the replies of Turkey to the list of issues³, are all not shared with the public in Turkish. Furthermore, CSOs and DPOs were not given the chance to participate in any of these processes.

² Committee on the Rights of Persons with Disabilities, List of issues in relation to the initial report of Turkey, (CRPD/C/TUR/Q/1). <https://undocs.org/CRPD/C/TUR/Q/1>

³ Committee on the Rights of Persons with Disabilities, Replies of Turkey to the list of issues, (CRPD/C/TUR/Q/1/Add.1). <https://undocs.org/CRPD/C/TUR/Q/1/Add.1>

In the Country Report of Turkey presented to the Committee in 2015, the paragraphs 32, 38, 48, 51, 53, 54, 56, 59, 62, 69, 70, 76, 77, 78, 95, 96, 98, 104, 114, 116, 118, 122, 150, 152, 158, 159, 205, 245, 256, 281, 289, 292, 294, 298, 314, 318, 219, 328 include expressions “envisaged”, “planned”, “aimed”, “carry out”. In this respect, the report appears to be a declaration of intention instead of a country report.⁴

Moreover, in “Replies of Turkey to the list of issues” in response to the questions of the Committee, it is stated that the insulting words have been amended from the Turkish legislation. Yet, in the Civil Code (No: 4721), which is one of the most important laws still contains the term “*mental weakness*”.⁵

This report includes reviews and suggestions with respect to the Article 5 Equality and Non-Discrimination, Article 12 Equal Recognition Before the Law, Article 13 Access to Justice, Article 29 Participation in Political and Public Life and Article 31 Statistics and Data Collection. These headings have been chosen in direct connection to AMER’s area of work as well as data and experience collected through various projects, pertaining to the time period in which the reporting takes place.

⁴ Committee on the Rights of Persons with Disabilities, Initial report submitted by Turkey under article 35 of the Convention, due in 2011, (CRPD/C/TUR/1). <https://undocs.org/CRPD/C/TUR/1>

⁵ <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4721.pdf>

Article 5: Equality and Non- Discrimination

All the studies conducted conclude that discrimination against persons with disabilities is highly prevalent. One of the most comprehensive studies on discrimination is done by Prime Ministry Disability Administration (ÖZİDA), titled, “How the Community Understands Disability” which included 4,144 people in Turkey in 2009. According to the findings, regarding the question “Who do you think of when people say “disability”?”, 24.2% of respondents, which is the highest rate of answer was “a person in need of help”; to the question “Which of the persons with disabilities would you like to marry?”, 50.3% of the respondents gave the answer “None”. In the study titled “Measuring Discrimination Based on Disability Survey” which was conducted in 2010, 75% of the respondents said that the group which experiences discrimination the most in Turkey is persons with disabilities. However, the dominant attitudes of “charity, help and pity” which is prevalent in the society and public authorities, continues to “cover up” direct and indirect forms of discrimination.

There is a nominal level of awareness among persons with disabilities, their families and public officials on discriminatory practices. The mechanisms for the prevention and compensation of discrimination are insufficient.

Persons with disabilities are particularly hesitant to take action on discriminatory practices, especially where perpetrators are public officials, due to fears that social assistance of benefits will be cancelled as retribution. This situation prevents the dimensions of discrimination against persons with disabilities to become visible and makes it difficult to take judicial action on discrimination.

Apart from the general equality provisions in Turkey, there exists no legal provision for definition of discrimination, the reversal of burden of proof, imposition of penal sanctions, establishment of compensation mechanisms in accordance with international standards.

Discrimination is defined and prohibited in the Disability Act (No: 5378), but no penal sanctions and compensation are provided.

Article 122 of the Turkish Penal Code (No: 5237) which can only be applied if discrimination is based on hatred motives and if it can be proved as such. This provision is conditional upon the fact that the act of discrimination is based on the motive of hatred. In Article 5 of the Labor Code, the burden of proof has been partially reversed, but this does not cover the job application and recruitment.

There are no court decisions issued, to date, regarding discrimination based on Article 122 of the Turkish Penal Code. In paragraph 36 of the State Report, the decision by the Bakırköy Criminal Court

of First Instance regarding a case of discrimination is mentioned; however, this decision was later on overturned by a higher court.

In the State Report, according to Article 90 of the Constitution, it is stated that UNCRPD is applied directly to domestic law. However, since the day Turkey ratified the Convention, no court decisions have been given based on UNCRPD on the grounds of Article 90.

There is no independent national mechanism that monitors discrimination against persons with disabilities. Even the few cases filed by persons with disabilities on the grounds of discrimination are not monitored or recorded by The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM).

Article 74 of the Law of the Union of Chambers and Commodity Exchanges of Turkey, and the Chambers and Commodity Exchanges (No: 5174) and Article 8(g) of the Judges and Prosecutors Act (No: 2802) which are still in force, contains discriminatory provisions against persons with disabilities.

No training is given to judges and prosecutors on the issue of discrimination against persons with disabilities by the Ministry of Justice.

The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) does not have any policy regarding groups which are at risk of multiple discrimination. For example, there are no studies on Roma girls with disabilities and/or LGBTI+ persons with disabilities. On the other hand, discriminatory practices can also be done by public institutions. For example, Presidency of Religious Affairs takes Muslim persons with disabilities to Umrah by using the public budget for religious pilgrimage and practices. Similar practices are not done for persons with disabilities from different religious beliefs.

Also in 2017 and 2018, there are many students with autism who are not enrolled in schools. In 2018, the Minister of Education met with parents of students with autism and promised to solve this problem.

After the landmark 2016 European Court of Human Rights (ECHR) decision of Çam v. Turkey⁶; Mr. E. Şahin, a university student with disabilities, also brought his case to ECHR where the case resulted in a violation on the grounds of discrimination.⁷

Recommendations for Article 5:

⁶ Çam v. Turkey, European Court of Human Rights, Judgment 23rd February 2016 (Application No: 51500/08).

⁷ Enver Şahin v. Turkey, European Court of Human Rights, Judgment 30th January 2018 (Application No: 23065/12).

- Domestic legislation should be reviewed to amend/repeal discriminatory provisions.
- The international conventions, agreements and protocols which are signed should also be ratified (i.e. Protocol No: 12 to the European Convention on Human Rights).
- Judges, prosecutors and public officials should be trained and made aware on discriminatory practices with an intersectional perspective. These trainings should be subject to follow up, monitoring and clear indicators.
- An independent monitoring mechanism should be established with the participation of members of civil society and persons with disabilities.
- The statute of TİHEK should be amended to receive applications made by CSOs on behalf of persons with disabilities.
- A policy paper should be prepared for groups under the risk multiple discrimination especially for women and girls included in these groups
- Relevant legal amendments should be made to statutes of Ombudsman Institution and TİHEK to transform them into independent bodies, in accordance with Paris Principles,

Article 13: Access to Justice

There are various barriers for access to justice for persons with disabilities both arising from the domestic legislation as well as its incorrect implementation.

Access to Information: There are limited opportunities persons with disabilities to access information regarding rights. The level of awareness of persons with disabilities regarding administrative and legal complaints mechanisms for protection of their rights is very low; further the relevant authorities do not conduct sufficient awareness raising activities. In addition, the difficulty of the legal language, the lack of legal information and consultancy mechanisms also constitutes a barrier to access to justice. There is no legal arrangement for the provision of legal advice to persons with disabilities. In particular, the lack of any provision in the Attorneyship Law (No: 1136) for providing pro bono legal services, adversely affects access to justice for all disadvantaged groups. Some bar associations, provide legal support under their own initiatives. UYAP and BELGENET systems lack the infrastructure for the persons with visual disabilities. Similarly, almost all of the bar associations' websites, informative materials, or service buildings are not accessible.

Ombudsman Institution and Human Rights and Equality Institution of Turkey (TİHEK) are the two non-judicial complaint mechanisms in Turkey that disabled persons may apply. Based on the statute of TİHEK, CSOs cannot apply to the institution on behalf of disabled persons and the decisions of Ombudsman Institution are not binding but advisory decisions. The decisions of the institution are not always followed and respected by the state institutions. To give an example, AMER lodged a complaint on behalf of a Syrian prisoner, who demanded to move to an open prison five year before the end of his prison sentence, as this is the condition for Turkish citizens. According to Article 6 of this regulation on the transfer to open prisons, foreign national inmates can only transfer to an open prison three years before their sentence ends. Therefore, foreign national inmates have to wait 2 more years as compared to Turkish citizens. In the decision of Ombudsman Institution, this legal provision was found to be against the principle of equality before the law, also as protected by the Constitution. Subsequently, the Ministry of Justice was asked to revise the article. However, The Ombudsman decision taken on 24th August 2017 has not been implemented so far.⁸

Accessibility of Judicial Units: Ensuring physical accessibility of all courthouses, police stations, prosecution units, prisons and other relevant buildings which provide services within the justice system, is a legal obligation. Currently, very few of these are physically accessible. Most importantly, there are no regulations regarding the measures to be taken for persons with disabilities who are in pursuit of an

⁸ Decision Number: 36311982-101.07.04-E.10091

active trial. For example, the provision of induction loop system for hearing aid users, the establishment of the necessary technological infrastructure for the persons with visual disabilities are lacking, or nonexistent. Further, the presence of a court official who can describe the scene for persons with visual disabilities (especially during crime scene investigation), employment of sign language interpreters in the prosecutor's office or providing services to ensure persons with disabilities can attend trials are all lacking.

Failure to ensure reasonable accommodation in prisons, the lack of equipment for persons with disabilities to maintain their lives, and the unavailability of alternative methods for ensuring equal access to rights of all prisoners lead to rights violations. For example; detainees or convicts with hearing disabilities and/or their relatives with hearing disabilities cannot benefit from their right to speak on the phone.

The relevant legislation contains a provision entitled "Informing the Convicts and Their Relatives" relating to prison rules. According to this provision, persons with hearing and speech disabilities are informed through sign language interpretation. For persons with visual disabilities, a booklet written in Braille format should be given. However, in reality, there are situations where information cannot be provided due to lack of qualified staff to provide this information.

The accessibility of information technologies used within legal system is also a problem.

In recent years, instead of small courthouses in cities, construction of larger courthouses have started, far away from the city center. As the vast majority of public transport vehicles were not accessible, this has made access to court buildings, prosecutors office and courts even more difficult. Currently, the courts in many provinces are not accessible; ramps for wheelchair users, braille for persons with visual disabilities or sign language interpreters are lacking and inadequate. Especially the lack of different regulations for persons with disabilities in the strict security measures taken at the entrance of the courthouses in big cities such as Istanbul, makes it a torment for persons with disabilities to enter into the courthouse.

Legal Aid: Concerning legal aid, issues such as allocation of legal aid services, its scope and its procedure are left to the discretion of the bar associations. The Bar Associations prepare their own implementation guidelines for legal aid. The framework of the criteria of "lacking economic means" to be able to benefit from legal aid service, is also drawn by each bar association. Therefore, each bar has developed their own practice, which means that this system is not harmonized and there is not a standard practice. In the bar associations in bigger cities, there are special committees which specialize in areas such as the rights of persons with disabilities, women, refugees and children, which also have specialized lawyers who can provide assistance. However, this is not an option in other bar associations

located in smaller cities. The economic criteria, which is the basis for benefiting from the legal aid service, also varies between bar associations. Some bar associations use legal aid services, only for persons without any income; meanwhile some bar associations take earners of minimum wage as part of the acceptable criteria for benefiting from legal aid. Upon examination of the legal aid mechanism from the disability perspective, it can be seen that legal aid offices have accessibility problems, that online application is not possible in many bar associations, and if there are applicants with hearing disabilities, there is no established form of implementation of finding or providing interpretation services. Also, the statistical data of persons with disabilities who benefit from legal aid are not recorded.

Problems also arise concerning lawyers who provide legal aid services to persons with disabilities. Especially persons with hearing disabilities and lawyers frequently have communication problems during the proceedings. For that matter, lawyers tend to refrain from providing legal aid services to persons with disabilities. It is also observed that, while bar associations often provide training to lawyers in the legal aid list concerning women's rights, children's rights and recently popularized refugee rights, very few trainings on disability rights have been provided. Another problem is that due to the relatively low attorney fees in the legal aid services, most of the lawyers in the list of legal aid services tend to be those who are less experienced in the field. Additionally, as a general problem, legal fees and expenses are very high in Turkey. Legal assistance provided by bar associations is only limited to the provision of free appointed lawyers. There is no support for litigation fees and other official costs, and this creates an important barrier. The exemption from the fees and expenses are decided upon the court after filing a case under Article 337 of the Code of Civil Procedure (No: 6100). However, the decisions of the courts on this issue cannot be appealed. Therefore, even if the person is granted free of charge to legal services within the scope of legal aid, they either need to pay the fees and legal expenses or they give up their cases.

There is a legal basis for persons with disabilities to benefit from legal aid services in criminal proceedings. The Bar Association appoints a lawyer to provide legal support during the investigation and prosecution proceedings under the Code of Criminal Procedure (CMK) (Law No: 5271). However, there is a problem of communication between the lawyers and persons who have hearing impairments or unable to express themselves. There are no provisions for providing interpreters or psychological experts during attorney-client interviews.

Junior Lawyers, who are inexperienced, are generally included in the CMK system. This situation causes the defense not to be sufficiently effective in certain cases. Lawyers have the right to communicate with their clients in prison, but in terms of these interviews, a provision regulating the subjective situation of persons with disabilities is not included in the relevant laws.

Interpretation and Expert Witness Services in Judicial Units: According to Turkish Penal Code (No: 5237), if a suspect / defendant is a person with hearing and speech disability or a person with disabilities concerning inability to express themselves, a public defender shall be appointed without request. However, there is no provision in the law regarding the appointment of a sign language interpreter to communicate with the defense counsel and the suspect/defendant and to enable the suspect/defendant to use the right to defense effectively.

In the Code of Criminal Procedure (CMK), there is a provision for defendants with disabilities or victims to be informed in a manner in which they are able to understand the main points about the claim and defense in the hearing. However, this provision only covers hearings and defendants. There is no provision in the investigation stage for the appointment of an interpreter to the victims and/or defendants with disabilities. Interpretation is not effective enough for the persons with hearing disabilities. There is no established criteria for the selection of experts in translation. It is frequently mentioned by persons with hearing impairment that sign language interpreters are not sufficiently professional. For example, the criteria declared by the Istanbul Courthouse in 2019 are as follows:

“4. The originals or the commission approved copies of documents such as diploma, licence, certificate related to the language, languages or sign language for which the person wants to be an interpreter for (Unapproved copies will be approved by the Commission upon examination of originals). If no such document exists, a written declaration is required separately for each language known to the extent which interpretation can be done for (Appendix-2).”

If the interpreter does not have certificates and/or diplomas, a written declaration which says “I can do this” is accepted as sufficient. The same applies to the experts appointed to the cases. There is no established criteria for the experts. It is not taken into account whether the experts who will work in the cases concerning disability, are aware of the Convention or informed about disability rights.

Legal Capacity of Persons with Disabilities: The appointment of a guardian which leads to the restriction of legal capacity of persons with disabilities can cause violations of rights in cases of malicious use. According to Article 409 of the Civil Code (No: 4721) entitled states that restriction of legal capacity due to “*mental illness*” or “*mental weakness*” can only be decided upon an report from an official medical board. The provision also states, “The judge, before issuing a judgment, “may” request to hear the person under consideration, regarding the medical board report.” which means that in appointment of a guardian and thereby restricting legal capacity, the law allows judges to prioritize the medical board’s report. This legal provision does not oblige the judge to hear to the person under consideration.

Parents often demanding guardians for their relatives who have mental disabilities of any kind, due to prevalent cases of abuse. In practice, guardians are appointed for persons with both 40% and 90% mental disabilities.

In addition, the Law on the Judges and Prosecutors (No: 2802) creates an obstacle for persons with disabilities to exist fully in the judicial system. According to the legal provisions, people with disabilities cannot become judges or prosecutors.

When persons with disabilities are subject to discriminatory treatment by public officials while performing their administrative actions; a permission must be obtained from the governors before an investigation is opened. The authorization mechanism, which is under the authority of the governorships, is mostly used to protect public officials. The refusal of permission for investigation is an important barrier to the access to justice for persons with disabilities. The Law on the Trials of Civil Servants and Other Public Officials (No: 4483) which subjects the investigation to an authorization, is an arrangement that in some cases acts as a barrier for access to justice and leads to the impunity for discrimination.

In the legal provisions concerning mediation and reconciliation, which are new practices in Turkey's domestic legal system, and is now a mandatory application pathway in business disputes; also lacks differentiated methods for persons with disabilities and personalized support arrangements in the reconciliation process. In a very simple approach, the mediator, who brings together the employer and employee together, is not required to choose an accessible venue. Interviews are conducted at the mediator's office.

In Turkey, in cases about women and girls with mental disabilities frequently end up with the judgment: "Victim had given consent." The most recent example of these decisions is from 2018. In the case of S.S, who was sexually assaulted by 5 men; the Court acquitted all 5 defendants on the grounds that the victim did not shout at the time of the incident. ⁹

Long and ineffective trial processes stands as a barrier in access to justice and right to a fair trial. AMER has been involved in a case of a kidnapped and murdered 17-year-old girl with mental disabilities, Emine Bakan, and her case is still ongoing since 2013. The 12th hearing was held on 31 January 2019 and the next trial will be on September. One of the five defendants was released based on the long detention period at the last hearing.

⁹ <http://www.hurriyet.com.tr/yazarlar/ayse-arman/gerekce-bagirsaydi-cinsel-saldiri-olacakti-ama-bagirmamis-40773832>

In the process of state of emergency, there are various public servants with disabilities whose employments have been terminated through Executive Orders. However, there is not even a court decision, which has ruled a penalty on these employees.

The only mechanism that can be used by public servants to return to their jobs is the State Emergency Review Commission. The Commission was established in 2017 with the Presidential Decree.¹⁰

There are no specific provisions in the decree which established the Commission concerning the applications or the examination period of these applications made by persons with disabilities who have been dismissed from public service. However, the public servants with disabilities whose employments have been terminated, tend to experience a more disadvantaged position as compared to non-disabled persons who have more opportunities regarding finding alternative jobs to live by.

Disability in Prisons: Law on the Execution of Penalties and Security Measures allows the postponement of sentence and referral to a full-fledged health institution for persons with disabilities and persons with chronic illnesses. However, in practice, individuals with chronic illnesses or disabilities continue to be kept in the hospital wards of prisons rather than in full-fledged hospitals.

According to the Human Rights Association in Turkey, the data shows that there are 402 persons with chronic illnesses in prisons. Some of these people cannot continue their daily lives on their own. According to these data, in the last 17 years, 3,500 ill prisoners have lost their lives in prisons.

The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM), which is the focal institution for the implementation of the Convention, does not monitor the conditions and practices in prisons. Organisations who work in the field of disability rights do not have the right to monitor prisons and/or meet with prisoners with disabilities.

Recommendations on Article 13:

- Legal amendments should be made to allow Disabled Persons' Organizations (DPOs) to apply to the prosecutors' offices, file a case at courts on behalf of persons with disabilities and to intervene in the trials of persons with disabilities.

¹⁰ <http://www.mevzuat.gov.tr/mevzuatMetin/4.5.685.pdf>

- An independent monitoring mechanism with the inclusion of Disabled Persons' Organizations (DPOs) should be set up to monitor closed institutions, including prisons where persons with disabilities are staying.
- Disability Law classes should be opened at Law Schools. Bar Associations should include disability law in the trainings offered to legal practitioners.
- Sign language interpreters and experts working at courthouses should be trained on disability rights and their numbers should be increased. Persons who cannot pass the trainings should not be appointed to the trials of the persons with disabilities.
- Code of Criminal Procedure should be amended to provide interpreters together with a lawyer and an expert for psychological support should be obligatorily provided for special situations.
- The Ministry of the Interior and The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) should provide in-service training on disability rights to the police, gendarmerie, prison staff and private security officers. Follow-up activities after the trainings should be undertaken and the implementation through these trained personnel should be monitored.
- The Ministry of Justice should organize disability rights training for prosecutors and judges, and the decisions of prosecutors who are trained should be monitored.
- The Ombudsman Institution should determine a disabled ombudsman only to work on disability rights.
- Disability and gender perspective should be one of the main criteria in the planning and presentation of judicial services
- Positive criteria should be defined for the disadvantaged groups in the legal aid mechanisms.
- Alternative methods should be considered for inmates who cannot control their self-care abilities and methods should be developed to process discharging applications fast.

Article 29: Participation in Political and Public Life

Persons with disabilities represent approximately 6.9% of the population in Turkey, according to the latest data available in a 2010 study. The measures taken by the State to improve access to informed, independent and secret vote, for people with reduced mobility, visual and hearing impairment, mental disabilities, or who are illiterate, are still very insufficient. Concerning the right to participate in and conduct public affairs, persons with disabilities are almost “invisible” at all levels of government, in elected positions, as well as within party structures. Official statistical data on voters and candidates is insufficient or at least inaccessible to the general public.

1. Right to Vote

Elections are organized and managed by the Supreme Board of Elections (YSK) subject to the relevant legislation. The YSK website is partly in easily accessible format, however, for example, current YSK decisions are not easily accessible. The Constitution states that the YSK decisions cannot be subject to an appeal in a higher court of law. Basic Provisions for Elections and Voter Registration (No: 298) is the main legislation concerning elections. It states that persons with mental disabilities who have been placed under guardianship cannot vote.

The guardianship appointment is carried out by the courts based on medical reports. In the appointment of a guardian, the person’s “ability to distinguish” is not taken into account. Furthermore, there is no special support mechanism available. Medical reports for persons with disabilities are based on a ratio system in Turkey. According to this system, a persons who is 40% mentally disabled and 100% mentally disabled are equally deprived of the right to vote.

The rules, practices, documents and materials used for elections, result in violations of the voters’ rights to receive information, to vote independently, in secrecy and to participate in elections, at multiple levels.

Citizens must be registered in the electoral roll to be able to vote in the elections. Prior to the election, voter registration is opened to the voters in the website of the YSK as well as the neighborhood units. Voters must visit their respective neighborhood units and check if they are registered in the electoral rolls. If they are not registered, they must apply to the election board of elections with a petition. The neighborhoods unit are not sufficiently accessible, people with mobility difficulties can only check their records by getting help from another person. Similarly, for persons with visual impairments, checking their registration is only possible through the help of another person. In most cases; persons with

disabilities who have physical and visual impairments as well as those who are illiterate are unable to check their voter registration status.

There is no disaggregated data available concerning the number of voters with disabilities, their literacy status, whether they speak Turkish or not, types of disabilities, as well as the province, district, village in which they reside in or whether they need personalized support or not.

The YSK Chairman announced, in his statement before 2018 General Elections, that the total number of voters is 58,391,328 and the number of voters with disabilities is 664,326.¹¹

According to this statement, the ratio of voters with disabilities to the total number of voters is approximately 1.2%. This rate is much lower than it should be according to the general ratio of persons with disabilities in the population. As such, this shows that the main problem is the lack of data on voters with disabilities.

Informative documents and ballots produced by the YSK for elections are also not accessible to various disability groups. Similarly, the majority of the centers are allocated for voting are not accessible. There are many voters with disabilities who cannot use these centers because they cannot access the ballot boxes to vote.

Prior to each election, the YSK and the Ministry of Family officials always announce to the public that they have taken all the measures regarding voters with disabilities, however access to ballot boxes still remains as the greatest problem.

Two voters with disabilities, who could not vote in the 2011 General Elections and in the 2015 General Elections due to the accessibility issues of ballot boxes have won their lawsuit against YSK. In both cases, the YSK representatives had argued that this incident was an exception, but the court rejected YSK's argument and awarded compensatory damages to be paid by the YSK.

According to AMER's November 1, 2015 General Election Monitoring Report, out of 375 polling stations, only 43.2% had a ramp for persons with physical disabilities to enter the building, and only 7.2% had an elevator.¹² Very few of these stations both had a ramp and an elevator.

¹¹ <https://www.haberturk.com/ysk-secmen-sayisini-acikladi-1965633>

¹² AMER, 2016, "1 Kasım 2015 Milletvekili Genel Seçimi Gözlem Raporu" ("November 1, 2015, General Election Monitoring Report"), online at: <https://bit.ly/2ULS9ae>, p. 21

The pictures below were taken in two of Turkey's biggest cities, Antalya and Istanbul, on the day of 2018 General Elections, and was also featured in the news. They capture the current situation in the polling stations. These photos are not exceptions, the situation in smaller provinces is even worse.



A positive development was the amendment of Article 14 of Basic Provisions for Elections and Voter Registration (STHSKHK) (No. 298), through Law No. 7102. The amendment allowed for the establishment of mobile ballot boxes for persons who are bedridden. The legislation provides for all voters who are bedridden to benefit from this provision, except for neighborhood unit elections. However, YSK did not allow bedridden voters who reside in villages and rural areas to register with the mobile ballot boxes in the 24th June 2018 Elections, through its Decision No: 01.05.2018/347. This YSK decision has issued a restriction which is not found in the law, therefore violating the principles of equality before the law and non-discrimination.

AMER has made an application to the YSK, on the grounds that this decision violates the principle of equality before the law and non-discrimination. The Disability Act 2005 (No: 5378), Article 90 of the Constitution, as well as other international human rights conventions to which Turkey is a party to, were used as a reference to the application. The correction of the YSK decision was requested. However, the YSK refused the application without providing any justification.

YSK, in their recent decision No: 02.01.2019/ 3 has again excluded persons who are bedridden living in villages and rural areas concerning the local elections to be held in 31st March 2019. AMER has once again applied to the YSK on the ground that this decision is discriminatory, however this application was also rejected by the YSK with their decision No:181 on 18th January 2019.

The YSK has violated one of the fundamental principles of law, which is equality before law, as well as Article 12 and 13 of the Convention in both the General Elections held in 2018 and the Local

Elections to be held in 2019. The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) or any other public authority in Turkey has not taken any steps regarding the YSK's decision.

The Law on Elections allows for persons with visual disabilities and persons who are unable to use both their hands, to vote through the assistance of another person during the voting process. However, voting with a companion is against the principle of secret ballot, which is a universal rule.

The Barrier Free Access Association (Engelsiz Eriřim Derneęi) has made an application to the YSK, requesting YSK to print a template ballot paper and provide it in each ballot box, so that persons with visual disabilities can vote on their own without the need for assistance. The YSK refused the application without providing any justification with the decision No:1103 on 12th December 2018.

Article 90 of the Constitution, which is frequently emphasized in a positive manner in the State Report of Turkey, is not taken into account by the YSK. Applications made to the YSK on grounds of the provisions of the Convention are rejected.

As a rule, voters cast their votes in ballot boxes in the polling stations which are closest to where they reside. With the amendment of the law in 2018, Governors and the Presidents of the Provincial Election Boards were authorized to request the transfer of ballot boxes for security reasons.

The new legal amendments and regulations lack any provisions on which measures are to be taken regarding voters with disabilities who are to cast their votes in these ballot boxes moved for security reasons. In the 2018 General Elections, according to the official statement, the ballot boxes concerning 144,000 registered voters, in 19 provinces, were moved for security reasons. The President of the YSK, Mr. Sadi Güven, stated in the decision to move ballot boxes, walking distance is the fundamental criterion. Mr. Güven stated *"We took 5 kilometers as the basis, for the maximum walking distance for voters"*. Contrary to this official statement, many instances where ballot boxes have been moved further than 5 kilometers have been featured in the news. For example, in the Ogul village in the province of Hakkari, the ballot boxes have been moved to another residential area which is 30 kilometers away, as featured in the news outlets. Using walking distance as a criterion means that voters with disabilities are dismissed from the outset.

Pursuant to the legislation concerning elections, electoral rolls are formed through the address registration system. People who are homeless (or who live on the street or in tents) cannot register and therefore, cannot vote. This rule also prevents women who live in shelters, for protection from the violence they have experienced, from exercising their right to vote.

There are no statistics on the number, gender, age distribution, disability situation regarding the people who live on the streets in Turkey. The competent public authority on this issue is the Ministry of Family.

Again, there is no public information about how many women with disabilities who live in shelters due to the violence they have experienced, are able to vote. This information is not available to the public.

For this reason, it is not possible to determine how many of the people with disabilities' rights have been violated through the system where electoral rolls are formed through address registration.

AMER has applied to the YSK before the last three elections, to grant the right to vote for the homeless, in accordance with Article 25 of the United Nations International Covenant on Civil and Political Rights, but these applications were rejected on the grounds of domestic legislation.

Official election materials (informative documents, ballots, orientation material in polling stations) are not available yet in accessible formats or sufficiently accommodating for persons with disabilities, illiterate people or those who cannot speak Turkish. This is an important issue, since the available statistics show that illiteracy rate is high in Turkey among persons with disabilities. Furthermore, this rate goes up parallel with age. Also, as there are many different ethnic groups in Turkey, many of the elderly do not speak Turkish. This group is also often neglected and rendered invisible. In this respect, AMER applied to the Supreme Board of Elections (YSK) in 2015 prior the June 7, 2015 elections, requesting that the election training videos published by the YSK to be available in multiple languages, and notably in Kurdish. While the YSK first rejected the application, it later decided to allow the presence of translators in polling stations.¹³ This decision is important not only for those whose mother tongue is not Turkish, but also for those who are illiterate and persons with hearing impairments. However, no measures have been taken based on this decision¹⁴, such as the presence of translators in sign language or other languages in polling stations. The YSK did not even publish this decision on its website nor did it inform polling station representatives of the measures to be taken.

The participation rates of voters with disabilities in elections are not shared as statistics by the YSK. However, the participation rates contained in the replies of Turkey to the Committee, indicate that it is about 10 points below the general participation rate in the last three general elections.

¹³ Yüksek Seçim Kurulu (Supreme Board of Elections), 27.05.2015, decision n.1040.

¹⁴ IHOP, *op. cit.*, and AMER, 2016, *op. cit.*, p. 16

ELECTION	GENERAL PARTICIPATION RATE	RATE OF PARTICIPATION OF PERSONS WITH DISABILITIES
25. Term Parliamentary Election	86.43%	77.59%
26. Term Parliamentary Election	87.40%	78.43%
27. Term Parliamentary Election	88.19%	78.05%

Moreover, data indicates a decrease in the participation of voters with disabilities compared to the previous elections in the last elections, despite the establishment of mobile ballot boxes. However, there is an increase in general participation rate in the same election.

We would like to emphasize another point here that we have not been able to confirm the rates offered to the Committee as voting rates of voters with disabilities, in the recent Replies of Turkey to the List of Issues of the Committee. This information cannot be found in YSK's official web-page or in any other published material. In fact, this constitutes an example of the available information not being shared with the public.

The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM), which is the focal mechanism for monitoring the implementation of the Convention, has not established any national plan to ensure equal access for persons with disabilities. EYHGM does not analyze the practices and the decisions taken by the YSK to the elections with the perspective of the Convention.

YSK rejects the applications made by CSOs for independent observation and monitoring on election day which also includes monitoring and observing the process for voters with disabilities. AMER's such applications made to YSK since the 2011 General Elections have all been rejected on grounds of domestic law, which make a total of seven applications.

2. On The Right to Conduct Public Affairs

The right to participate in political life is not only limited to voting in elections. It includes full and effective participation in political life through participation in decision-making processes at all levels,

participating in the decision-making mechanisms, and taking part in the authorized bodies of political parties. In this respect, it can be argued that the situation seems dire in Turkey.

With the amendment made in Bylaw of the Grand National Assembly of Turkey on 16 October 2018, the participation of Civil Society Organizations in the legislative process has been made impossible. During the discussions on the legislative proposals in the parliamentary committees, the provision which allows civil society to submit opinions to the committee meetings was removed from the bylaws.

Currently, there are only 5 persons with disabilities among a total of 600 members of parliament. There is no one mayor who is a person with disability among the 1,397 mayors who are elected as local administrators. Again, there is no official statistics of persons with disabilities between 20,498 municipal councilors and 1,251 members of the Provincial Assembly, and if any, no information regarding the gender distribution of these members has been provided.

The YSK publishes statistics on the gender distribution of candidates who have won the elections. According to the published statistics, 2,198 of the 20,498 Municipal Assembly Members are women. Between 1,251 of the Provincial Assembly members, 60 of them are women, 1,191 of them are men. These statistics reveal the patriarchal structure of the decision making mechanisms. It is not difficult to predict that for women with disabilities, participation is much more difficult.

In 2014, the Association for the Protection of Persons with Visual Disability (Görme Engellileri Koruma Derneği) which referred to an informal study, declared that only 30 of 20,498 municipal councilors in the country were persons with disabilities.

The President, Vice-Presidents, Secretary, etc. of the top executives of the political parties represented in the Assembly are not persons with disabilities.

There are no persons with disabilities among the deputies, deputy governors and district governors who are appointed as ministers, deputy ministers and local administrators.

Moreover, there is no action plan or strategy document prepared by the State to increase the participation of persons with disabilities in political life and decision making mechanisms.

At the neighborhood level, there are a few occurrences of neighborhood unit representatives (*muhtar*) who are persons with disabilities, or of people with disabilities running for office; however nation-wide statistics on this issue are not available.

There is therefore an obvious lack of representation of persons with disabilities and their interests in all levels of government. Encouraging persons with disabilities to run for office is not a priority for political parties. As pointed out by the Human Rights Joint Platform, the unavailability of official studies and statistical data on voters and candidates for elections or for nomination by their party prevents us from clearly identifying the source and extent of these insufficiencies and discriminatory practices or to highlight good practices.

Recommendations on Article 29

The current voting system is unsatisfactory as it does not guarantee access to all voters with disabilities to free, independent and secret voting. The very small number of persons with disabilities in office or conducting public affairs, highlights the need for clear rules and incentives to encourage political parties to nominate people with disabilities to run for office.

Concerning the right to vote

- Reforming the legislation “Basic Provisions for Elections and Voter Registration” (No: 298) on , to include new or alternative voting methods for persons with disabilities. Currently, the law only recognizes the companion system, which, as pointed out by civil society organizations, is contradictory to the right to vote freely, independently, secretly.¹⁵
- Allocating public funds for the development and distribution of new voting methods for persons with all types of disabilities, including the use of new technologies. Currently, the task of developing and financing this development is delegated to civil society organizations.
- Developing specific information and voting materials for persons with visual and hearing impairments as well as illiterate voters.
- Improving access to all polling stations throughout the country for people with reduced mobility and for the visually impaired.
- Providing sign language interpreters in each polling station.
- Ensuring statistical data collection by public authorities to understand the needs of people with disabilities and their geographical distribution.
- The provision of personalized support mechanisms for persons with disabilities.
- Reforming the law to allow persons with mental disabilities to vote in a non-discriminatory manner.

¹⁵ *Milliyet, op. cit.*

Concerning the right to conduct public affairs

- Reforming the Law on Political Parties (No: 2820) to create incentives for political parties to nominate people with disabilities to run for elections, and to encourage their representation in all party instances.
- Ensuring statistical data collection by public authorities to highlight insufficiencies, discriminatory practices or good practices, in the access of people with disabilities to nomination.

Article 31: Data Collection and Statistics

Statistical Institute of Turkey (TÜİK) is in charge of preparing the country's official statistics program and to comply, evaluate and publish statistics on the country's economic, social, demographic, cultural, environmental and scientific issues. In addition, various ministries collect data on their area of responsibilities. Apart from TÜİK, The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) collects statistical data on persons with disabilities.

TÜİK systematically publishes statistics in various areas. However, there is no statistical data on persons with disabilities in the fields of education, health, employment etc. For example, despite child marriage being a controversial area in Turkey, there is no data on how many children with disabilities who have experienced child marriages. Similarly, data on suicides or divorces for persons with disabilities remain unknown as well.

The data published by the General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) is prepared based on the database formed by persons with disabilities who have obtained a 40% disability medical report, and registered to the ministry database. This data is related only to social assistance. The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) also publishes various other statistical data collected by other ministries.

Regarding the published data on persons with disabilities in Turkey, there are five main problems. First of all, there is no data collection policy and system with a human rights based approach. Numerical data is collected not for revealing access to human rights for different groups, but only for those who already have access to certain right and are able to benefit from social assistance. No data is collected or analyzed regarding the reasons of persons who cannot access their rights and the reasons behind it.

Secondly, the data is not disaggregated. The published data has information concerning only gender and types of disabilities. However, data on persons with disabilities who are at risk of multiple discrimination is either not collected at all or disclosed to the public.

Thirdly, the data is not comparable. TÜİK uses a sample group and The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) uses the data only based on persons with disabilities who have obtained a 40% disability medical report and registered to the database.

Fourthly, data is not collected systematically or by regular intervals. This situation makes it impossible to measure changes in the lives of persons with disabilities and to find out problematic fields. Finally,

persons with disabilities, Civil Society Organizations and Disabled Persons Organizations cannot participate in the process of determining data collection policies.

No public institution including The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM), which is the focal institution on this issue, knows about the current situation on the number of persons with disabilities, gender and age distribution, education and employment status, the obstacles they face, in which provinces or districts where they live in. The lack of data on the persons with disabilities, especially who live in rural areas, poses a significant problem in terms of identifying and meeting the needs of persons with disabilities living in these areas. Moreover, it is not possible to obtain data on persons with disabilities who are at risk of multiple discrimination. In this respect, the number of persons with disabilities who belong to a minority group, Roma or Kurdish persons with disabilities, refugees, asylum seekers who are persons with disabilities remain unknown, because the information is not available to the public.

In its Concluding Observations on the combined fourth to sixth periodic reports of Turkey dated 11th January 2016, the Committee on the Elimination of Racial Discrimination (CERD) has recommended Turkey to collect data on minority groups to monitor access to justice for minorities.¹⁶

The data on voting rates of voters with disabilities were shared in Replies of Turkey to the List of Issues. However, regarding the information given to Question 33(a), issues such as, how the data collected and which provinces and regions included were not mentioned, so these issues remain unknown.¹⁷ This data shared with the Committee is not publicly available or confirmable information. Official statements of the YSK are neither included in the website nor in the publications.

The database for persons with disabilities who have obtained a 40% disability medical report do not even include all the persons who have obtained a medical report; even though it has been 14 years since the database was formed by the General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) in the year 2006.

While workshops and seminars which are frequently declared in the report are important, the results of these meetings have not changed the data collection policy.

¹⁶ Committee on the Elimination of Racial Discrimination, Concluding Observations on the fourth to sixth periodic reports of Turkey. CERD/C/TUR/CO/4-6. <http://undocs.org/CERD/C/TUR/CO/4-6>

¹⁷ Committee on the Rights of Persons with Disabilities, Replies of Turkey to the list of issues, (CRPD/C/TUR/Q/1/Add.1). <https://undocs.org/CRPD/C/TUR/Q/1/Add.1>, page 23, Question 33(a).

The lack of data collection and the collected data not being shared with the public, makes it impossible for CSOs and DPOs to conduct monitoring activities in line with the Convention.

Recommendations for Article 31

- In order to provide the necessary public services and academic studies for persons with disabilities, the entire population of persons with disabilities need to be identified and this identification should be supported by disaggregated data, such as the region, gender, age, type of disability, and the rate of disability.
- The General Directorate of Services for Persons with Disabilities and Elderly (EYHGM) should prepare a policy document in line with the Convention on how to establish statistical data in the field of disability; this should include persons with disabilities and CSOs to participate effectively in the preparatory process. Effective participation is only possible if the right to speak is explicit, the feedback mechanism functions and the channels are clear.
- The policy document to be prepared should be binding for all public institutions collecting statistics on the disability area.
- The sample groups selected for the collection of data on persons with disabilities should include persons with disabilities who belong to different ethnic, religious or belief groups and gender identities (LGBTI+) etc. who are at risk of multiple discrimination, and the results collected should be analyzed in terms of these groups.
- Persons with disabilities, CSOs and DPOs should be actively included in the process of data collection. An action plan with a time frame and set budget should be developed to collect data on the level of access to rights for persons with disabilities, including different ethnic, religious or belief groups, LGBTI+ persons with disabilities, persons with disabilities in rural areas and persons with disabilities at closed institutions, starting from the groups with the least access to rights.