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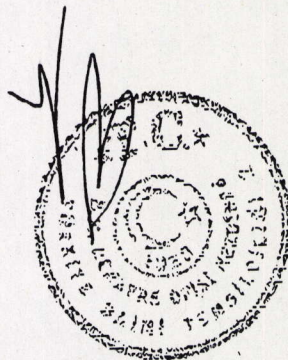
The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organisations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and referring to the Latter's Notes dated 24 June 2011 and 17 August 2011, concerning the request to submit information to contribute to the High Commissioner's study on "the participation of persons with disabilities in political and public life", has the honour to enclose herewith Turkey's responses to the questionnaire on the said matter.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 5 September 2011

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High Commissioner for Human Rights,
Palais des Nations CH-1211 GENEVE 10



OHCHR REGISTRY

- 5 SEP 2011

Recipients : S. Walker

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**THE REPUBLIC OF TURKEY'S RESPONSES
TO THE QUESTIONNAIRE OF THE OFFICE OF THE HIGH
COMMISSIONER FOR HUMAN RIGHTS, ON THE PARTICIPATION
OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE**

The assessment of the Government of the Republic of Turkey, reflecting the issues covered under the questionnaire Office of the High Commissioner for Human Rights (ref.Note Verbales of 24 June and 17 August 2011) on the participation of persons with disabilities in political and public life is as follows:

"1.Are there any restrictions on the right of persons with disabilities to vote and be elected? If so, what are those restrictions?"

In democratic societies one of the main tools of participating into political and public life is the right to elect and be elected. To participate into elections, to vote and to be a candidate are fundamental features of democracies. Although there is no specific regulation for the persons with disabilities regarding their participation into political and public life, all provisions regarding this field are evaluated under the equality principle set in Article 10 of the Constitution that reads:

"All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations"

Furthermore, with the amendment brought to this Article in September 2010, it also states that;

"Measures taken for persons with disabilities, elderly, widows and orphans of those killed in war and in the line of duty, together with the disabled and war veterans shall not be considered as contrary to the principle of equality. No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings."

Thus, positive discrimination gained a constitutional basis for persons with disabilities besides other groups defined through this article. The inclusion of positive discrimination in the Constitution is a significant improvement to strengthen the protection of constitutional rights. With this amendment, it is guaranteed under the constitutional framework that special measures necessary to be taken by the administration in respect of those who require protection shall not be construed as "contrary to the principle of equality". Likewise, the State will be free to take special measures for those in need of protection to ensure equality among all sectors of the society.

In this respect, there is no legal restriction on the right of persons with disabilities to vote and be elected. There is only one exception that is persons for whom guardians were appointed by judicial authorities due to the fact that they have mental illnesses are defined as not eligible to vote and cannot be elected as a member of parliament.

"2.What are the steps taken by your Government to ensure that persons with disabilities participate in political and public life?"

Article 67 of the Constitution states that, *"In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum. Elections and referenda shall be held under the direction and supervision of the judiciary, in accordance with the principles of free, equal, secret, and direct, universal suffrage, and public counting of the votes. All Turkish citizens over 18 years of age shall have the right to vote in elections and to take part in referenda. The exercise of these rights shall be regulated by law."*

According to the Article 68 of the Constitution, *"Citizens have the right to form political parties and in accordance with the established procedure to join and withdraw from them. One must be over 18 years of age to become a member of a party."*

However, in the Article 76 of the Constitution, *"The provisions regarding the criteria for the assessment of those who cannot be elected as a member of the parliament includes persons for whom guardians were appointed by judicial authorities due to the fact that they have mental illnesses."*

According to the Article 33 of the Constitution, *"Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission. Moreover, employees and employers have the right to form labour unions employers' associations and higher organizations, without obtaining permission, and they also possess the right to become a member of a union and to freely withdraw from membership, in order to safeguard and develop their economic and social rights and the interests of their members in their labour relations."*

Furthermore, in Article 51 of the Constitution it is written that, *"No one shall be forced to become a member of a union or to withdraw from membership."*

Moreover, Article 70 of the Constitution stipulates that, *"Every Turk has the right to enter public service. No criteria other than the qualifications for the office concerned shall be taken into consideration for recruitment into public service."* and in Article 61 *"State is given the responsibility to take measures to protect the disabled and secure their integration into community life"*.

In this regard persons with disabilities have the opportunity to influence the destiny of their communities. The Supreme Election Board is responsible for the process of elections. With the legal arrangements and The Supreme Election Board's applications, people with disabilities are able to exercise their right to vote and participate in political and public life.

Law on Basic Provisions on Elections and Voter Registers (Law no. 298 of 26.04.1961), defines the citizens who are not eligible to vote. In this context, persons for whom guardians are appointed by judicial authorities due to having mental illnesses are not eligible to vote in elections and referendum. As a conclusion, all persons with disabilities aside the ones with mental illnesses have the right to vote and to be elected.

There are some provisions in the Law on Basic Provisions on Elections and Voter Registers defining the voting procedures and facilities, which are appropriate and accessible to people with disabilities:

According to Article 36, *"During the register of voters, if the voter displays a disability that unables him to vote than, it is registered in the form."*

According to Article 74, *"The ballot box is accommodated in places convenient for the voter with disabilities namely; schoolyards or school halls, spacious and public places like suitable chambers of*

sanctuaries. In open places, spaces having canopies, vestibules, coverings are preferred."

According to the article 93 on the procedure to use assistance while voting is determined as: "After folding and sticking the combined ballot papers in the voting booth, voters shall leave the booth and insert the combined ballot papers personally in the ballot-box. Disabled voters, with apparent disability such as blindness, stroke, paralysis or similar physical defects may be accompanied by one of their relatives who are voters in the same election district or, in the absence of any relative, by any other voter to provide assistance in casting their votes. A voter cannot accompany to more than one disabled. The chairman of the ballot-box committee shall, while delivering the voter his/her identity card, have the voter sign the box adjacent to his/her name in the voter list and mark the left index finger of the voter with special permanent ink. Voters not able to sign may affix their finger print on the signature box in the list. Voters lacking the said index finger may imprint any other finger and the chairman shall write on the list to which finger the print belongs. The chairman shall mark the neck part of voters having no fingers".

Besides, the Election Committee that is formed of members appointed by Supreme Election Board and observers from political parties audit whether the voting process is implemented in due course. The Supreme Board meets the accessibility requirements of persons with disabilities through its organs based on the legislation and provides information on the elections through the media. By means of training programmes, the personnel who will be responsible for the electoral process are trained to know how to guide persons with disabilities that wish to use their votes.

It should be mentioned that, the news are regularly given in sign language. Along with others the news include information on the elections. Moreover, political parties provide published materials (books/booklets), also in easy to read version and services for persons with disabilities to acknowledge them about their rights.

Although some problems are faced by persons with disabilities about accessibility issues while using their right to vote, currently there are great efforts to eliminate the shortcomings of implementations.

In line with the provisions of Turkish Disability Act No. 5378, "All the public buildings, urban neighbourhood and public transportation vehicles will be accessible to disabled persons by the year of 2012." The year 2010 was announced as "Accessibility Year for All" and a Strategy Paper for Accessibility is prepared. The time for implementing the actions will be terminated until the end of this year. The objectives of the Strategy Paper are to ensure the implementation of the legislation on accessibility by the relevant public bodies, particularly local governments. More precisely, it will ensure them to take immediate actions so as to make all the services accessible for persons with disabilities and thereby enable the disabled persons to fully and actively participate in the society as non-disabled people do.

"3. What steps has your Government taken and what mechanism exist (a) to ensure close and active consultation with persons with disabilities and their representative organizations in decision-making processes, including those related to the development of legislation and policy? (b) to promote participation in non-governmental organizations and associations concerned with public and political life? (c) to promote organizations of persons with disabilities at international, national, regional and local levels?"

Prime Ministry Administration for Disabled People, established in 1997, aims to develop coordination between national and international institutions, to formulate disability policy concerning promotion full participation into society and equality of people with disabilities and to define and solve problems

faced by persons with disabilities. Administration for Disabled People is the focal point in Turkey that is required by the UN Convention on the Rights of Persons with Disabilities. Administration for Disabled People is conducting its work on supporting disability policy by the participation of civil society organizations established by and for persons with disabilities.

The Administration has two consultative organs where organizations established by and for persons with disabilities are represented. These are the Council on Disabled People and the Executive Committee on Disabled People.

Council for Disabled People: The members of the Council are persons with disabilities, their families, non-government organizations, universities, ministries, governmental organizations and local governments. The goal of the Council is to discuss and analyze all ideas and developments on disability at national and international level and make suggestions about the solutions in broader ranges. Concluding resolutions of Council are mainly used in decision-making processes and in developing national and international policies on the matters of persons with disabilities.

Executive Committee for Disability: The Committee is the second consultant reference organ. Members of Executive Committee are representatives of governmental organizations, non-governmental organizations, employee and employer unions and universities. It is responsible for determining the priorities in the disability field and determining the projects that could be managed

All issues discussed in meetings of Council for Disabled People and Executive Committee for Disability are shaped in line with ideas, advices and guidance of participants with disabilities and representatives of persons with disabilities. The outcomes obtained are included in the programmes of Administration for Disabled people and other related public institutions and used for policy making issues.

“4. How are persons with disabilities and their representative organizations involved in monitoring the Convention?”

UN Convention on the Rights of Persons with Disabilities was ratified by Turkish Government on 28 September 2009 and entered subsequently into force on the same date. Prime Ministry of Administration for Disabled People is defined as the focal point at the governmental level to work on the obligations set by the Convention. The responsibility of the preparation of national report that is required in Article 35 of the Convention is also among the duties of the Administration. As it was stated in the previous section, the Administration manages its work in coordination with representatives of the organizations of or for persons with disabilities. In this regard, they are also participating in the monitoring process. Recently, the Administration is in the process of preparing the first national report in coordination with relevant public bodies, civil society organizations including those for or of persons with disabilities.

“5. Are statistics collected in relation to the participation of persons with disabilities in political and public life? Please provide relevant statistics and data if possible.”

There is no statistics collected in relation to the participation of persons with disabilities in political and public life.

“6. Is your Government involved in international cooperation programmes related to promoting political rights of persons with disabilities? Please describe the ways the programmes are inclusive of and accessible to persons with disabilities.”

Civil society has an important role to play in the policy making process. According to the Strategic Report of Administration for Disabled People, one of its fundamental values is to build a working relationship between the Administration for Disabled People and civil society organizations for or of persons with disabilities (CSOs) numbered 402 (foundations 44, associations 347, federation and confederations 11). Previous experiences show that there is a need to strengthen coordination and collaboration between the Administration and CSOs in order to make use of their knowledge, opinions and experience in delivering disability policy in Turkey. In addition, the UN Convention on the Rights of Persons with Disabilities highlights that persons with disabilities should be involved in all policy-making affecting them, to ensure legislation is reasonable and effective. More to the point, in accordance with the Convention, involvement of CSOs in policy making is also important in that CSOs will report on the role they played in the UN convention negotiations. In spite of progressive achievement in recent years, there are still substantial challenges for ensuring genuine cooperation. One of the reasons is the inadequate capacity of CSOs that could adversely affect to their influence upon disability policy, as the voice of persons with disabilities in Turkey. The other reason is that CSOs have some difficulties in securing a mainstream funding in order to realize their projects.

In order to eliminate the abovementioned problems of the CSOs, the project named “Improved Integration of Disabled Persons into Society” was prepared in 2009 under pre-accession funded (IPA) Project for supporting best practices of civil society organizations in the field of disability and improving institutional capacity of the Administration. The project will contribute to the equal and effective enjoyment of human rights of persons with disabilities by strengthening the capacity of CSOs and improving administrative capacity of the Administration for Disabled People. The capacity of CSOs will be increased through organizing training programmes for the CSOs; awarding grant for their projects regarded as best practices and disseminating best practices of CSOs to public. Those activities would improve the collaboration between Administration for Disabled People and CSOs and thereby result in a professional working relationship. Moreover, these activities would strengthen development and implementation of lobbying and advocacy activities of disability related CSOs. It will support the further development of a lively and vibrant civil society Turkey.

Turkey is represented in the sub-committee of experts on the participation of persons with Disabilities in political and public life (CAHPAH-PPL) that was established by the Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) that is responsible for the monitoring and implementation of the Action Plan.