

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: TUR17762
Country: Turkey
Date: 20 January 2006

Keywords: Turkey – People with disabilities – Intellectual disabilities – Employment – Justice

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Is there any discrimination against persons with disabilities in employment, education, access to health care, access to justice (accessibility included) or in the provision of other state services in Turkey?

RESPONSE

1. Is there any discrimination against persons with disabilities in employment, education, access to health care, access to justice (accessibility included) or in the provision of other state services in Turkey?

According to the UK Home Office's current report on Turkey, the Turkish Institute of Statistics and the State Planning Organisation indicated in 2003 that of the country's total population 12.29%, or "nearly 8.5 million people", were disabled. Other reports cited by the Home Office likewise indicate that "Turkey has a large physically handicapped population" and that "ten to 15 people are injured everyday in traffic accidents alone". Sources appearing in the report generally observe that available services for disabled persons, including rehabilitation centres, are limited (Home Office Science and Research Group 2005, 'Country of Origin Information Report October 2005 Turkey', UK Home Office website, October http://uk.sitestat.com/homeoffice/homeoffice/s?rds.turkey_091205_doc&ns_type=clickout&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs05/turkey_091205.doc%5D – Accessed 10 January 2006 – Attachment 1).

The US Department of State's last report on human rights practices in Turkey provides the following information concerning "Persons with Disabilities":

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although they did suffer from a lack of economic opportunity. The law does not mandate access to buildings and public transportation for persons with disabilities. Persons with disabilities have some privileges, such as the right to purchase products of State economic enterprises at a discount or acquire them at no cost.

The Administration of Disabilities Office under the Prime Ministry has a mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services to persons with disabilities. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although the requirement was not consistently enforced. (US Department of State 2005, *Turkey: Country Reports on Human Rights Practices—2004*, 28 February – Attachment 2).

The Department's advice is somewhat cursory in view of other reports; among them an extensive report by Mental Disability Rights International (MDRI), a US-based group that studies the treatment of mentally disabled persons. MRDI's report, *Behind Closed Doors*, dated 28 September 2005, exposes a culture of human rights abuse against the mentally disabled in Turkey. In state-run psychiatric institutions, the MDRI observed that the mentally disabled were subject to "arbitrary detention", "the inhuman and pervasive use of electroconvulsive or 'shock' treatment (ECT) without the use of muscle relaxants and anesthesia (referred to as 'unmodified' ECT)", "the use of ECT as punishment", and "the use of ECT on children". In rehabilitation centres and orphanages, the MDRI observed that mentally disabled persons suffered from "starvation and dehydration", "lack of rehabilitation and medical care", "sexual abuse", and the "use of physical restraints and seclusion in both children and adult". In the wider community, the MDRI also observed that the mentally disabled were abandoned and had access to limited services. (Mental Disability Rights International 2005, *Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey*, 28 September <http://www.mdri.org/projects/turkey/turkey%20final%2009-26-05.pdf> – Accessed 19 January 2006 – Attachment 3).

In its 2005 progress report on Turkey's accession to the European Union (EU), the European Commission observes that "[w]hile a new Law on Disabled People was adopted in July 2005 (...), substantial work still remains to be done in particular to improve the situation of vulnerable groups". The report notes that "Turkey has no mental health law and community care for the mentally disabled is scarce, with the result that individuals are often unnecessarily institutionalised". Also, that "Turkey has still not accepted Article 15 of the European Social Charter on the rights of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement" (European Commission 2005, *Turkey: 2005 Progress Report*, 9 November http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf - Accessed 19 January 2006 – Attachment 4).

The new Law on Disabled People "stresses inter alia the need to combat discrimination against the disabled and, referring to the new Turkish Penal Code, notes that discrimination based on disability is a crime".

The law [also] provides for guidelines for the classification of different kinds of disabilities, and includes provisions for care services, rehabilitation, early diagnosis, employment and education of disabled people. The law stresses the need to combat

discrimination against people with disabilities, and stipulates that discrimination based on disability is a crime. The law also compels the employers and public institutions to make the necessary physical arrangements in the workplaces. (European Commission 2005, *Turkey: 2005 Progress Report*, 9 November http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf - Accessed 19 January 2006 – Attachment 4).

List of Sources Consulted

Internet Sources:

Government Information & Reports

United Nations (UN)

Non-Government Organisations

International News & Politics

Region Specific Links

Topic Specific Links

Search Engines

Google search engine <http://www.google.com.au/>

Online Subscription Services

Library Networks

University Sites

Databases:

Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. Home Office Science and Research Group 2005, 'Country of Origin Information Report October 2005 Turkey', UK Home Office website, October. (http://uk.sitestat.com/homeoffice/homeoffice/s?rds.turkey_091205_doc&ns_type=clickout&ns_url=%5Bhttp://www.homeoffice.gov.uk/rds/pdfs05/turkey_091205.doc%5D – Accessed 10 January 2006)
2. US Department of State 2005, *Turkey: Country Reports on Human Rights Practices—2004*, 28 February.
3. Mental Disability Rights International 2005, *Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey*, 28 September. (<http://www.mdri.org/projects/turkey/turkey%20final%209-26-05.pdf> – Accessed 19 January 2006)

4. European Commission 2005, *Turkey: 2005 Progress Report*, 9 November.
(http://europa.eu.int/comm/enlargement/report_2005/pdf/package/sec_1426_final_en_progress_report_tr.pdf - Accessed 19 January 2006)