



## **RIGHTS OF THE PERSONS WITH DISABILITIES DURING COVID-19 PANDEMIC - COUNTRYWIDE COMMENT**

The persons with disabilities constitute approximately 12% of Turkey's population. In daily life, a large part of the persons with disabilities go on their lives with difficulties due to inadequate social policies in practice.

The World Health Organization (WHO) declared the novel corona virus (COVID-19) pandemic a Public Health Emergency of International Concern (PHEIC) on 30 January 2020 due to the speed and scale of its spread. The WHO and public health organizations at various places around the world still take various measures to contain the COVID-19 pandemic. Because, the health problems due to the pandemic continue despite all vaccination efforts.

The condition of the persons with disabilities in Turkey and Van, who were already disadvantaged with respect to accessibility, transportation, education, health and other fundamental rights during pre-COVID periods, grew worse during and after COVID pandemic. As Van Association for the Hearing Impaired and Their Families, we have been working for the rights-based empowerment of the persons with disabilities in the field of local civil society since 2007. Our Advisory Unit for the Rights of the Disabled tried to support the persons with disabilities by using the communication methods such as messages, Facetime, mail and telephone also during the pandemic periods. Because, the pandemic made the lives of the persons with disabilities even more difficult. The pandemic, which the institutions could not foresee and were caught unprepared, caused the persons with disabilities to suffer from serious rights violations. The pandemic also created problems in extending the services in the civil space to the persons with disabilities. The reason for this was our lack of knowledge regarding how to provide services, since we did not have sufficient digital infrastructure as non-governmental organizations. In addition, the unavailability of internet access in every household was one of the main access problems experienced by non-governmental organizations working for persons with disabilities.

- ❖ The groups of the persons with disabilities and of the individuals experiencing intersectional disadvantages were affected more by COVID-19.
- ❖ It was observed that incidents of domestic violence and abuse increased due to the forced isolation during COVID-19 lockdowns.
- ❖ The persons with disabilities were not able to exercise many of their fundamental rights, either. Accessibility continues to be relevant as the most pressing problem experienced by persons with disabilities.
- ❖ As the result of COVID and the exchange rate shocks experienced in our country, the inflation in Turkey increased by 64 percent. This exacerbated the need of the persons with disabilities, who are very poor, for basic housing, nutrition and care, while reducing the real purchasing power of the allocations provided to the persons with disabilities. Many of the medications, medical supplies and consumables used by most persons with disabilities are subject to significant co-payments and price differences. The serious difficulties in accessing these vital supplies still continue.
- ❖ Physical therapy and care support have vital importance for persons with disabilities in SSPE and other muscular diseases. Any product inaccessible due to economic reasons affects the immune system of the persons with disabilities and triggers major vital problems. During COVID pandemic, such care services were disrupted. The workers caring for the persons with disabilities in need of care experienced even greater difficulties during the pandemic.
- ❖ Especially the persons with hearing impairment, who use lip-reading method, had problems in communication due to the masks used. Access to information was hampered also by the fact that the briefings were not in a language and style understandable by persons with disabilities.
- ❖ As the Special Rehabilitation Centers and physical therapy centers, which provided special education support to the persons with disabilities, remained closed, the persons with disabilities were deprived of special education support.
- ❖ In the media, the transmission and presentation of the news, statements and protective briefings about the pandemic using sign language, subtitles and audio description were often ignored, and it was noted that there was very little accessibility in some media.
- ❖ In Turkey, the employment of persons with disabilities is exceptional. Only 250 thousand of 10 million citizens with disabilities are employed. A significant part of the employed may be unsecured and uninsured to various extents. However, the conditions for compliance with hygiene and social distance rules during the pandemic could not be adequately ensured for employed persons with disabilities. Those who

were employed or self-employed faced situations such as losing their jobs due to the pandemic, thus increasing their suffering. In Turkey, more than 30 thousand persons with disabilities lost their jobs during the pandemic. The individuals with disabilities, for whom the necessary infrastructure support for working from home could not be provided, lost their jobs and experienced economic difficulties. The lack of income has significantly increased the poverty of persons with disabilities and of persons who generally have extra costs and expenditures due to disabilities.

- ❖ As the individuals who experience multiple intersectional disadvantages, women and girls with disabilities constitute the hindmost segment in every unfavourable condition. While the disabled population affected by deep poverty has increased during the pandemic, the access of women with disabilities to social relief, employment and income opportunities decreased. The fact that the chronic illnesses in persons with disabilities increase with poverty, and the gender inequality, lead to greater problems.
- ❖ Due to the sexist division of labor, especially the women were forced to take care of the disabled, sick and elderly at home, and their workload increased. It shall be known that the burden of caring for the elderly, sick and disabled with chronic illnesses at home is generally on the mothers. In this regard, the violations of the rights - of women who provide care - regarding retirement, leave and wages have aggravated during the pandemic.
- ❖ The persons with disabilities, especially women and children, are primarily affected by disasters. As it was the case during the pandemic, the women and girls with disabilities faced domestic violence and abuse at the most. It was observed that women with disabilities were exposed to multiple discriminations due to disability and gender, that the rights violations they face in normal times increased during the pandemic, and that their disadvantageousness became institutionalized. The persons with disabilities became the victims of domestic violence and abuse especially due to the inaccessibility of legal remedies, and the fact that none of the studies carried out covered persons with disabilities. During COVID-19 process, it was noted that the individuals were stigmatized, marginalized and discriminated against due to the statements that the elderly, persons with chronic illnesses and persons with disabilities may have a higher risk of death. During COVID-19 pandemic, the bans and quarantines implemented to reduce the spread of the virus caused many problems in the lives of persons with disabilities, especially in their access to healthcare services.

- ❖ For these reasons, it is imperative to reveal what the hindmost segment will experience due to epidemics and climate crisis, which are the greatest global problems.

**In cases of pandemic and similar outbreaks, the following policies must be implemented without delay in order to prevent the violations of the rights of persons with disabilities.**

Pursuant to **Article 11** - Situations of **Risk** and **Humanitarian** Emergencies, the State Parties are responsible for ensuring the protection and safety of **persons with disabilities** in situations of **risk**, including situations of armed conflict, **humanitarian emergencies** and the occurrence of natural disasters. In this context, our suggestions for solution in pandemics or similar cases are below.

#### SUGGESTIONS FOR SOLUTION

It was established that during the pandemic, the persons with disabilities were negatively affected in many areas, their existing problems were multiplied in most areas, their expectations were not met, and that they thought that the necessary arrangements were not made in line with their needs for the solution of their problems. In order to secure the right to life, which is the most fundamental human right, it is inevitable to take certain measures and develop new methods in situations such as combating epidemics. As a matter of fact, Article 11 - "Situations of Risk and Humanitarian Emergencies" of the UN Convention on the Rights of Persons with Disabilities, to which Turkey is a party, highlights that the safety of persons with disabilities shall be ensured in such extraordinary periods. In this context, the factors such as the course of the pandemic in the region, the characteristics of workplaces, and the nature of the work shall be considered when determining the working conditions of persons with disabilities. The opinions of the Provincial Pandemic Boards, personnel with disabilities, employers and representatives of NGOs operating in the field of disability shall be taken when determining the measures to be implemented, such as persons with disabilities continuing to work at workplaces, redefining their working hours, flexible or remote working and administrative leave, and how such measures will be implemented.

The suggestions regarding the arrangements that the local governments, public institutions and NGOs can make are as follows:

\*Action plans shall be prepared for all the efforts to be undertaken for persons with disabilities in emergencies and these shall be organized according to the disability statuses. It shall be ensured that the employment and working conditions are accessible and inclusive. The alternative working arrangements and conditions shall be made accessible and inclusive. The Occupational Health and Safety measures that cover the persons with disabilities shall be taken. The approaches aimed at abandoning the quarantine measures shall be sensitive to the special status of the persons with disabilities.

\*The access of persons with disabilities to all kinds of medical support shall be facilitated, and the necessary measures shall be taken primarily with the hindmost persons with disabilities in mind in cases of epidemics or emergencies.

\*The persons with disabilities suffered the most from poverty, which increased with the pandemic. The disability wages and care wages shall be increased in emergencies with appropriate conditions.

\*Psycho-social support activities shall be carried out after the pandemic.

\*Considering the difficulties they faced during the pandemic, it is essential to make needs-based arrangements for the welfare of the persons with disabilities and to take protective and preventive measures regarding this matter.

\*The medical social services team shall carry out activities to determine both the general health needs and the needs arising from COVID-19 of the persons with disabilities, and to provide for the most appropriate arrangement for the treatment of existing health problems. During quarantine practices, the restrictions shall be stretched or a certain time period shall be reserved for the persons with disabilities.

\*In cases of domestic violence and abuse experienced during the pandemic by women and girls with disabilities, efforts shall be made to facilitate their access to legal remedies and these shall be accessible in accordance with disability groups.

\*Internet support shall be provided to all the students with disabilities who have difficulties in accessing distance education. Since the visually impaired students cannot access the course materials presented visually, the course materials shall be explained and the video postings shall be described. The examinations shall be accessible and special extra time shall be given. In addition, the necessary efforts shall be made to strengthen the digital infrastructure of the persons with disabilities in all kinds of emergencies that may be experienced in the years to come.

\*Public address systems shall be commissioned at all stops and on transportation vehicles in order to minimize the physical contact of the visually impaired persons during the pandemic, and to let them understand the stops they are at without support. The workplaces where the physically handicapped persons work shall be provided with the necessary technological equipment and support suitable for flexible and work-from-home models. If it is not possible to work remotely, the practices such as paid leave shall be organized for disabled persons with high risk. There were cases where persons with disabilities employed in private sector were forced to work during the period when measures were taken, the time they did not work was deducted from their annual leave, and their employment contract was terminated at the end of the annual leave. These problems shall be prevented and necessary measures shall be taken against actions that may cause the persons with disabilities employed in private sector to lose their jobs due to their disabilities.

\*The supervision mechanism shall be strengthened to monitor the implementation of the measures taken concerning the working conditions of the persons with disabilities, and sanctions shall be imposed when necessary.

\*The academic studies in this field shall be supported, conducting studies with larger sample groups shall be recommended, and the monitoring and reporting studies carried out in the field shall be increased and supported.

**The full implementation of the UN Convention on the Rights of Persons with Disabilities, which provides an important framework for the fundamental rights of persons with disabilities, and the activation of policies in this scope will advance the citizenship and the rights of persons with disabilities. In this context, the reports [No. 199](#) and [No. 200](#) of the Parliamentary Investigation Commission of the Grand National**

**Assembly of Turkey shall be considered as comprehensive study reports for the necessary actions to be taken. In addition, the public services listed below shall be made accessible without delay for solving the Problems of Persons with Disabilities or for the basic demands of the citizens with disabilities.**

- ✓ Accessibility of all areas such as toilets, rest rooms, elevators, passages, underpasses and overpasses, sidewalks, parks, parking lots, building entrances/exits, etc. in the public buildings and in the areas of duty of local governments, as well as accessibility of websites, legislation and other programs, shall be ensured within a certain action schedule. The opinions and recommendations of the NGOs that carry out rights-based efforts concerning the rights of persons with disabilities shall be taken as basis.
- ✓ The transformation of private sector enterprises for accessibility shall be incentivized and the accessibility of all spaces shall be ensured within a certain schedule.
- ✓ For all disability groups, the payment periods and payment amounts in the Communiqué on Healthcare Practices for the medical supplies and devices used by persons with disabilities shall be regulated to meet the current needs in favour of persons with disabilities and on the course of the requests of the institutions working for persons with disabilities. A budget that facilitates the qualitative and quantitative access to cochlear implants, medical supplies, orthosis, prosthesis, medical devices, wheelchairs, patient beds, underpads, special formulas and similar materials shall be established. The necessary scientific studies shall be supported to ensure that these materials are no longer a subject of income and trade. The grievances caused by the poor quality of the domestic products and the excessive cost of the imported products due to exchange rates shall be eliminated. A support policy shall be established to save the persons with disabilities and their families from this burden of expense for mandatory devices and materials.
- ✓ In order to prevent absolute poverty of the persons with disabilities, a study shall be carried out to determine the allocations - provided to the persons with disabilities and their relatives in the scope of Law No. 2022 - not by multiplying with the civil servant salary coefficient but based on minimum wage, to provide such allocations for all disability groups, and to calculate such allocations based on not the household income but the personal income and wealth status of the person with disability.
- ✓ It is necessary to increase the Special Education Employment within the Ministry of National Education for the education of persons with disabilities, and to enhance the efforts to be carried out for the staff, curriculum and mentality transformation required for inclusive and integration education.
- ✓ The budget/hourly support currently provided for the education of persons with disabilities shall be made sufficient for quality education and rehabilitation.
- ✓ A comprehensive study shall be carried out to ensure that all teachers have sign language training and Braille awareness within the scope of pedagogical formation training.
- ✓ The special rehabilitation centers, elderly-patient-child support homes and elderly-disabled-patient-child care support services shall be made more accessible. The permanent or temporary support, nutrition and rehabilitation services shall be provided free of charge at these centers for every elderly, disabled or chronically ill person who

demands such services. At the households caring for persons with severe disabilities, the parents shall be able to safely and temporarily leave their family members with disabilities at these centers in order to continue their daily lives and ensure their own rehabilitation.

- ✓ The shelters where women are protected against violence should be made suitable and accessible for women with disabilities and women with disabled children. The administrators and public officials working in these institutions shall be trained on gender equality and awareness on the rights of persons with disabilities.
- ✓ All municipalities shall form units to support household chores and to periodically support the caregivers of the persons with severe disabilities, the elderly and ill.
- ✓ In order to prevent the unemployment of persons with disabilities, the quotas for the employment of the persons with disabilities in public and private sectors shall be increased and implemented. The vocational training opportunities for all persons with disabilities shall be increased, unemployment insurance shall be paid for the persons with disabilities who cannot find a job, and the conditions for the persons with disabilities to benefit from this insurance shall be eased.
- ✓ Supporting allocations shall be provided for all the employed persons with disabilities since the transportation and hygiene costs increased. The efforts carried out to prevent discrimination against and marginalization in career and merit of approximately 70 thousand persons with disabilities in public service shall be improved.
- ✓ The occupational health and safety trainings shall be made widespread in order to take necessary measures for occupational health and safety in all workplaces, and the disability rates due to occupational accidents shall be reduced.
- ✓ Awareness raising activities shall be carried out in all relevant institutions in order to decrease the causes of disability such as consanguineous marriage, traffic accidents, occupational accidents, domestic violence, war and conflicts, malnutrition, and lack of necessary medical support during pregnancy and birth processes.
- ✓ The units that can analyze the needs of all disability groups shall be established in all municipalities and a budget shall be established to meet the needs on time and without delay.
- ✓ Rehabilitation centers operating in 81 provinces shall be formed for the determination, provision and awareness of the needs of individuals with neurodiversity. The number of guidance research centers shall be increased, and in this context, the employment of special educators, social workers, social services specialists and psychologists shall be increased.
- ✓ All public institutions shall employ sign language interpreters.
- ✓ The accommodation, transportation and nutrition services for refugee and asylum-seeker persons with disabilities shall be provided in a specific manner, and their rehabilitation and healthcare rights shall be improved.

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