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Research Paper

Comparison of Turkish Disability Policy, the United Nations Convention on the Rights of Persons with Disabilities, and the core concepts of U.S. disability policy



Comparaison de la politique du handicap turque avec la Convention des Nations Unies relative aux droits des personnes handicapées et les concepts fondamentaux de la politique du handicap américaine

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ABSTRACT

This article compares Turkey's Constitution and its Disabled Persons Act with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the core concepts of United States (U.S.) disability policy. Conclusions are that Turkey's Constitution and statutes are remarkably congruent with the UNCRPD and the core concepts. They are not, however, identical. This fact suggests that Turkey can still improve its statutes to reflect more closely the UNCRPD and core concepts. The review of these policy documents suggests that there are other steps Turkey can take to improve disability policy and its implementation. They are to amend Turkey's laws, determine the status of individuals and families affected by disability, and pursue vigorous implementation of their rights.

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R É S U M É

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Cet article compare la Constitution et la loi relative aux personnes handicapées de Turquie avec la Convention des Nations Unies relative aux droits des personnes handicapées (UNCRDPH) et avec les concepts fondamentaux de la politique américaine du handicap. Il montre que la Constitution et la législation turques sont d'une congruence remarquable avec la Convention des Nations Unies et les concepts fondamentaux. Elles ne leur sont cependant pas identiques, ce qui suggère que la Turquie peut améliorer sa législation afin de mieux tenir compte de la Convention et des concepts fondamentaux. L'analyse de ces documents de référence de la politique du handicap montre que la Turquie peut prendre d'autres mesures pour améliorer sa politique du handicap et sa mise en application, visant à modifier la législation, à définir le statut des personnes handicapées et de leurs familles, et à assurer avec détermination l'application de leurs droits.

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1. Introduction

The purpose of this research is to compare Turkish disability policy, as expressed in its Constitution and Disability Act, with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006; [Turkey ratification of UNCRPD, 2008](#)), using core concepts of United States (U.S.) disability policy (hereafter called U.S. core concepts or core concepts) as the standard for the comparison.

To describe, however, is not to evaluate or judge whether Turkey's disability policy is or is not "better than" the UNCRPD or an improvement of the core concepts. It would be an error to take that approach. The UNCRPD is an international statement of aspiration. Fundamentally, it is a guide, lacking the power of legal enforcement unless a nation, such as Turkey, has ratified it and its optional protocols, thereby creating a right of enforcement in the Human Rights Court for aggrieved Turkish citizens with disabilities. Likewise, the core concepts are statements of the fundamental elements of U.S. policy. Neither the UNCRPD nor the core concepts are definitive statements of Turkey's constitution and disability law; the UNCRPD is a statement only to the extent that Turkey has ratified it; even then, it is unclear whether Turkey's constitution and disability act are superseded by the UNCRPD if there is a conflict between them.

2. Justifications for comparison

There are several obvious justifications for comparing Turkey's disability policy with the UNCRPD on the basis of the U.S. core concepts. First, there has not yet been research into the degree, if any, to which Turkish disability policy is or is not otherwise congruent with the UNCRPD where the basis for comparison is the core concepts. This article fills that gap and indicates that there is remarkable congruence among Turkish policy, the international expression of disability policy as expressed in the UNCRPD, and the core concepts derived from U.S. policy. This finding is significant and leads to a second justification.

Second, given that Turkey is a democratic republic that is both western and Asian, the finding suggests that the core concepts themselves may lend themselves to adoption, with modifications, by other countries similarly governed and situated.

Third, Turkey's aspiration to be a member of the European Union may well be advanced by evidence that its constitution and disability policy are congruent with the UNCRPD ([Meral, 2015](#); [Meral & Turnbull, 2014](#)).

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