

14th Session of the Open-ended Working Group on Ageing
Guiding questions for the focus area on “accessibility, infrastructure and habitat
(transport, housing and access)”

National legal and policy framework

1. What are the national legal provisions and policy frameworks that recognize older persons’ rights to accessibility, infrastructure and habitat (transport, housing and access)? This could include, but is not limited to:

- a) the right of older persons to adequate housing, including land, property and inheritance.
- b) the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services).
- c) policies/programmes that enable older persons to live independently and to be included in their communities as they age.

It is stipulated in the Constitution that all persons have the right to property and inheritance, and it can only be limited by law for the purpose of public interest (Art. 35). However, persons without the capacity to act cannot make debts or dispositions (Art. 9 of the Turkish Civil Code No. 4721). The Law defines those who lack the capacity to act as individuals without the power of discernment and those who are restricted/interdicted (Art. 10). Persons lacking the capacity to act rationally due to various reasons, including mental illness or infirmity, are considered as persons lacking the power of discernment (Art. 13). The Law stipulates that every adolescent who is incapable of managing his/her affairs due to mental illness or disorders and who requires assistance for his/her protection and care shall be restricted/interdicted and placed under guardianship (Art. 405). Persons may also request to be restricted/interdicted themselves in case the person proves that he/she is unable to manage his/her affairs properly due to ageing, disability or severe illness (Art. 408). However, the restriction/interdiction is only granted with a *health board report*.

Ensuring accessibility, a fundamental principle in the realization of all human rights of older persons and a right in itself, was made compulsory by the Law on Persons with Disabilities published in 2005. In 2014, the Law was amended in many areas, including accessibility, as part of the transposition of the Convention on the Rights of Persons with Disabilities (CRPD), to which Türkiye became a party in 2009. Buildings, roads, sidewalks, pedestrian crossings, open fields and green areas, sports fields and similar social and cultural recreational areas open to public use, all kinds of structures built by real and legal persons and available to the public, public transportation vehicles and services, information services and information and

communication technologies shall be accessible (Article 7 of the Law No. 5378 on Persons with Disabilities).

In each province, Accessibility Monitoring and Audit Commissions including representatives of CSOs, are in charge of monitoring and evaluation of the implementation of accessibility. Administrative fines are applied for structures or systems that are evaluated by commissions for inability to meet accessibility standards. Accessibility Certificates are issued for structures or systems that are evaluated to be accessible by the Commission. Facilitating measures have been taken in Property Ownership Law No. 634 for the realization of the project modification requests of older persons with disabilities in their residences (Art.19).

Persons aged 65 and over as well as persons with disability degree of 40% and over can benefit from free public transportation services in order to encourage independent and active participation in social life. Public transportation vehicles operated by the private sector receive free travel subsidies from the general budget to support this practice.

2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?

Certain segments of society, including older persons, experience difficulties in realizing the right to accessibility, infrastructure and environment in Türkiye, as in the rest of the world. Inadequate levels of both institutional and societal knowledge and awareness on accessibility, monitoring and evaluation processes, as well as budget allocations are among the most prominent reasons. Legislative studies, standard revisions and technical information, guidance and awareness raising activities for the relevant stakeholders are carried out in order to overcome these challenges.

Data and research

3. What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?

Accessibility Perception Survey was conducted in 2014, aiming to measure the level of knowledge and awareness of citizens regarding the challenges faced by them in outdoor spaces such as streets, alleys, pedestrian walkways, sidewalks, parks, squares, indoor spaces such as public service buildings, urban social infrastructure areas and transportation, and the practices aimed at ensuring accessibility in these areas, and to reveal the needs of citizens.

Profile of the Older Persons Survey was conducted in 2023 in order to develop holistic and evidence-based policies and practices in the field of ageing. Data were collected under 10 titles, including Participation in Independent Living, Environment and Social Life, based on various variables such as sex, ageing, disability and income. In the survey, data on the realization of

accessibility, infrastructure and environmental rights of older persons were obtained and the detailed results of the survey are to be announced within the year.

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?

In addition to legal regulations, the declaration of 2020 as the 'Year of Accessibility' has also accelerated the dissemination of accessibility. Within the scope of the activities for the Year of Accessibility, Accessibility Award Ceremonies, Accessibility Promotion Campaigns, technical information meetings, standard development and awareness raising activities were carried out.

The Ageing Vision Document was shared with the public in 2023, setting out the vision of "building a society for all ages where older persons can realize their rights, receive services in line with their needs and demands, and pass on their life experiences to future generations". There are 6 policy areas including "Participation in Social Life", "Age-Friendly and Accessible Environments for Everyone" and "Rights of Older Persons" in the document, a roadmap for all stakeholders in ageing. In the National Action Plan on the Rights of Older Persons (2023-2025), prepared with a participatory approach to monitor the Vision Document, activities to combat age discrimination, prejudices and stereotypes against older persons in the realization of the right to accessibility, infrastructure and environment were determined.

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?

Older persons may seek judicial remedy for any alleged discrimination in the realization of their right to accessibility, infrastructure and environment. Furthermore, persons can also apply free of charge to the national human rights mechanism, the Human Rights and Equality Institution of Türkiye (TIHEK), with allegations of violation of their rights. TIHEK is authorized to impose an administrative fine in case of violation.

The Ombudsman's Office ("KDK") is another mechanism of filling a complaint alleging discrimination based on ageing in all kinds of actions/procedures/attitudes and behaviors of the administration. Should the application be found justified, KDK acts as a mediator and offers recommendations to the administration.