



EUROPEAN SOCIAL POLICY NETWORK (ESPN)

# Social protection for people with disabilities

Turkey

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# **European Social Policy Network (ESPN)**

## **ESPN Thematic Report on Social protection for people with disabilities**

**Turkey**

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## Summary

This report analyses some important cash and in-kind social protection provisions available to adults with disabilities (i.e. aged 18 or over). There are other important provisions available to them in other areas not covered in this report. In line with Article 1 of the UN Convention on the Rights of Persons with Disabilities, "people with disabilities" should be understood as "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others".

Turkey has few, and often limited, specific social protection provisions geared towards people with disabilities. A *Engelli aylığı* (disability payment) exists, but it is less than a third of the minimum wage and is subject to a medical council assessment and means-testing procedure. There is also a disability-specific cash benefit available for individuals injured during military and/or security service.

There exists no disability-specific old-age pension scheme, but in the general scheme the required period of work is shorter depending on the level of disability. The benefit level, however, is same for all and does not take into account disability-related expenses.

In healthcare, the general public health insurance scheme covers all healthcare expenses. Means-testing for support with health insurance premiums does not include different treatment for people with disabilities. The only housing-related benefit is that people with disabilities do not pay property taxes.

*İşsizlik sigortası* (unemployment insurance) rules are the same for people with disabilities. There is no minimum income scheme in Turkey. There is *Düzenli sosyal yardımlar* (regular social assistance), subject to means-testing, but it cannot be paid in addition to the disability payment, making it irrelevant for people with disabilities. *Diğer sosyal yardımlar* (irregular social assistance) is accessible for people with disabilities following a decision by local committees. There is also assistance with utility bills in most municipalities.

General health insurance provides a wide coverage of medical devices. There also is a homecare programme where household members are paid by the government for care of people with disabilities whose income is below a certain threshold.

Although disability is rather common in Turkey and despite various pieces of legislation, people with disabilities are often marginalised in social life. NGOs work to bring the issues, including access to social protection, to the fore; but there is little being done and no concrete policy debate is currently taking place. There have been no significant reforms since 2017, with the exception of minor steps to increase accessibility.

## 1 Access to disability-specific income support

### 1.1 Disability-specific benefits/pensions available to working age people

#### 1.1.1 *Engelli aylığı* (Disability payment)

##### a) Eligibility conditions

Disability-related qualifying criteria: The disability rate, as assessed by a medical council, has to be higher than 40%.

Age: All ages. An application cannot be made for disabilities that arise after age 65.

Nationality and/or residency: Turkish citizens.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: The net household income per capita should be lower than one third of the gross minimum wage (4,253 TL – €276). Recipients should not receive any other payment from the Social Security Institution (SSI). It should be noted that, given considerable informality in Turkey, the means test often relies on criteria other than household income that take into account the ownership of housing, car, etc., and sometimes even the fitness to work of other household members. This in turn creates an obstacle for certain people.

Other: None.

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to the *Engelli aylığı* (disability payment).

##### b) Disability assessment framework

Type of assessment: A medically based assessment of disability is conducted.

Responsible authorities: A council of physicians specifically formed for the evaluation of disability status.

Method: The process starts with an inspection of the applicant by relevant specialists, and an assessment is made on the degree of disability in each dimension (such as hearing, vision, and cardiology) by using an official and detailed guideline based on the international classification of functioning, disability and health by the World Health Organization. The disability rates in specific areas are combined by using a formula called "Balthazard". The final assessment is made by the council with the applicant present, and the final decision is made by the council.

Supporting evidence: None.

Assessor: Medical physicians.

Decision-maker: A council of physicians.

Critical analysis: Not documented.

##### c) Benefit entitlements

Level of the benefit: In 2022, a monthly payment of 865 TL (€56) or 1,298 TL (€84) is made if the disability rate is, respectively, 40-70% or more than 70%.

Duration of the benefit: As long as disability continues.

Interactions with other income or other related benefits: Beneficiaries cannot receive payments from other social assistance programmes, but carers may receive a payment under the homecare programme for people with disabilities. Also note that in a given household more than one person may receive the disability payment, as long as they

satisfy the means-testing conditions (disability payments are disregarded in the calculation of household income).

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

### **1.1.2 *Malul gazi aylığı* (Disability payment for those injured during military/security service)**

#### **a) Eligibility conditions**

Disability-related qualifying criteria: Following treatment of an injury that occurred during military/security service, a medical report indicating that the individual is not fit for military service is needed. In addition, the disability rate, as assessed by a medical council, has to be higher than 40%.

Age: No age requirements.

Nationality and/or residency: Turkish citizens.

Waiting period: None (i.e. it is granted from the moment the disability is certified).

Contributory history: None (i.e. no minimum contributory record is required).

Level of financial resources: None (i.e. the benefit is not means-tested).

Other: None.

Gaps and/or obstacles: No evidence (reports, papers...) was identified on gaps/obstacles related to this benefit.

#### **b) Disability assessment framework**

Type of assessment: A medically based assessment of disability is conducted.

Responsible authorities: A council of physicians specifically formed for the evaluation of disability status.

Method: The process starts with an inspection of the applicant by relevant specialists, and an assessment is made on the degree of disability in each dimension (such as hearing, vision, and cardiology) by using an official and detailed guideline based on the international classification of functioning, disability and health by the World Health Organization. The disability rates for the specific areas are combined by using a formula called "Balthazard". The final assessment is made by the council in the presence of the applicant, and the final decision is made by the council.

Supporting evidence: None.

Assessor: Medical physicians.

Decision-maker: A council of physicians.

Critical analysis: Not documented.

#### **c) Benefit entitlements**

Level of the benefit: Dependent on the applicant's rank and disability rate. Those who need assistance for carrying out their daily activities are paid a monthly payment equivalent to the highest pay scale among public employees. The others are entitled to pension payments equivalent to those granted to someone who retires after 30 years of service (unless of course they have already completed more than 30 years of service).

Duration of the benefit: As long as the disability continues.

Interactions with other income or other related benefits: Beneficiaries of the *Malul gazi aylığı* (disability payment for those injured during military/security service) do not qualify for old-age or regular disability benefits. As with the other social assistance



programmes, the level of the benefit is above the means-testing thresholds, making beneficiaries ineligible.

Challenges: No evidence (reports, papers...) was identified on adequacy challenges related to this benefit.

## **1.2 Disability-specific old-age pension schemes**

There exists no specific old-age pension scheme for people with disabilities. The rules specific to people with disabilities in the general pension system are discussed below in Section 2.

## **1.3 Income support aimed at covering disability-related healthcare and housing expenses**

### **1.3.1 Healthcare**

All healthcare expenses, including disability-related ones, are covered by the general health insurance scheme. There is no specific provision for premium payments for people with disabilities. Premiums are paid by the government for households in poverty.

### **1.3.2 Housing**

There exists no cash benefit for housing. However, people with disabilities are exempt from property taxes.

## **2 Access to some key general social protection cash benefits**

### **2.1 Old-age benefits**

#### **2.1.1 Yaşlılık maaşı (Old-age salary)**

##### **a) Eligibility conditions**

Eligibility conditions for people with disabilities are not different from those for people without disabilities.

##### **b) Additional amount/compensation included and adequacy issues**

No additional compensation for people with disabilities. However, since the disability benefit is higher than the *Yaşlılık maaşı* (old-age salary), those with a disability rate higher than 70% prefer to receive the disability benefit rather than the old-age salary. It should be noted that the salary level is rather low, currently at about a quarter of the minimum wage.

##### **c) Gaps/obstacles**

The main gap is the fact that people with disabilities are subject to the same means-testing procedure as others. Considering that the cost of living is likely to be higher for people with disabilities, using the same means-testing threshold prevents certain people with disabilities who need assistance from obtaining it.

#### **2.1.2 Emeklilik (Pension payment)**

##### **a) Eligibility conditions**

For those who had disabilities from the beginning of their employment, the required years of premium payments vary with the level of disability. For a disability rate of 40-49%, individuals should have been employed for at least for 18 years and paid premiums for at least 15 years. These requirements are 16 years and 14 years for a 50-59% disability rate, and 15 years and 13 years for a disability rate above 60%. These figures are valid for those who first started to work after 2013. The requirements

may change by a few years for initial employment before 2013, since there has been a gradual implementation of retirement reforms put in place in 2008.

If, during employment, an individual is deemed to have lost more than 60% of their work capacity, the requirement is 10 years of employment and five years of premium payments. Furthermore, if the individual needs to be cared for by someone else, five years of premium payments are sufficient for retirement. The loss of work capacity and earnings power are assessed by a medical doctor, and the decision is made by a committee at the SSI.

**b) Additional amount/compensation included and adequacy issues**

No different amount or compensation included for people with disabilities.

**c) Gaps/obstacles**

The main gap is the fact that people with disabilities receive the same pension even though they probably face additional expenses related to disability.

## 2.2 Unemployment benefits

### 2.2.1 *İşsizlik sigortası* (Unemployment insurance)

**a) Eligibility conditions**

Eligibility conditions for people with disabilities are not different from those for people without disabilities.

**b) Additional amount/compensation included and adequacy issues**

There is no additional amount/compensation for people with disabilities. There is no evidence (reports, papers...) on adequacy challenges related to *İşsizlik sigortası* (unemployment insurance).

**c) Gaps/obstacles**

There is no evidence on gaps/obstacles.

## 2.3 Guaranteed minimum income schemes and other social assistance benefits

There is no minimum income scheme in Turkey.

### 2.3.1 *Düzenli sosyal yardımlar* (Regular social assistance)

**a) Eligibility conditions**

Eligibility conditions for people with disabilities are not different from those for people without disabilities. However, those receiving disability benefits cannot receive other social assistance payments, such as *Düzenli sosyal yardımlar* (regular social assistance).

**b) Additional amount/compensation included and adequacy issues**

No difference either. Most social assistance programmes have lower benefits than disability benefits.

**c) Gaps/obstacles**

It is questionable whether the difference between disability benefits and social assistance benefits is sufficient to cover expenditure arising from having a disability. For example, assistance to widowed women with low incomes is 500 TL (€33) per month. The difference from assistance to people with disabilities assessed at 40-70%

is only 365 TL (€24), or around 8.5% of minimum wage, hardly enough to cover expenditure associated with disability.

### **2.3.2 Diğer sosyal yardımlar (Irregular social assistance)**

#### **a) Eligibility conditions**

*Diğer sosyal yardımlar* (irregular social assistance) is often based on a decision of local committees. As a result, conditions are not clearly defined. Municipalities implement reduced charges for water and transportation services, which vary from one municipality to another.

#### **b) Additional amount/compensation included and adequacy issues**

Eligibility conditions for people with disabilities are not different from those for people without disabilities. There is no evidence (reports, papers...) on adequacy challenges related to this benefit.

#### **c) Gaps/obstacles**

An element of geographical variation does exist, but to the best of our knowledge there is no research evaluating its likely impact.

## **3 Provision of assistive technology and personal assistance**

All medical devices, including hearing and vision aids, orthoses, ventilators and oxygen devices, are provided within the scope of the general health insurance scheme. As noted above, although this is a premium-based insurance system, premiums are paid by the government for those with low incomes (a gross household income per capita below one third of the gross minimum wage). This is regulated by a lengthy decree which states the conditions of coverage for all kinds of devices. While the SSI covers the cost of certain devices upon receipt of a bill, certain high-cost items, such as battery-powered wheelchairs, are purchased by the SSI and provided to the individual for the period that is necessary. Municipalities and civil organisations may provide such devices – but in an irregular manner.

There is a homecare programme for low-income people with disabilities. Being on a low income is defined as having a gross household income per capita below two thirds of the gross minimum wage. Care has to be provided by a relative who lives with the person with disabilities. Payment to the relative is made by the government if the person with disabilities has a hospital report certifying a disability level of 40% or above, and needs care in order to sustain their quality of life as assessed by a committee of government officials. As of January 2022, the payment to a carer is 2,534 TRY (€165) per month. The main shortcoming of the programme is that the carer is not a qualified person, but may be a relative with no prior training or experience in caring for people with disabilities. We are not aware of any major mechanism to evaluate the quality of care. Furthermore, the carer has to be a relative. This in turn makes people with disabilities dependent on their relatives, since other means of care provided by the public sphere are rather inadequate. Finally, as is the case for all means-tested programmes in Turkey, due to widespread informality, means-testing often relies on proxies of income that may fail to capture the household income properly. This in turn results in non-take-up of the benefit.

## **4 National debates, reforms and recommendations**

### **4.1 National debates**

Turkey has a high prevalence of disability. Despite the presence of a number of laws on the prevention of discrimination in Turkey, many of those with disability are marginalised in various spheres. Associations of people with disabilities, and some NGOs working in the

field, have called for these obstacles to be removed, so as to empower people with disabilities (see, e.g.: Samav-Cantürk, 2019). These demands do not seem to be echoed in political discussions. It is possible that other issues (such as the rising costs of living) are currently more pressing. And as the European Commission's Turkey Report 2021 indicated, Turkey currently lacks an independent implementation and monitoring framework in line with the UN Convention on the Rights of Persons with Disabilities (CRPD).

#### **4.2 Recent reforms and reforms currently in the pipeline**

No reforms have been launched or implemented since 2017. Although 2020 was declared as the "Accessibility Year" by the President of Turkey, and there have been official declarations supporting the increased accessibility of people with disability since then, this initiative cannot be considered as a reform, as accessibility has always been one of the main concerns in the field.

#### **4.3 Good practice and recommendations on how to tackle gaps and obstacles**

There are no practices that can be singled out as helping people with disabilities to effectively access social protection benefits and services.

The main characteristic of the welfare regime under the incumbent government (in power since 2002) is to rely on family support for people in need (in return for a payment), which also applies to people with disabilities. This approach is proven to come with serious drawbacks, and therefore a paradigmatic transformation needs to be formulated (see, e.g.: Adaman, Erus and Sart, 2019).

Finally, data-collection mechanisms should be strengthened to ensure that comprehensive, reliable and disaggregated data on disability and people with disabilities are collected, in line with Article 31 (statistics and data-collection) of the UN CRPD.

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