

SOCIAL POLICIES TO PREVENT DISCRIMINATION IN THE EMPLOYMENT OF DISABLED PEOPLE AND THE CASE OF TURKEY

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ABSTRACT

Prejudice and discrimination against disabled individuals appear as significant barriers to participating in social life and living as free individuals. Due to prejudice and discrimination, disabled people face major challenges in employment, education, leisure activities, and overall participation in social life. Building a society free from prejudice and discriminatory practices, where disabled individuals can live freely, will take time. As disabled individuals encounter adaptation problems in all areas of social life, the degree of social exclusion increases with the severity of their disability. Disabled individuals cannot equally benefit from employment opportunities, cultural activities, social facilities, and the exercise of political rights as individuals with intact mental and physical integrity do. Not only the inability to use the impaired limb but also the lack of acceptance by society creates barriers to the participation of disabled individuals in social life. Therefore, implementing social policies for the disabled is extremely important. In this study, the types of prejudice and discrimination against disabled people in Turkey are examined, and suggestions are provided regarding the social policy measures that should be taken to prevent social exclusion.

Keywords: Disadvantaged groups, Disabled people, Social Policy, Social Exclusion, Prejudice, Discrimination

1.INTRODUCTION

The World Health Organization has defined health as a state of complete physical, social, and mental well-being. Disability has been described as a functional impairment, handicap as a restriction in normal activities, and disability as a social disadvantage (Çınarlı, 2010:32; Akar, 2022:1). Various social policy measures are taken to address the challenges faced by disabled people in participating in social life. Disabled individuals, who encounter great difficulties in integrating with the society they live in, also face various forms of social exclusion (Oktay, Çölgeçen, Karahan et al., 2019:1).

For disabled individuals, accessibility to public services is not only a means of exercising their rights but also a fundamental condition for living freely and fully participating in all aspects of social life. Undoubtedly, in order for disabled people to live independently and in a manner befitting human dignity, honor, and respect, they must have equal access to all kinds of information and communication, as well as all public facilities and services available to society (Çağlar, 2012:542).

From the perspective of disabled individuals, being deprived of participation in social life, economic and social activities, and access to basic services is perceived as an additional obstacle. Such a situation can be seen as the social exclusion of disabled people. National and international policies targeting the disabled have led to significant progress in terms of their advancement in economic, social, health, and cultural fields. Contemporary technological developments and the constant dynamism of social life have made the demands of disabled individuals for integration into society more visible to other members of society (Genç & Çat, 2013:364; Genç, 2015:67).

In the past, disabled individuals were regarded as people in need of help within social life, whereas this understanding has now been replaced by a rights-based perspective. However, on the one hand, the flawed and incomplete practices of public institutions toward disabled people, and on the other hand, the lack of sufficient knowledge and equipment of disabled individuals and their families regarding rights, make integration into social life difficult (Anlı, 2015:5; Genç, 2015:68).

If the employment of disabled individuals in working life cannot be adequately ensured, they will be forced to work in informal and marginal jobs. Disability, in addition to being a medical limitation, also turns into deep poverty when combined with socially constructed barriers that result in discrimination, exclusion, and deprivation of basic rights. Providing employment opportunities to disabled individuals will enable their integration into society and ensure their socio-economic protection (Orhan, 2015:79; Kanyılmaz Polat, 2020:870).

2. MAIN PROBLEMS FACED BY DISABLED INDIVIDUALS IN WORKING LIFE

There are many reasons preventing the participation of disabled individuals in working life. Among some disabled citizens, the lack of sufficient knowledge and awareness of their rights and the absence of demand to enter the labor market, along with the overly protective attitudes of their families, negatively affect their labor force participation rate. The main factors adversely influencing the participation of disabled people in the labor force include

barriers to accessing the right to education and healthcare, overly protective attitudes, negative attitudes toward the disabled, prejudice and discrimination, and being employed in positions either below or above their qualifications (Kanyılmaz Polat, 2020:874).

2.1. Problems in Accessing the Right to Healthcare and Education for Disabled Individuals

One of the most significant reasons negatively affecting the labor force participation of disabled individuals is the difficulty in accessing healthcare and education rights. According to the data from the Turkey Disability Survey, 47% of disabled individuals cannot receive treatment tailored to their disability conditions. The same survey also shows that 48% of disabled individuals lack social security. As a result, their rehabilitation and participation in the workforce are adversely affected (Şen, 2017:232).

Ensuring access to education plays a crucial role in enabling disabled individuals to integrate into social life and move independently. Education opportunities for disabled individuals are of utmost importance in solving issues such as poverty, social exclusion, prevention of child labor exploitation, and reducing unemployment. Equality must be ensured between healthy and disabled individuals in terms of access to education rights, and both groups should be provided with the same opportunities to reach the highest level of education (Şişman, 2014:58).

Education is a human right in itself and is also highly significant for ensuring other human rights (Uyar, 2006:215; Şişman, 2014:63). Providing the right to education for disabled individuals is a highly important tool in combating deep poverty, social exclusion, and unemployment. Education also plays a key role in preventing the exploitation of child labor, establishing human rights and democracy, and increasing environmental awareness (Yurttagüler, 2007:138; Uyar, 2006:215). Addressing the problems of disabled individuals, enabling self-fulfillment, and improving their quality of life are possible through providing educational opportunities (Şişman, 2014:63).

There is insufficient statistical data on the disabled population in Turkey. According to the results of the 2002 Disability Survey, 36% of the disabled population is illiterate. In rural areas, this rate is about 43%. These figures alone show that there are barriers to accessing education for disabled individuals in Turkey. Although progress is presumed to have been made in this regard over the years, education still appears to be a significant problem for the disabled (S.I.S, 2004:8-9).

After primary education, the Ministry of National Education and İŞKUR provide vocational training opportunities for the disabled through formal and non-formal education. In addition, quotas are allocated for disabled students in higher education institutions, and special examinations increase their chances of accessing higher education. Furthermore, accommodation and scholarship opportunities are provided for disabled students (Şişman, 2011:190).

Vocational rehabilitation is another important step for disabled individuals to access healthcare and education opportunities. With ILO Convention No. 154, the responsibility of providing suitable employment opportunities to disabled people and thus paving the way for their integration into society is emphasized (Altan, 2006:200; Kanyılmaz Polat, 2020:875).

2.2. Overly Protective Attitudes of Families Toward Disabled Individuals

Families of disabled individuals often adopt an overly protective approach, carrying out many activities on behalf of their children. Moreover, parents of disabled children are often unwilling to send their children outside their place of residence. Disabled individuals under heavy family protection tend to isolate themselves from social life and refrain from acting independently. Even disabled individuals with work capacity are observed not to participate in the labor force due to the overprotective attitudes of their families. Raising awareness among parents of disabled children is of great importance in terms of enabling disabled individuals to participate in working life and integrate into society (Bilgin, 2000:9).

The concept of the social state represents a state that takes the necessary measures to protect disadvantaged individuals against stronger ones and to ensure social justice and fair distribution of income. As a requirement of the social law state, job placements for the disabled are carried out through İŞKUR. However, while planning job placements, the qualifications of disabled individuals should be matched with demand through detailed analyses. If job placements for the disabled are not scientifically and rationally planned as required by the principle of the social state, negative outcomes such as low productivity and high employee turnover may arise (Kanyılmaz Polat, 2020:875).

2.3. Negative Attitudes, Prejudice, and Discrimination Against the Disabled in Workplaces

Discrimination in the lives of disabled individuals stems from undesirable situations regarding how institutional arrangements and social attitudes exclude them (Sherry, 2014:15; Murphy,

2015:20; Goering, 2015:134; Manago et al., 2017:167; Erol Karaca, 2021:173). According to the Social Model, disability does not stem from the physical, mental, or functional impairments of disabled individuals compared to others, but rather from society's inability to adapt to their special needs and differences (Walsh, Stephens & Moore, 2000:219).

Accordingly, discrimination against disabled people arises from perceiving disability as an individual tragedy or misfortune. The social structure and industrial production tools are what disadvantage disabled individuals in society. Solving the problems of the disabled requires restructuring society (Pfeiffer, 2001:34; Erol Karaca, 2021:175).

In some segments of society, there exists a negative perception that disabled individuals are dependent on care and others. Generally, those holding this view are observed not to have direct contact with disabled people. In other parts of society, there are also perceptions that disabled individuals have low productivity and are employed for social reasons (Baybora, 2006:233). Approaching disabled individuals in the workplace with pity and making them feel it can result in decreased productivity.

Colleagues may display negative attitudes toward disabled workers. Disabled individuals' inability to perform certain tasks and their advantage in terms of leave entitlements may provoke reactions from managers and other employees. Managers may assume that employing disabled people will reduce productivity and that expectations in the workplace will not be met (Öztürk, 2011:29).

Disabled individuals generally work in suitable positions in workplaces. However, implementing necessary safety measures and ergonomic arrangements for disabled individuals inevitably brings additional costs to businesses. This may lead to the misconception among employers that they are paying high wages to inefficient workers. Nonetheless, some employers do not share this view and instead believe that disabled individuals perform their work more carefully and meticulously (Durmaz, 2017:255; Kanyılmaz Polat, 2020:877).

Compared to individuals with intact mental and physical abilities, disabled individuals are disadvantaged in finding employment and are usually placed in lower-skilled jobs.

2.4. Failure to Employ Disabled Workers in Jobs Matching Their Qualifications

If disabled individuals are provided with access to education opportunities similar to those of able-bodied individuals, they can be employed in accordance with the expectations of the labor market. Some types of disabilities, when supported with proper education and rehabilitation

services, may even enable individuals to be employed in high-skilled jobs. Therefore, employers engaging in the employment of disabled individuals should not view this merely as a legal obligation. The qualifications of disabled individuals should be matched with employers' expectations through proper qualification analyses (Öztürk, 2011:33-35; Kanyılmaz Polat, 2020:878).

3. THE SITUATION OF EMPLOYMENT OF PERSONS WITH DISABILITIES IN TURKEY

The allocation of quotas for persons with disabilities, which regulates the obligation of employers to employ individuals with disabilities in workplaces, was first introduced in the "Maritime Labor Law enacted in 1967." According to the provisions of the Maritime Labor Law and the regulations issued based on it, the employment of disabled and ex-convict individuals in workplaces under certain conditions was made mandatory (Güler, 2017: 63; Berkün, 2013:102).

Article 25 of Labor Law No. 1475 required the preparation of a regulation to determine the methods of employing persons with disabilities, and the quota system began to be implemented in 1972 with the entry into force of the Regulation on the Employment of Disabled and Ex-Convict Persons. With the Customs Law No. 1615, which entered into force in 1972, it was stipulated that customs duties would not be charged on the tools and medicines to be used by disabled individuals. In 1976, Law No. 2022 on Providing a Pension for Needy, Helpless, and Destitute Turkish Citizens Aged 65 and Over was enacted, granting income to unemployed persons with disabilities and elderly people over the age of 65 (Berkün, 2013: 102).

The use of the social model instead of the medical model in determining disability status led to new structuring in legal regulations and social policies for persons with disabilities in Turkey and many other countries, and this was also reflected in the constitution and development plans (Burcu, 2007: 44).

In Turkey, in 1981, taking into account the recommendations of the United Nations, the National Coordination Board for the Protection of the Disabled was established within the ministry and made permanent. It began its activities and continued until the establishment of the Prime Ministry Administration for Disabled People in 1997. This administration, established in 1997 by the law on the organization and duties of the Administration for Disabled People in Turkey, was created to ensure that services provided to people with disabilities were effective and efficient, to achieve national and international coordination and

cooperation, and to identify the problems of persons with disabilities and possible solutions. In 1999, the Law No. 4407 ratifying the International Labour Organization Convention No. 159 on Vocational Rehabilitation and Employment of Disabled Persons entered into force. In 2003, with Labor Law No. 4857, incentive regulations for employers employing persons with disabilities were introduced. In 2005, Law No. 5378 on Amending the Law on Disabled Persons and Certain Decrees with the Force of Law entered into force, stating that the Ministry of Labor and Social Security and the Ministry of National Education were jointly responsible for providing vocational rehabilitation and education for persons with disabilities, and introducing the obligation to make new safety regulations in workplaces for persons with disabilities. In addition, discriminatory practices against persons with disabilities were prohibited. Moreover, the Civil Servants Law No. 657, the Social Services and Child Protection Agency Law No. 2828, the Law on Promotion of Social Assistance and Solidarity No. 3294, the Income Tax Law No. 193, the Social Insurance Law No. 506, the Bağkur Law No. 1479, and the Pension Fund Law No. 5434 also contain provisions aimed at ensuring the employment of persons with disabilities and strengthening them economically (Berkün, 2013: 105-107).

4. SOCIAL POLICIES FOR THE PREVENTION OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES IN TURKEY

The Geneva Convention on the Rights of the Child, signed in 1924, covered children with disabilities. In addition, as a requirement of the principle of the Social State of Law, it was stated that individuals with disabilities, like other able-bodied individuals, also have rights and duties (Güler, 2017: 81). According to Article 49 of the Constitution of the Republic of Turkey, “Work is the right and duty of everyone. The State shall take necessary measures to support workers, improve working life, and provide an economic environment suitable for preventing unemployment in order to raise the living standards of workers.” This article also refers to individuals with disabilities.

In addition, another provision regarding persons with disabilities is in Article 50 of the Constitution, which stipulates that “those with physical and mental disabilities shall be specially protected in terms of working conditions.” Furthermore, Article 61 of the Constitution explicitly states that the State shall take measures to protect persons with disabilities and enable their adaptation to society, and for this purpose “shall establish or have established the necessary organizations and institutions” (Güler, 2017: 81; Alpar, 2000: 113). By the 1990s, the integration of persons with disabilities into social life had gained great

importance, and this was also included in development plans. The adoption of Law No. 5378 on Persons with Disabilities was an extremely important development in this field. In the 10th Development Plan, the term “disabled” was included for the first time, and plans and policies for persons with disabilities were defined. Great importance was given to educational initiatives to integrate persons with disabilities into society and increase their employment opportunities. As also stated in the development plans, policies aimed at ensuring the integration of persons with disabilities into society, preventing discrimination, prejudice, and social exclusion, and improving their quality of life have significantly increased educational and employment opportunities for persons with disabilities in recent years compared to previous periods (Güler, 2017: 95).

Although Law No. 2022, enacted in 1977, provided a certain level of income for unemployed persons with disabilities and individuals over the age of 65, this amount was insufficient to meet the basic social needs of persons with disabilities. Under the Law on Providing a Pension for Needy, Helpless, and Destitute Turkish Citizens Aged 65 and Over, adopted in 2006, the assistance paid to persons with disabilities was increased compared to earlier periods. However, despite the increase in aid, the basic social needs of persons with disabilities could not be fully met.

Within the framework of the provisions of the “Foundations Regulation” published in the Official Gazette No. 27010 on 27.09.2008, a subsistence pension can be granted to individuals with disabilities. The amount of the subsistence pension is determined by multiplying the coefficient of the base civil servant salary with the figure of 400. Within the framework of Law No. 2022, provided that the income is below the amount specified in the law, this pension may also be granted to persons who have completed the age of 65 but cannot continue their lives without the help of others, those who are over 18, those who have no one to care for them after turning 18, and even those who, although having someone to care for them, have not been placed in any job and are in a defacto care relationship (Yentürk & Yılmaz, 2012: 14; Güler, 2017:97).

To ensure the integration of persons with disabilities into society and their participation in production, to increase their productivity and quality of life at a high level, as well as to ensure their freedom of living and to enable them to benefit equally from social and economic developments, various services are provided by local administrations. The social policy measures implemented by local administrations may vary depending on the provinces and municipalities. Moreover, the social policies carried out by local administrations also vary depending on the sensitivity and budgetary capacities of municipalities (Firat, 2008: 90).

5.CONCLUSION

The social policies that must be implemented for disadvantaged groups in a society are an important indicator of development. The approach of fulfilling the majority's needs by considering budgetary means while delivering public services is no longer accepted today due to social considerations. What is important is ensuring that everyone in society can integrate into social life and participate in collective activities. The participation of persons with disabilities in social life and their employment, thereby increasing their level of contribution to society on par with able-bodied individuals, is of great importance both for improving the quality of working life and for raising the level of social welfare.

In today's societies, negative thoughts and attitudes towards persons with disabilities are still prevalent. The perception that persons with disabilities cannot succeed at work and are merely consumers has negatively affected their participation in working life like able-bodied individuals. Families' overprotective attitudes have also led to the exclusion of even those persons with disabilities who are capable of contributing with their physical and mental effort from working life, preventing them from benefiting from educational opportunities. Prejudice, discrimination, and social exclusion toward persons with disabilities are among the main reasons for their lower quality of life. Compared to able-bodied individuals, persons with disabilities are less resilient in the face of hardships and difficulties. Their inability to equally benefit from opportunities in education, housing, healthcare, employment, and social security exposes them to discrimination and social exclusion.

Reducing the prejudice and discrimination faced by individuals with disabilities requires making public institutions, public spaces, access to institutions, the processes of receiving information and services from institutions, as well as communication opportunities, safe and freely accessible. To prevent positive discrimination from turning into a barrier, the integration of these individuals into society must be ensured. Raising awareness across all segments of society is extremely important. Designing homes to be suitable for the needs of persons with disabilities and allowing them to establish family environments are also critical in terms of ensuring their integration with society.

Raising the educational levels of persons with disabilities and providing them with the necessary professional knowledge and skills are essential for ensuring their integration into society. Enabling persons with disabilities to participate in working life will reduce their poverty and contribute to reducing overall poverty levels in society. Since the economic and

social environment is not structured in a way that accommodates persons with disabilities, the hesitations, concerns, and prejudices of employers constitute barriers to the employment of persons with disabilities. Workplaces should be arranged in line with the qualifications of persons with disabilities, and appropriate measures should be taken. Excluding persons with disabilities from working life and offering only social assistance undermines their self-confidence and prevents their integration into society.

The biggest difficulty encountered in the employment of persons with disabilities in Turkey is the insufficient development of employment tools and the challenges in their implementation. The quota system is one of the methods used in recruitment. This regulation should not only consider jobs that can be performed by persons with disabilities but should be applied to all jobs. However, some jobs are unsuitable for persons with disabilities. Moreover, many workplaces in Turkey employ 50 or fewer workers. This criterion reduces the number of jobs available for persons with disabilities.

Another difficulty lies in the underdevelopment and insufficient implementation of tools designed to facilitate the employment of persons with disabilities. For instance, the quota system legally obliges workplaces employing 50 or more workers to employ 4% persons with disabilities in private sector workplaces and 3% under Law No. 1475. This ratio is determined by considering all jobs, not just those suitable for persons with disabilities. However, many of these jobs are not appropriate for them. A second problem is that many workplaces in Turkey employ 50 or fewer workers, which further reduces job opportunities. In addition, another widely used method is the application of sheltered workshops.

With the introduction of flexible working methods into working life, home-based work, home production, and short-time work are increasingly recommended for persons with disabilities. However, some authors argue that while flexible working does not exclude persons with disabilities from workplaces, it may lead to their social exclusion. The problems of persons with disabilities in working life are not limited to employment alone. They also face issues such as working conditions, social security, low wages, lack of career advancement, and early retirement. The most important factors that hinder the employment of persons with disabilities are the lack of education and vocational rehabilitation. In Turkey, there are not enough vocational training and rehabilitation centers for persons with disabilities, and the existing ones do not operate at full capacity.

To ensure the social integration of persons with disabilities and prevent their social exclusion, their employment must be secured. In this regard, İŞKUR plays a key role in terms of social policies for persons with disabilities. It is extremely important that İŞKUR provides vocational training for persons with disabilities according to their degree of disability and abilities, and ensures their placement into jobs. İŞKUR currently plays an important role in job placement. However, it appears insufficient in ensuring job continuity and monitoring. Persons with disabilities are part of society. Therefore, ensuring that they are not deprived of opportunities in education, healthcare, employment, and social security is an approach consistent with human dignity, honor, and respect. For this reason, preventing all forms of discriminatory practices against persons with disabilities and ensuring their integration into society are of utmost importance both for improving economic and social productivity and for enhancing the quality of working life.

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