

The Law on Guardianship and the Rights of People with Learning Disabilities in Turkey

Summary report

The full name of this original report is:

“Article 12: **Guardianship** Law and Legal Capacity for
Intellectually Disabled People in Turkey”

UNCRPD stands for UN Convention on the Rights of
Persons with Disabilities.

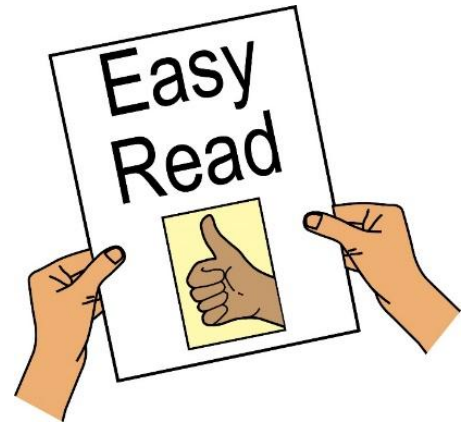
Guardianship means when the court chooses
someone to make decisions for someone else.
The **guardian** is the person making the decisions.
These decisions might be about things like money,
health or where the person lives.

Written by:

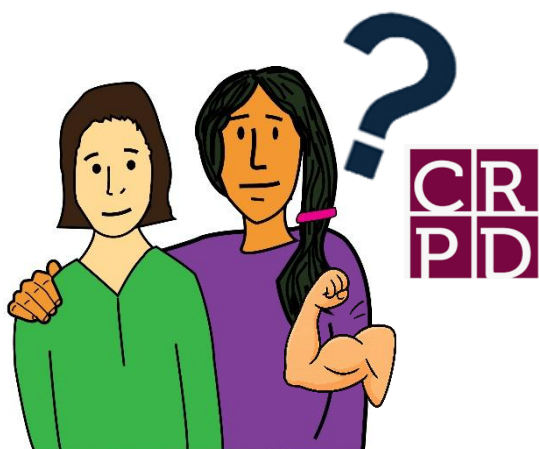
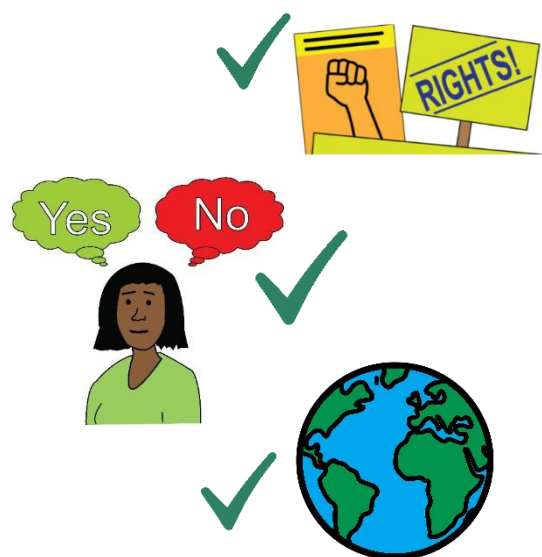
Dr Ezgi Taşcıođlu and

Dr Ezgi Şeref

May 2026



What is this report about?



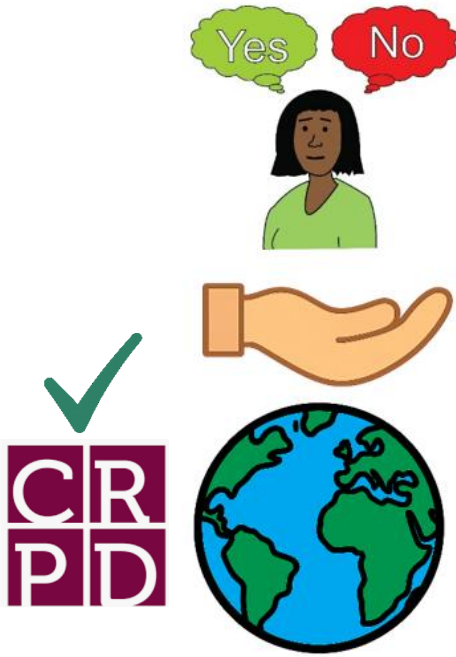
In 2009, Turkey agreed to follow the **UN Convention on the Rights of Persons with Disabilities (UNCRPD)**. This is often called the **CRPD or the UNCRPD**.

This is an international agreement on the rights of people with learning disabilities.

Article 12 (or point number 12) of the CRPD says:

- all disabled people have rights in the law
- all disabled people have the right to make decisions about their own lives
- countries must give disabled people support to use this right.

But Turkey still has a **guardianship system**. This system gives another person – the **guardian** - the power to make decisions for people with learning disabilities.



But the CRPD says countries should instead support the disabled person to make their own decisions.

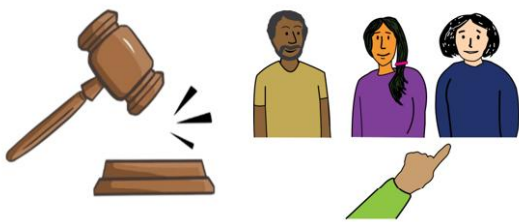
In 2019, the UN CRPD Committee said it had problems with Turkey's guardianship system.

Dr Taşcioğlu and Dr Şeref did research about this. This report shows what they found out, and what they recommend for change.

The Law in Turkey



The Turkish Civil Code (a law in Turkey) says all citizens have rights. But courts can decide if a person can make their own decisions or not. Courts usually look at medical reports to decide this.



If the court decides the learning disabled person needs a guardian, it often chooses a family member, usually a parent.



Parents can continue to have control of a person by law after they become an adult.



This system means decisions are made **for** the person, not **with** the person.



This does not follow Article 12 of the CRPD which says the state should support people with learning disabilities to make their own decisions.

About the Research



The research looked at how law about guardians works in Turkey.

It asked:

- What barriers do people with learning difficulties face?
- What could help them make their own decisions in the law?
- How do guardians work in everyday life?



The researchers spoke to 44 people:

- 11 adults with learning disabilities
- 15 parents
- 8 lawyers
- 10 medical professionals





The researchers helped disabled people to take part using accessible ways.

This included:

- Information in plain language
- flexible interviews
- visual aids
- being able to have a supporter present.



The main things we found out

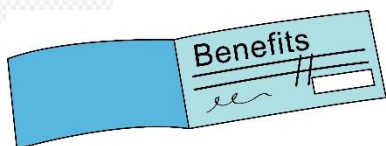


1. Guardianship in everyday life

We found that most people think guardianship is normal.

Many people do not see it as something bad. Instead, families and professionals often talk about guardianship as a way to:

- protect disabled people
- deal with official paperwork
- manage benefits
- apply for passports
- avoid future problems





Public services often tell families they need to be a guardian for their family member with learning difficulties. So families can feel forced to do it.



Medical reports also support this system. Doctors often assume that a person with learning difficulties cannot make decisions.



They may not look carefully at the person's real abilities. They may also say that the person needs a guardian:

- in all areas of their life
- for their whole life
- because of the person's medical test results (for example because the test says they are autistic)



Courts often decide cases just by reading the medical documents, not even hearing from the person speak in court.

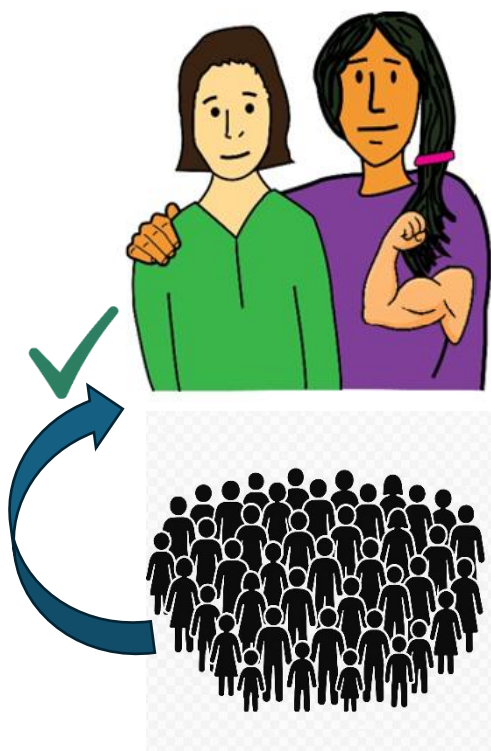


This shows that disabled people can be excluded from decisions about their own rights.



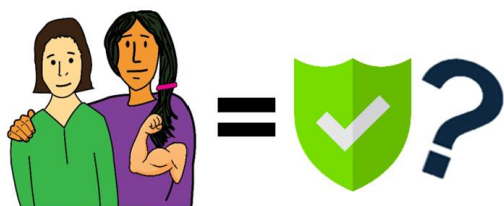
2. Guardianship and Care

mother



Our research found that guardianship is closely linked to family care. Mothers often become guardians because they already do most of the caring work. This can make disabled people more dependent on their families.

If society thinks having a guardian is ok, this can support the idea that people with learning disabilities cannot live adult lives.

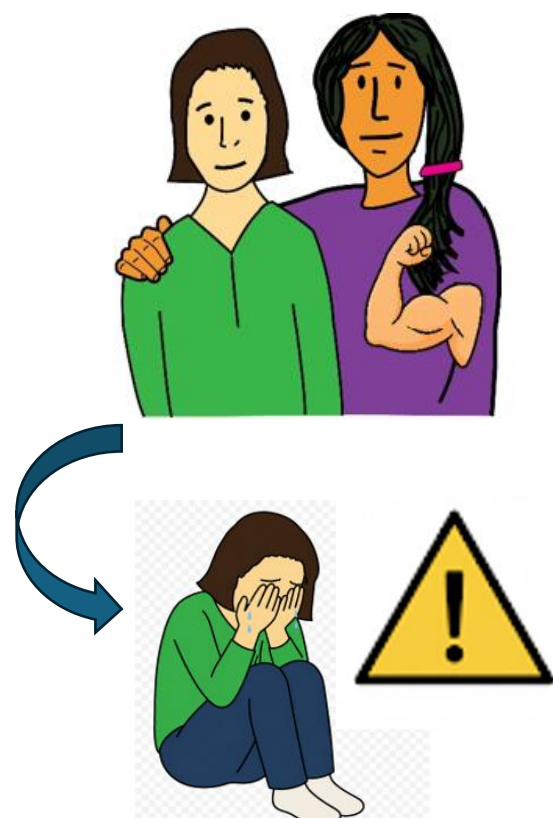


Guardianship is often described as protection. But our research found a serious problem.

Guardianship gives a lot of power to one person.

That can create risks of:

- abuse
- neglect (not being cared for properly)
- harm
- poor decisions
- the disabled person not being heard





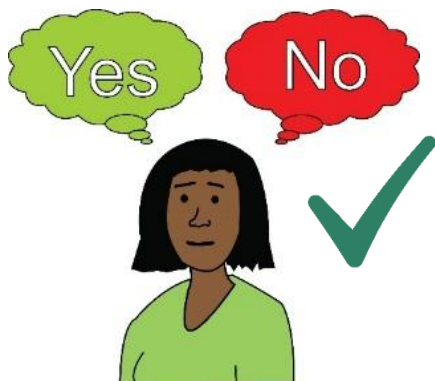
There are official safeguards (protections). For example, they should check on guardians. But the research found that these checks are weak or not used properly.



One lawyer told the judge about a disabled person who was not given a bath for a year. The judge said it was not their responsibility, but these checks are part of the court's job.



Some parents did try to say no to guardianship. One mother said she did not want to take away her son's rights. But most families felt pressure to accept guardianship.



3. Making Decisions in Everyday Life

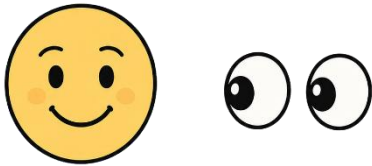
The research found that people with learning disabilities already make many decisions in daily family and community life.



One disabled person said he could stay at home alone, use the internet, travel back from the seaside, and plan what to do next.



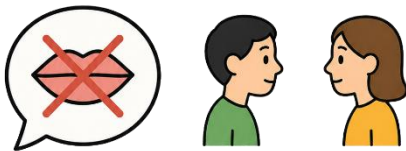
Examples like this challenge the idea that people with learning difficulties always can't make decisions on their own.



The research also found that families and supporters often know how a person communicates. Some disabled people may use:



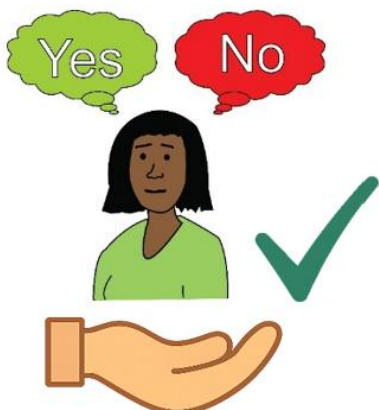
- speech
- body language
- gestures



- sounds
- facial expressions
- other ways to show choices



One mother explained that her son does not speak in words using his mouth. But he uses body language and taps the table to show what he wants or does not want. Over time, his family learned what he wanted and liked and his routines.



This shows that support with making decisions can work when people take the time to understand the person.



4. How we can help people make decisions

The research found 4 main things that help people with learning disabilities make decisions.

a. Accessibility

Disabled people need accessible places and services before they can make decisions.

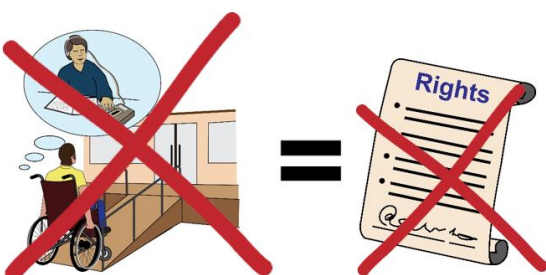


This includes:

- hospitals
- courts
- public offices
- transport
- schools
- workplaces



One disabled person said hospitals are frightening, loud, and hard to get around. They said it is very difficult to find the right place and talk to doctors.



This example shows that inaccessible services can stop people from using their rights.

b. Information and Communication



People need information they can understand. They also need support to communicate in ways that work for them.

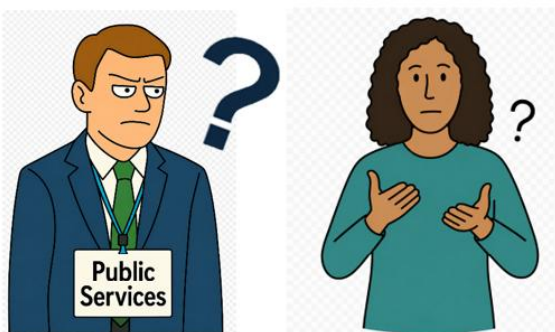
Without this, people cannot:

- understand their options
- say what they want
- ask questions
- take part in decisions

Our research found that official information is often too long and complicated. People are not usually given information in an accessible form.



Services also often have problems with communication that is not talking.



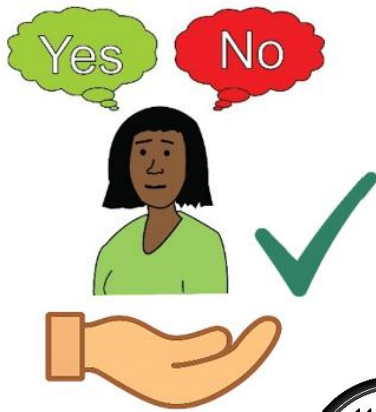
This means that services treat some disabled people as if they cannot decide.

c. Taking part, Seeing people and Supporting them



The research shows, so that people can make decisions, we must:

- treat people as full human beings
- recognise their views matter
- take them seriously.



Support should help people take part in decisions, not replace their decisions.

Good support often depends on:

- trust
- time
- continuity (support staying the same)
- people knowing the disabled person well
- professionals listening properly



One disabled person said things improved when he had a regular doctor who knew him. They made decisions together about his treatment.



d. Living an Adult Life

The research says people need to have real chances to live adult lives so they can make their own decisions.

This includes chances to:

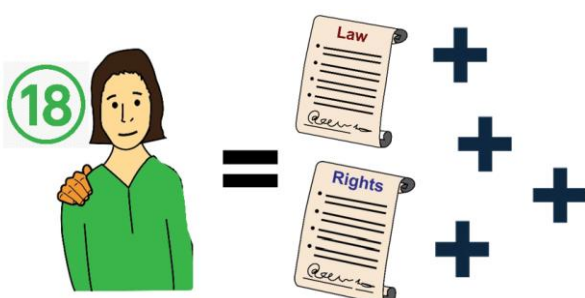
- work
- study
- live more independently
- make friends
- join community activities
- take part in politics and culture



These opportunities help people build confidence and social connections. But the research found that people with learning disabilities in Turkey do not have many of these opportunities.



Many people are dependent on family care. One disabled person said being involved in organising and community work helped her feel active and connected.

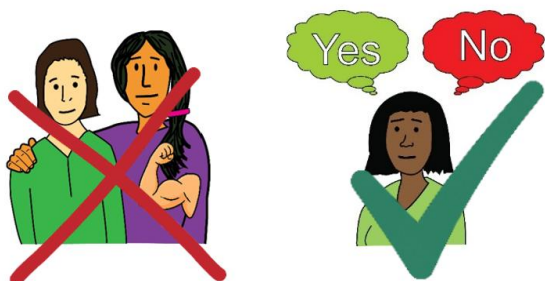


This shows that adult life is not just about legal rights. It is also about practical support and real opportunities.

What we recommend

1. Change the law

Turkey should change its law so it follows the rules in the CRPD. The law should see that all disabled people can make their own decisions. Turkey should stop having guardians and support people to make their own decisions.



2. Change public views

Public attitudes must change. Instead of seeing people with learning difficulties as **vulnerable** or dependent, they should see them as adults with equal rights.

vulnerable means being at easy risk of harm.



3. Make public services accessible

Public services should be accessible for people with different needs.

This includes people with:

- sensory needs (like needing support with sound, light, or crowded environments)





- communication needs (like needing information in different forms like braille or in Easy Read)
- cognitive (brain or understanding) needs (like big buttons on phones)
- mobility needs (like needing a stick to walk with or ramps to access a building)

4. Give accessible information and support with communication

Public organisations should give information in formats people can understand. They should also recognise and support different ways of communicating. This includes communication which is not just talking.

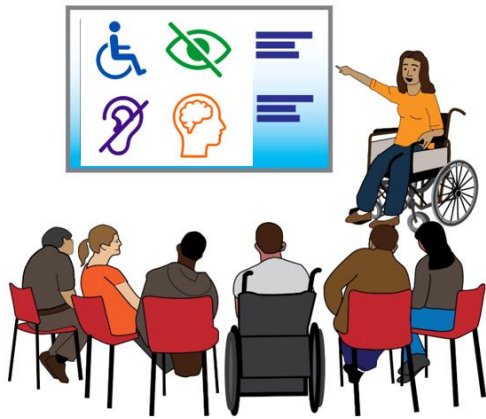


5. Train professionals

Professionals need better training on:

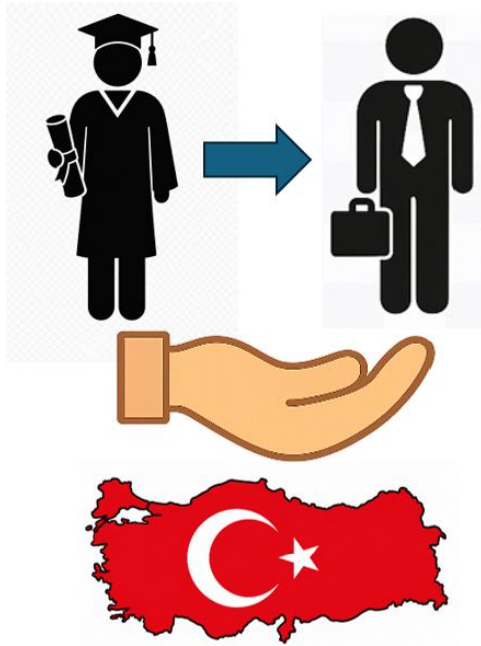
- disability rights
- supported decision-making





- accessible communication
- how to involve disabled people properly

This includes doctors, lawyers, judges, and public officers.



6. Support adult life and independent living

Turkey should support Disabled people to move from education into employment.

Turkey should also create personal assistance schemes. These should be funded by public tax.

This would support independent living and reduce reliance on family care.

7. Support self-advocacy and community taking part

Turkey should support organisations led by people with learning disabilities. Disabled people should have a real say in policymaking (rules in the law).

Their views should shape the laws and services that affect their lives.





The link to the full research report (not Easy Read) is here:

<https://madde12.org/arastirma-sonuclari/>



In the full report, you can also see quotes from people who took part in the research.

REFERENCES

Taşcıoğlu, E. and Şeref, E. (2026)

The Right to Legal Capacity: Guardianship Law, Recognition and Participation in Intellectually Disabled People's Lives in Turkey. Keele University.

Project website: www.madde12.org

About the authors



Dr Ezgi Taşcioğlu is a Senior Lecturer at Keele University in the UK. She works in the School of Law.

Her research looks at:

- law and society
- how law affects everyday life
- disability rights
- gender and sexuality

She also edited a book called “Supporting Legal Capacity in Socio-Legal Context” with Mary Donnelly and Rosie Harding.

Contact: e.e.tascioglu@keele.ac.uk



Dr Ezgi Şeref is a researcher.

Her work looks at:

- how people use law in everyday life
- how legal systems change over time



In 2023, she worked at Keele University in the School of Law. She worked as a Postdoctoral Research Associate on this project.

Thank you

We thank our project partner Engelli Kadın Derneği (Association of Women with Disabilities).

We thank People First for their support with this document and its translation into Turkish.

And we thank all the people and organisations who took part in this research.



This document was put into Easy Read by the Empower Team at People First (Self Advocacy):

www.peoplefirstltd.com

Information is Power!

People First

a voice for people with learning difficulties