

4.1.1. Decision of H.A. no. 550-4505 dated 30/11/2018

Claims of the Applicant

In the application subject to the decision, it is claimed that the applicant was 66% disabled because of vision loss, that the applicant was held in the penitentiary institution for 21 months, that the applicant wanted to benefit from audio books, that the Public Library had a rich archive of audio books, that there was no prohibition for these books to be brought to the penitentiary institution in which the applicant was held, that the content of the audio book would not be a problem as it was to be sent from an official public institution, that the applicant's only need was to have a CD player owing to the fact that these books were to come as CDs, that the applicant sent this request to different ministries and directorates, that this request was rejected by the penitentiary institution due to non-existence of any legislation on the subject; and the applicant requested fulfilment of these wishes.

Procedure

Claims of the applicant are evaluated under the prohibition of ill treatment and discrimination. According to the Convention on the Rights of Persons with Disabilities Article 14 Paragraph 2, if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation and accessibility. Accordingly, the situation was discussed with the penitentiary institution's administration; also, by sending the application to the addressee Penitentiary Institution Directorate, it is asked to answer whether the situation is ongoing or not, if yes, what is the justification of the situation. As subject matter of the application was a request that is possible to be fulfilled by a simple agreement between the administration and the applicant, it was asked whether the grievances of the applicant had been satisfied; and it was requested from them to send the transcripts of conversations if the grievances had been satisfied.

Evaluation and Decision

In the response coming from the Penitentiary Institution Directorate; it is stated that the grievances that is subject to the application was satisfied by administration, but there are no CDs sent to the applicant by the Public Library since 21.11.2018, that both the applicant and the directorate are waiting for the package of CDs that will be sent by the Public Library, that Administration and Supervision Board has decided in favour of the application, and with the arrival of the CDs, the applicant is allowed to benefit from audio books in 4-hour periods for 3 days a week. Therefore, it is concluded that request subject to application is fulfilled by the addressee party and it is reported to the Institution; and as a result, in accordance with the Article 18 of the Law on the Human Rights and Equality

Institution of Turkey and in accordance with the Procedures and Principles Regarding the Implementation of the Law on the Human Rights and Equality Institution of Turkey Article 71, the situation subject to the claim and request is removed; thus, the application is concluded with reconciliation.