

WHAT IS A DISABILITY – LIMITATION OF PHYSICAL AND MENTAL CAPABILITIES OR THE STIGMA OF SOCIETY ?*

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Abstract

Children with disabilities are more likely to experience mental health problems than healthy children because they are victimized or discriminated against more often in society. Governmental programs and plans to improve their situation sometimes meet resistance from healthy children's families and, therefore do not give the expected results. The present article studies the historical overview of disabled children's rights in general and especially in the first years of the Republic of Turkiye and the development of social attitudes toward them. The higher the living conditions of the disabled, the more developed the moral values and the society itself. It is essential to exchange ideas and to use the practice of applied programs in different countries. The legal acts on the rights of children are also at the center of attention of the author in the article. International conventions, as well as legal acts of the developed countries on the rights of disabled persons, are consistently referred to. By researching the historical approaches towards children with disabilities and examining the legal dimension of the issue, the main purpose of the article is to show the possibility of providing a more just and equal society and to ensure the integration of these children into such a society. Because the most valuable resource of every society is a human. To achieve the primary purpose of the Article, the following research methods were applied by the Author: historical – the attitude towards the disabled was different at different times and different geographies; comparative – the state of the disabled is compared depending on the countries and historical periods; induction - aiming at obtaining general knowledge on the rights of the disabled based on specific knowledge taken separately; deduction - aiming at obtaining individual, specific results in general results. Other general methodological and philosophical principles and research methods, such as analysis and synthesis, logicity, systematicity, consistency, and completeness were also applied by the Author.

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Due to the centenary of the Republic of Türkiye, the Article also investigates the views of great men of thought, such as Ahmet Ağaoğlu, Sabiha Zekeriyya Sertel, and others on the healthy upbringing of children and the necessity of education. The contribution of the journal “Gürbüz Türk Çocuk” (A Strong Turkish Child), which was published between 1926 and 1935 years for a more intellectual and progressive future generation was huge. Alongside the educational issues, one of the primary purposes of the journal was inspiring children’s love towards humanity, motherland, and family by means of poetry and narratives.

Key Words: *disability, miracle stories, disabled children, the Republic of Türkiye, journal of “Gürbüz Türk Çocuk”.*

Engellilik Nedir - Fiziksel ve Zihinsel Yeteneklerin Sınırlandırılması mı Yoksa Toplumun Damgası mı?

Öz

Engelli çocukların, toplumda daha sık mağdur edilmeleri veya ayrımcılığa uğramaları nedeniyle, sağlıklı çocuklara göre ruh sağlığı sorunları yaşama olasılığı daha yüksektir. Durumlarını iyileştirmeye yönelik hükümet programları ve planları bazen sağlıklı çocukların ailelerinin direnişiyle karşılaşır ve bu nedenle beklenen sonuçları vermez. Bu makale, genel olarak ve özel olarak Türkiye Cumhuriyeti’nin ilk yıllarında engelli çocukların haklarının tarihsel görünümünü ve onlara yönelik toplumsal tutumların gelişimini incelemektedir. Engellilerin yaşam koşulları ne kadar yüksekse, ahlaki değerler ve toplumun kendisi o kadar gelişmiştir. Fikir alışverişinde bulunmak ve uygulanan programların farklı ülkelerdeki uygulamalarını kullanmak çok önemlidir. Yazarın makalesinde çocuk haklarına ilişkin yasal düzenlemeler de ilgi odağındadır. Engelli kişilerin haklarına ilişkin gelişmiş ülkelerin yasal düzenlemelerinin yanı sıra uluslararası sözleşmelere de tutarlı bir şekilde atıfta bulunmaktadır. Engelli çocuklara yönelik tarihsel yaklaşımları araştırarak ve konunun hukuki boyutunu inceleyerek, daha adil ve eşit bir toplum sağlamanın mümkün olduğunu göstermek ve bu çocukların böyle bir topluma entegrasyonunu sağlamak makalenin temel amacını oluşturmaktadır. Çünkü her toplumun en değerli kaynağı insandır. Makalenin temel amacına ulaşmak için Yazar tarafından aşağıdaki araştırma yöntemleri uygulanmıştır: tarihsel – engellilere yönelik tutum farklı zamanlarda ve farklı coğrafyalarda farklıydı; karşılaştırmalı – engellilerin

durumu ülkelere ve tarihsel dönemlere göre karşılaştırılır; induksiyon - ayrı olarak alınan belirli bilgilere dayanarak engelli haklarına ilişkin genel bilgi edinmeyi amaçlamaktadır; dedüksiyon - genel sonuçlarda bireysel, spesifik sonuçlar elde etmeyi amaçlamaktadır. Yazar tarafından analiz ve sentez, mantıksallık, sistematiklik, tutarlılık ve bütünlük gibi diğer genel metodolojik ve felsefi ilkeler ve araştırma yöntemleri de uygulanmıştır.

Türkiye Cumhuriyetinin yüzüncü yılı münasebetile, makale; Ahmet Ağaoğlu, Sabiha Zekeriyya Sertel ve diğer büyük fikir adamlarının çocukların sağlıklı yetiştirilmesi ve eğitimin gerekliliği konusundaki görüşlerini incelemektedir. 1926-1935 yılları arasında yayınlanan “Gürbüz Türk Çocuk” dergisinin daha aydın ve ilerici gelecek nesillerin yetişmesi için katkısı çok büyük olmuştur. Derginin eğitim konularının yanı sıra çocuklara insan, vatan ve aile sevgisini şiir ve hikâyelerle aşılama da başlıca amaçlarından biri olmuştur.

Anahtar Kelimeler: *engellilik, mucize hikayeleri, engelli çocuklar, Türkiye Cumhuriyeti, “Gürbüz Türk Çocuk” dergisi.*

INTRODUCTION

*Engelliler bir toplumun aynasıdır.¹
Mustafa Kemal Atatürk*

As Mustafa Kemal Atatürk states, “Being disabled is not an obstacle”. Article 1 of the Universal Declaration of Human Rights, which was accepted in 1948 states that “all human beings are born free and equal in dignity and rights.”² That is the essence of the fundamental freedom of equality of all human beings. Children with physical disabilities may obtain great achievements in the fields of science, technology, and other areas, not demanding physical strength. It is much more important in the era of technology, where knowledge prevails physical attractiveness. Societies and states must ensure all conditions for disabled children to show their skills, and appreciate all citizens, not regarding their physical or mental difficulties.

¹ “Disabled people are a mirror of society.”

² *Universal Declaration of Human Rights. (1948). https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/eng.pdf (last accessed on August 22, 2023).*

I.CONCEPTUAL FRAMEWORK

There are two approaches to the definition of disability by authors; first, the disability is the fact related to limitations of physical and mental character. According to Oxford Law Dictionary, under the Equality Act 2010 (as previously under the Disability Discrimination Act 1995), “a person who has a mental or physical impairment that has a long-term and substantial effect on his abilities to carry out day-to-day activities (although some conditions, including multiple sclerosis and HIV, qualify from the point of diagnosis)”. According to the Act, “it is illegal to discriminate against a person due to his/her disability, for example, to refuse to employ someone qualified for the job just due to his/her decease of cerebral palsy or because he/she is partially sighted”³.

The International Labor Organization explains disability as the common concept of defects, activity limitation, and participation limitation. Defects are problems in the body’s function or structure; the limitation of activity is the difficulties the disabled person faces while doing something or moving; the limitation of participation is the problem the disabled person faces in definite life conditions. Beyond being a problem of health, disability is a complicated phenomenon, covering the mutual relations of the person’s body characteristics with reactions of the community, the disabled lives in⁴.

Children Act 1989 of Britain states, that “a child is disabled if he is dumb, deaf or blind, or suffers from mental disorder of any kind or is permanently and substantially handicapped by injury, illness or congenital deformity or such other disability as may be prescribed; and in this part ‘development’ means emotional, intellectual, social, physical or behavioral development; and ‘health’ means physical or mental health”⁵.

The second approach to the definition of disability believes not in the disability as a fact, but that it is created by the negligent attitude of the society.

According to the Turkish Law on Disabled People and on Making Amendments in Some Laws and Decree Laws, “a disabled is a person who

³ *Oxford Law Dictionary*, <https://www.oxfordreference.com/display/10.1093/acref/9780198802525.001.0001/acref-9780198802525-e-1148?rskey=rLes0I&result=1271> , (last accessed on August 22, 2023).

⁴ *International Labor Organization: “ Disability”*, https://www.who.int/health-topics/disability#tab=tab_1, (last accessed on August 22, 2023).

⁵ *Britain Children Act, (1989):* <https://www.legislation.gov.uk/ukpga/1989/41/contents>, (last accessed on August 25, 2023).

has difficulties in adapting to social life due to the loss of sensory, mental, physical, psychological and social capabilities at various levels by birth or by any reason thereafter and who therefore need care, protection, support, consultancy, and rehabilitation services”⁶.

Achievements of modern medicine have made it possible for children to survive and live long in conditions of continuous health problems and needs. In previous centuries very few children with developing disabilities were able to survive. At that time disabled children were more sensitive to infectious diseases than healthy children and were dying earlier. For example, children with Dawn syndrome were passing away as the result of complications of heart disease or pneumonia, children with movement limitations – as the result of heavily contagious diseases, related to the destruction of soft tissues because of permanent pressure, and children with nutrition problems were dying due to deficiency of nutrition⁷.

The common approach, put forward by some authors attracts attention to the similar features more than differences among the children with different health limitations. Besides covering the common features among the different kinds of disabilities, it highlights the characteristics of diseases, for example, if congenital or obtained, stabile or non-stabile, progressive or non-progressive, with visible or non-visible symptoms, of motoric or sensitive character, etc⁸.

In the first years of these approaches, children with disabilities were called the term “chronic disease”. But this term was not right, because some children did not always act or feel like diseased. In addition, some people comprehended the word of “chronic” as something lethal and hopeless for improvement. Some tried to solve this problem by using the term of “disabled children”. But this term was also accepted especially by the parents of such children with discontent⁹.

⁶ *Turkish Law on disabled people and on making amendments in some laws and decree-laws was published on Resmi Gazete on 01.07.2005, https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/11/Türkiye_Turkish-Disability-Act-TDA-No.-5378-of-2005.pdf, (last accessed on August 22, 2023).*

⁷ MITCHELL, Brian: *European historical statistics 1750-1975*. London: Macmillan Press, 1981, p.46.

⁸ STEIN, Ruth: *Children with special health needs: improved concepts, improved assessments. Optimization of care for children with special health needs. Knowledge and strategies for system orientation*. San Diego: University and Paul S. Kartin, M.D.Rady Children’s Hospital, 2007, p.147.

⁹ STEIN, p.214.

In 1981, in the frame of the conference of the U.S. Maternal and Child Health Bureau while researching the dissatisfying nature of the current terminology, the phrase of “children with special needs” was introduced¹⁰. This term had to cover the most different diseases, disabilities, and cases of children with the most various features. Shortly after the term “the children with special needs” was replaced by the term “the children with particular healthcare needs”. One of its main purposes was not to confuse the children with special needs with the children, who needed additional services due to social reasons¹¹.

In the early days of introducing and using the terms “children with particular needs” or “children with particular health-care needs”, these terms included only children with chronic cases and defects. The children at risk of such cases and defects – unlike our days – were not included in the appropriate discussions. Including such children in this conception happened only in the mid-1990s. After it was decided in the discussions that the children at risk also had special needs related to their health conditions, the term “children with particular healthcare needs” became more confusing¹².

Thus, children with particular healthcare needs have the following disorders:

- Biological, psychological, and cognitive;
- Lasting or likely to last at least a year;
- Resulting in one or several of the following results:
- Functional limitations;
- Dependence on subsidiary mechanisms or assistance;
- Need more care or assistance than is necessary for his/her age¹³.

Functional limitations are the difficulties, which healthy children do not face while making definite movements. Dependence on subsidiary mechanisms or assistance means medicines or dialysis for the child’s movements¹⁴.

¹⁰ NELSON, Richard: *Children with special needs: Recommendations and rationale* / R.E.K. Stein, - In L-Klerman (ed.), - *Research priorities in Maternal and Child Health*, - Washington D.C.: The Office for Maternal and Child Health. Health Service Administration, Public Health Service, U.S. Department of Health and Human Services, 1982, p. 37.

¹¹ NELSON, p.38-40.

¹² NELSON, p.42-43.

¹³ STEIN, p.41-42.

¹⁴ STEIN. p.38

II. HISTORICAL OVERVIEW OF CHILD DISABILITY

A. Antiquity

It is very hard to research the history of disability because, in the available sources, the types of disability are not differentiated from each other. In addition, the societies, living in the previous centuries did not consider it necessary to make a distinction between madness, learning disability, cognitive disorders, and even those of different opinions for achieving the right treatment¹⁵.

There is some evidence, proving the interest to treat the reasons for disabilities, as well as to create some social conditions for persons with visual and mental disorders in ancient Egypt¹⁶. But in antiquity, life was not easy for disabled persons. At that time, any child, not conforming to the status of citizenship and warrior in Sparta was drowned in the water, or deserted in the wild forests of the Tayget mountainous areas. In Athens, disabled children were murdered or abandoned to death on the roadside in clay pots¹⁷.

Some developments happened in the lives of the disabled after the fall of the Roman Empire and the emergence of the Christian faith. Asylums for people, experiencing cognitive disorders, or mental or physical disabilities; the known myth, was in fact, real: Saint Nicolas from the city of Mira (we know him as Santa Claus) was organizing asylums for the disabled and dowry for poor girls¹⁸. But the church was not unanimous on this issue; Saint Augustin from Hippo was resolutely denying the possibility of belief of the deaf, as they were unable to hear God's words. Besides, he believed that "madness and epilepsy may only be treated by the holy miracles"¹⁹.

In the first years of Christianity, infanticide, child abandonment, and child sacrifice were documented in secular, as well as canon laws. In 374, the law by Emperor Valentinian the First was punishing the infanticide with death penalty, also stating that "those, who found and reared the abandoned child may keep him in any social status"²⁰. According to the

¹⁵ WINZER, Margaret: *Disability and society before the eighteenth century*. London: Routledge, 1997, p.42.

¹⁶ WINZER. p.48

¹⁷ WINZER. p.62.

¹⁸ WINZER. p.84.

¹⁹ WINZER. p.122.

²⁰ WINZER. p.133.

rules of medieval kingdoms, infanticide was condemned and was punished by legal punishment in the form of a penalty (however the amount of this penalty was less than for homicide of adults), though in most cases these rules were not enforced²¹.

After Christianity was adopted, it was possible to see definite moments regarding the disabled in the works of some authors. One of them was Saint Gregory, the Bishop of Tours (538/9-594), who wrote a work about deceases of disabled children (*Octo Libri Miraculorum*). In the notes of Gregory of Tours, a little boy with closed eyes, ears, and mouth, unable to move his hands and legs, is described; “the only sign of life in him was his breathing. This one-year-old child was so curved, that it was impossible to separate his legs from his mouth. While his parents were praying at the church, the baby was put into the holy relics”. It is explicitly noted that “his parents could not believe in his recovery, but were resolute to keep him by their side.” In another example “two baby boys were so stuck together, that they formed a circle.”²²

Gregory of Tours describes blindness as a very hard situation for children²³. It was not easy for the blind to communicate and marry someone. There was such a story, that the father and the son were both blind. A clergyman by the name of Andreas considered it to be an act of the Devil, calling them spiritually and physically blind, indicating by doing so, their disability and disbelief in God²⁴. Just because they were considered also spiritually blind, they were isolated from society.

As the subtle differences among the types of disabling disease were revealed within the last decades, it is very hard to understand the ancient notes on the issue. Confusion of terms and ignoring differences in ancient sources is the main problem for researchers of disabled persons in Antiquity. That’s the reason why the diagnostics and classification issues occur while studying the notes on dark forces and demons. One of the stories says, that a demon possessed a boy’s body, and as a result, he hanged himself²⁵.

²¹ WINZER. p.135.

²² LAES, *Christian: The dark side of childhood in Late Antiquity and the Middle Ages*. Oxford: Oxbow Books, 2011, p.12-15.

²³ LAES. p.10-12.

²⁴ HÄNNINEN, *Marja-Leena: From womb to family. Rituals and social conventions connected to Roman birth. Rome: Hope for continuity: Childhood, education, and death in Antiquity and the Middle Ages*. Rome: Ville Vuolanto, 2005, p.60.

²⁵ HÄNNINEN, p.68)

This case, which would probably be classified as suicidal depression, was being assessed by antique people as a negative impact of demons and devils. Even a sudden panic attack or fear was accepted as demon possession in children. Hand and leg convulsions were also associated with such possessions²⁶.

In another example, brought by Gregory of Tours “a 10-year-old boy Petru Gedde was exposed to sufferings by demons during six years. He was lying on his back and looking at the sky with blind eyes. His belly was so swollen that it reached his chest and even his chin”. For today, the explanation of this case would probably be associated with the bacterial infection – tetanus, which may be seen in non-hygienic conditions. This infection is very dangerous, but not fatal. Lack of medical knowledge was resulting in relating such situations with demon possessions²⁷.

Gregory of Tours stated in some cases, that disabled children are the results of the parents’ sins. In the story, where the birth of a baby boy whose hands are pressed to his body and do not open was described, talks about the parents’, and even the child’s sins²⁸ an adult blind man confessed that “he is blind because he is not worth seeing the light”²⁹.

B.Middle Ages

Thus, the study of the notes on the laws of “barbarian” kingdoms after the collapse of the Roman Empire shows that despite the applicable religious conception, people were still differentiating between biological and social birth and were permitting infanticide before giving a name to a child (giving a name was meant to give the legal personality to the child). Naturally, it was silenced about such complicated decisions on getting rid of the child and it was not reflected in the sources.

On the other side, the miraculous stories by Gregory of Tours show that even the most severe disabilities sometimes might be cured. He witnessed parents striving to care about their children with the hope of such a cure. Sometimes even babies, with no ability to work and contribute economically in the future, survived.

²⁶ BARR, Martin: *Mental defectives: Their treatment, history, and training*. Philadelphia: Blakiston, 1913, p.89.

²⁷ LAES, p.22.

²⁸ LAES. p.15.

²⁹ LAES. p.18.

Pedicide (Pädizid) is getting rid of a child of older age by murdering him/her, which is a rare case, according to different cultures. But economic needs forced the parents to give their children to the group of poor wanderers, and it was reflected in some stories³⁰.

Metzler has made a significant differentiation between disability (biological meaning) and incapacity (social meaning)³¹. Surely, people were able to see that the disabled did not own the same physical opportunities as healthy men, however, it didn't mean the impossibility of attraction and integration of a disabled person into daily labor prose. In this sense, disabled people were not incapable, at the same time in Antiquity. Lack of a social protection system forced such people to integrate the society in any possible way, even as beggars, to provide living conditions for themselves. Unlike today's approach, in Antiquity, children were supposed to be the parents' investment for the future and he was required to start working as soon as possible³². Disabled children were no exception: they also had to contribute to the family budget.

Poor Relief Act, which was accepted in 1601 for disabled people, unable to contribute to the economy, determined state guarantees for physically or mentally disabled people, for the first time. However, at that time, disability was equated with devilry, the emergence of an anomalous child was supposed to be the evidence of the parent's evil deeds, and the child had the status of the product of the devil, or the child, changed by the devil³³.

It must be noted, that possession by devils is a case, known to many religions. There are some examples of possessed children in the Bible, too³⁴. After Jesus, many theologians, saints, and divine mediators with the ability to exorcism were continuing this tradition. There was a belief that the saint power of their relics might help to drive the devils out of the body. The belief in the exorcist skills of saints' relics and the tradition of bringing the

³⁰ WILLIAM, Harris: "The theoretical possibility of extensive infanticide in the Graeco-Roman world", *Classical Quarterly*, 32, 1982, p.114.

³¹ METZLER, Irina: *Disability in Medieval Europe. thinking about physical impairment during the High Middle Ages, c. 1100-1400*. London, New York: Routledge, 2010, p.96.

³² VIVIANA, Rotman Zelizer: *Pricing the priceless child. The changing social value of children*. New Jersey: Princeton University Press, 1994, p.196.

³³ BARNES, Coombs / MERCER, Graeme: *Exploring disability: A sociological introduction*. Cambridge: Polity Press, 1999, p.76.

³⁴ KENLEY, Jansen: *The making of the Magdalen, preaching and popular devotion in the later Middle Ages*. New Jersey: Princeton University Press, 2000, p.34.

people “possessed by devils” to sacred places existed from late Antiquity throughout the Middle Ages³⁵.

In the Middle Ages conception, especially newborn babies were supposed to be in a trans situation: they were between the two worlds. They have just arrived in this world and often tend to return to the place they have come from. Newborns were struggling between good and evil powers³⁶.

Generally, in the Middle Ages, “miracles” were an important element and the main indicator of the connection between the earth and heaven. “The miracles of exorcism” were not an exception. Both girls and boys could become victims of evil powers, however in most cases, victims were girls. Parents in the Middle Ages could tolerate their sons’ inappropriate deeds more than their daughters’. Proper behavior was important and differed, depending on gender. Not rebelling was an important part of the image of an ideal woman³⁷.

The first provisions for disabled people probably came with the Renaissance; in this historical period, serious research on the sciences of anatomy, surgery, and medicine was conducted.

In Italy, thanks to anatomists such as Bartolomeo Eustachio, significant progress in understanding the anatomy of the ear led to a greater understanding of hearing impairment, and the contrivance of the press printing logically brought to the primary small steps towards correcting visual impairment. Alongside this progress, there were “doctors”, like German healer Paullini, who considered it important to strike blows on the head to cure epilepsy, paralysis, deafness, toothache, and melancholy cases³⁸.

In the Middle Ages, disabled persons, isolated from society were kept in the first asylums for the insane and provided with food. In St. Mary Hospital, known as “Bedlam Hospital”, which was founded in 1247 in Bethlehem, England, the treatment was conducted according to the principle that “exuberant mad people are healed more by punishments and strict behavior than by medicine or pills”³⁹. As the disabled were isolated from

³⁵ KATAJALA-PELTOMAA, Sari: *Socialization gone astray? Children and demonic possession in later Middle Ages. The dark side of childhood in Late Antiquity and the Middle Ages.* Oxford: Oxbow Books, 2011, p.15.

³⁶ HANNAWALT, Barbara: “Medievalists and the study of childhood”, *Speculum* 77, 2002, p.457.

³⁷ LAES, p.88.

³⁸ WINZER, p.356.

³⁹ WINZER. p.358.

the community, the patients of Bedlam and other related hospices were accepted as objects of mockery.

As it seems, the attitude towards disabled children in different historical periods was almost the same with small differences. Surely, the socio-political formation, as well as the mental and moral views and values of the people, living in the appropriate territory had an impact on this attitude.

C.New Era

The Law for the Prevention of Offspring with Hereditary Diseases (Gesetz zur Verhütung erbkranken Nachwuchses), accepted by the Nazi Party laid the foundation for the prosecution and murder of physically and mentally disabled persons. The program signed by Hitler in 1939, which regarded disabled people as “persons eating the bread of the rest of the population”, provided for their involuntary euthanasia “to put an end to the long and incurable diseases of the disabled” with great compassion. Later, the murder of the disabled was continued in gas rooms, by lethal drugs, or by keeping them hungry⁴⁰. In addition, on the advertisement poster of the Journal “Neues Volk” (New People) of the Nazi Party, the image of the disabled person is given with the following text: “This hereditary diseased costs the People 60,000 Reichsmarks during its lifetime. This is your money, too, citizens!” (60 000 RM kostet dieser Erbkranke die Volksgemeinschaft auf Lebenszeit. Volksgenosse, das ist auch dein Geld!)⁴¹.

Since 1975, the attitude towards the disabled diverged from the isolating and limiting approach and became more informed due to the disability’s social model, which was forwarded by the movement of disabled persons’ rights. Today’s approach is not about placing children with physical and mental disabilities in hospitals, making them “socially dead” and hiding them. However, prejudice and negative approaches towards the disabled still exist and it is very hard to change them. Despite equal conditions, created in all fields of social life for the disabled in Europe, some problems remain unsolved even today:

- Primary schools (18%), and secondary schools (8%) are not fully provided for the movement of wheelchairs;
- More than 50 percent of disabled persons face difficulties in public transport;

⁴⁰ *Terror Topographie Museum, Berlin.*

⁴¹ *Terror Topographie Museum, Berlin.*

- The possibility of being fired is higher for disabled persons;
- Every third disabled person is not allowed in public catering facilities, theaters, and entertainment centers⁴².

As Giddens states, “In a society, where youth, vitality, and physical attractiveness are highly appreciated, non-participants stay in the shadow”⁴³.

III. THE REPUBLIC OF TÜRKİYE

In the first year of the Republic, in the Declaration of the Rights of the Child signed by Mustafa Kemal Atatürk in 1924, rights regarding children with disabilities were recognized. The first training center for the disabled started operating in Izmir in 1924 in the Atlı Köşk, donated by Mustafa Kemal Atatürk⁴⁴.

Children’s education rights were enacted on March 3, 1924, with the Law of Unification of Education⁴⁵. The first forbidding of child labor was included in the Public Health Law, which was accepted on 24 April 1930. Child-raising in good health and preventive measures against illnesses were also determined in the mentioned Law⁴⁶.

From the first years of the Republic, explanations of the child’s rights and the necessity of protecting these rights were frequently presented in the popular magazine of that time, Gürbüz Turkish Child. In order for nations to exist, live and progress and find a place among other civilized states, it has become imperative to value their children and provide them with the necessary opportunities⁴⁷. According to Sabiha Zekeriyya Sertel, “Society has various responsibilities towards each individual. His greatest liability is to the child, much more than to the adults. This is both a legal and a social responsibility. Every child born in human society has the most fundamental right to grow up in a home, to have opportunities for education, to be able to enjoy recess, play, education, physical, moral and spiritual development.

⁴² GIBSON, Chris: *When your child has special needs: A guide for parents who care for a child with a disability, special need, or rare disorder*. London: Contact a Family, 2001, p.144.

⁴³ GIDDENS, Anthony: *Member of the House of Lords of the United Kingdom. Sociology (2nd edition)*. Oxford: Polity Press, 1995, p.65.

⁴⁴ Türk Eğitim-sen, <http://www.istanbultes.org/engelleri-hep-birlikte-asalim-88h.htm>, (last accessed on August 23, 2023).

⁴⁵ RG: 06.03.1922, nr:6

⁴⁶ *Umumî Hıfzıssıhha Kanunu 1930*, <https://www.mevzuat.gov.tr/mevzuatmetin/1.3.1593.pdf>, (last accessed on August 20, 2023).

⁴⁷ ÇAKIR, Gökhan. “Atatürk Dönemi’nde Türkiye’de aile hukuku ve çocuk hakları”, *Celal Bayar University Journal of Social Sciences*, 18 (1), 2020, p. 349-368, p. 362.

In a civilized society, a child cannot remain on the street without help and protection. The child cannot be a means to ensure the material benefit of others. A child cannot be sold, a child cannot remain ignorant. A child cannot be beaten. The child cannot be persecuted or tortured. Like every social individual, the child has the right to be born, grow up, live and rise like a human being in this human society”⁴⁸.

The Republic of Türkiye has comprehended the significance of the rights of children since its foundation and has attempted to improve these rights and to provide the guarantee of the state. The Republic of Türkiye has realized that children need protection and special attention. The new state, Türkiye, tried to create and give every right necessary for a child to live humanely⁴⁹.

The Basic Objectives and Principles Determined for Education and Teaching by Atatürk and the Ministry of Education: Shortly after the end of the National Struggle, on March 8, 1923, Deputy Minister of Education İsmail Safa Özler published a circular, explaining the aims and basic principles of education, and adopted this circular. He sent it to all schools and demanded that it be followed. This document, which was prepared with the knowledge and possibly instructions of Mustafa Kemal Atatürk, is also called “Misak-ı Maarif”⁵⁰. Atatürk wants secondary education programs to be practical, and useful in life, which is what today’s education experts think⁵¹.

A future fiction about children is necessarily a future fiction for society as a whole. The founders of the Republic knew very well that in order to ensure the continuity of the Republican administration, political action should be taken on children⁵².

The Society of Himaye-i Etfal, the core of the Child Protection Agency, was first formed in 1908 in Kırklareli⁵³. This Society aimed to

⁴⁸ SERTEL, Zekeriya Sabiha: “İctimâî Bahisler: İctimâî Sa’y: Çocuk Salahlı IV” (Child Welfare). *Hayat Mecmuası*, C: I, S. 19, 1927, p.19.

⁴⁹ ÇAKIR, s.361.

⁵⁰ Atatürk Ansiklopedisi, <https://ataturkansiklopedisi.gov.tr/bilgi/ataturk-doneminde-cocuk-egitimi/>, (last accessed on August 22, 2023).

⁵¹ GÖKSEL, Berkant: “Atatürk’ün eğitim hakkında görüşleri ve Misak-ı Maarif”, *Atatürk Araştırma Merkezi Dergisi* 1, 1985, p. 921-958, p.932.

⁵² ÇILGIN, Alev Sınar: “Genç Cumhuriyetin Ütopyası: “Gürbüz Türk Çocuğu”, *U.Ü. Fen-Edebiyat Fakültesi Sosyal Bilimler Dergisi*, 6 (1), 2004, p. 97-119, p.98.

⁵³ ÇILGIN, p.98.

reach especially mothers and children with a systematic publishing activity and to present itself to the people with these publications and between 1926 and 1935 published a magazine called “Gürbüz Türk Çocuk” (A Strong Turkish Child).

Necessary messages are given to young individuals in order to become good citizens, adapt to social life, achieve peace in their private life, and have a good life, through genres such as fairy tales, stories, poems, and theater written for children, such as national consciousness, patriotism, human love, compassion, cooperation, the importance of family, friendship, and labor. The sentence on the cover of the magazine “Helps the health and education development of childhood” summarizes the entire content of the magazine.

The journal had a large staff of writers; one of them, Agaoglu Ahmet, a well-known Azerbaijani writer, lawyer, and journalist, had an important impact on Turkish literature and the Turkish intellectual life of that period.

In the article titled “Children’s Day”, Ağaoğlu Ahmet states, “Happy are those nations that have accepted the art of child-raising with a healthy body, indestructible spirit, and powerful heart”⁵⁴. After explaining that the Turks always loved and cared about the children, he stated that the Himaye-i Etfal Society not only embraced the orphans and the relics of the martyrs but also taught the Turkish people about child care and education.

Ahmet Ağaoğlu, who has an important place in the Turkism movement, has seen that the program of Turkism and the celebration of April 23 as a children’s day overlap with each other⁵⁵. He believes that the foundations of national solidarity and national unity should be laid in childhood, and in this respect, he finds the children’s holiday extremely meaningful.

One of the fields, where children with disabilities are isolated from, is education. Inclusive education is the main requirement for forming an inclusive society. As Atatürk states, “There is no modern education without special education”⁵⁶. The steps towards the educational system, which will include everybody imply directing as many disabled children as possible

⁵⁴ ÇILGIN, p.106.

⁵⁵ ÇILGIN, p.106.

⁵⁶ Atatürk Ansiklopedisi, <https://ataturkansiklopedisi.gov.tr/bilgi/ataturk-doneminde-cocuk-egitimi/>, (last accessed on August 22, 2023).

to schools with the support of the states⁵⁷. However, education is not only about sending the children to schools, it is the process of granting the disabled children opportunities to enjoy their rights and freedoms, and of forming in them self-confidence and self-respect. For this purpose, it is important for teachers and others, working in schools to have deep knowledge about disability. This issue was comprehensively investigated by English researchers, such as David, Moir, and Herbert, and the necessity of well-educated and well-paid staff was emphasized by them⁵⁸.

According to the Green Act on “Every child matters”, which was accepted in 2003, the Special Educational Needs (SEN) Strategy of the state administration pursues the creating equal opportunities for all children to use their all potential through high-quality care. The policy tends to individualize the education process for disabled children by achieving a more innovative and more responsive educational system to the different needs of the children. It includes all sides of the school period and consists of the following:

- Informing parents and educational workers perfectly;
- Collecting best practices through Children’s Trusts Connexions⁵⁹, as well as local authoritative bodies;
- Assisting families to meet extra costs;
- Making the training accessible for child-care workers⁶⁰.

Related persons must approach the practice, skills, and power of the parents with respect and listen to them in order to get successful results⁶¹.

There are many programs for children with particular healthcare needs in the world practice. The main applicable policies include educational services, direct services, social welfare and allowances, and insurance systems. Specific characteristics of the children and the families must be taken into consideration while rendering services. Special services and programs for children with disabilities are included in applicable educational programs so that all children would be able to take advantage of them.

⁵⁷ GIBSON, p.147.

⁵⁸ WARNER, Helen: *Meeting the needs of children with disabilities: families and professionals facing the challenge together*. New York: Routledge, 2006, p. 98-100.

⁵⁹ Connexions is the recommendation and instruction service for persons 13-19 years old in England.

⁶⁰ DARBYSHIRE Philip: *Living with a sick child in a hospital. The experiences of parents and nurses*. London: Chapman and Hall, 1994, p.79-80

⁶¹ DARBYSHIRE, p.79-80.

The purpose of the Individuals with Disabilities Education Act (IDEA)⁶², accepted in the USA, is to provide all children with disabilities with special education⁶³.

Section 504 of the Rehabilitation Act, accepted in the USA prohibits discrimination against children with disabilities in the state educational system. The Act requires to provision of applicable accommodation and educational services for disabled children on an equal basis with children without disabilities⁶⁴.

The No Child Left Behind Act of 2001, accepted in the USA is the main federal law, regarding the education of children from kindergarten to high school. One of its principles is the responsibility of schools, teachers, and related persons for the results⁶⁵.

The Americans with Disabilities Act of 1990 defines the civil rights of disabled children, as well as of adults. The requirement is to provide equal opportunities for children in schools and for adults in the workplace⁶⁶.

Such programs also include “Family program of adopters”, and “Initiatives of parent support groups and private sectors”. In addition, parents and custodians must first enlighten themselves on these policies and programs, otherwise, they and their children will not be able to take full advantage of the support and assistance, supposed to be rendered to them⁶⁷.

⁶² *Individuals with Disabilities Education Act of 1990 was first accepted in 1975 under the title of “Education Act for All Disabled Children”.*

⁶³ *Individuals with Disabilities Education Act (1990), American Psychological Association, <https://www.apa.org/advocacy/education/idea#:~:text=The%20Individuals%20with%20Disabilities%20Education,education%2C%20employment%20and%20independent%20living>, (last accessed on August 24, 2023).*

⁶⁴ *The Rehabilitation Act (1973), [https://askearn.org/page/the-rehabilitation-act-of-1973-rehab-act#:~:text=The%20Rehabilitation%20Act%20of%201973%2C%20as%20Amended%20\(Rehab%20Act\),employment%20practices%20of%20federal%20contractors](https://askearn.org/page/the-rehabilitation-act-of-1973-rehab-act#:~:text=The%20Rehabilitation%20Act%20of%201973%2C%20as%20Amended%20(Rehab%20Act),employment%20practices%20of%20federal%20contractors), (last accessed on August 25, 2023).*

⁶⁵ *No Child Left Behind Act (2001), Washington Office of Superintendent of Public Instruction: <https://www.k12.wa.us/policy-funding/grants-grant-management/every-student-succeeds-act-essa-implementation/elementary-and-secondary-education-act-esea/no-child-left-behind-act-2001#:~:text=The%20No%20Child%20Left%20Behind,are%20administered%20by%20the%20states.&text=The%20major%20focus%20of%20No,obtain%20a%20high%2Dquality%20education>, (last accessed on August 21, 2023).*

⁶⁶ *The Americans with Disabilities Act (1990), <https://www.ada.gov/law-and-regs/ada/>, (last accessed on August 25, 2023).*

⁶⁷ *KUHLTHAU, Karen: Optimizing care for young children with special health care needs: Knowledge and strategies for navigating the system. San Diego, California: Paul H. Brookes Publishing Co.Inc, 2011, p.124-126.*

According to Article 15 (Education and Teaching), disabled persons cannot be deprived of the right to get an education on any ground. Children, young people, and adults with disabilities have equal education chances in integrated schools and with able-bodied individuals, taking their particular states and differences into consideration⁶⁸.

Article 7 of the Convention on the Rights of Persons with Disabilities, which was adopted in 2007, is dedicated to children with disabilities, and implies obligations upon the states “to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.” While taking action, states must primarily take the child’s best interests into account. Alongside others, disabled children have the freedom to express their minds freely⁶⁹.

Türkiye signed the Convention on the Rights of Persons with Disabilities in 2009, and the Optional Protocol in 2015 and has achieved important improvements in the rights of disabled people in recent years.

“Türkiye has taken measures to better the ease of access of voting stations for voting, disabled voters have a precedence during the polls, and the experience of the itinerant ballot for incapacitated voters was presented. Disabled people were represented in the Accessible Transportation Services Board, while the 2023 Education Vision provided for inclusive education and for the establishment of interagency implementation and monitoring mechanisms to provide effective coordination of particular education in the entire country.

Türkiye imparted significant value to the recruitment of disabled people; the major strategy was an accessible, open, and inclusive labor market”⁷⁰.

CONCLUSION

1. Disability may not be considered only as a health-related problem, but a complicated phenomenon that reflects the reciprocity of a disabled

⁶⁸ *Turkish Law on disabled people.*

⁶⁹ *Convention on the Rights of Persons with Disabilities, (2006).* <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>, (last accessed on August 20, 2023).

⁷⁰ *Meeting Summary of the Committee on the Rights of Persons with Disabilities (2019),* <https://www.ohchr.org/en/news/2019/03/committee-rights-persons-disabilities-considers-report-turkey>, (last accessed on August 23, 2023).

person with the reactions of the society in which he/she lives to his/her bodily deficiencies.

2. During a long historical period, from Antiquity to the middle of the 20th century, the reason for the physical and mental limitations of disabled children was considered to be the influence of non-human evil forces.

3. The development of medical science not only increased the survival chances of disabled children but also led to radical changes in society's position towards disabled children.

4. As one of the first democratic states of the Muslim Orient, the Republic of Türkiye had an important role in the improvement of personal and social civil rights of disabled children in the entire geographical region.

5. It is one of the responsibilities of the state to create all kinds of opportunities for the implementation of sustainable social programs for the adaptation of disabled children to the life of society, their involvement in inclusive education, self-expression, and self-affirmation.

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