

**Reference:** [REDACTED]**Date:** Wednesday, June 3, 2026**Type:** Bill, legislation, policy or practice**Original:** English**Consent:** Not required

Related mandates

- poverty
- disability

Submitted by

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/ Turkey

Describe the activities of the group/community, civil society or other entity:

Engelli Emeklilik Dayanisma Dernegi (EMED) is an independent non-governmental organization in Türkiye, led by persons with disabilities to defend their social security and acquired retirement rights.

Our core activities include:

- Rights Advocacy & Litigation: Monitoring retrogressive legislation (specifically Law No. 7538), providing legal guidance on arbitrary pension terminations, and escalating systemic violations to the Constitutional Court of Türkiye and international mechanisms.
- Monitoring & Documentation: Gathering field evidence and case data on the socio-economic impacts of restrictive medical board decisions on disabled workers.
- Public Awareness: Organizing digital campaigns via Instagram and YouTube to mobilize the community and demand compliance with the UN CRPD.
- Peer Support: Providing guidance on administrative appeal procedures for disabled individuals whose vested rights have been stripped.

Contact persons of the group/community, civil society or other entity:

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Case details

Country where the incident allegedly occurred/is occurring/might occur: Turkey

Date(s) as may be relevant:

January 15, 2025: Enactment of the drastic regulatory amendment by the Social Security Institution (SGK) altering the medical board criteria and re-assessment lists for disability retirement.

March 2025: Civil society organizations, legal networks, and affected individuals began initiating domestic legal actions against this retroactive regulation.

First Quarter of 2025 – Present: Escalation of the constitutional challenges to the Constitutional Court of Türkiye (Anayasa Mahkemesi), resulting in a judicial delay/inaction exceeding 15 months with no injunction or ruling delivered.

Please provide a detailed description of the context; summarize the concerned bill, legislation or policy, including their stage of development, or describe the concerned practice:

This submission concerns Law No. 7538, enacted and enforced within a single day on January 15, 2025. This legislation abruptly replaced the official medical assessment lists—originally grounded in the framework of the UN Convention on the Rights of Persons with Disabilities (CRPD)—used to calculate disability percentages for retirement eligibility for individuals who entered employment in 2008 or earlier. Under the newly

introduced lists, the medical criteria have been severely restricted and aggravated to artificially lower disability percentages. Consequently, applicants who would easily qualify for disability retirement prior to January 15, 2025, are now issued deflated percentages, leading to the systematic rejection of their retirement applications. In addition, this policy is applied retroactively to those already retired. The Social Security Institution (SGK) utilizes the new lists during "control examinations" to downgrade the legally recognized percentages of existing disabled pensioners, abruptly cutting off their active pensions. This practice has replaced a stable social protection framework with a system of institutionalized rights deprivation.

Please describe on whom or which group the bill, legislation, policy or practice has/would have an impact, what rights would allegedly be affected and how:

The affected group consists of thousands of vulnerable disabled citizens in Türkiye with insurance entries and SGK premium histories dating to 2008 or earlier.

Affected Rights and How:

- **Retroactive Termination of Livelihoods:** Disabled citizens who were already legally retired are losing their livelihoods. Through arbitrary re-examinations based on the new rules, their disability ratios are downgraded, and their essential disability pensions are abruptly suspended or terminated.
- **Economic and Psychological Devastation:** Stripped of their pension benefits and unable to rejoin the workforce due to their severe disabilities, thousands of citizens are being cast into extreme poverty and psychological distress without any legal or social protection due to the ongoing judicial delay.
- **Right to Social Security & Vested Rights (CRPD Article 28):** The modification of assessment lists prevents eligible disabled workers from retiring and retroactively cancels active pensions, cutting off their sole financial lifeline.
- **Principle of Non-Retrogression & Legitimacy (CRPD Article 4):** The State Party implemented a regressive measure that effectively slashes disability metrics overnight without public consultation.
- **Right to Human Dignity & Survival:** Arbitrarily denying or terminating pensions based on manipulated checklists forces individuals with severe physical/medical conditions into impossible labor, directly violating human dignity.
- **Right to Effective Remedy:** Due to more than 15 months of judicial delay by the Constitutional Court, victims are completely barred from timely domestic relief.

Additional information

As the Disability Pension Solidarity Association (EMED), we would like to highlight the following critical additions to underscore the severe breach of the principle of legal certainty and legitimate expectation:

1. **Breach of Legislative Promises and Lack of Transparency:** This sudden regulatory shift abruptly dismantled a disability pension system that had been consistently and predictably implemented for 45 years. Crucially, during the open parliamentary debates regarding the broader legislative framework, state officials explicitly and publicly stated that the new measures would not cause any retroactive loss of rights for pre-existing insurance entrants. However, the enacted law and subsequent institutional regulations were completely contradictory to these official promises, introducing catastrophic retroactive restrictions instead.
2. **Violation of Legitimate Expectations & Verified Case Evidence:** EMED has compiled a comprehensive registry of structural fallout documenting severe institutional contradictions. We have gathered numerous cases of disabled individuals who hold official, state-issued certificates clearly stating, "You will be eligible to retire on [X] date," or who were formally assured by institutional authorities that their existing pensions were secure and would never be cut. Following the regulatory change, the state arbitrarily declared these official documents and promises "invalid." We have fully collected the revised medical board rejections and formal financial termination notices served to these individuals and are ready to submit them as evidence.
3. **Active Exclusion and Disregard of Civil Society:** While EMED was formed as a direct response to this systemic crisis, representative organizations and disability networks that existed during the legislative drafting phase were systematically marginalized. Even when these organizations actively submitted formal opinions and explicitly warned the authorities about the catastrophic retroactive right losses, their expert input was entirely ignored, violating the procedural obligations under Article 4(3) of the CRPD.

We remain fully prepared to submit these verified case files, comparative medical assessment charts, and official contradictory documents upon the mandate holders' request.