

PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS
GENEVA

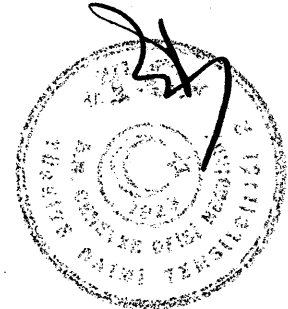
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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the letter by Ms. Leilani Farha, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, dated 11 May 2016, has the honour to enclose herewith an information note compiled by relevant Turkish authorities, in reply to the information request stated in the aforementioned letter.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 June 2016

Encl: As stated



OHCHR REGISTRY

04 JUL 2016

Recipients :.....*SPB*.....
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Office of the High Commissioner for Human Rights
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**CONTRIBUTION OF THE REPUBLIC OF TURKEY FOR THE REPORT OF THE
SPECIAL RAPPORTEUR ON ADEQUATE HOUSING – UN GENERAL ASSEMBLY
71st SESSION**

In Turkey, a number of institutions, especially municipalities, the *Ministry of Environment and Urbanisation* and the *Housing Development Administration* conduct studies for urban transformation, providing the renewal of old, broken-down, frayed housings and social spaces, ensuring their transformation into secure and healthy living places. Besides, the Housing Development Administration's projects designed for low income groups who do not possess housing and the works of the municipalities aiming to create low cost housing for its residents, are increasingly proceeding in recent years. The most important development that has accelerated those studies is the *Law on the Conversion of Areas at Risk of Disaster*, also known as Law on Urban Transformation that has entered into force on 31 May 2012. After the adoption of this law, projects regarding urban transformation have accelerated and demand for housing has increased.

The right of adequate housing is included in article 56 of the Constitution of the Republic of Turkey as "Everybody has the right to live in a healthy and balanced environment". Article 57 of the Turkish Constitution titled Right to Housing states also that "the state takes necessary measures to meet the need for housing within the framework of a plan that takes into account the characteristics of the cities and environmental conditions and also supports community housing projects." Accordingly, the Housing Development Administration, taking into consideration the inadequate level of housing, is developing plans for social areas and housings for low, medium and high income groups. Besides metropolitan municipalities, other municipalities are also building projects for citizens under unfavorable conditions.

The Mass Housing Law adopted in this context, is a framework law defining the fundamental principles, which give direction to the solution of the housing problem in Turkey, particularly on the subjects of organization and funding. The Mass Housing Law (Law no: 2985) set Housing Development Administration (TOKİ) as a public entity. Thus established, TOKİ has been effective in developing housing technology and housing finance in Turkey between 1984 and 2002, undertaking the building of a total of 43.145 houses and provided credit support for 940.000 houses.

Very important steps have been taken since 2002 in Turkey, to produce solutions at national scale to problems regarding housing and urbanization and to ensure adequate and quality housing at urban spaces. "Emergency Action Plan for Housing and Urbanization" was adopted in 1 January 2003 and TOKİ was assigned the responsibility to implement the concerned plan.

As of June 2016, the number of housing units started to be built by TOKİ is 720.738. The building activity continues in 81 provinces on a total of 3.256 construction sites.

TOKİ, in its housing and urban regeneration projects, offers houses to beneficiaries along with all their social facilities, having included the costs of such facilities in the project cost. Implementation of individual superstructures are realized throughout the country apart from social facilities within the projects, such as school, university, gym, dormitory, hospital, village clinic, library, trade center, mosque etc.

Disadvantaged groups are TOKİ's priority in social housing. Low and medium income households constitute the main target group, and separate quotas are allocated for martyrs' families, the people with disabilities and the pensioners.

MEASURES TAKEN BY THE MINISTRY OF FAMILY AND SOCIAL POLICIES (MoFSP)

Social Housing Activities implemented by the General Directorate of Social Assistance

The criteria which are used for the term of “people living in poverty” are determined by the law no.3294 called as Law on Social Assistance and Solidarity Fund. It is the law defining all the principles for the eligibility criteria for social assistance programs in Turkey. The General Directorate of Social Assistance (GDSA) is the only institution responsible of implementing social assistance programs according to Law no.3294.

Types of housing programs are indicated below:

- Subsidies to households to refurbish affordable housing/ Subsidies to households under home-ownership schemes
- Social Housing Projects
- Construction of Dormitory

Subsidies to Households to Refurbish Affordable Housing/ Subsidies to Households Under Home-Ownership Schemes are implemented in order to improve living conditions of the poor households. Households with people with disabilities, widows, single parents, the elderly, as well as crowded houses are prioritized in these subsidies; Social Housing Projects are aiming to build repaid social housing for poor families.

Within the framework of Construction of Dormitory, dorms have been built in accordance with demands of Social Assistance and Solidarity Foundations since 1986.

The right to adequate housing for women

The availability of victims’ support services and institutional mechanisms is of utmost importance in combating violence against women. The MoFSP has maintained its efforts to improve quality and quantity of the services offered in the context of the right to housing, in the face of violence.

The aim of the Law Nr.6284 on Protection of Family and Prevention of Violence against Women is set in the 1st Article as “govern the principles and procedures as to the measures to be adopted to protect women, children, family members and victims of stalking who suffer from violence or are under risk of violence and prevent violence against them” in compliance with the Istanbul Convention and it is stated that the term ‘victims of violence’ covers “the person who is either directly or indirectly subjected or under risk of exposure to the attitudes and behaviors defined as violence hereunder and the people affected from or under risk of violence”.

Accordingly, women who are victims or under the risk of physical, sexual, psychological or economic violence and in need of accommodation have access to services at women’s shelters, one of the service units of the Ministry, without any discrimination whatsoever and relying solely upon statements of women. Women’s shelters and first step stations run their services in scope of the Regulation on Opening and Operation of Women’s Shelters.

Standards concerning the physical conditions of women's shelters:

- Attention shall be paid to ensure that the shelter premises are located in places enabling effective outer security, easily accessible to official institutions, near the law enforcement offices and furnished in such a way as not to stand out in its neighborhood.
- Well-protected detached buildings with yards or walled gardens shall be preferred for safety of women and children.
- Minimum one individual interview room shall be furnished for social workers to attend to women and children in their company once they are accepted in the shelter. Attention shall be paid to ensure that the interview room is sunlit and spacious.
- A room shall be given to each woman where she can stay with her children, if any. A room could be shared by max. two women. Attention shall be paid to provide single-person rooms for women with babies and not to use bunk-beds in these rooms.
- In case the buildings do not have bathrooms and toilets inside the rooms, shared bathrooms and toilets are organized in sufficient number to ensure that each of them are shared by three women at most. Attention shall be paid to ensure that shelters opened subsequent to taking effect of this Regulation have separate toilets and bathrooms.
- Lounges, living rooms, dining rooms and activity rooms for ladies shall be available in numbers and size corresponding to shelter capacity.
- Crèches, education and rehabilitation, game and activity rooms alongside study rooms shall be made available for children.
- Additionally, the interiors shall be complemented with kitchens, storerooms, warehouses, laundry rooms, drying rooms, pressing rooms and other places which could be needed.
- Air conditioning of the buildings shall be designed in view of their physical circumstances and the climate of their location.
- Shelters shall be furnished to create an easy and free atmosphere with the warmth of a home, paying regard to the specific needs of women and children for their comfort.
- The premises shall be accessible to persons with disabilities.

The shelters affiliated with the MoFSP offer security, consultancy and medical care services, temporary financial benefits, crèches, vocational training courses, group work in support of women; scholarships, social, artistic and sports activities etc. for their children and professional services to examine their conditions, conflicts with their families and partners and remedy their problems, as well as psychological support for them to make sound decisions regarding their new options of living. Shelters work in cooperation with the bar associations to provide them legal support alongside psycho-social support services.

As of June 2016, a total of 137 women's shelters with a capacity of 3.433 persons are available in service of women victims of violence in need of accommodation. Among those, 101 shelters with 2.647 beds are owned by the Ministry, 32 women's shelters with 741 are affiliated with the local administration (municipalities) and 4 shelters with 45 beds are owned by the NGOs.

The right of adequate housing for persons with disabilities (PwDs)

The measures for promoting and ensuring full and equal enjoyment of all human rights and fundamental freedoms by PwDs in Turkey have been set at the level of national policy. Pursuance of the issue of disability in all fields of policy under a human rights based approach and ensuring participation of PwDs to decision-making processes constitute the basis of disability policy in Turkey.

Understanding of disability policy in Turkey was shaped by Turkish Disability Act, effective as of 2005, that can be defined as a framework law on disability. This law established that developing policies to prevent any possible governmental abuse of disability or PwDs in the provision of disability services in the light of immunity of human dignity and honour; ensuring that anti-discrimination forms the basis of disability focused policies.

Turkish Disability Act was restructured on 6 February 2014, by the 6518 numbered Law, in line with the obligations stipulated by the CRPD. Besides various terms, "disability based discrimination, types of discrimination, reasonable accommodation and accessibility" were defined in accordance with the CRPD (Art.3). Within the amendments made in 2014 in the Turkish Disability Act No. 5378 a separate article was regulated to prohibit all forms of discrimination based on disability (Art.4/A). Moreover, it is regulated that to provide defacto equality, necessary measures shall be taken to provide reasonable accommodation. Besides, it is stated that the measures to be taken to ensure the equality exist in practice shall not be considered as violation of the principle of equality.

To promote adequate housing for persons with disabilities; building projects of Housing Development Administration (TOKI) are planned in line with related accessibility legislation, especially with Turkish Standards Institution Standard TS9111 – Minimum Requirements in Buildings to Ensure Accessibility for Persons with Mobility Restrictions and/or Disabilities. Special projects are also planned on demand of PwDs. In accordance with Social Dwellings Construction Protocol and the Supplementary Protocol signed between TOKI and MoFSP General Directorate of Social Benefits in 2009 and 2011, it was planned to provide economically deprived persons without any social security with dwellings by means of repayment method. In mass housing projects, 10% quota is allocated for persons with at least 50% disabilities. In addition, various facilitating measures were taken in Property Ownership Law No. 634 for the project revision of the dwellings where PwDs reside (Art. 19).

Furthermore, Real Estate Tax Law authorized the Council of Ministers for reducing or cancelling out the taxes of real estate that belong to PwDs provided that they possess only one dwelling smaller than 200 square meter. In 2007 and the following years, PwDs have been exempt from real estate tax in accordance with the relevant decree of the Council of Ministers.