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**CONTRIBUTION OF HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKIYE (HREIT)**

**TO THE REPORT “A PLACE TO LIVE IN DIGNITY FOR ALL: MAKING HOUSING AFFORDABLE” TO BE PREPARED BY THE SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING TO THE
78th SESSION OF THE UN GENERAL ASSEMBLY**

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**Contribution of Human Rights and Equality Institution of Türkiye (HREIT) to the Report “A place to live in dignity for all: Making housing affordable” to be Prepared by the Special Rapporteur on the Right to Adequate Housing to the
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Everyone has the right to housing. Adequate housing, as a component of an adequate standard of living, is fundamental to the enjoyment of all economic, social and cultural rights. It should not be understood as being limited only to basic shelter. Instead, States should advance appropriate national frameworks to realize this right, including addressing immediate threats to housing, developing policies and practices to respond to the long-term housing needs of changing populations, and regulating housing provision by the private sector.[[1]](#footnote-1)

In its General Comment No.4, the UN Committee on Economic, Social and Cultural Rights (CESCR) provided detailed guidance to States regarding their obligations to respect, protect and fulfil the right to adequate housing. The Committee also noted that a number of conditions must be met before particular forms of shelter can be considered to constitute “adequate housing.” These elements are just as fundamental as the basic supply and availability of housing. For housing to be adequate, it must, at a minimum, meet the criteria of; security of tenure, availability of services, materials, facilities and infrastructure, affordability, habitability, accessibility, location and cultural adequacy.[[2]](#footnote-2)

Non-discrimination and equality are fundamental human rights principles and critical components of the right to adequate housing. The International Covenant on Economic, Social and Cultural Rights, in its Article 2 (2), identifies the following non-exhaustive grounds of discrimination: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. According to the Committee on Economic, Social and Cultural Rights, “other status” may include disability or health status..

Constitution of the Republic of Türkiye explicitly set forth the right to housing in Article 57 under the chapter “Social and Economic Rights and Duties: *“The State shall take measures to meet the need for housing within the framework of a plan that takes into account the characteristics of cities and environmental conditions, and also support community housing projects.”[[3]](#footnote-3)* Another provision related with the right to housing is Art. 10 of the Constitution which regulates principle of equality and prohibition of discrimination: *“Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such consideration.”*

Pursuant to Law No. 6701 on the Human Rights and Equality Institution of Türkiye (HREIT)[[4]](#footnote-4), the Institution was mandated with protecting and promoting human rights as a National Human Rights Institution (NHRI), acting as an Equality Body to fight against discrimination, and a National Preventive Mechanism (NPM)[[5]](#footnote-5). The Institution is established by the law in accordance with international legislation in the field of human rights to which Türkiye is a party, it has administrative and financial autonomy, special budget, public legal entity status. The Institution was granted “B” status accreditation by the Global Alliance of National Human Rights Institutions (GANHRI) Sub-committee on Accreditation on October 10, 2022.

Regarding the protection and promotion of human rights, HREIT has the authority to; ex officio inquire into, examine, take a final decision on and monitor the results of violations of human rights, increase public awareness through information and education by using mass media, contribute to the preparation of the relevant sections in the national education curriculum, work jointly with universities, contribute to the establishment and implementation of the principles of human rights and equality education programs of public institutions and organizations, monitor and evaluate the legislative work related to its field of duty and informs the relevant authorities of its opinions and suggestions, publish special reports on the task field when necessary, monitor and evaluate international developments in the field, cooperates with international organizations, prepare annual reports to be submitted to the Presidency and the Presidency of the Turkish Grand National Assembly.

In Article 3 of the Law, Principle of Equality and Non-Discrimination regulated as “(1*) All are equal in the exercise of legally recognized rights and freedoms*. (2) *It is prohibited under this Law to discriminate against persons based on the grounds of sex, race, colour, language, religion, belief, sect, philosophical or political opinion, ethnical origin, wealth, birth, marital status, health status, disability and age*.” In this regard, HREIT has the authority to inquire into, examine and take a final decision on and monitor the violations of non-discrimination principle – ex officio or upon an application. In case of violation of the prohibition of discrimination, it has the authority to impose administrative sanctions on institutions, organizations and/or private law legal entities and real persons who discriminate.

In the Law, types of discrimination are listed as follows: Segregation, Instruction to discriminate and implementing such instructions, Multiple discrimination, Direct discrimination, Indirect discrimination, Mobbing, Failure to make reasonable accommodations, Harassment, Discrimination based on an assumed ground.

Within the scope of one of the duties of the institution regulated in Article 9/g of the Law as “*Inquiring into, examining, taking a final decision on and monitoring the violations of non-discrimination principle – ex officio or upon an application*” HREIT has examples of decisions on violation of discrimination on the basis of marital status and sex, in connection with landlords or realtors not wanting to rent a house because of the tenants being unmarried, men or women. HREIT decision dated 24.01.2023 is about the allegation that the single applicant and his friend’s subjection to discriminatory treatment on the basis of marital status and sex, due to the fact that the conditions sought in the advertisement of the real estate they want to rent were of being family or female. An investigation was initiated after the application and it was concluded that the prohibition of discrimination on the basis of marital status and sex was violated.

Natural disasters such as earthquakes pose a threat to the right to housing all over the world and cause temporary or permanent forced displacement of people. It is known that the devastating consequences of natural disasters disproportionately affect vulnerable groups such as women, children, persons with disabilities, older persons and the poor, and bring the risk of deepening inequalities. Türkiye experienced two earthquakes with magnitudes of 7.7 and 7.6 on February 6, 2023, 9 hours apart, with epicenters in Pazarcık and Elbistan districts of Kahramanmaraş province, respectively. The earthquakes have caused heavy destruction in our provinces of Adana, Adıyaman, Diyarbakır, Gaziantep, Hatay, Kahramanmaraş, Kilis, Malatya, Osmaniye and Şanlıurfa. They also caused minor damage in some neighboring cities. As of March 20, 2023 50,056 lives were lost in these earthquakes.[[6]](#footnote-6) According to the results of the damage assessments carried out by the Ministry of Labour and Social Security, the total number of residences falling into the categories of emergency demolition, demolished or heavily damaged was determined as 518,009. The number of houses with moderate damage was estimated as 131,577 and the number of houses with light damage was estimated as 1,279,727. In the light of these data, 2,273,551 people directly faced the problem of housing and shelter after the earthquake.[[7]](#footnote-7) With the emergence of the housing problem after the earthquakes in Türkiye and the earthquake victims starting to migrate to other cities, the prices of the houses started to increase rapidly and some homeowners started to refuse renting their houses to earthquake victims. HREIT has the authority to conduct ex-officio investigations regarding the refusal of renting a house to earthquake victims and has a duty as providing information to the public opinion, publishing special reports on matters falling under its mandate in addition to regular annual reports when deemed necessary.

In the context of this, on February 17, 2023 HREIT published a press release titled “*Increasing Housing Prices After Earthquake Disaster”[[8]](#footnote-8)* to address these issues and on March 31, 2023 the Institution published the *“Evaluation Report on Post-Earthquake Rent Increases Within the Context of Right to Shelter”[[9]](#footnote-9)* on the official website. The following points are underlined in the conclusion and recommendations section of the report regarding the right to housing:[[10]](#footnote-10)

* Everyone should strive to protect and fulfill the exercise of the rights of earthquake victims, without any discrimination, by respecting the right to adequate and favorable conditions of housing.
* Although natural disasters affect all segments of society, the current situation of disadvantaged people will worsen due to social prejudices and limited access to employment, and their impoverishment will come to the fore. The necessity of continuing the measures taken in order to reduce and eliminate the effect of the increased housing prices on disadvantaged groups after the earthquakes have emerged. Therefore, it is important to take necessary legal actions against individuals and institutions that increase housing prices at an exorbitant level.
* Houses built or to be built or housing construction activities in the area of influence of fault lines constitute a violation of the principle of "location", which is an element of the "right to adequate housing". Therefore, the new settlements to be created after the disaster should not be built in the area of influence of fault lines.
* Continuing to live in houses in the area of influence of fault lines that are lightly or heavily damaged in the earthquake is against the principle of "habitability", which is an element of the "right to adequate housing". It is necessary to develop permanent solutions for the housing and sheltering of earthquake victims.
* As a requirement of the principle of "affordability", which is an element of the "right to adequate housing", moderate pricing policies should be followed for the houses to be built after the earthquake.
* As a requirement of the principle of "accessibility", which is an element of the "right to adequate housing", housing and shelter should be provided for disadvantaged people such as children, the sick, older persons and persons with disabilities in the disaster area.

1. <https://www.escr-net.org/rights/housing> (Access Date:18.04.2023) [↑](#footnote-ref-1)
2. <https://www.refworld.org/pdfid/47a7079a1.pdf> (Access Date: 18.04.2023) [↑](#footnote-ref-2)
3. Constitution of the Republic of Türkiye, Article 57, <https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf> (Access Date: 18.04.2023) [↑](#footnote-ref-3)
4. It will be referred as to “Law” later in this document. [↑](#footnote-ref-4)
5. <https://www.tihek.gov.tr/public/editor/uploads/1660833133.pdf> (Access Date: 19.04.2023) [↑](#footnote-ref-5)
6. <https://www.trthaber.com/haber/gundem/depremde-can-kaybi-50-bin-96-oldu-754477.html#:~:text=Sezer%2C%20can%20kayb%C4%B1n%C4%B1n%2050%20bin,arama%20kurtarma%20faaliyetlerinde%20%C3%A7al%C4%B1%C5%9Ft%C4%B1%C4%9F%C4%B1n%C4%B1%20aktard%C4%B1>. (Access Date:19.04.2023) [↑](#footnote-ref-6)
7. <https://www.sbb.gov.tr/wp-content/uploads/2023/03/2023-Kahramanmaras-ve-Hatay-Depremleri-Raporu.pdf> (Access Date:19.04.2023) [↑](#footnote-ref-7)
8. <https://www.tihek.gov.tr/deprem-felaketi-sonrasi-artan-konut-fiyatlarina-iliskin-basin-aciklamasi/>

(Access Date:19.04.2023) [↑](#footnote-ref-8)
9. <https://www.tihek.gov.tr/barinma-hakki-baglaminda-deprem-sonrasi-kira-artislarinin-degerlendirilmesi-raporu/> (Access Date:20.04.2023) [↑](#footnote-ref-9)
10. <https://www.tihek.gov.tr/kategori/pages/pdf/k49u7p.pdf> (Access Date:20.04.2023) [↑](#footnote-ref-10)