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**SPECIAL PROCEDURES OF THE**  
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**Mandate of the 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**

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Excellency,

I have the honour to address you in my capacity as 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 pursuant to Human Rights Council resolution 15/8.

In this connection, I would like to bring to the attention of your Excellency's Government attention the following information I have received:

In 23 October 2011, an earthquake of a destructive magnitude of 7.1 Mw struck parts of eastern Turkey, near the city of Van. According to information made public by the Disasters and Emergency Situations Directorate of Turkey (AFAD) on 30 October, over 600 people passed away as a consequence of this natural disaster, and over 4,000 were injured. Approximately 11,200 buildings sustained damage in the region and as many as 6,017 were found to be uninhabitable. Reportedly, the uninhabitable homes left 8,321 households homeless in the province. Considering that the average size of a household in this part of the country is around 7.6, this would mean that at least around 60,000 people were left homeless.

According to information received, after the earthquake, reportedly 34 container cities were set up in Van, where some of the affected population was relocated on a temporary basis. These container cities were gradually dismantled as the victims were moved to over 15,300 houses built by the state-owned Housing Development Administration of Turkey (TOKI). Only previous property owners were allocated newly built housing units as a result of this programme. However, around 500 families who were tenants prior to the earthquake were not granted a house due to their tenure status, and they were not offered alternatives to their temporary accommodation. These 500 families have continued to live in the temporary accommodations at container cities.

A few months ago, according to the information received, the government decided to evacuate around 110 families still residing in the container cities at Anadolu, Tahirpasa, Kaya Çelebi, Ercis Alkanat and in the lodging units of Ercis Municipality, without providing adequate housing alternatives for these families. Reportedly, force and coercion has been used, and water and electricity supplies to the containers were cut off to pressure families to leave the area. In response, in September 2013, around 110 families started taking turns in a hunger strike to protest against the Government's eviction plans and to express their concerns that a permanent and suitable housing alternative was not provided. Some of the families still living in these container cities do not have any household member who can work due to illness or disabilities.

While pressure from the public, civil society organizations and human rights advocates has brought back electricity and water until March, some residents have noted that there are no guarantees and a high degree of uncertainty. The Governor of Van has reportedly offered rent support to the families if they move out. However, it has been brought to my attention that the continuity of this support has not been clarified or guaranteed. Furthermore, the residents fear that affordable rentals in the city are not safe, since a good proportion of the housing stock was greatly damaged during the earthquake and not adequately repaired so far. Families have noted that they would move to permanent housing similar to the TOKI housing units provided to households with freehold property documents prior to the earthquake.

According to the information I have received, approximately half of the persons residing in these container cities are children, some of whom are orphans as a result of the earthquake. There are also some women head of households without income or any support, and some persons with disabilities. Allegedly, the current inhabitants of the container cities, who continue to endure very difficult living conditions, are the most vulnerable and least protected of all the people affected by the earthquake.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of its obligations under various international human rights instruments, in particular the International Covenant on Economic, Social and Cultural Rights to which Turkey is a party, and more specifically article 11.1 stating that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". This article must be read in conjunction with Article 2.2 of the Covenant which provides for the exercise of any right under the Covenant without discrimination of any kind. The Committee on Economic, Social and Cultural Rights in its General Comment No. 4 has stressed that the right to adequate housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services,

materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that “the right to housing should be ensured to all persons irrespective of income or access to economic resources”.

According to the General Comment No. 7 of the International Covenant on Economic, Social and Cultural Rights, on forced evictions:

“15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions should not take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

“16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

Furthermore, I wish to call your attention to the specific recommendations outlined in my report to the UN General Assembly in 2011 (A/66/27) related to post-disaster response and reconstruction, in particular recommendation four, which emphasizes that “special measures should be taken to redress discrimination and ensure the realization of the right to adequate housing for the most disadvantaged groups, including through measures to strengthen tenure security for those with insecure status and/or through the prioritization of housing reconstruction and the provision of alternate housing, such as social or public housing, for the most vulnerable”.

As it is my responsibility, according to the mandate entrusted to me by the Human Rights Council, I wish to clarify allegations brought to my attention. I would therefore greatly appreciate detailed information from your Government concerning the above situation and the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the situation accurate?

2. What permanent housing alternatives were considered and analyzed in relation to the situation of individuals and households still living in container cities which were meant to serve as temporary post-disaster accommodation?

3. What have been your Government's considerations in relation to the obligation to provide protection for the individuals affected by natural disasters, as well as alternative accommodation and adequate compensation, regardless of prior tenure arrangements with priority given to the most vulnerable and marginalized?

4. What measures were foreseen and/or already put in place in terms of permanent relocation? If locations have been designated for relocation, please provide details on the exact location, including details on the area and quality of land and housing, access to public services, including water and sanitation, and livelihood sources.

I undertake to ensure that your Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

While waiting for your response, within 60 days, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured.

Please accept, Excellency, the assurances of my highest consideration.

Raquel Rolnik

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