



Stakeholder submission to the Universal Periodic Review of the Republic of Turkey- 2014

Transmitted by Habitat International Coalition, NGO in Consultative Status with United Nations ECOSOC (Special Status, 1993), in cooperation with HIC's Member organization Urban Movements Istanbul/HIC (UM).

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The UM/HIC and HIC-HLRN Universal Periodic Review Stakeholder Submission: Turkey-2014

Habitat International Coalition (HIC) is a membership NGO in consultative status (special) with ECOSOC since 1993. HIC's Member organization **Urban Movements Istanbul/HIC (UM)** is an umbrella association established by grassroots, neighbourhood associations, housing rights defenders and members from relevant professional chambers, legal practitioners, academia and press in Turkey.

This submission, reviews the past four years of the Republic of Turkey's obligations to respect protect and fulfil the human rights to adequate housing, food and water in the context of the human right to an adequate standard of living. These rights are enshrined in Article 11 of ICESCR, which Turkey ratified on 23 September 2003.

The active privatization of public assets and public functions, urban planning projects by the government and private sector have hindered the realization of habitat rights and become the subject of recent social movement protests. This writing coincides with the Gezi Park uprising's anniversary. Although the trend of state behaviour in the field of these interdependent rights and collective property issues are contested massively and in the open, no policy correction is in sight.

UM and HIC's Housing and Land Rights Network hereby report violations by government commission and omission, including through:

- Regressive laws impeding the realization of housing rights and
- Outright violations of the human right to adequate housing, including by forced evictions.

This assessment comes in the framework of the UPR Working Group in May 2010 (A/HRC/15/13), who's conclusions and recommendations then omitted to address several key economic, social and cultural rights issues, particularly related to housing, land and property rights. This review period also coincides with Concluding Observations of CESCR (July 2011)¹ and important rulings of the European Court of Human Rights, which ruled in *Cyprus v. Turkey* on the question of the application of Article 41 (just satisfaction) against Turkey for violations arising from its 1974 invasion and the island's subsequent division and consequent human rights violations,² and *Doğan and others v. Turkey*,³ contesting domestic courts' annulment of the applicants' land rights.

Introduction

1. Since the ruling Justice and Development Party (AKP) came to power in 2002, government has failed to uphold its economic and social rights obligations and take necessary steps to ensure nondiscrimination in the continuous improvement of living conditions for the state's population. The programs of privatization and structural adjustment to relinquish the financial responsibility and public benefits of state economic enterprises have particularly harmed the poor, while especially targeting minorities and

marginalized segments such as Kurds, trans-sexuals and Roma people for removal in favour of private real-estate investment schemes in greater Istanbul and other cities.

I. Housing Rights Violations

Historic Neighbourhoods

2. Through top-down planning without consulting affected communities or consideration of the social dimensions and cultural practices, historical neighbourhoods whose residents own legal title, as in Sulukule or Tarlabası, have become subject to urban regeneration. Planners and developers impose unaffordable luxurious projects on these populations, compelling them to leave. If they do not sign a contract and become partners to the project, their properties are expropriated under law. Because inhabitants cannot pay the inflated prices of their properties and those in the development project, they cannot contract to sell to third parties and leave in order not to face expropriations. They are impoverished, further deprived and, eventually, displaced.

Informal Neighbourhoods (Gecekondu Areas)

3. In informal neighbourhoods, most inhabitants do not have official titles, although they may have been residing there for at least 20 years and with all amenities and infrastructure provided by local authorities. Nevertheless, when regeneration projects are announced for these areas, the communities' rights are violated through eviction:

- Those recognized as beneficiaries may be relocated to culturally unsuitable Mass Housing Administration (TOKI) high-rises, kilometres from the centre and their source of livelihood and, whereas they cannot afford credit payments to banks, they face foreclosure;
- Renter households are entitled to no resettlement rights, and face homelessness;
- Shopkeepers and small businesses also enjoy no rights, and lose their businesses and jobs.

4. Consequently, the relocation, hailed by the central and local governments as moving *gecekondu* inhabitants from “unhealthy, ”unsafe” and “filthy” places to “modern” high-rises poses no solution, but only causes a problem by creating homelessness in the long run. This form of “development” turns into a latent forced-eviction mechanism, since the relocated populations, unable to pay their instalments either face foreclosures or sell their shares with debt to 3rd parties. Retaining few or no assets, they move out, more impoverished than before, also losing all their social networks and solidarity ties, vital mechanisms of survival for the urban poor.

5. The Republic of Turkey violates all 7 elements of the human right to adequate housing as pronounced in General Comment 4, while engendering forced evictions thus violating GC 7 as well.

6. In Istanbul Sulukule, the well-known Roma neighbourhood since Byzantine times, was demolished and evicted via Law 5366.⁴ An expensive housing project for upper-

income groups now rises on the site. The court subsequently annulled the Sulukule project on grounds that lacked the acclaimed public purpose. However, the villas had been finished by then and the victims were denied their right to return. Former residents lost their property unjustly⁵ and were shunted to the fringes of the city.⁶

7. The European Court of Human Rights (ECHR) accepted the case on an emergency basis, even though domestic remedies were not exhausted.

8. After Sulukule, Tarlabası, another historical low-income neighbourhood inhabited mostly by vulnerable groups such as Roma, IDP Kurdish population, migrants, LGBTI and refugees followed. In order to implement a luxurious housing project in the area, rather than respect, protect and fulfil the human rights of the vulnerable community, the local government violated the right to property and to adequate housing, choosing instead to enter a partnership with Çalık Holding-GAP Company, closely related to the prime minister.

9. Ayvansaray on the Golden Horn is another historical area demolished and depopulated in the name of public purpose in 2012.⁷ These include such centres as Süleymaniye (totally evicted), Fener-Balat (a project annulled by the Administrative Court), Samatya and Yedikule (projects announced, zoning plans on the way).⁸ The fate and location of the IDP populations are currently unknown.

10. With new areas announced every day all over the country, it will not be an exaggeration to state that 70% of the population is expected to migrate to the periphery, while the centre of cities are redesigned for high-income groups, wealthy, transitory tourists and CEOs. Apartheid cities are Turkey's future, if housing rights violations continue in such a pattern and at such a pace.

II. The urban renewal projects and the human right to housing

11. Although the Turkish Constitution recognizes (Articles 56, 57) that Turkish citizens have the right to decent housing, and the state bears a responsibility to help meet those needs and rights, and to promote mass housing projects.⁹ Several laws concerning renewal and rehabilitation that were amended in the period 2003–06 have had retrogressive effects on the human right to housing and its constituent security of tenure. The Mass Housing Law No. 2985 on public housing establishes the process of transformation of slums areas and determines the outline tasks of the Housing Development Administration (TOKİ). The municipal Law No.5393 and its Articles 37 and 38 that give the responsibility for process regarding to urbanization and development projects to municipalities and TOKİ to carry out urban renewal projects in historic areas.¹⁰

12. A new law passed in July 2005 (Law No.5366) codifies and systematizes forced eviction without consultations with the affected communities.¹¹ In 2009, TOKİ built almost 282 thousand residential houses across the country, but only 20 thousand (about 7%) targeted the poor and low-income groups. While only 850 of 64 thousand of all ongoing housing projects in Istanbul build for the poor and low-income groups.¹²

13. 10 million out of 55 million urban residents in Turkey live in informal settlements, while the official data indicate that around 52% of the 3.1 million houses in Istanbul are illegal, having no construction permits. Additionally, no accurate or reliable housing census exists for informal settlements.¹³

14. Following the consequences of the devastating earthquake in 1999 and the financial crisis in 2001, the newly governing Justice and Development Party (AKP) pursued a massive privatization of public lands and eradicated the market of low-income housing, which the Party considered as obstacle to the commodification of land and housing.

15. The Housing Development Administration (TOKİ)—which has been operating directly under the Prime Ministry since 2003—is responsible for privatizing public space for the purposes of gentrifying neighbourhoods. TOKİ, implementing the urban transformation capriciously and without environmental protection or consultations with the communities, undertakes illegal expropriation procedures that contradict the Constitution's protection of property rights. The New Expropriation Law No.2942¹⁴ does not provide for free, prior and informed consent of the property owner. Additionally, the act gives the local authority not only the power to expropriate one's property, but also to sell it to third parties. Therefore, applying the expropriation law on the pretext of public interest remains problematic and, *prima facie*, lacks credibility.¹⁵

16. In 2007, the Mass Housing Administration TOKİ, in cooperation with Istanbul Metropolitan Municipality (IMM), announced a plan to demolish and rebuild one million Istanbul buildings in phases, as well as another 200,000 s to be repaired and reinforced. The structures located in the high-risk earthquake zones were to be prioritized.¹⁶

17. UN Habitat's Advisory Group on Forced Evictions (AGFE) reported from a 2009 mission to Istanbul that urban renewal projects directly affected 80,000 people there. Already 12,730 people had lost their homes. AGFE found that the majority of people participating in the urban-renewal projects were being forced into agreement with the public authorities.¹⁷

18. AGFE reported that many neighbourhoods throughout Istanbul are currently under the threat of evictions, can be reach to more than 120 site are going through dramatic transformations, which means that the demolition of houses and the eviction is a part of a raft of urban renewal plans in the big cities. These will relegate some hardest-pressed communities further into poverty, while the huge profits will drive the developers.

19. In 2012, the mayor of Istanbul Metropolitan Municipality, declared that 50 neighbourhoods in Istanbul alone are subject to urban renewal plans, with T.L.7.5 billion (€2.69bn), allocated for public development.¹⁸ This means that the residents of these areas will be at risk for forced eviction and home demolitions, to their demise.

20. In Ankara, around 74,000 acres of land are subject to planned, ongoing or recently completed urban-renewal programs that will lead to the destruction of Roma areas, as well as, their displacement with other marginalized communities to the outskirts.¹⁹

21. In 2012, the government passed Law No. 6306 on the *Transformation of Areas under Disaster Risk*, addressing improvement, settlement and renovation of areas at risk of disaster and other risk-prone buildings, even outside of designated risk areas. However, this legal development supports an ideological strategy for a deliberate, but un-deliberated urban transformation of Turkey.²⁰

22. The UN Commission on Human Rights affirmed, “that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing” and “urges governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction.”²¹ Articles 5(1) and 5(2) of Law No. 6306 provides for that alternative housing or workplaces “*may*” be allocated or rent allowances “may be” paid to the owners, tenants or inhabitants who are evicted or removed under such (coercive) agreement. (If no agreement, no rights.) However, “*may*” is an ambiguous word and imposes no obligation on the evictor. The criteria and conditions determining which cases are entitled to compensation or relocation support, and the exact terms of such support are not specified in the law. This is despite international standards guaranteeing the “right to a remedy and reparation “for victims of gross violations of human rights.”²²

23. Mass forced evictions, gross violations of the right to property and the right to adequate housing (CESCR General Comments 4 and 7), spike the number of persons rendered homeless, dispossessed and living in extreme poverty, as well as the vulnerable communities expected to face the same outcomes.

24. The law offers no refuge for those who seek their human right to adequate housing, including the process rights of participation, information, fair trial, consent, reparations, and freedom of association as citizens with an equal right to be heard. Hence, the ECHR had to admit claims extraterritorially, as meaningful consultations, negotiations or affected communities collective bargaining are domestically foreclosed.

25. According to Article 8(3) of Law No. 6306, any contestation against implementing the law or resistance against demolitions it will be treated under the Penal Code, consequently criminalizing all those who resist demolition of their homes and defend the affected human rights. Also when the government declares an area as a disaster-transformation area, it forces inhabitants to demolish their homes by their own means, or otherwise to pay the demolition costs, and vacate their houses within 60 days.

26. On 27 February 2014, the Constitutional Court annulled some articles of the Law No. 6306. This recent decision can be characterized in three categories depending on the effectiveness of the annulment decision. These modifications, among others, prevented implementation of the Law on the other buildings that are not located within the risky area for the purposes of “project-implementation integrity,” future notifications are to be made in accordance with the Notification Law, and established new zoning and housing procedures for municipality or TOKI authorities.²³

27. Local NGOs report that the new law devolves enormous powers to the Ministry of Environment and Urban Planning to destroy any obstacle standing in the way of a construction company with a major development project. It also clarifies that even disaster-proof buildings can be demolished to ensure “project integrity.” The Article 4 of the mentioned law, is codifying for forced eviction, it states that those who refuse to leave their dwellings marked for demolition will be denied basic services. Cutting off utilities can be an effective way to force people out of their homes, while also denying basic rights, while Article 6 prevents any affected person to file a claim against the procedures.²⁴The law is exempt from all other laws that may restrict its scope. It denies adequate and effective consultation mechanisms with the owners and/or tenants of the affected buildings.²⁵

28. Roma community tops the list of Turkey’s communities most-affected by the current “urban transformation” policy. The Budapest-based European Roma Rights Centre reported that Turkey displaced 10,000 Roma over the past seven years.²⁶

29. Also, the disaster law will affect İzmir’s Kadifekale community of Kurds displaced from eastern Anatolia as a result of the conflict between the armed forces and PKK. By declaring the land upon which their homes are built as disaster prone to Landslide, the government included it in the “Konak Renewal project” that it adopted in 2005, displacing the community once again without adequate compensation.²⁷

30. In December 2013, an Amnesty International Urgent Action appeal warned the Turkish government against forced eviction of 30 Roma families by the municipal authorities for road construction. Municipal authorities had evicted the Roma families from their homes in Küçükbakkalköy District already in 2006, as part of an urban-regeneration project.²⁸In 2014, Amnesty International criticized the municipalities that conducted the project for having violated the right to adequate housing by a lack of genuine consultation, transparency and effective remedies for those forcibly evicted.²⁹

31. In May 2012, the UN Special Rapporteur on adequate housing raised concerns over Law No. 6306 for its lack of legal soundness, accountability mechanisms, administrative or judicial recourse for affected communities. She found that applying of the law “may lead to mass forced evictions, infringements on the rights to property and housing, and to an increased number of people made homeless or in worse housing and living conditions than they were prior to the bill’s implementation.” As well as, the law adoption had lacking to the sufficient consultation with the affected communities and civil society organizations.³⁰

32. In June 2012, the Special Rapporteur sent questionnaire to the Turkish government to inquire about housing-financing policies and programs, but the government’s response did not reflect the actual situation and the impact of the urban renewal project on housing rights for low-income and minorities, who do not figure in the housing-finance program. The housing supply does not meet the demand. High prices of urban land plots are not conducive to a stable housing market. Inequitable distribution of fiscal resources and the deficit in strategic planning still form a huge gap between the supply and demands of land for housing, qualifying some and punishing other neighbourhoods.³¹

Housing Cooperatives statutes

33. Turkey has 61,551 housing cooperatives with 2,284,308 individual members formed in 383 unions. The two central unions are Türkkent and Türkkonut. Half of the housing cooperatives are not active, and many of them are dissolved at the end of their construction, as they were formed exclusively for that specific reason.³²

34. Since 1970, with the adoption of the Cooperatives Law, housing cooperatives have expanded and developed as the only producers of large-scale housing projects in Turkey. Since 1984, with adoption of the Mass Housing Law (MHL), the housing cooperatives have developed and achieved significant increase after the government allocated 5% of the public budget for housing development. The total number of units constructed by cooperatives since 1980 reached to 2, 270, 843, growing from 15% of total housing industry to 36% in 1986.³³

35. Following the earthquake in 1999 and what caused of extensive damages and casualties, and the financial crisis in 2001, the share of cooperative housing start decrease, as result of the state reduced its financial support. Additionally, they became unable to find suitable land for their needs as result of the subdivided lands for the commercial and speculative producers. This implies that the price of land is rose and the individual saving capacity declined, and the private sector replaced by the cooperatives and public sector.³⁴

36. Since 2002, with AKP rule, the government's new housing policy has excluded housing cooperatives from state financial assistance and public land allocation for development. The Housing Development Administration totally stopped providing credits to cooperatives in 2005.³⁵ While the several legal advantages have removed, housing cooperatives became ineffective in the policy of housing, lost their privileged status and constitutional rights, and became subject to the market conditions in land acquisition and housing finance, which has severely affected the right to housing.

III. Water Privatization

37. The current state ideology, which the ruling party promotes, considers water resources only as an economic good, not a social good. The public cost of water has increased, while quality has declined. Water sources and services have become profit driven, instead of human centred. Water is now treated as a consumption good, subject to scarcity and profitability, not as a sustainable resource.

38. Annual per capita water consumption in Turkey (1,430 m³) is much less than the world's mean (7,600 m³).³⁶ By 2030, Turkey will have reached the upper threshold of water stress (1,000 m³).³⁷ More than 250 local and foreign companies produce bottled water for personal consumption in Turkey, and local companies dominate the (individual) dispenser-size water-sector market, with 70% of market share.

39. Following the 5th round of the World Water Forum, held at Istanbul in 2009, the Turkish government announced plans to privatize the water sector. Only 15% of total water

consumption in Turkey is urban, while 85% is agricultural and industrial combined. The irrigation sector uses 75% of all water consumption, while gold and silver mining constitutes another dangerous pressure on the human right to water and sustainable water resources. The Bergama community in Turkey has objected to a gold mine in their region owned by a multinational corporation. The community says the mine was installed illegally in a prime agricultural district when agriculture is the mainstay of the local economy. While experts warn that the communities living near silver mines in western Turkey face the risk of a dam failing to retain 15 million cubic meters of cyanide-laced mining waste. This means that pressure on water resources will increase to meet the demands of economic sectors that are not supporting human needs.

40. In 2007, the Minister of Energy and Natural Resources stated that the operational rights for water of the rivers and small lakes will be transferred to the private sector under 49-year contracts. This applies also to the private sector, whether local or foreign companies, in projects to meet water demands in agricultural and industrial enterprises, leading to private companies participating in dam construction and management.³⁸

41. In 2008, a serious corruption has been detected related to the privatization of water and wastewater services in the northwestern city of Edirne. Local police have arrested 19 people, including Edirne's controversial mayor and other representatives from companies involved in the tender. A municipal employee had manipulated the tender conditions for those companies. The group was found planning to use corruption and influence in water privatization in nine other Turkish cities.³⁹ This scandal, among others, has shown how the privatization process in Turkey greatly threatens natural resources of the country and the right of community to access to water.

42. According to the Ministry of Forestry and Water Affairs, 478 hydroelectric power plants(HPPs) in 69 cities and 534 HPPs in 61 cities are being planned. When finished, they will total 1012 HPPs in 71 cities. Due to their location, these projects threaten the livelihoods of communities and damage to the ecosystem by deforestation and desertification. HPP projects in Kurdish, Alevi, Zaza minority regions are usually constructed on sites sacred to the local populations, demolishing these culturally significant spaces and erasing common memory and history. Peri Valley in Dersim (city of Tunceli) stands out among these as the most important holy shrine for the whole Dersim Kurdish community.⁴⁰

IV. Extraterritorial Obligations of Turkey

Ilisu Dam

43. Ilisu Dam represents a significant example of a state failing to meet its human rights obligation, whether inside and outside its territorial jurisdiction. The Turkish government pursue the Ilisu Dam construction, ignoring the fact of previous armed conflict and ongoing human rights violations, effectively preventing free expression and participation in consultation. Consultation were conducted in the presence of security forces, and sponsors of the project threatened to opt out if the affected communities expressed opposition to the project, and did not commit to their obligation to provide alternative

resettlement sites for them.⁴¹ Also, the project will inundation and destruction of the ancient town of Hasankeyf, located along the Tigris River, in Batman Province in southeastern Turkey. The project will severely reduce income for the local population and displace more than 78,000 people, mainly Kurds, from their homes and farms.⁴²

44. Moreover, Turkey consequently has breached its extraterritorial obligations to respect, protect and fulfil the human rights to food and water of thousands of farmers on its border with Iraq. The practices of Turkish water relations with its neighbours should be considered fully inadequate to safeguard the rights of the rural populations that depend on the Tigris River in Iraq.⁴³

45. CESCR has expressed its deep concern about human rights violations connected to the construction of Ilisu Dam project and other upcoming 2,000 dam and hydroelectric power plants within the next twelve years in Turkey, which is estimated to affect more than 2 million people.⁴⁴

Cypriots Properties

46. The practices of Turkish occupation of over 40% of the sovereign Island of Cyprus since 1974 have imposed an illegal *fait accompli*. Turkish occupation practices have confiscated 82% of indigenous Cypriot properties, displacing 200,000 Cypriots and depriving them of return to their homes. The Turkish occupation regime (Turkish Republic of Northern Cyprus—TRNC) currently has settled 160,000 Anatolians in the occupied territory.⁴⁵

47. In 2004, Turkish occupation sold 63,000 cm² for foreigners and investors, while the real estate sales reached \$2 billion. Recently, the Turkish government declared on water supply project for the occupied north Cyprus to develop basic services and agriculture sector.⁴⁶ These illegal practices by the Turkish government confirmed by the European Court for Human Rights held that Turkey was to pay Cyprus €30,000,000 in non-pecuniary damages suffered by the relatives of the missing persons, and €60,000,000 in non-pecuniary damages suffered by the enclaved Greek-Cypriot residents of the Karpas Peninsula.⁴⁷

Recommendations

We recommend that the government of Turkey:

- Reconcile the Turkish legal framework on land, housing and urban renovation/rehabilitation with international human rights standards, in particular with ICESCR and CESCR's General Comments. Article 90 of the Turkish Constitution should be used as a legal tool to uphold related human rights.
- Strengthen measures for guaranteeing all economic, social and cultural rights, including by ratifying the Optional Protocol to ICESCR, and ensuring measures to address the country's economic crisis without impeding the enjoyment of human rights;

- Whether for “urban regeneration,” “renewal,” “transformation,” “disaster transformation,” no matter its appellation, related projects planned and implemented should respect the economic activities, social make-up and cultural practices of the affected communities, giving utmost provision for security of tenure. A wide undertaking such as urban transformation should entail economic and social transformation to benefit the most needy, which principle is lacking in the present legislation.
- Pursue democratic local government and participatory planning norms to assure a healthy and secure habitat instead of proffering plans and pretexts that promote forced evictions and related human rights breaches.
- Participatory methods should begin at project and planning inception. This will be an important safeguard against evictions and help reach innovative and locally grounded solutions for the benefit of the city and of its citizens as a society.
- The state should recognize and respect the tenure rights of semiformal and informal tenure holders (owners, renters, usufruct, pastoralists, traditional, etc.), with legal guarantees of secure tenure and against forced eviction, immediately suspending all projects that operate under eviction decrees;
- Reform social housing policy, laws and programmes to prioritize the poorest segments of society, regardless of background and applying the principle of non-discrimination;
- Uphold the state's obligation to respect, protect and fulfil the right to adequate housing in accordance with Article 11 of ICESCR and provisions of Habitat II, including by revising the state budget to allocate resources to ensure adequate housing for the poor and people with limited income;
- Fulfil the state's commitment to transparency and set clear standards for privatization processes and human rights-grounded land and housing policies;
- Respect, protect and fulfil extraterritorial obligations on the economic, social and cultural rights.

Endnotes:

¹ “Concluding observations of the Committee on Economic, Social and Cultural Rights: Turkey,” forty-sixth session, 12 July 2011, E/C.12/TUR/CO/1, at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/TUR/CO/1&Lang=En.

² *Cyprus v. Turkey* case, (application no. 25781/94), European Court for Human Rights (ECHR) 131 (12 May 2014) at:

<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-144151#%22itemid%22:%22001-144151%22>

³ *Adem Yilmaz Doğan and others v. Turkey* (application no. 25700/05) European Court for Human Rights (ECHR), 18 October 2011, at: <http://echr.ketse.com/doc/25700.05-en-20111018/>. The land was re-registered as Treasury property without any compensation being paid to inhabitants, on the grounds that the land in question had originally been forest land. Prior to October 1994, the 15 applicants lived in Boydaş, a village in the Hozat region of Tunceli, in southeast Turkey, where they or their fathers owned land and, in some cases, a house. In October 1994 the applicants testified that state security forces evicted them forcibly from their village and destroyed their property. The applicants moved with their families to Istanbul—or Muratçik village in Elazığ, in the case of Doğan (no. 8803/02)—where they currently live. In its judgment of 15 June 2010, the Court held that Turkey violated Article 1 of Protocol No. 1 (protection of property). In the 2011 judgment, the Court awarded €160,000 in pecuniary damage, €3,000 in nonpecuniary damage, and €2,000 for costs and expenses.

⁴ *Law on Renovating, Conserving and Actively Using Dilapidated Historical and Cultural Immovable Assets*, Law No: 5366, 16 June 2005, *Official Gazette*, Issue 25866 (5 July 2005), at:

http://www.migm.gov.tr/en/Laws/Law5366_DilapidatedHistoricAssets_2010-12-31_EN_rev01.pdf

- ⁵Constanze Letsch, "Turkish Roma Make way for Property Developers in Historic Istanbul District," *The Guardian* (2011, Nov 2), at: <http://www.theguardian.com/world/2011/nov/09/sulukule-roma-housing-row-istanbul>
- ⁶Alexander Christie-Miller and Jonathan Lewis, "Turkey: Urban Renewal Push Raises Rights Issue," *Eurasianet* (4 March 2011), at: <http://www.eurasianet.org/node/63005>
- ⁷Elif İnce, "Kamuyararına' milyondolarlık ofisler" ["Million-dollar offices in the name of public good"], *Radikal* (9 September 2012), at: http://www.radikal.com.tr/ekonomi/kamu_yararına_milyon_dolarlık_ofisler-1099694; Ministry of Housing and Planning, "İstanbul'da 1106,25 hektarlık alan 'Riskli Alan' ilan edildi" ["1,106.25 hectares in Istanbul declared as 'Risky Areas'"], at: <http://www.csb.gov.tr/iller/istanbulakdm/index.php?Sayfa=sayfa&Tur=webmenu&Id=10108>.
- ⁸Fate of historical peninsula hangs in the balance with elections," *Today's Zaman* (30 March 2014), at: <http://www.todayszaman.com/news-343345-fate-of-historical-peninsula-hangs-in-the-balance-with-elections.html>; Aydın Armağan, "SP Fatih Belediyesi adayları Kibiroğlu: Fatih'te büyük bir oyun oynanıyor," *Cihan* (25 March 2014), at: <http://www.cihan.com.tr/news/SP-Fatih-Belediye-adaylari-Kibiroglu-Fatih-te-buyuk-bir-oyun-oyunaniyor-6582-CHMTM4NjU4Mi8x>.
- ⁹ See Article 57: "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." *Constitution of the Republic of Turkey*, as amended on 23 July 1995; Act No. 4121. http://global.tbmm.gov.tr/docs/constitution_en.pdf
- ¹⁰ See Articles 37, 38, *Municipality Act No. 5393*. 3 July 2005, *Official Gazette*, Issue 25874, (13 July 2005). http://www.migm.gov.tr/en/Laws/Law5393_Municipality_2010-12-31_EN_rev01.pdf
- ¹¹ Renovating, Conserving and Actively Using Dilapidated Historical and Cultural Immovable Assets Act, No. 5366. op.cit.
- ¹² Housing Development Administration of Turkey (TOKİ), *Building Turkey's Future, Corporate Profile 2008–2009* (Ankara: Republic of Turkey Prime Ministry, 2009), at: http://www.toki.gov.tr/docs/yayinlar/TOKI_book_sec_en.pdf
- ¹³ Janus Mank, *Tenure Security in Informal Settlements in Istanbul, Institutional Development and Legislation*, thesis in international development studies, Rosekilde University (spring 2014), at: <http://www.hlm.org/img/documents/Tenure%20Security%20in%20Informal%20Settlements%20in%20Istanbul%20-%20final%20thesis%20-%20janus%20munk.pdf>
- ¹⁴ By adding a provisional article to Law No. 2942, new Law No. 5999 (the "New Expropriation Law") regulates the rules for compensation for property expropriated between 9 October 1956 and 4 November 1983. The Grand National Assembly of Turkey approved the New Expropriation Law on 18 June 2010, and it was published in the *Official Gazette* on 30 June 2010. See *Turkish Expropriation Act No. 2942*. [http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/2c048b972359e8a4852576ba000e2534/\\$FILE/Part%20D%20%20Turkey%20RAP%20Ann.%20Annex%203.1.pdf](http://ifcext.ifc.org/ifcext/spiwebsite1.nsf/0/2c048b972359e8a4852576ba000e2534/$FILE/Part%20D%20%20Turkey%20RAP%20Ann.%20Annex%203.1.pdf).
- ¹⁵ Ibid.
- ¹⁶ Janus Mank, op.cit., p.46
- ¹⁷ "Advisory Group on Forced Evictions, *Mission to Istanbul, Republic of Turkey*, June 8 to 11th 2009 [sic], Report to the Executive Director of the UN Habitat Program," pp. 20, 29, at: http://mirror.unhabitat.org/downloads/docs/10008_1_593995.pdf.
- ¹⁸ Constanze Letsch, "Istanbul sees History Razed in the Name of Regeneration," *The Guardian* (1 March 2012) at: <http://www.theguardian.com/world/2012/mar/01/istanbul-city-urban-renewal?INTCMP=SRCH>.
- ¹⁹ Alexander Christie-Miller, "Poor, minorities push back against booming Turkey's urban renewal," *Christian Science Monitor* (9 May 2011), at: <http://www.csmonitor.com/World/Middle-East/2011/0509/Poor-minorities-push-back-against-booming-Turkey-s-urban-renewal>.
- ²⁰ Cenk Saraçoğlu and Neslihan Demirtaş-Milz, "Disasters as an ideological strategy for governing neoliberal urban transformation in Turkey: insights from Izmir/Kadifekale," December 2013, at: <http://www.hlm.org/img/documents/disa12038.pdf>.
- ²¹ "Forced evictions," Commission on Human Rights resolution 1993/77, 10 March 1993, aligning with Sub-Commission resolution 1992/14 of 27 August 1992, at: http://www.jca.apc.org/nojukusha/general/law/resolution1993_77_e.html.
- ²² "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, at: <http://www.un.org/Docs/asp/ws.asp?m=A/RES/60/147>.
- ²³ Yerel Yönetim Araştırma Yardımı ve Eğitim Derneği, "Anayasa Mahkemesinin Afet Kanunu Kararı Haberi" ["News of the Constitutional Court Decision on the Disaster Law"], 31 March 2011 (in Turkish) at: <http://www.yayed.org/id419-haber-duyuru/aym-afet-kanununa-karar-verdi.php>.
- ²⁴ "The Transformation of Areas under Disaster Risk," Law No. 6306. (23 May 2012), *Official Gazette*, (16 June 2013), at: <http://www.tbmm.gov.tr/kanunlar/k6306.html>.
- ²⁵ European Roma Right Center, "Concerning Turkey," written comments, EU Accession Progress for Consideration by the European Commission, (2014), at: <http://www.hlm.org/img/documents/ec-progress-report-turkey-2014.pdf>
- ²⁶ Orhan Kemal Cengiz, "Roma Lose in Urban Development in Turkey," *Radikal* (September 2013), at: <http://www.al-monitor.com/pulse/originals/2013/09/turkey-urban-development-hurts-gypsies.html>.

-
- ²⁷ Saraçoğlu and Demirtaş-Milz, op.cit, p.186.
- ²⁸ Amnesty International, urgent action, "Roma Families to Receive Winter Aid," UA: 331/13 Index: EUR 44/032/2013 Turkey(18December 2013), at: <http://amnesty.org/en/library/asset/EUR44/032/2013/en/87e673aa-69fc-4b7e-8bb8-70e44099ba95/eur440322013en.pdf>
- ²⁹ Amnesty International Public Statement, "Turkey: No more human rights violations in urban transformation" AI -Index: EUR 44/007/2014, (14 March 2014), at: <http://www.amnesty.org/en/library/asset/EUR44/007/2014/en/ca43dbaf-0c5b-4a2e-b169-51edd49a541b/eur440072014en.pdf>
- ³⁰ Special Rapporteur on Adequate Housing, Letter to Turkish Government, AL Housing (2000-9) TUR 4/2012 (29 May 2012), at: <https://spdb.ohchr.org/hrdb/21st/Public - AL Turkey 29.05.12 %284.2012%29.pdf>.
- ³¹ Hülya Demir, Vildan Kurt and Volkan Cagdas, *Housing Financing in Turkey*, 2nd FIG Regional Conference, Marrakech, Morocco, (December 2–5, 2003), at: http://www.fig.net/pub/morocco/proceedings/TS20/TS20_1_demir_et_al.pdf.
- ³² Ali Turel, "Development and the Present State of Housing Production by House building Cooperatives in Turkey," paper presented at the Cambridge Centre for Housing and Planning Research Conference 16–17 September 2010 King's College, Cambridge, England, at: <http://202.154.59.182/ejournal/files/Development%20and%20the%20Present%20State%20of%20Housing%20Production%20by%20Housebuilding%20Cooperatives%20in%20Turkey.pdf>.
- ³³ Ibid.
- ³⁴ Ibid.
- ³⁵ Ibid.
- ³⁶ Akgün İlhan, "Policies that Deepen the Water Crisis in Turkey," *SuHakki*, (December 2011), at: <http://www.suhakki.org/en/index.php/2012/03/water-policies-that-deepen-the-water-crisis-in-turkey/>.
- ³⁷ Ibid.
- ³⁸ Olivier Hoedeman and Orsan Senalp, "Turkey's Government Plans Sweeping Water Privatization in Run-up to World Water Forum in Istanbul," *Corporate Europe Observatory* (April 2008), at: <http://archive.corporateeurope.org/istanbulworldwaterforum.html>.
- ³⁹ "Turkish Water Sector Hit by Corruption Scandal," *Global Water Intel*, Vol. 9, Issue 3 (March 2008). <http://www.globalwaterintel.com/archive/9/3/general/turkish-water-sector-hit-by-corruption-scandal.html>.
- ⁴⁰ Levent Aydın, "The Economic and Environmental Impacts of Constructing Hydro Power Plants in Turkey: A Dynamic CGE Analysis (2004-2020)," *Natural Resources*, Vol. 1 No. 2, 2010. at: <http://www.google.com/eg/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CBwQFjAA&url=http%3A%2F%2Fwww.scrip.org%2Fjournal%2FPaperDownload.aspx%3FpaperID%3D3415&ei=hY2dU6n9DcWFOkrKgeAH&usq=AFQjCNHwuSvE7IMzDY2p931Z9ETkyvL00Q&bvm=bv.68911936.d.ZWU>
- ⁴¹ Brot für die Welt, FIAN Deutschland, GegenStrömung, Deutsche Kommission Justitia et Pax, MISEREOR, urgeward: "Extraterritorial State Obligations," 5th Periodic Report of the Federal Republic of Germany on the implementation of the International Covenant on Economic, Social and Cultural Right. UN Committee on Economic Social and Cultural Rights. (March 2011) at: http://www2.ohchr.org/english/bodies/cescr/docs/ngos/FIAN_Germany45.pdf.
- ⁴² "Dam construction in Turkey and its impact on economic, cultural and social rights," parallel report in response to the Initial Report by the Republic of Turkey on the Implementation of the International Covenant on Economic, Social and Cultural Rights, 14 March 2011. http://www2.ohchr.org/english/bodies/cescr/docs/ngos/JointReport_Turkey46.pdf
- ⁴³ "Extraterritorial State Obligations" parallel report, op.cit.
- ⁴⁴ "Concluding observations of the Committee on Economic, Social and Cultural Rights," op. cit., para.26.
- ⁴⁵ Rhodri Williams and Ayla Gürel, "European Court of Human Rights and the Cyprus Property Issue: Charting a Way Forward" (2011), at: <http://www.hic-mena.org/documents/Report%20European%20Court%20WEB.pdf>; Embassy of the Republic of Cyprus in Doha, "Illegal Exploitation of Greek Cypriot Properties by Turkey in Occupied Areas," August 2006, at: <http://www.cyprusfederation.org/?p=385>; see also "Cyprus Property Claims & Judgments," *HIC-MENA News* (4 January 2010), at: <http://www.hic-mena.org/pNewsId.asp?Id=1025>.
- ⁴⁶ Thomas Seibert, "Turkey resorts to water power with Cyprus pipeline project," al-monitor.com (March 2014). <http://www.al-monitor.com/pulse/originals/2014/03/turkey-cyprus-pipeline-water-power.html>
- ⁴⁷ *Cyprus v. Turkey* case, op.cit.