



PERMANENT MISSION OF THE REPUBLIC OF TURKEY
TO THE UNITED NATIONS OFFICE IN 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 7 September 2017, concerning State contributions to her thematic report to be submitted to the 37th Session of the Human Rights Council focusing on the 2030 Agenda for Sustainable Development pursuant to resolution 34/9, 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, 16 October 2017



Encl: As stated

OHCHR REGISTRY

20 OCT 2017

Recipients: *SPB*.....

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Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva 10

**CONTRIBUTION OF THE REPUBLIC OF TURKEY FOR THE THEMATIC
REPORT OF THE SPECIAL RAPPORTEUR ON ADEQUATE HOUSING –
OCTOBER 2017**

Housing Development Administration of Turkey:

The fact that housing is a human right is included in Article 56 of the Constitution of the Republic of Turkey with the expression “Everybody has the right to live in a healthy and balanced environment” and in Article 57 of the Constitution as “The State shall take measures to meet the housing need within the framework of a plan to observe the characteristics and environmental condition of the cities”.

The Mass Housing Law No.2985, adopted to this end 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. Housing Development Administration of Republic of Turkey (TOKİ) established with that Law, performs housing production and supply in Turkey on its own lands raising itself the necessary financial resources required to ensure that middle and low income groups, who are unable to purchase housing units under the current market conditions, become home-owners with suitable monthly installments at long-term maturities in compliance with their income and saving patterns.

TOKİ develops its projects in line with the Government Programs in accordance with the legislation in question, and makes implementations in 81 provinces throughout the country.

Social housing program of TOKİ targets the low and middle income people who cannot own a housing unit under the existing market conditions. (Considering the distribution of the housing projects realized by TOKİ, 14% of the same consists of “fund raising by method of revenue sharing” and 86% of “social type housing projects”.)

The repayment terms are defined to the target groups’ income and saving patterns.

The Social Program of TOKİ is a unique non-profit housing implementation, targeting the most excluded low income groups who can not be reached by the private sector in the country, serving affordable financial repayment conditions with public guarantee.

The needs and preferences of the target groups are included in the design procedure by conducting surveys via questionnaires and by carrying out client consultation process to the beneficiaries and by organizing various architectural competitions by TOKİ.

TOKİ is in cooperation with the public institutions and local governments during the implementation of its social housing program.

For instance, implementations of the poor group houses are executed under the coordination of TOKİ and the Ministry of Family and Social Policies-General Directorate of Social Benefits (SYGM), and TOKİ only undertakes construction of the houses in those projects. Applications and all following procedures are realized by the concerned social solidarity foundations. These projects seek the condition that the applicant him/herself, his/her spouse and the children under his/her custody have no real estate registered in his/her name with the

land registry office. It is necessary that the applicants are not subject to the Social Security Organization. (In housing sales toward the poor groups, there is a condition of residence for the purchaser or his/her family until pay-off of the debt for the contracted house.)

TOKI realizes projects using method of collecting preliminary demands in order to prevent idleness of investments to be made in projects toward settlements with a population below 40.000. The preliminary demand collection method is organized by the Governorships, District Governorships or Municipalities. The project is put into effect in case of adequate application to the project (at least 100 housing units).

“Disadvantageous groups” also involving persons with disabilities are TOKI’s priority in social housing production.

In this context, a quota of 5% of the number of houses in the projects put to sale by the Administration for the handicapped citizens has been allocated and the beneficiaries and their houses are determined by drawing of lots. As a result of the lots, applicants of this category who are not beneficiaries are included in the lot again along with the applicants in the “Other Purchasers” category.

Not only a quota is allocated for the handicapped citizens, but also special sales are made in some project sales for the handicapped only.

Miscellaneous conditions and minimum standards have been imposed with the concerned legislation on building and housing design also taking into consideration international standards for the handicapped technically included among disadvantaged groups. The principal aim here is to make the areas of life equally available to everyone including the handicapped.

Within the scope of the “Planned Urbanization and Housing Development Mobilization” of 58th - 65th Governments of Republic of Turkey, since 2002 the figure of 805.072 housing units’ productions in 81 provinces in Turkey have been given start at 3.517 construction sites by TOKI. 685.553 of the housing units produced (86.16%) are social type housing units.

The vision of TOKI within the scope of the Programme of the Government of the Republic of Turkey is to realize a new project target of 1.2 million housing units by the end of 2023. In this context, the Administration carries on its housing production activities throughout the country in view of priorities and needs; and production of houses with increased quality and characteristics rank first in the list of priorities of the Administration.

- TOKI model which became a known and trusted brand throughout the world attracts attention at international platforms, and offers are made from several countries for implementation of the model. The offers are replied in the form of experience sharing and counseling, and official requests also are received constantly for utilization of TOKI practice with regard to construction.

That shows the credit of TOKI as a model at international scale, and attention showed to it especially by public initiatives to its “model” status.

“TOKI Model”, was presented as a “best experience” developed by Turkey within the “New Urban Agenda” of HABITAT III during the BM HABITAT III Conference held in Quito last year.

ADEQUATE HOUSING OF PERSONS WITH DISABILITIES

Ministry of Family and Social Policies:

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 rights based approach and ensuring participation of PwDs to decision making processes constitute the basis of disability policy in Turkey. Especially since the second half of nineties, many significant institutional or legal arrangements, policies and programs have been actualized with the aim of promoting PwD’ participation to decision making processes and realizing their human rights including adequate housing.

Understanding of disability policy in Turkey was shaped by Turkish Disability Act, put into effect in 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 anti-discrimination forms the basis of disability focused policies. Furthermore, ensuring that the opinions of PwDs, their families and voluntary agencies taken into account during decision making processes or service provision was also included in the general principles.

United Nations Convention on the Rights of Persons with Disabilities that promotes full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities was signed by the Government of The Republic of Turkey on 30 March 2007 and ratified on 28 September 2009. The Optional Protocol of the CRPD was signed on 28 September 2009 and ratified on 26 March 2015. Being an international agreement duly put into effect as per Article 90 of the Constitution, the CRPD - like all other conventions on human rights - has the same force with the Constitution in the hierarchy of norms. Within this scope, the CRPD not only forms a basis for all legal and administrative arrangements, but also constitutes a principle of law to which independent Turkish courts can directly refer.

Turkish Disability Act was restructured on 6 February 2014, by the Law No. 6518, in line with the obligations stipulated by the CRPD. First and foremost, the principles of the CRPD are strongly reflected to the Law. Moreover, ‘person with disability’ is redefined based on human rights approach of the CRPD so as that persons with disability refer to persons who have various levels of physical, intellectual, mental or sensory impairments which in interaction with attitudes and environmental conditions may hinder their full and effective participation in society on an equal basis with others (Art.3). Besides various terms including "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 separate

articles were devoted to non-discrimination (Art.4/A) and inclusion into society (Art.4/B). Regarding non-discrimination, all forms of discrimination including direct and indirect discrimination based on disability are prohibited. 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. In terms of social inclusion of persons with disabilities; the law provides that separation and/or exclusion of persons with disabilities shall be prevented and that persons with disabilities shall not be forced to live in specially designed living conditions. The legal provisions clearly state that it is a general principle to support persons with disabilities lead independent lives in equal terms with other persons. In parallel with this principle, necessary services such as individual support services and community based support services were put into practice for facilitating the social inclusion of persons with disabilities.

In order to promote and ensure implementation of the CRPD in cooperation with relevant ministries, public institutions, civil society organizations (CSOs)- particularly the ones representing persons with disabilities and academics, General Directorate of Services for Persons with Disabilities and the Elderly (EYHGM) under the Ministry of Family and Social Policy is the focal point. As the focal point EYHGM tries to mainstream disability into all policy areas and practices in parallel with various awareness raising activities aimed at different target groups.

In order to strengthen the coordination role of the EYHGM, Monitoring and Evaluation Board on the Rights of Persons with Disabilities was established in line with Prime Ministry Circular No. 2013/8. It was envisaged that the Board would be consisted of high level representatives of the related and responsible public institutions and representatives of disability CSOs or human rights institutions. The board has the tasks of carrying out administrative and legal work regarding protection, enhancement and usage of the rights of PwD, making recommendations on the possible measures to be taken, drafting and approving strategies and plans of action and ensuring cooperation and coordination among institutions.

Regarding mechanisms stipulated by the second paragraph of Article 33 of CRPD, two independent structures exist in Turkey. The first is the Ombudsman Institution that was established in 2012 under the National Assembly, the second mechanism is the Human Rights and Equality Institution established in 2016 based on the Law No. 6701.

To promote the 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 Ministry of Family and Social Policy 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 decree of Council of Ministers.

Institutional care services of Turkey are in the process of transformation in parallel with the approach of community based care in recent years. Within this scope, the work on establishing principles and standards of care services for PwDs who need personal care has gained acceleration in order that the services are rendered without prejudice to human dignity.

To promote the deinstitutionalization process towards community based living for persons with disabilities “home based care services” have been promoted since 2005. In this respect, in 2006 a subsidy is brought that is based on the Turkish Disability Act (2005). The basis of “home based care services” is to be paid monthly minimum wage to the person who takes responsibility of care of the person with disability. Moreover, IPA Project under the title of “Promoting Services for People with Disabilities” was implemented between the years 2010 and 2014. The aim of the Project is to contribute to the effort of government of Turkey in the provision of effective, appropriate and efficient community based support services for persons with disabilities. The Project’s purpose is to develop a model of community based care and support service delivery, to improve quality of existing services, to determine the service standards, to clarify roles and responsibilities of related institutions and to provide effective collaboration among them (TR080104 Promoting Services for Persons with Disabilities).

Regarding community based living; a new model has been developed for persons with especially intellectual and mental disabilities by providing living in apartments in small groups in the community. These apartments are called as “hope homes”. It is aimed that these persons with disabilities will actively participate into social life of the community through psycho-social support and support relating to education and employment. First home was provided in 2008 in İzmir and the number of such homes is 136 (as of September 2017) and it will increase rapidly as the feedback is positive.

Another service in the scope of community based living is the “support services to home care” that has been in practice since 2010. If families of persons with disabilities need support in terms of delivery of care, care personnel of public care centers go to the dwelling and provide half time service. Currently 73 families and persons with disabilities benefit from this service.

Within the scope of the service “Care for Temporary Visitors and Guests” which is a new service model and includes provision of care service free of charge to a person with disability whose family members cannot deliver care to him/her as they have to travel to another city or country with the purposes of a vacation or health care etc. In such cases, persons with disabilities can stay and receive care in public care institutions for maximum 30 days in a year. All needs of persons with disabilities are covered by the institution during this period. Currently, 308 persons with disabilities benefit from this service.

Along with the residential care and rehabilitation centers affiliated with the Ministry, there are also Rehabilitation and Family Consulting Centers that provide day service for out-patients. These centers, providing either half day or full day service, combine rehabilitation and care services for individuals or groups and also provide consultancy

service for families - especially for mothers of persons with disabilities. These centers are opened nationwide on demand. Currently there are 6 centers that render service to 407 persons with disabilities.

Persons in need of special care can also receive daily or institutional service from private care centers operated by natural or private entities and audited by provincial directorates of Ministry of Family and Social Policy. The government pays two minimum wages per person to private care centers for 24 hours inpatient care service.

Table 1. Statistics on Care Services for Persons with Disabilities

Years	Private Care Center		Public Centers of Care and Rehabilitation		Number of Persons Receiving Home Care Fee	Number of Hope Houses
	Capacity	Number Care Recipients with Disabilities	Capacity	Number of Care Recipients		
2017 (September)	16.181	13.041	7.925	7.512	499.737	136
2016	14.236	11.923	7.458	7.507	481.141	128
2015	13.656	10.823	6.992	6.926	508.481	111
2014	13.443	10.319	6.682	6.284	450.031	84
2013	13.325	10.173	6.293	5.892	427.434	48
2012	12.869	9.328	6.055	5.586	398.335	17
2011	8.651	6.707	5.833	5.162	347.756	7
2010	7.065	4.331	5.468	4.905	284.595	3
2009	3.744	2.144	4.758	4.569	210.320	1
2008	2.003	768	4.098	4.272	120.000	1