



**Forced Eviction and Urban Transformation
as Tools of War :**

The Case of Diyarbakır, Turkey



**Housing and Land Rights Network –
HABITAT INTERNATIONAL COALITION**

For Diyarbakır... and her city sisters



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Cover photo: A house riddled with bullets by Turkish state forces in the Sur neighborhood of Amed.

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Table of Contents

Prologue	Error! Bookmark not defined.
Habitat II – Habitat Agenda in Turkey.....	5
Habitat III - A New Habitat Agenda for Turkey	9
Diyarbakır: paradigmatic urban destruction.....	11
Lessons of Diyarbakır	15
Annex I: HLRN Violation Database Entries for Turkey	17
Annex II: Turkey’s Relevant Treaty Ratification Status	18
Annex III: The Impact of War and Forced Evictions on Urbanisation in Turkey: Violations of Housing Rights	21
Endnotes:	23

Prologue

The numbers alone are staggering. In the last decade of the 20th Century, government forces of a state erected on the premise of ethnic-majority domination razed over 3,500 villages of the country's largest minority. That destruction, mostly completed by burning them to the ground, constituted nearly seven times the scale of Israel's ethnic cleansing of Palestine at the middle of the century. Fifty years after population transfer was prosecuted first by International Military Tribunals at Nuremberg and Tokyo, this repeat of the crime caused the death of some 35,000 people and displacement of well over two million more, driven them out of their homes into overcrowded urban shanty towns.

The community affected by this policy is the Kurdish people of eastern Anatolia, within the Republic of Turkey. They belong to one of the four largest peoples in the Middle East/West Asia, albeit segmented by the region's political borders. Since the emergence of the modern state of Turkey out of the former Ottoman Empire, Kurdish people in Turkey have petitioned, organized and fought for recognition, equal citizenship and their human rights. That recent struggle has taken many forms, also punctuated by armed resistance.

Twenty years ago, the epic destruction and depopulation of the Kurdish people's habitat in southeastern Turkey formed the backdrop of the Second UN Conference on Housing and Human Settlements (Habitat II), hosted at nearby Istanbul. Between 1991 and the time of that 1996 conference, millions of Kurdish civilians were forced to migrate toward relatively defensible urban centers such as Diyarbakır, Van, and Şırnak, as well as to the cities of western Turkey, and even to western Europe. This model of development gave local meaning to the process of rapid urbanization, cited 30 times in the Habitat Agenda.

In that same pivotal year of Habitat II, Habitat International Coalition (HIC) undertook a fact-finding mission to investigate and verify accounts of this case of population transfer by village destruction. HIC's findings, published and released at Habitat II, confirmed the dire reports. (See "The Impact of War and Forced Evictions on Urbanisation in Turkey: Violations of Human Rights," reproduced here in Annex.) As states and other Habitat Agenda partners convene again, ostensibly to renew and update their commitments to sustainable human rights-based development for all human settlements, we find ourselves revisiting also the gross violations of these norms and commitments in the same territory.

While the present tale of the predominantly Kurdish city of Diyarbakır sadly affirms the continuity of history, we also note the widespread violence across the regions of the world responsible for an unbroken pattern of human habit destruction. In the context of renewed global policy priorities in managing resources for sustainable development, neither the UN's 2030 Sustainable Development Agenda nor Habitat III has addressed the urgent need for fundamental reform of domestic governance and foreign policies that keep the destruction going.¹

Nonetheless, while upholding the Habitat Agenda's principles and advocating states' and UN agencies' adherence to its commitments pledged at Istanbul, HIC has remained steadfastly focused on the human right to adequate housing in times of conflict, occupation and war. The ensuing advocacy effort led, in part, to a successful initiative with the UN Commission on Human Rights' Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a landmark study on "the human rights dimensions of population transfer" in 1992.² Thereafter at Habitat II, HIC's Housing and Land Rights Committee (now Housing and Land Rights Network—HLRN) convened Members and allies to form a new Solidarity Network among Kurdish, Palestinian and Tibetan civil society organizations, each

enduring similar conditions of occupation and/or alien subjugation, domination and exploitation,³ under ongoing displacement that echoes the crime of population transfer.

The mandate of the UN Sub-Commission's population transfer study paralleled these developments, culminating in a draft Declaration on Population Transfer and the Implantation of Settlers in 1997.⁴ Coincidentally, the process of negotiating the Rome Statute of the International Criminal Court (ICC) was already underway. By the time it was adopted on 17 July 1998, that treaty enshrined population transfer, including the implantation of settlers and settlements, as both a crime against humanity⁵ and a war crime.⁶

Civil Society Voices

The civil society collaboration inaugurated at Habitat II also evolved after Istanbul through exchanges of experience, comparative analysis of occupied and unrepresented peoples' analogous housing and land rights conditions, and a series of joint activities involving public advocacy in public forums such as the World Social Forum. In 2001, HLRN also organized a joint strategic-planning session at Dharamsala, India, culminating in a historic audience with the Dalai Lama.

In the same year, the UN General Assembly convened a Special Session at New York to review implementation of the Habitat Agenda, also known as Istanbul+5. During a plenary assembly on "The Human Right to Adequate Housing: A major commitment of the Habitat Agenda," representatives from Tibet, Palestine & Kurdistan in the HIC delegation issued a historic joint statement. Together they observed: "If the Habitat Agenda's core principle is to provide adequate shelter to all and institute sustainable human settlement development in a rapidly urbanizing world, as mentioned right in the beginning of the preamble of the Agenda, we, the peoples of occupied territories, feel completely excluded."

They proceeded to remind Istanbul+5 delegates and participants of "a grave injustice to the indigenous population living in those territories." From their collective experience, they attested that "The forceful eviction/expulsion, demolition of traditional housing spheres, population transfer and land confiscation continue to take place at a national and regional level." They also specified that "The governments of the Peoples Republic of China and Israel and Turkey, which freely ratified most UN conventions and joined pious declarations, are directly responsible for this dismal situation."⁷

The Istanbul+5 special GA session concluded with the "Declaration on Cities and Other Human Settlements in the New Millennium." In that consensus document, states did resolve to take further effective measures to remove obstacles to the full implementation of the Habitat Agenda, "as well as obstacles to the realization of the rights of peoples living under colonial and foreign occupation."⁸

Throughout these 20 years since Habitat II, HIC especially has advocated implementation, monitoring and evaluation of the Habitat Agenda commitments, despite insufficient political will of states or UN-Habitat to do so. Attempting to fill the gap in Habitat Agenda implementation and monitoring, HLRN developed a series of diagnostic and evaluative techniques, beginning with its Housing and Land Rights Toolkit, Urgent Action system, Violation Database, Eviction Impact Assessment tools and parallel-reporting methods to equip civil actors to monitor states' human rights obligations and related commitments of the Habitat Agenda.

Poignantly, when HLRN initiated its Urgent Action system in 2003, the first rapid response was a call for solidarity to protest the action of Turkey's Adana State Security Court prosecutor against 21 administrators and founding members of the civic organization Göç ve İnsani Yardım Vakfı—GİYAV (Migration and Humanitarian Assistance Foundation). That legal assault on a HIC and HLRN Member

threatened GiYAV officers with prison sentences of up to 7.5 years. In addition, the government mounted a case in the Mersin Court of First Instance in order to close the foundation permanently.

GiYAV was founded in 1999 at Mersin, Turkey by a group of well-known persons, including law practitioners, human rights advocates, academics and NGO representatives, with a mission to provide humanitarian assistance to persons subjected to forced migration. GiYAV is a foundation that provides volunteer assistance to “persons who have migrated for various reasons, or who have been victimized and are in need of economic, cultural and legal assistance.” In addition to the migration projects, GiYAV also aimed to prepare scientific reports and publications. It carried out projects designed for “children working in the streets” and “to help migrant women to acquire a profession.”⁹

The official charges alleged that GiYAV was “abetting and harboring an outlawed organization,” in violation of Turkish Penal Code Art. 169. According to reports more-recently released through Wikileaks, the impetus of the prosecutions apparently was an innocuous statement from GiYAV about the ongoing State of Emergency (OHAL) by saying “OHAL conditions are not consistent with democracy and freedom.”¹⁰

In October 2003, an Adana court acquitted 14 GiYAV officers and transferred the cases of the other seven co-defendants to a Mersin court. There prosecutors continued to seek to disband GiYAV on separate charges that the organization established relationships with foreign associations without seeking the required approval of the interior and foreign ministries. Ultimately, the case settled and GiYAV continues to provide much-needed assistance to persons continuously displaced throughout the southeast.

HLRN continued also to provide comparative analysis of Solidarity Network cases and networking among concerned communities. The Network’s website also reflects the efforts to highlight the housing and land rights issues in cases of people under occupation and alien domination, featuring cases studies on the Kurds, Palestinians, Tibetans and Western Sahara.¹¹ HLRN also systematized and expanded the treatment of cases, presenting “History, facts & figures,” “Population transfer,” “Land confiscation” and “Destruction of property and habitat, and other State tools” also in analogous cases, eventually applying these criteria to the Nuba Mountains (South Kordofan, Sudan).

Resolving these human-made disasters requires bringing all of the necessary monitoring, diagnostic and quantification tools to bear, in order to find sustainable remedies. In the specific case of the Republic of Turkey, the HLRN Violation Database (VDB) has maintained an illustrative record of forced evictions since its establishment in 2006. Taking into consideration the outside estimate of the destruction in the country’s southeast in the 1990s, the VDB search returns a series of cases recording 4, victims, the overwhelming majority of them being Kurds and Roma. Reliable numbers are often hard to come by, but estimates put the recent destruction at 6,320 buildings, or 11,000 dwellings, in five areas alone: Sur in Diyarbakır, Silopi, Cizre and Idil/Hazakh in Şırnak province, and Yüksekova in Hakkari.¹² (See Annex I: **HLRN Violation Database Entries for Turkey.**)

Treating the Crime

Since beginning its operation in 2002, the ICC has produced a total of only two convictions to date.¹³ However, other alleged perpetrators are under indictment for population transfer crimes and face trial, pending their apprehension. At least one ICC defendant from the Lord’s Resistance Army, Okot Odhiambo (Uganda), has been indicted for attacking displaced persons. All six ICC indictments for crimes in the post-election violence in Kenya include deportation or forcible transfer of a population.¹⁴ For the

crimes committed in Darfur, four Sudanese are under arrest warrant for offenses including deportation or forcible transfer of population.¹⁵

In the special tribunals set up under the authority of the UN Security Council, cases are also being tried selectively for crimes committed in former Yugoslavia, Rwanda, Liberia and Cambodia, including population transfer. The International Criminal Tribunal for the Former Yugoslavia has tried and convicted at least 15 politicians and military commanders charged with forced deportations (one acquitted).¹⁶

The groundbreaking August 2016 ICC trial and conviction of Ahmad al-Faqi al-Mahdi for war-time destruction of sacred sites at Timbuktu marks a series of firsts for the ICC, and has been broadly welcomed throughout the international community as a much-needed step toward protecting humanity's cultural heritage in times of conflict. As explained below, the application of norms protecting world heritage is especially relevant to the bundle of destructive practices afflicting Diyarbakır today.

In a related development, the ICC recently has declared that it would start treating cases involving the illegal exploitation of natural resources, misuse and illegal dispossession of lands and environmental destruction as serious crimes. That process aligns with Article 93 of the Rome Statute, which requires States Parties to comply with the ICC's requests to provide assistance in investigations or prosecutions. That ICC policy assures that the Office of the Prosecutor also will seek to cooperate with, and provide assistance to states, upon request, with respect to conduct that constitutes a serious crime under national law.

The Office of the ICC Prosecutor has stated that, in this context, it will give particular consideration to prosecuting Rome Statute crimes that are committed by means of, or that result from, inter alia, destruction of the environment, the illegal exploitation of natural resources or illegal dispossession of land.¹⁷ Human rights treaty law also aligns with these international criminal provisions, whereas the common Article 1.2 of both Human Rights Covenants may prohibit such acts as "In no case may a people be deprived of its own means of subsistence."¹⁸

Chances for Remedy

This brief chronology evokes numerous anniversaries, not least including the 70 years since the post-World War II International Military Tribunals, 50 years since adoption of the Human Rights Covenants, 40 years since the visionary principles of Habitat I, 20 years of the progressive commitments of Habitat II and their Istanbul+5 reaffirmation 15 years ago. These coincide with 40 years since HIC's 1976 founding and two decades of HLRN civil networking, knowledge creation and advocacy linking people and cases under common human rights and humanitarian norms and principles. In light of the emblematic case of Diyarbakır and the relative weakness of current global policy to address the atrocious destruction of human heritage and habitat that it exemplifies, the question persists as to whether anything short of international criminal justice can deter such crimes.

In the final run-up to Habitat III, World Habitat Day (3 October 2016) should be an occasion to commemorate our progress in realizing human rights to adequate housing and land. Instead, it has become an exercise in counting losses, costs and damages for the victims of gross violations of their rights. That thorough exercise is needed to effect the reparations to which the victims are entitled and which the state-preserving transitional-justice process demands.¹⁹

The Habitat III process has posed another opportunity to pursue effective measures—an opportunity that, if missed, posterity will scarcely forget. The indigenous populations of such capital cities as Diyarbakır, Lhasa and Jerusalem already find that omission hard to forgive.

Habitat II – Habitat Agenda in Turkey

The ideologies of States are reflected in their human settlement policies. These being powerful instruments for change, they must not be used to dispossess people from their land or entrench privilege and exploitation.

Vancouver Declaration and Action Plan, Habitat I (1976)²⁰

According to the last census data in 1965 by language, the majority of Turkey's population is ethnically Turkish, but the state's territory is inhabited by 26 linguistic groups, the largest of which minority groups is Kurdish.²¹ Smaller minorities are the Armenians, Greeks and several Caucasian peoples. Turkey's Kurdish citizens represent around 20% of the country's total population, and mostly inhabit the eastern and southeastern regions of the country. In fact, for millennia, the Kurdish people have inhabited areas that extend beyond Turkey, covering mainly northern Syria, northern Iraq, northwestern Iran and parts of Azerbaijan. The Kurdish people's civil status and recent history differ from one country to another. Nevertheless, Kurdish self-determination aspirations and national claims have prevailed in all of countries with Kurdish population. Historically, successive Turkish-dominated government relations with the region's minorities (non-Sunni Muslim and/or non-Turkish culture) have been characterized by population transfer, demographic manipulation and institutionalized discrimination.²²

As is widely known, the second United Nations Conference on Human Settlements was hosted in Istanbul, Turkey, on June 1996. The main subjects of the conference revolved around two key topics "adequate housing for all" and "sustainable development of human settlements." The topics and commitments of the conference collided dramatically with the reality of the host country and cast doubt as to the host government's good faith in implementing international agreements, given the reality of its internal policies and performance. In the years prior to the conference, the Government of Turkey forcibly evicted by military means over a million people in the southeast of the country of Kurdish majority. The sheer brutality of the methods used to evict people was exposed by multiple Turkish and international human rights organizations and reported subsequently by United Nations bodies and

Council of Europe Human Rights mechanisms. The Habitat International Coalition sent a fact-finding team to Turkey in March 1996 to assess what had happened to over a million people displaced to Turkish military operations and the villages they lived in.

The principal violations of the human right to housing documented in the fact-finding mission report were village destruction, forced evictions and the perpetuation of inadequate housing and living conditions. Concerning village destruction and forced evictions, according to numerous sources, since the early 1980's, the Turkish government destroyed approximately 2,400 villages, according to conservative estimates at 1996. Human rights organizations in Turkey reported that this led to the internal displacement of millions of Kurds. Most of these forced evictions took place from 1992. In 1993, the Turkish military forces evicted 874 villages. In 1994, they depopulated and burned down 1,494 villages and hamlets. In the region of Dersim (Tunceli), from September to November 1994, Turkish army units partially evacuated and/or destroyed by fire a total of 399 villages, approximately 137 during military operations.

In some of the subdistricts of Dersim, 80% of villages were affected by the military operations. According to government sources, 1,200 families were made homeless due to these operations. Several independent sources indicated that the number affected was several times the government figure.

Concerning the housing and living conditions of displaced people, the massive displacement caused by the Turkish military operations contributed to rapid growth of makeshift housing in cities throughout Turkey. The displaced Kurds were forced to live in quarters whose populations dramatically increased. They often lived in jerry-built accommodations rapidly constructed overnight. Examples of cities that experienced rapid growth include Mersin, whose population was 422,000 in the 1990 census and, by 1994, had increased to one million. Adana went from 927,000 to 2 million, and Diyarbakır from 380,000 to 1 million. Numerous studies showed that the great majority of these displaced people lived in abysmal housing and living conditions and children often suffered from poor nutrition and diseases such as diarrhea and typhoid. A visit to any of the areas where displaced Kurds stayed in the cities of Turkey revealed the often-complete negligence of the Turkish authorities to improve the housing and living conditions. The HIC fact-finding mission found in both Diyarbakır and Istanbul neighbourhoods without access to potable water, adequate sanitation facilities or electricity connections.

The fact-finding team interviewed families that had been evicted by force from their villages and towns in southeast Turkey. The team found that all those families had to cope with numerous problems in the cities where they resettled. They faced health, housing, social, educational and psychological problems. Moreover, family members that stayed behind in the villages were subject to continuous violence, and women who remained in the villages were subject to rape by "village guards."

Health services were provided by the municipality in the areas where most families resettled, but the evicted families often could not afford to buy medications. Education in public schools was said to be free, but students have to pay a monthly fee, in addition to the costs of school materials, which was very difficult for most of the families, since they lost nearly everything after being evicted. Kurdish children who joined the schools might not master the Turkish language, and were often marginalized, having a hard time to manage their studies.

The unwillingness of the authorities to improve the housing and living conditions of the Kurds had a detrimental effect on their health and well-being. Coupled with the lack of employment opportunities and discrimination in work places the overall conditions faced by the Kurdish families were variously adverse. Moreover, displaced families were also often harassed by the police.

Reviewing the State's Human Rights Obligations

The period following the HIC fact-finding mission saw Turkey's review through various procedures and mechanisms of the UN Human Rights System. Taking into account the UN Special Representative (SR) on internally displaced persons' country mission report of 2002, the Kurdish Workers Party (PKK) insurgency and the government's counter-insurgency operation in the southeast of the country from 1985 to 1999 had claimed over 35,000 lives and caused displacement, estimates of which range widely between 378,000 and 4.5 million persons, predominantly of ethnic Kurds.²³ Security forces "evacuated" 378,000 persons from 3,165 rural settlements in the southeast. Nevertheless, this figure does not include persons who left their homes out of well-founded fear as a result of the general situation of insecurity. In this sense, Turkish NGOs reports claim that between 2 and 4.5 million Kurds had been displaced, and outside observers contend that a "credible estimate" of the number of persons who remained displaced already in 2001 was around 1 million. Also in his 2002 mission report, the SR cited several accounts that indicated:

"(D)isplaced persons had not been provided with shelter or food in the immediate aftermath of their displacement and that the Government did not arrange temporary accommodation for those evacuated by the security forces. As a result, the majority of the displaced moved into provincial cities, such as Diyarbakır and Batman, where they reportedly lived in conditions of extreme poverty, with inadequate heating, sanitation and infrastructure. Their situation was further compounded by a lack of financial assets, having received no compensation for lost property, and the need to seek employment in overcrowded cities and towns, where unemployment levels were described as "disastrous." Moreover, many of the displaced, who had previously been engaged in animal husbandry and small-plot agriculture, lived in urban settings to which they were unable to adapt."²⁴

Moreover, the UN Human Rights Council's 2014 Universal Periodic Review (UPR) of Turkey has found that Turkish legislation has defined terror crimes vaguely and that the continued use of anti-terrorist clauses has enabled the politically motivated prosecution of large numbers of persons. The Special Rapporteur on executions recommended the amendment of legislation to reflect the international interpretation of the term "proportionality" and to stipulate that lethal force shall only be used as a last resort where there is an imminent threat to life.²⁵ In fact, serious concerns remain over deaths resulting from excessive use of force by security officers and the lack of independent, impartial and effective investigation into reports of excessive use of force by police.²⁶

At the time of the UPR, HIC's joint stakeholder submission to the review focused on the country's housing and urban development policies and the dire human rights consequences for minorities and the most-vulnerable social groups.²⁷ Concerning the systematic ill-treatment and nonrecognition of cultural minorities of Turkey, the Human Rights Council's UPR exposed several times its concern on treatment and relations with minorities. Also the Committee on Economic, Social and Cultural Rights (CESCR) and the Human Rights Committee have urged Turkey to recognize all the minorities in its territory, including Kurds, and expressed concern for the lack of mechanisms to protect their rights and prevent hate speech and crimes against them and the existing discrimination particularly on the right to enjoy their own culture.²⁸

Concerning the right to education, these human rights treaty bodies have urged Turkey to take further measures to promote education and improve quality of education, particularly mentioning eastern regions of Turkey. Moreover, other human rights bodies have expressed concern at the lack of monitoring to ensure access to education by ethnic groups and the unavailability of education in languages other than Turkish²⁹ and have recommended further amendments to its legislation to allow the teaching of languages traditionally used in Turkey in the general public education system.³⁰

In its interim monitoring cycle, the Council of Europe's Commission against Racism and Intolerance also has reiterated the need for Turkey to establish "a body, independent of the police and other security forces and of the prosecution authorities, entrusted with the investigation of alleged cases of misconduct by the members of the police or other security forces, including ill treatment directed against members of minority groups."³¹

Habitat III - A New Habitat Agenda for Turkey

At the national level we will reinforce peace by promoting tolerance, non-violence and respect for diversity and by settling disputes by peaceful means.

Istanbul Declaration, Habitat II (1996)³²

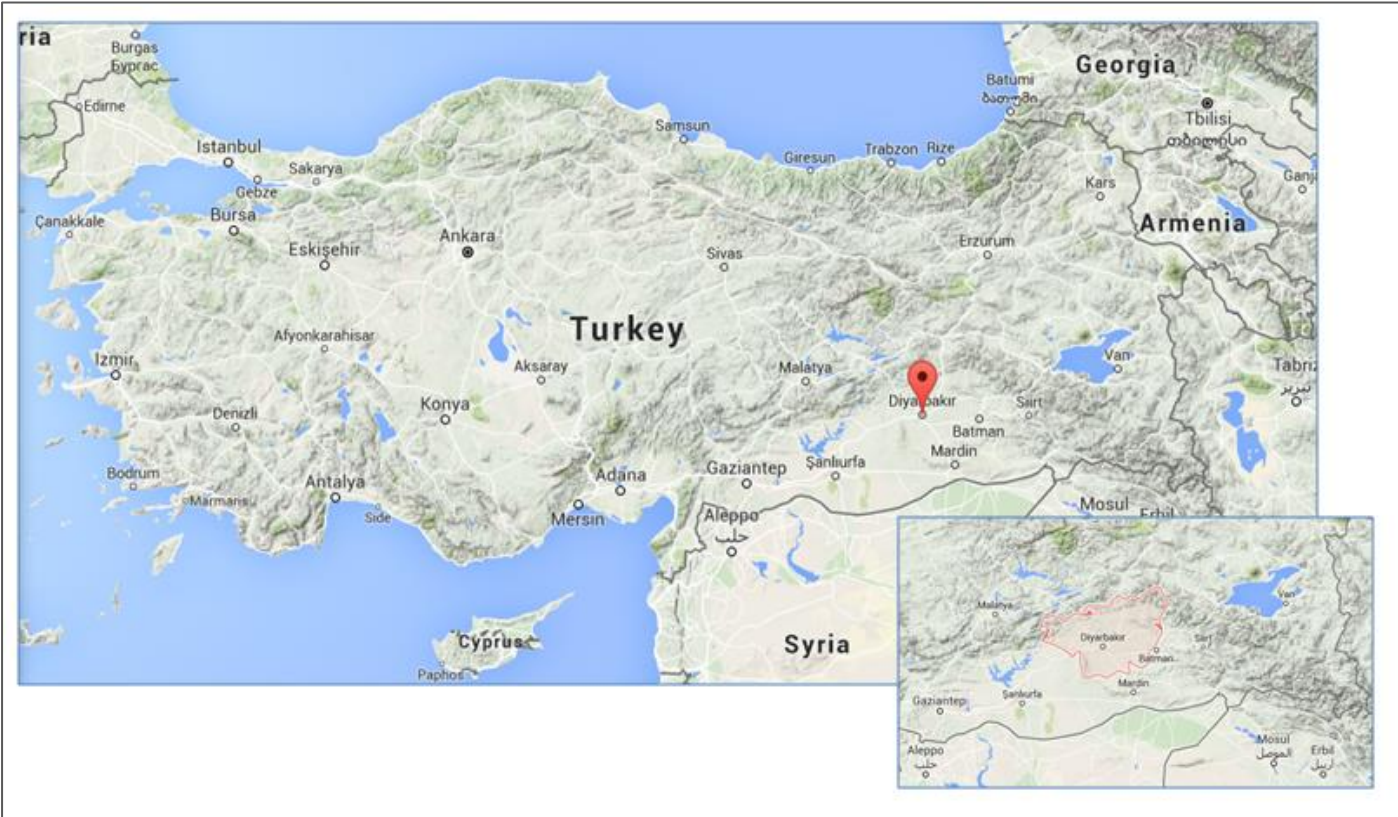
The situation of the region and the country did not change much after 20 years of the approval of the Habitat Agenda in Istanbul. On the contrary, the conflict and its consequences acquired alarming proportions since 2015, affecting particularly its urban areas.

Since the end of the ceasefire between the Government of Turkey and the outlawed Kurdish Workers Party (PKK) in July 2015, and after months of increasing tensions, violence spread throughout Turkey, particularly, in the southeastern provinces. As clashes continued between the PKK and the Turkish army, Turkish authorities imposed curfews on several cities, followed by demonstrations. An unknown number of Kurdish citizens joined the armed struggle, mainly led by youth allegedly linked to the Yurtsever Devrimci Gençlik Hareket (Patriotic Revolutionary Youth Movement), or YDG-H, the youth branch of PKK. In a dozen cities, local youth took up arms in what they branded a “self-defense” strategy, and took control of the cities by patrolling their streets. They dug trenches and built barricades to prevent the police and army from entering the neighborhoods, and to avoid the conduct arbitrary arrests, as had been happening since the ceasefire.³³

In response, Turkish authorities expanded the curfews and launched a large-scale military operation in southeastern Turkey to fight the considered terrorists, killing 338 civilians (78 children, 69 females, 30 elderly people and 161 young men), displacing 355,000 people, affecting some 1,642,000 residents in at least 22 districts of seven cities, and causing massive destruction in residential areas. Between 16 August 2015 and 20 April 2016, authorities officially imposed 65 open-ended and all-day-long curfews (confinements) in at least 22 districts of seven cities in the region.³⁴ As mentioned, protests and vigils took place frequently outside the curfew areas, which police routinely dispersed with tear gas and water cannon, detaining protestors. Moreover, security operations in the region have put up to 200,000 people at risk of death, injury and displacement, placing them in the crossfire or cutting them off from emergency aid and basic services such as water, as they have been confined indoors.

The UN Committee against Torture (CaT) has raised its concerns in its last report of 2016 about allegations of torture and ill-treatment of detainees, extrajudicial killings and ill-treatment in the context of counter-terrorism operations. CaT cites numerous, credible reports of law-enforcement officials engaging in such acts, while responding to perceived and alleged threats and carrying out counter-terrorism operations in the southeastern part of the country following the breakdown of the peace process in 2015. In addition, CaT regretted the reported impunity enjoyed by the perpetrators of such acts, the failure by the State party to ensure accountability for the perpetrators of killings in cases previously raised by the Committee, and the Turkish government’s reported denial to retrieve the bodies of those killed in clashes between security forces and members or armed groups by their families, hence impeding investigations into the circumstances surrounding those deaths. Moreover, the Committee expressed its serious concern at reports that the imposition of curfews in areas of security operations has restricted the affected populations’ ability to access basic goods and services such as health care and food, causing severe pain and suffering.³⁵

And the war entered the cities.



Map of Turkey locating the City of Diyarbakir with detail indicating the Province of Diyarbakir (2016 population: 1,528,958).

Diyarbakır: paradigmatic urban destruction

We envisage cities that foster social cohesion, inclusion, and safety in peaceful and pluralistic societies, where the needs of all inhabitants are met, recognizing the specific needs of those in vulnerable situations

Quito Declaration, Habitat III (2016)³⁶

Suriçi, and currently Metropolitan Diyarbakır, is considered to be the historic and cultural capital of Turkish Kurdistan. The New Year 2016 saw a seasonal escalation in combat activity, and 103 days of government security operations displaced 23,000 inhabitants of Suriçi and left the historic fortress area of Metropolitan Diyarbakır partly in ruins by early March. In the same month, the Council of Ministers of Turkey issued a decree ordering the immediate expropriation of all non-state-owned parcels of Suriçi.³⁷ That mass dispossession appropriates a total of 6,292 land parcels. Application of the Decree will entail the forced eviction and dispossession of another 27,000 inhabitants of Suriçi, affecting 14,764 households and Suriçi's entire population of 50,341. The confinement still remains in place, as trucks move in to remove debris, locals are still banned from their neighborhoods.

The Diyarbakır Fortress and the adjacent Hevsel Gardens form a cultural landscape that extends between the city and the River Tigris. The site was recognized as world heritage by UNESCO in 2012, acknowledging the city's heritage dating back thousands of years. The Municipality of Diyarbakır has been reporting the damage and devastation caused by the use of heavy weaponry in armed clashes that were particularly violent from 27 January to 3 February 2016 in urban areas of Sur and in registered historical buildings. Consequently, the Suriçi Urban Archeological Site has undergone serious damage to



16 January 2016: The historic walls around the Suriçi of Diyarbakır were damaged during the security operations and clashes between the Turkish military forces and Kurdish fighters (Sertac Kayar/Reuters).

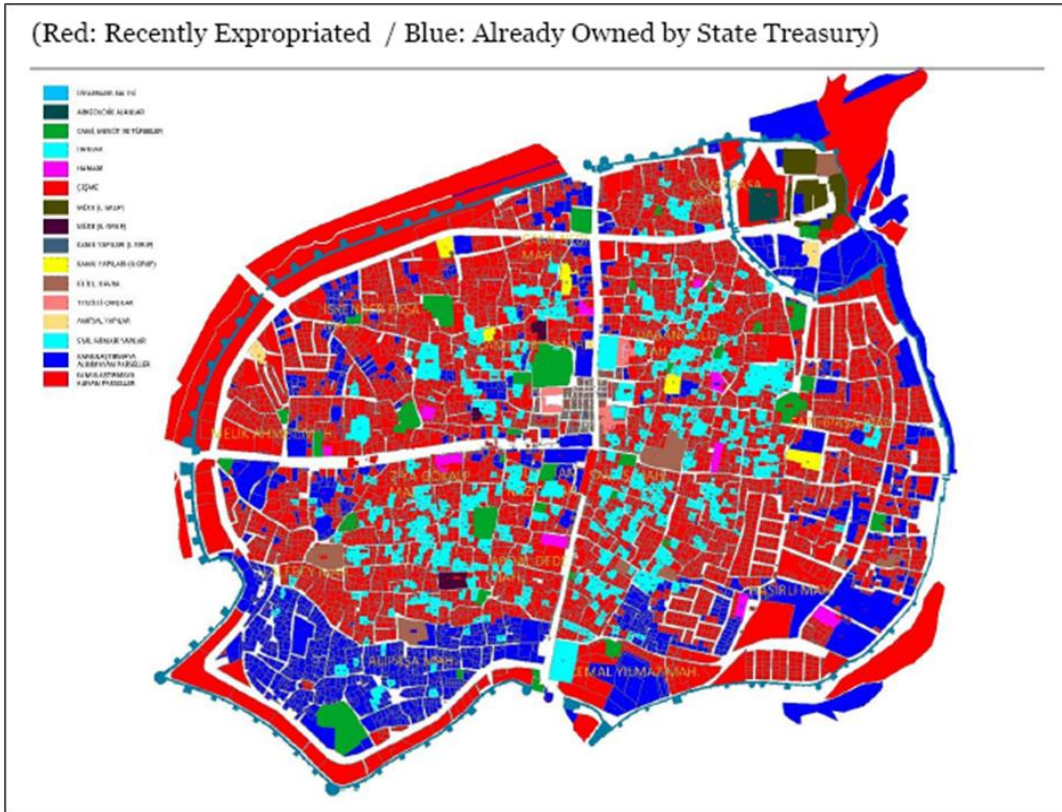
architecturally valuable urban structures and buildings, as well as disruption of the indigenous social system and life cycle in the district. Protected buildings, such as Kurşunlu Mosque, Sheikh Muhattar Mosque, Paşa Hamam, Mehmed Uzun Museum and other historical civic buildings and historic shops at Yeni Kapı Street were partially or totally destroyed. The Directorate of Environmental Protection (Municipality of Metropolitan Diyarbakır) officially reported that the Culture and Tourism Ministry formed a commission with local institutions and extracted ruins without any examination of the demolitions, including physical parts of registered historical buildings, and removed and piled them in an area that is not officially a dump site.

Moreover, according to the Municipality, around 70% of the buildings in the eastern part of the Old City, composed of six neighborhoods, have been destroyed fully or partially by the police and military operations between August 2015 and March 2016.³⁸ Estimates determined that 1,100 buildings, partly damaged during the clashes, were demolished during the following two months after the end of the operations. The process of removing wreckage still continued as per end of May 2016, and the toll is expected to increase day by day. As the area is still under confinement, it is not possible to know the exact extent of the destruction, or to determine the distribution of registered historical buildings, civilian architecture and households among those 1,100 demolished buildings. Hence, any assessment of the damage is done through analyzing satellite images.

Urban transformation by decree

According to local informants, the inhabitants were convinced that the security operations were more for the purpose of emptying Suriçi ahead of an urban-transformation drive, rather than battling the PKK.³⁹ The government decree for the immediate expropriation of the 82% of total parcels in Suriçi confirmed the premonition. Residents and the Municipality of Diyarbakır never were involved in, nor informed about the expropriation plans, and now fear being left out of any reconstruction plan, losing homes and shops in return for low or no compensation and resulting with the destruction of the area's social fabric. Taking into account the recent Turkish urban transformation history and the historic conflict between Turkish governments and citizens in Kurdish-populated areas, it is not unthinkable that the intentions of the central Government of Turkey are to change the demographic character of Diyarbakır.

The recent Turkish history of urban-development plans of cities augurs a harmful trajectory in urban governance as well.⁴⁰ Through top-down planning, without consulting affected communities or consideration of the social dimensions and cultural practices, planners subject historical neighbourhoods of residents holding legal titles to destruction through urban renewal, such as happened in Sulukule, Tarlabaşı or Ayvansaray. In those examples, the areas targeted for urban development hosted mostly Roma and Kurdish populations. Planners and developers have replaced those communities with unaffordable luxurious projects on local populations, compelling the original low-income inhabitants to leave. Because they now cannot pay the inflated prices of their properties and those in the development project, the original Roma and Kurdish residents cannot contract to sell to third parties. They simply leave to avoid expropriation, ending up impoverished, further deprived and, eventually, displaced.



Map of the expropriation affecting all 50,341 inhabitants of Suriçi. Source: Diyarbakır Fortress and Hevsel Gardens Cultural Landscape Site Management.

In response to the situation in Diyarbakır, political entities, NGOs and local, regional and international institutions have denounced the expropriation process and other violent developments. During a March 2016 parliament session, the sitting People’s Democratic Party (HDP) members challenged the Turkish government’s executive branch to reveal the real reasons of the Expropriation Decree, as it was clearly not justifiable under the national law.⁴¹ Lawmakers from President Recep Tayyip Erdoğan’s governing AKP party responded by pushing through an amendment to the Turkish Constitution that would strip members of Parliament of their immunity from prosecution, a move that is likely to lead to the ouster of Kurdish deputies. On the very day their parliamentary immunity was lifted, HDP leaders issued a letter to UN Secretary-General Ban Ki-moon appealing that he pay attention to the situation in Sur, ahead of his opening the First World Humanitarian Summit at Istanbul.⁴²

Urban heritage at stake

The Municipality of Diyarbakır has produced several reports on the destruction of Sur District’s cultural heritage. The presented its to the attention Ministry of Turkish National UNESCO, Turkish for International Monuments and Turkish National



Kurşunlu Mosque in Amed quarter of Diyarbakır, damaged from bombardment by the Turkish military. Source: Fatih Pınar.

Municipality reports and studies of the Turkish’s Culture and Tourism, Commission for National Commission Council on Sites (ICOMOS), Committee of the

International Commission for Risk Preparedness ([ICORP](#)) with the demand for inclusion of the Directorate of Site Management of the Municipality of Diyarbakır in all assessment, rehabilitation and adjustment processes. To wit, the current practices flout ICORP's 2012 Istanbul Statement on Cultural Heritage Protection in Times of Risk 2012.⁴³

More than 300 nongovernmental groups and civic leaders issued a [joint statement](#) on 30 March denouncing the expropriation. Serefhan Aydin, chairman of the Diyarbakır Architects Chamber and signatory of the joint statement, announced that the chamber would initiate a lawsuit to cancel the expropriation decree.

Diyarbakır Bar Association - Girasun prepared an application to the Council of Europe's European Court of Human Rights (ECHR) on behalf of families under curfew to have the curfews in Sur and other southeastern cities condemned as illegal. Having first sought to do the same in Turkish courts, and having had the case dismissed within hours, he and his team filed at the ECHR in September. The ECHR has condemned individual abuses committed by the Turkish state during the curfews, but has not yet declared the curfews themselves illegal.⁴⁴ The Commissioner for Human Rights of the Council of Europe visited Diyarbakır on mid-April 2016 and decried the shocking scale of destruction in some of the zones. Alarming, the report of the mission has not been published, but another mission was scheduled at the end of September of 2016.

The [Venice Commission](#) of the Council of Europe issued a report on the legality of the curfews and recommended Turkish authorities to several legal reforms and actions to ensure due respect for the relevant international standards, national rules and international obligations with regard to the protection of fundamental rights.



September 2016 aerial view of Diyarbakır's Suriçi destruction with the eastern segment largely razed. Source: UNOSAT/UNITAR

Lessons of Diyarbakır

Those who cannot remember the past are condemned to repeat it.

George Santayana⁴⁵

Everything wise has been thought before; one only has to try to think of it again.

Johann Wolfgang von Goethe⁴⁶

Insanity is doing the same thing over and over again and expecting a different result.

variously attributed to Albert Einstein, Benjamin Franklin,
Mark Twain and Narcotics Anonymous

At the first Habitat Conference at Vancouver in 1976, states already observed how the ideologies of states are reflected in their housing and human settlement policies, as these are powerful instruments for change. However, the normative approach of the Habitat Agenda had urged governments not to use such tools of governance to dispossess people from their land or entrench privilege and exploitation.⁴⁷ The recurrence of the destruction argues for the need to address—and remedy—root causes that persist. Too much is at stake.

The evolution of norms and standards for the realization of the human right to adequate housing should align with principles of governance that ensure that the state represent all of its citizens, embodying the self-determination of its peoples, as whole peoples. The failure to implement those principles risks no less than the integrity of the state itself.

Realizing the human right to adequate housing, which derives from the right to an adequate standard of living, is essential to human dignity, autonomy and the enjoyment of indivisible civil, cultural, economic, political and social rights. Habitat I apparently enshrined a recognition that housing must not be the target and theatre of conflict.

As defined in the UN Committee on Economic, Social and Cultural Rights (CESCR) General Comment No. 4, the human right to adequate housing is a formula for modern statecraft and a state obligation that successive governments are obliged to fulfill. Two of the seven over-riding principles of implementation

of all human rights are self-determination and nondiscrimination.⁴⁸ Both before and after Habitat II, states also affirmed that forced eviction is a “gross violation” of human rights,⁴⁹ and the Habitat Agenda (1996) enshrined the repeated commitment to “protect from, and redress forced evictions.”⁵⁰

The case of Diyarbakır exemplifies the consequence of a state’s failure to apply those essentials of human rights-based statecraft and treaty obligation. While conducting forced evictions and urban transformation as tools of demographic manipulation, ethnic cleansing and internal warfare, the Republic of Turkey violates the human right to adequate housing in the broadest sense. A ratifying party of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines the effected human rights, Turkey’s violations of a bundle of human rights in this case should engage the concern of fellow States Party to ICESCR, as well as the international community at large.

The wanton destruction of world heritage and human habitat through the Habitat Agenda’s performance period and beyond should be a planetary concern. HIC-HLRN and local civil society invoke the common principles and obligations enshrined also in the relevant UNESCO Treaties (see Annex II: **Turkey’s Relevant Treaty Ratification Status**). Correspondingly, Habitat II had affirmed to assist “historical human settlements, including sites, monuments and buildings, particularly those protected under the UNESCO Convention on World Heritage Sites,” including through international cooperation.⁵¹ The case of Diyarbakır invokes that key Habitat Agenda commitment as well.

Like the refugee and migration crisis in the region, the destruction like that afflicting Diyarbakır is a global responsibility. However, that responsibility to uphold human rights standards, including an adequate standard of living, is ultimately discharged locally, not least by commendable efforts of local communities and democratic (i.e., representative and participatory) local governments.

In light of the reports received from local parties, including the Municipality of Metropolitan Diyarbakır, the situation in Suriçi is dire not only for the tens of thousands of displaced and dispossessed residents of the district, but also for the wider conduct of statecraft in the Republic of Turkey. Diyarbakır stands as an exemplar of what needs to be done within a new, global Habitat Agenda. The preservation of the Suriçi of Diyarbakır and the establishment of human rights-based governance and reparation of victims are essential to avoid proliferating conflict and, at once, implement thoroughgoing Habitat Agenda commitments and other fundamental norms of state conduct that seek to avoid similar disasters.

The principal lessons of Diyarbakır are a call to international solidarity, in support of the local effort to recover and rebuilt what is lost. HLRN calls on the duty-holding international community to join in a locally directed remedy to the situation in Diyarbakır for the city’s local constituents and the reform of the statecraft that has produced the cyclical destruction. This will require not least an assessment of the losses, costs and damages incurred, in order to ensure full reparations and transitional justice.

HIC-HLRN regrets the need to return to the scene of population transfer through human settlement destruction as a social and ethnic engineering policy of the Republic of Turkey. These developments have transpired within the time of Habitat II’s implementation, culminating at the time of the 1996 Habitat Agenda’s implementation review. The picture in 2016 is no more favorable.

The lessons of Diyarbakır’s Suriçi are lessons for the wider international community from an already-explosive region of conflict, where military occupation, forced displacement, population transfer and destruction of human habitat have been allowed to become the anti-norm. HIC-HLRN continues to implore Member States of the UN to set out effective measures to remedy such violations to achieve a human rights habitat as an urgent and committed priority at Habitat III.

Annex I: HLRN Violation Database Entries for Turkey

HOUSING AND LAND RIGHTS VIOLATION DATABASE					
Search results for all types of violation between 1 January 1984 and 03 October 2016					
Title	Start Date	Country	Victims	Details	Type of violation
Şırnak curfew	14/03/2016	Turkey	55,000		Forced eviction Demolition/destruction
Silopi	14/12/2015	Turkey	500		Forced eviction Demolition/destruction
Cizre: 'a 2nd Kobani'	14/12/2015	Turkey	50,000	1	Forced eviction Demolition/destruction
Suriçi, Diyarbakır	11/12/2015	Turkey	50,341	1, 2, 3	Forced eviction Demolition/destruction Dispossession/confiscation
Sarigöl	31/03/2015	Turkey	2,000		Forced eviction Demolition/destruction Dispossession/confiscation
Megaprojects	31/01/2014	Turkey	1,500		Forced eviction Dispossession/confiscation Privatization of public goods and services
Tarlabası	24/06/2011	Turkey	3,200	1	Forced eviction Demolition/destruction Dispossession/confiscation
Ilusu Villages Burnt, Ks Displaced	28/06/2010	Turkey	55,000		Forced eviction Demolition/destruction
Sulukule	10/05/2009	Turkey	5,000		Forced eviction Demolition/destruction
Süleymaniye	29/10/2007	Turkey	8,500	1	Forced eviction Demolition/destruction
Roma in Küçükbakkalköy	20/07/2006	Turkey	600	1	Forced eviction Demolition/destruction
Kadifekale	01/06/2006	Turkey	10,000	1	Forced eviction Demolition/destruction Privatization of public goods and services
Roma in Hasanpaşa	01/01/2005	Turkey	50	1	Forced eviction Demolition/destruction
Ayazma/Tepeüstü	01/01/2004	Turkey	7,800	1	Forced eviction
Mass Eviction of Kurds	01/01/1984	Turkey	4,000,000		Forced eviction
Record Count: 15 Affected persons: 4,249,491					

Annex II: Turkey's Relevant Treaty Ratification Status

Human Rights Instruments: (date in force)	Status	Declaration
Convention on the Prevention and Punishment of the Crime of Genocide: 1951	Signature: N/A, Ratification: 1950	
European Convention for the Protection of Human Rights and Fundamental Freedoms: 1953	Signature: 1950, Accession: 1954	✓
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms: 1954	Signature: 1950, Accession: 1954	✓
European Social Charter: 1965 (revised 1995)	Signature: 2004, Accession: 2007	✓
International Convention on the Elimination of All Forms of Racial Discrimination: 1969	Signature: 1972, Accession: 2002	✓
International Covenant on Civil and Political Rights: 1976	Signature: 2000, Accession: 2003	✓
Optional Protocol to the International Covenant on Civil and Political Rights: 1976	Signature: 2004, Accession: 2006	✓
Additional Protocol to the European Social Charter: 1991	Signature: 2004, Accession: 2009	
International Covenant on Economic, Social and Cultural Rights: 1976	Signature: 2000, Accession: 2003	✓
Convention on the Elimination of All Forms of Discrimination against Women: 1981	Signature: NA, Accession: 1985	✓
Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty: 1985	Signature: 2003, Accession: 2003	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 1987*	Signature: 1988, Accession: 1988	✓
Convention on the Rights of the Child: 1990	Signature: 1990, Accession: 1995	✓
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: 1991	Signature: 2004, Accession: 2006	
Optional Protocol to the European Convention on the Elimination of All Forms of Discrimination against Women: 2000	Signature: 2000, Accession: 2002	
Optional Protocol to the European Convention on the Rights of the Child on the involvement of children in armed conflict: 2002	Signature: 2000, Accession: 2004	✓
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: 2003	Signature: 1999, Accession: 2004	✓
Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances: 2003	Signature: 2004, Accession: 2006	
Optional Protocol to the European Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: 2006	Signature: 2005, Accession: 2011	
Convention on the Rights of Persons with Disabilities: 2008	Signature: 2007, Accession: 2009	

* indicates that the Republic of Turkey has recognized the competence to receive and process individual communications of the

Committee against Torture under Article 22 of the Convention against Torture.

UNESCO Treaties: (date in force)	Status	Declaration
Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention: 1956	Accession: 1965	
Protocol for the Protection of Cultural Property in the Event of Armed Conflict: 1956	Accession: 1965	
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: 1972.	Ratification: 1981	
Convention concerning the Protection of the World Cultural and Natural Heritage: 1975	Ratification: 1983	
Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms: 1988	Signature: 1985, Accession: 2016	
Convention for the Safeguarding of the Intangible Cultural Heritage: 2006	Ratification: 2006	

International Humanitarian Law Treaties: (date in force)	Status	Declaration
Hague Convention (II) on the Laws and Customs of War on Land: 1899	Signature: 1899, Accession: 1907	
Geneva Convention (IV) on Civilians, 1949 and its commentary: 1950	Signature: 1949, Accession: 1954	
Optional Protocol on the involvement of children in armed conflict, 2002	Signature: 2004, Accession: 2004	✓
Convention prohibiting Environmental Modification Techniques: 1976	Signature: 1977, Accession: 1977	
Convention prohibiting Certain Conventional Weapons: 1983 (and amended Article 1)	Signature: 2005, Accession: 2005	✓
Convention prohibiting Chemical Weapons: 1997	Signature: 1993, Ratification: 1997	
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: 1999	Signature: N/A , Accession: 2003	
Optional Protocol to the Convention on the Rights of Persons with Disabilities: 2008	Signature: 2009, Accession: 2015	✓

International Criminal Law Treaties: (date in force)	Ratification Status	Declaration
International Convention for the Suppression of Terrorist Bombings: 2001	Signature: 1999 , Accession: 2002	✓
United Nations Convention against Corruption: 2005	Signature: 2003, Accession: 2006	

Relevant Treaties *Not* Ratified by Turkey

Human Rights Instruments: (date open for signature/ratification)

Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto: 1963 (signed in 1992)

Additional Protocol to the European Social Charter Providing for a System of Collective Complaints: 1995

Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms: 2000 (signed in 2001)

International Convention for the Protection of all Persons from Enforced Disappearance: 2010

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: 2013

Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms: 2013 (signed in 2013)

UNESCO Treaties (date open for signature/ratification)

Convention against Discrimination in Education: 1960.

Second Protocol to The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict: 1999

Convention on the Protection and Promotion of the Diversity of Cultural Expressions: 2005

International Humanitarian Law Treaties: (date open for signature/ratification)

Hague Convention (IV) on War on Land and its Annexed Regulations:1907 (signed 1907)

Hague Convention (III) on the Opening of Hostilities: 1907 (signed 1907)

Additional Protocol (I) to the Geneva Conventions, 1977 and its commentary: 1977

Additional Protocol (II) to the Geneva Conventions, 1977 and its commentary: 1977

International Criminal Law Treaties: (date open for signature/ratification)

Rome Statute of the International Criminal Court: 1998

Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity: 1968

Annex III: The Impact of War and Forced Evictions on Urbanisation in Turkey: Violations of Housing Rights

Report of a Fact-finding Mission (March 1996)



ISTANBUL, MAY 1996

I. FOREWORD

Widespread international criticism has been aroused in response to the Government of Turkey's forcible eviction of over two million people in the SouthEast of the country. The sheer brutality of the methods used to evict people and destroy entire villages is less well known, while the fate of those displaced is hardly spoken of at all. Hundreds of thousands of Kurds have been forced to migrate to the cities where they face dismal housing and living conditions.

This report looks into a series of difficult questions focused on the housing and settlements conditions faced by the evicted people:

- What has happened to the over two million people displaced due to Turkish military operations?
- What has happened to the settlements in which they lived?
- Where do they go and what housing, health and employment conditions do they face in the areas where they are forced to rebuild their lives?
- What role is the State playing in the areas where people have resettled?
- How have human rights of the displaced people, especially the right to housing, been affected?

These questions need to be squarely confronted. All the more so because Turkey is hosting the second United Nations Conference on Human Settlements in Istanbul, June 1996. The Government of Turkey's responsibility for these forced evictions and the subsequent harsh conditions faced by those evicted must be recognized and acted upon.

The Habitat International Coalition, HIC, sent a fact finding team to Turkey in March 1996 to help answer these questions and bring the results to Habitat II.

HIC is a global coalition of some 300 non-governmental and community organizations active in the fields of housing and human settlements. HIC was founded in 1976 and has its headquarters in Mexico City. The Fact Finding Mission (FFM) team members were:

- Ms Tabitha Siwale, Member of Parliament, Tanzania and member, HIC Women and Shelter Group
- Ms Monira Zourab, member, Palestinian Housing Rights Movement and Administrative Officer, Palestinian Human Rights Information Centre, Jerusalem, Palestine
- Mr. Alejandro Florian, Director, Fedevivienda, Columbia
- Mr. Miloon Kothari, HIC Representative to the UN and CoDirector, Centre on Housing Rights and Evictions, Geneva.

This is the report of the Fact Finding Mission. Members of the FFM team visited Istanbul, Ankara and Diyarbakir. They spoke to a wide range of human rights organisations, professional associations and environmental groups. On site interviews were carried out in Istanbul of Kurdish families displaced from the SouthEast of Turkey. This report presents, at the time of Habitat II, an appraisal of Turkey's housing rights record in the SouthEast over the past ten years. It also documents the related problems of rapid urbanisation and the very poor urban settlements conditions of the displaced populations.

The Habitat International Coalition would like to express its sincere thanks to all those who assisted the FFM team and so willingly shared their information, expertise and experience. Special thanks are due to the many courageous human rights activists and to the displaced families that agreed to be interviewed. Their testimonies are deeply moving.

II. VIOLATIONS OF THE HUMAN RIGHT TO HOUSING

The principal violations of the human right to housing documented in this report are village destruction and forced evictions, and the perpetuation of inadequate housing and living conditions. The fact finding team reviewed numerous documents confirming that large scale evictions have taken place since the early 1980's with particular intensity since early 1991. Some of the findings of these documents are summarised in a later section of this report.

The descriptions and statistics of forced evictions, and inadequate housing and living conditions are based on reports from local (Human Rights Association,

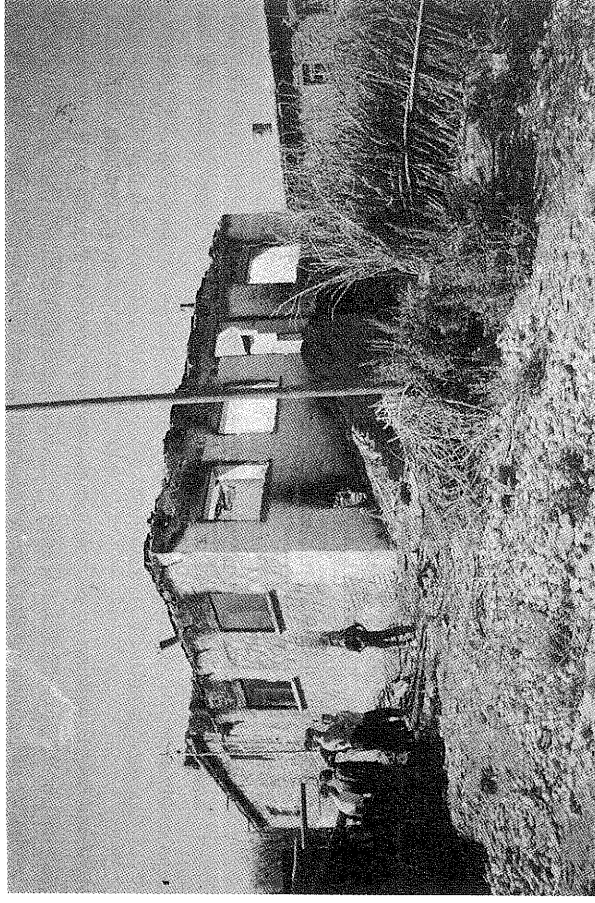
Human Rights Foundation) and international human rights organisations (Human Rights Watch, Human Rights Watch/Helsinki). They are also based on statements made by Turkish Ministers in Parliament, in particular the Minister for Human Rights Koyluoglu (October 11, 1994), and Interior Minister Nahit Mentese in April, 1994, and the emergency region governor's statement in July 1995.

Village Destruction and Forced Evictions

* According to numerous sources, since the early 1980's, the Turkish government has destroyed approximately 2,400 villages. Human rights organisations in Turkey believe this has led to the internal displacement of 2.5 to 3 million Kurds. Most of these forced evictions of Kurds have taken place since 1992.

* In 1993, 874 villages were evacuated. In 1994, 1,494 villages or hamlets were burned down and evacuated.

* In the region of Dersim (Tunceli), from September to November 1994, of the total of 399 villages, approximately one-third or 137 villages were partially evacuated and/or destroyed by fire during military operations carried out by the Turkish military. In some of the subdistricts of Dersim, as many as 80% of villages were affected. According to Government sources, 1,200 families were made homeless



Since the early 1980s, Government of Turkey Security Forces have destroyed about 2,400 villages and towns in rural areas of SE Turkey.

due to these operations. Several independent sources indicated that the number affected was several times the government figure.

Inadequate Housing and Living Conditions among Displaced People

* The massive displacement caused by the Turkish military operations in the SouthEast have contributed to rapid growth of many cities in Turkey. The displaced Kurds have been forced to live in cities whose populations have dramatically increased. They often live in jerry built quarters rapidly constructed overnight. Examples of cities which experienced rapid growth include Mersin whose population was 422,000 in the 1990 Census, and by 1994 had increased to one million. Adana went from 927,000 to 2 million, and Diyarbakir from 380,000 to 1 million. Numerous studies have shown that the great majority of these displaced people live in abysmal housing and living conditions.

* Women and children continue to be the worst victims of both forced evictions at one end and inadequate housing/living conditions at the other end. Children suffer from poor nutrition and diseases such as diarrhoea and typhoid.

* A visit to any of the areas where displaced Kurds stay in the cities of Turkey reveals the often complete negligence of the Turkish authorities to improve the housing and living conditions. The HIC fact finding mission found in both Diyarbakir and Istanbul neighbourhoods without access to potable water, adequate sanitation facilities or electricity connections.

III. CASE STUDIES

The fact finding team interviewed families that had been evicted by force from their villages and towns in S-E Turkey. The team found that all these families have had to cope with numerous problems in the cities where they have resettled. They face health, housing, social, educational and psychological problems. Family members that have stayed behind in the villages are subjected to continuous violence. Women who remain in the villages are subjected to rape by "village guards".

Health services are provided by the municipality in the areas where most families have resettled, but the evicted families often cannot afford to buy medications. Education in public schools is said to be free, but students have to pay a monthly fee in addition to the costs of books, notebooks, pens, etc. Again, this is very difficult for the evicted families. Kurdish children who join the schools do not

know any Turkish language. They are marginalised and have a hard time managing their studies.

The unwillingness of the authorities to improve the housing and living conditions of the Kurds has a detrimental affect on their health and well being. Coupled with the lack of employment opportunities and discrimination in work places the overall conditions faced by the Kurdish families are indeed adverse. The Kurds are also often harassed by police authorities.

The following case studies of families interviewed by the FFM team illustrate the traumatic displacement from the villages and the dire conditions faced by Kurds in the cities where they have been forced to start life again.

Case Study 1: Family from Tatvan Region

Late one night in December 1994, thirty seven year old E.C., father of two girls and a boy aged 12 and 8, was at home with his family in a village in Tatvan region. Military forces in civilian clothes opened fire and entered his house with the intention of burning it to the ground. In fear of being set on fire along with their house, the family tried to escape, but found out that the whole village, comprising of 25 houses, inhabited by 300 people had been raided and burnt. E.C. described his village as prosperous, with good farming and grazing land, equipped with a school, a health clinic and two mosques. When the soldiers came, however, everything changed:

"I was beaten up and wounded. They arrested me and brought me to a place where they showed me the dead body of my brother's son. When I saw that his eyes were gouged out I was shocked. A military man saw my reaction and said 'why are you worried about this person, he was just a terrorist'."

The inhabitants of the village, had been consistently harassed by military and security forces since 1990. They were threatened by the army with punishment as suspected PKK guerillas or if they refused to become "village guards". ("Village guards" are often forcibly recruited by security forces to "protect" the villages against suspected "terrorists". While many Kurdish families do not necessarily support the main guerilla group, the PKK, they also do not want to join the "village guards".)

After the raid, the entire population left the village and migrated to the big cities in western Turkey to live with other family members and relatives. The family of E.C. first moved to a town SouthEast of their former location, but being farmers, none of the family members could find work. The whole family now lives in one

husband's brother after beating him. We managed to leave the house before they burnt it down".

Later that day all the village members were ordered into the central village square.

"They arrested thirteen of our people. We found the dead body of my husband's brother, horribly disfigured from the torture that had been inflicted on him. My 17 year old daughter suffered from shock when she saw the tortured body."

The very same day Z.M. and her family decided to flee to the mountains. Her daughter and thirteen members of her family died during the escape. Nine family members are currently held in prison. After an odyssey of six months where Z.M.'s family could not find a place to live, they finally moved to Istanbul. Because of their Kurdish origin they are seen as terrorists and constantly exposed to discrimination. This makes it almost impossible for them to rent a house or find jobs. Presently they live in substandard housing and living conditions. To make things worse they are regularly harassed by the police after having registered as Kurdish migrants in their neighbourhood.

Case Study 3: Family from Baykan District

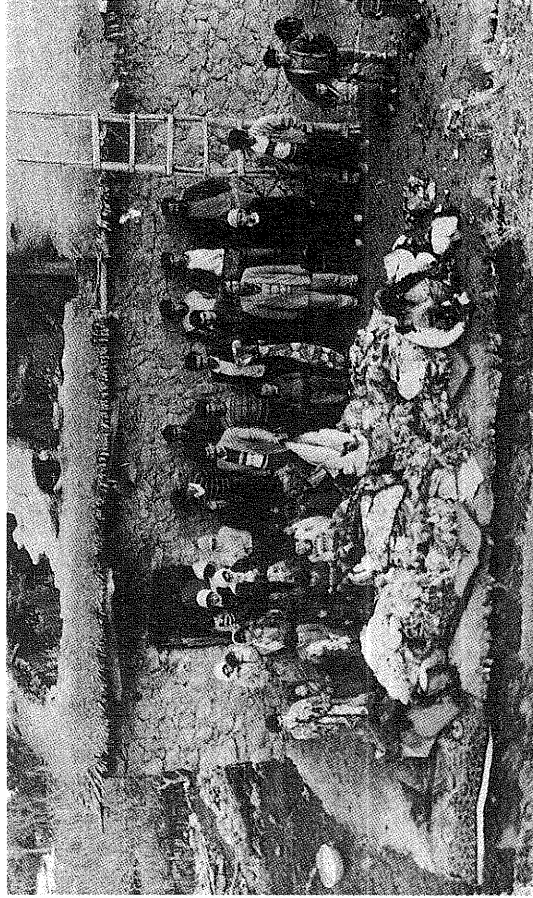
Fadime is a woman in her late twenties and mother of six children. She comes from a village in the Baykan district of Cevrimtepe, SouthEast Turkey. She lost her husband when security forces raided her village. Fadime recalls:

"They brought him to the police station and tortured him. When he started bleeding he was refused any aid. He died the next day".

Her husband had been accused of being a terrorist. He was arrested along with an old man and his six daughters. The old man was pressurised by the soldiers to help the dying man. In fear that his daughters would be raped if he left them, to help the dying man, he refused. Three days after the death of the husband, the residents were forcibly evicted. They were told that they would be burned alive if they disobey. Fadime's relatives helped her and her children to flee to Istanbul. She spend all her financial resources for their escape:

"I owned a cow and other agricultural products but I was forced to sell them to the village guard for a very cheap price in order to reach Istanbul. We had to leave all our belongings in the house".

Fadime and her family now suffer from substandard living and housing con-



Over 2,000,000 people, most of Kurdish origins, have been left homeless and forced to migrate to urban areas.

small room in a suburb of Istanbul under extremely poor housing and living conditions. E.C. is occasionally employed in construction work and his 12 year old daughter works in the confection industry. His wife has little chance to find work since she doesn't speak Turkish. Being of Kurdish origin and outsiders in their neighbourhood, they face discrimination by community members and are routinely harassed by the police.

Case Study 2: Family from Van Province

Z.M. mother of seven, testified that since 1990 her village in the province of Van, had been visited twice a week by army and security forces searching for guerilla fighters. They also put pressure on the male members to become "village guards". The village was completely destroyed in 1994. Pictures of Z.M.'s home and family show a healthy farming village with good living conditions. This apparently tranquil life came to an end in December 1994, when helicopters and army forces surrounded the village and opened fire. When heavily armed men invaded the houses in order to burn them down, some of the villagers sought shelter in a concrete store building. Z.M. recalls the day:

"The soldiers came to my house, started insulting me and I was badly beaten. My son was also brutally beaten and fell on the floor. They arrested my



Many of the people displaced from SE Turkey live in overcrowded and inadequate housing.

ditions. The family lives in small room in a suburb of Istanbul, without proper sanitary facilities such as a separate toilet, sewage system and water pipes. As a result of the poor housing and living conditions her youngest children, aged 3 and 4 years, often fall sick. When we visited the family both the children were unwell. Fadime cannot afford to buy the prescribed medicine. With the death of the father, the family lost its main breadwinner.

Fadime's ten year old son works in a confection shop but his weekly income of 1,3 Million TL (app. US \$14) is not enough to support the family which has to pay 2,5 Million TL a month alone to cover the rent. Fadime is illiterate and cannot communicate affectively in Turkish. She tries to earn some money by repairing shoes at home. Due to the severe economic situation of the family, none of the children can regularly attend school. Bursting into tears she said:

"The neighbours help by giving us some food, but sometimes I don't find anything in the house to give my children to eat".

Case Study 4: Second Family from Baykan District

Ayse, 17 years old, comes from the same village as Fadime (see Case Study 3). She lives in the same neighbourhood in Istanbul with her 36 year old

mother, her unmarried brother and younger sister aged 20 and 15 respectively. They live in a two room apartment with a kitchen and a toilet. Her family moved to Istanbul in 1993 to live with her older brothers who support the family financially and left their village because they were pressured to become "village guards". Ayse's father died in a car accident in 1981. Her two eldest sisters and brother are married.

One of Ayse's brothers works in a confection shop and makes 15 Million TL a month. In the villages in S-E Turkey, girls generally do not have access to education. Even though no school existed in her village, Ayse forced her parents to send her to a school in a neighbouring village. She finished her primary education. Ayse is an intelligent and ambitious young woman. She said:

"I would like to continue my education and become a politician, but my family cannot afford to send me to school. My younger sister and I have to stay at home. For social reasons we cannot work outside the home and have to contribute to the family's income by sewing shoes".

IV. SUMMARIES OF REPORTS

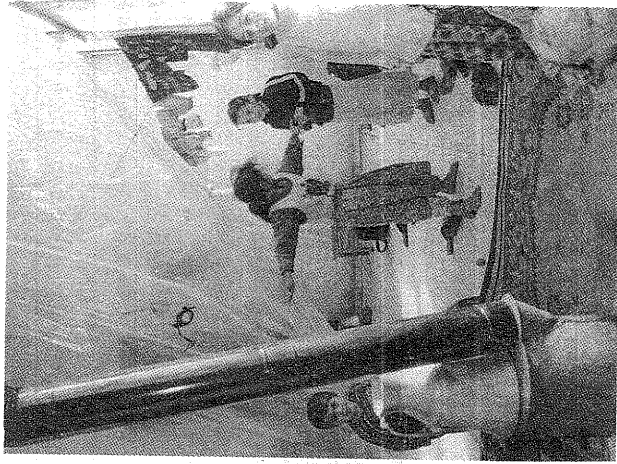
During the preparations and the course of the fact finding trip, the HIC team reviewed numerous reports by non-governmental and governmental sources that shed light on the methods of displacement used by the Turkish military. These reports also contain results of research into the housing and living conditions of Kurds in cities where they had to resettle. The following are short summaries of some of the more important reports. These help draw out the impacts on the housing rights of the displaced Kurds. Readers might also seek out these publications to be better able to judge the extent of continuing violations of the right to housing of over two million Kurds who remain internally displaced in Turkey.

I Turkish Medical Association (1995), The Report on Health Services and Health Personnel's Problems in the SouthEast, Human Rights Foundation of Turkey, Publication 8, Ankara.

This report finds that urban sewage disposal, urban water supply and air pollution are major problems in Diyarbakir and the SouthEast.

It reveals that health centres in the SouthEast are inadequate in number and services. Some are used as headquarters by military forces or the police. Health workers are concentrated in the urban city centres. Rural health services have also been interrupted as a result of the fighting. Water supply problems adds to health problems. The use of unhygienic water has led to increased gastroenteritis.

The Report states that the environmental and living conditions of immigrants are very poor. The living standards of the migrants are inadequate. As a result, death rates are very high especially among infant children. In 1992, the infant child death rate was 60 per 1,000 in Turkey, and 87 per 1,000 in the SouthEast. Transportation is another problem which leads to increase in deaths. For example, women may die during miscarriages because they cannot get to proper medical care. The drinking water, environmental and health care, health services and poverty have resulted in the spread of diseases like tuberculosis, typhoid, trachoma and malaria.



The Turkish authorities are doing very little to help rural people forced to migrate to the cities. Families cannot afford to send their children to school. Children suffer the most from health problems due to poor sanitation and water supply.

The report concludes that the extraordinary situation in the South-East has caused a 'demographic blowup' in the provincial centres. The resultant increase in population: "has not only caused an increase in insufficiency of infrastructure but has also deepened the inequality in the use of infrastructure facilities. This process has weakened the urban inner dynamics, so that instead of urbanization, urban areas have turned into villages".

II Human Rights Watch Helsinki (1994), TURKEY: Forced Displacement of Ethnic Kurds from SouthEastern Turkey, Human Rights Watch/Helsinki, vol.6, no.12, New York.

The report shows that since 1993, civilian displacement from S-E Turkey has become a widespread phenomenon. This is due to both increased fighting between PKK and government security forces, and as a result of action by the Turkish security forces. To deprive the PKK of a logistic base of support, the security forces evict villagers forcibly from their villages which are sometimes destroyed or burned. The forced displacement also comes as a collective punishment for refusal of joining the "village guard" system. The displaced villages flee to the cities including Diyarbakir where they live in poverty.

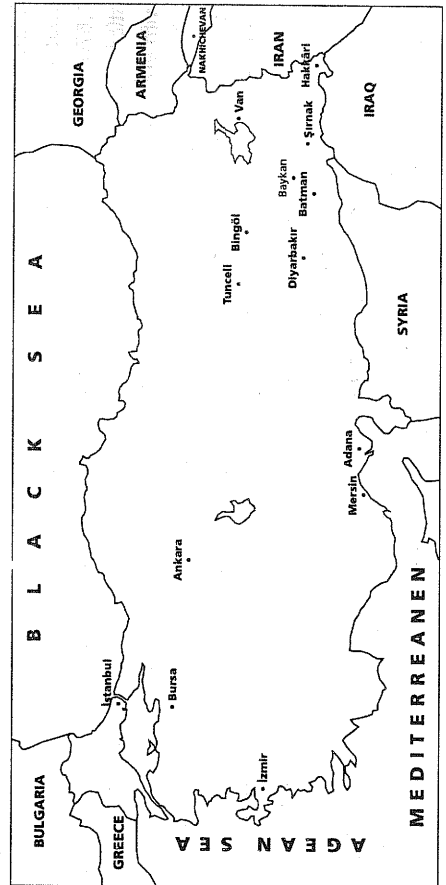
The displacement reached a high point during a three week operation in Tunceli province which began in late September 1994. During this brief time 40,000 Turkish troops burned thirty villages and hamlets. Deputy Prime Minister and the Minister of Human Rights visited that region and called the burning and displacement "state terrorism" and added that "security forces should avoid the psychology of burning and destroying...The evacuated villagers must be given food and shelter."

The report states that the numbers of displaced persons and evacuated villagers are only estimates since no exact official figures were available. On October 11, 1994 the Human Rights Minister stated that two million people had been displaced during the ten year conflict, and that 600 villages and 790 hamlets were evacuated. More than half of these occurred since the beginning of 1993.

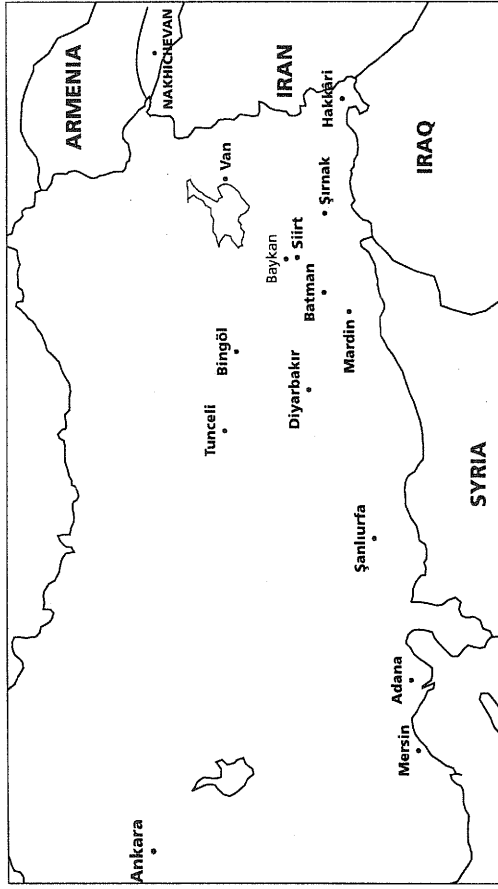
The report recommends the Turkish government to "cease indiscriminate practice of forcible expulsions of villagers from their homes and communities, especially for refusal to join the village guard system". It also recommends allowing international human rights groups free access to the "OHAL" provinces to investigate reports of abuses. The report calls upon the PKK to end abuse of civilians including an end to punitive attacks against village guard families and relatives.

III US Department of State (1996) Turkey Human Rights Practices, 1995, US Department of State, Washington

Several sections of this US State Department report mention that Turkish government security forces forcibly evacuated and sometimes burned villages. The report also mentions the inadequate response of the Turkish government to the plight faced by the Kurds forced to migrate to the cities. These violations of human



Turkey and the Bordering Countries



The SE region of Turkey is under an "emergency". This is the area of fighting between government forces and the PKK guerilla movement. Many civilians have lost their homes, villages and their lives.

rights are mentioned particularly in the sections of the report on 'Arbitrary Interference with Privacy, Family, Home or Correspondence', the 'Use of Excessive Force and Violations of Humanitarian law in Internal Conflicts', and 'Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status'.

It reports that, according to the Turkish Interior Minister, by March 1995, 2,297 villages had been evacuated or burned down in the SouthEast. The report quoted the emergency region governor stating, in July 1995, that 987 villages and 1,676 hamlets had been depopulated for various reasons. As a result of the evacuations, two million people have been displaced. Governmental programs to deal with and compensate the internal migrants have been very inadequate.

The report adds that the migrants live in overcrowded quarters with relatives in cities in the SouthEast and other areas of Turkey. There is severe overcrowding and chronic teacher shortage in urban centres. Many schools have been closed and the children suffer from the closing. Many of the SouthEast schools operate on double shift with 100 students in the class.

IV Human Rights Association, Istanbul Section FLUCHT & MIGRATION IN WESTTURKISCHE STADTE (ESCAPE AND MIGRATION TO CITIES IN WEST TURKEY), Kurdistan aktuell, no. 7, medico international, Frankfurt.

Members of the Human Rights Association collected information from

refugee families about the circumstances of their flight and their living conditions in the metropolitan areas of western Turkey. A random sample survey based on a detailed questionnaire was conducted in Istanbul, Mersin and Bursa. The main finding of this study is the readiness of the refugees to return to the homes from where they were forced to leave due to the war.

The report's preface notes that more than three millions Kurds were forcibly evicted from homes and their villages have been destroyed by Turkish "security forces". (Estimates of human rights organizations in Turkey of the number of refugees range from 2,5 to 3 million.) Approximately two million Kurds live in cities including Istanbul, Izmir, Ankara, Diyarbakir, Adana, Mersin and Bursa. Since the start of the guerilla war in 1984, Turkish military forces terrorized the rural population to separate them from the guerilla forces and to curb their support bases.

About 3,000 villages have been destroyed and their inhabitants forcibly evicted. In some villages the Turkish regime tried to recruit "villages guards", equipped them with arms "to protect" the villages against the "terrorist". But many of these villages have also been destroyed during the war since the population refused to collaborate with the government. Kurdish shepherds and agriculturalist were prohibited to graze their animals and to cultivate their lands. Hundreds of Kurds who refused to comply with military orders were shot dead. Their fields were destroyed and mined, their animals killed. After having destroyed their livelihood the authorities imposed a food embargo on the population.

The report outlines many reasons for migration. 70,1 % migrated because of the war, 15,2% for economic reasons, and 20,2% for security reasons. 90,3% of migrants stated they were subjected to ill treatment, of whom 66,3% have been detained and tortured. 55,1% refused to be recruited as villages guards. 44,6% stated that their crops and seedlings were burned and their animals killed. In 43,7% of cases, the village has been bombed, and in 42,8% the village was burned down. 53,4% of refugee families migrated with all family members. 54,3% of the refugees migrated in 1994 indicating the increasingly enforced policy of forced evictions. The rural population is the main target group of the forced eviction policy. 71,6 % migrated from rural areas.

The living situation of the displaced Kurds in urban centres is reported as follows:

- According to the city council of Diyarbakir 100,000 people are homeless. A household in the city centre comprises of 40 people.

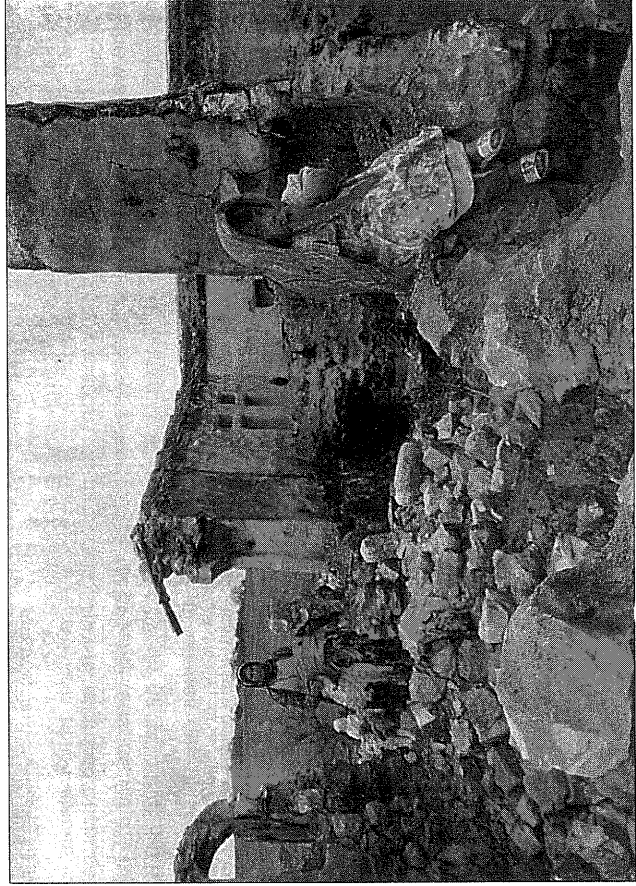
- Survey results from Istanbul, Mersin and Bursa reveals that 52,2% of the refugees live in camps (Gecekondu "build over night"), 1,2% live in tents, 13,2% live in shacks, shanties, cellars or storerooms. 13,2 % refugees live in "rented

apartments" which in the majority of cases were the basements of houses under construction. In 48,3% cases, 610 people live in one apartment.

- The poor living conditions pose severe health hazards. Children suffer from infectious diseases and malnutrition. 12% of the refugees have no toilets, 32% no water pipes in their households, 9% no electricity, nearly 1% no facilities such as water, electricity, toilets, at all. 50% did not consult a doctor after their escape and 25% of the refugees are not able to receive any medical treatment. Adana, the city with the highest rate of refugees transformed its health posts into police offices.

- Typhoid and diarrhoea are among the most prevalent diseases. In the first 6 months of 1995 15-20,000 people in Diyarbakir suffered from diarrhoea and 5,000 from typhoid. Cases of tuberculosis and malaria increased by 100% in 1994. Mainly children are affected by infectious diseases. 78% of the children aged 0 x 4 years suffer from diarrhoea, the main cause of the high infant mortality rate.

Another problem for the Kurdish immigrants is the shortage of food supply. The majority of refugees spend all their financial resources on their escape. When they arrive in the cities, they are sometimes not even able to buy bread. 44% of the families (9-10 members at average) make 0-2,5 Million TL a month. In their villages, the majority of Kurds were involved in farming. 80% owned land and 71%



One of many villages destroyed in S.E. Turkey.

raised animals. They are now compelled to petty trading in the streets. In 222 of 341 families, only one person was found working. In 38,2% of the families, no one earned a living.

Anti Kurdish resentments and discrimination within the Turkish society is increasingly incited by the Turkish regime. According to the survey, 86% of the refugees could not rent an apartment because of their Kurdish origin. 74% were refused jobs. 87,7% stated they were harassed, and 69,2% were detained simply because they are Kurds. 78,3% would like to have their children educated in Kurdish. 96,0% want to return to their home.

V Netherlands Kurdistan Society (1995) Forced Evictions and Destruction of Villages in Dersim (Tunceli) and the Western Part of Bingol, Turkish Kurdistan, September / November 1994, Netherlands Kurdistan Society, Amsterdam.

This report by the Netherlands Kurdistan Society details the extent of evictions that took place in Tunceli (the Turkish name for the region known locally as Dersim) during the autumn of 1994. The report documents how in a period of just two months, 137 villages, around a third of the total villages in the province, were systematically torched by the Turkish military.

Maps and the lists of destroyed villages show that the rural parts of the Tunceli district are now largely depopulated. The report stresses that if the displaced villagers are not allowed to return home, then the Turkish military operation will have resulted in the destruction of "one of the most distinctive traditional cultures of Asia Minor".

The report also contains a brief description of the problems displaced Kurds face during resettlement and the search for new employment. In addition to the problems of lack of space and access to civic services, the report also mentions the continued police harassment of displaced people. The report states categorically that: "the prospects of rapid integration, economic and cultural, of these displaced Kurds in the Western cities are not promising".

VI Human Rights Watch Arms Project, (1995) Weapons Transfer and Violations of the Laws of War in Turkey, Human Rights Watch, New York.

This report painstakingly documents the role of the Turkish military, and by inference its arms suppliers, US, Germany, Italy, Russia, Netherlands and France, in the destruction and evictions of "2,200 villages and two million internally displaced Kurds". It documents the Turkish security forces' violations of the laws of war and human rights, and their reliance on US and NATO supplied weapons for the operations in the SouthEast. The report contains detailed case studies documenting the brutal methods used by the Turkish Military in its mass exercises of village evacuations.

According to the findings of the report, the villages are usually destroyed by burning or shelling. This is very often supported by helicopters. It is intended to prevent local people from returning home and to deny the PKK access to shelter in winter. Torture and ill treatment of civilians during military operations were found to be routine phenomenon. In all the cases investigated, the Turkish government made no move to care for the displaced civilians. They were told to leave their homes and their possessions behind, and then watched their homes being burnt down. Following the destruction they were told to walk to the nearest town and to never return.

V. TURKEY VIOLATES INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The Fact Finding Mission compared the evidence and testimonies it compiled with the obligations to promote and protect human rights, particularly the right to housing, contained in international human rights instruments that Turkey has willingly ratified. This comparison reveals the abject failure of Turkey to uphold the provisions of human rights instruments and the protection they offer to the basic rights of many Kurdish residents of Turkey, including the right to housing.

Turkey is clearly in breach of provisions protecting housing rights under a number of international human rights instruments. This is evidenced by continuing forced evictions, the neglect shown by the Turkish authorities of the housing/living conditions of the displaced Kurds, and the rampant discrimination faced by the displaced Kurds in employment, housing, education and other areas of urban life.

This situation is best summed up by the judgement of the European Commission of Human Rights in a case of burning houses in Kelekci, Diyarbakir province. The Commission held that Turkey was in violation of Article 8 of the European Convention of Human Rights. The judgement stated that "the burning of the applicants homes by security forces, resulting in migration and dire personal circumstances - little State assistance forthcoming amounts to inhuman and degrading treatment."

Turkey is also specifically in breach of the following provisions from international human rights instruments that it has ratified:

- INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD (1989), Article 27(3) states:

States Parties in accordance with national conditions and within their means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 16(1) states:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (1979),

Article 14(2)(h) states:

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

- EUROPEAN CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Articles 8(1) and 2 (Protocol Four) state:

8(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

2(1). (Protocol Four) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to his residence.

There are numerous additional international declarations and UN resolutions whose provisions Turkey has failed to respect. Several of these relate directly to Habitat II:

THE UNIVERSAL DECLARATION ON HUMAN RIGHTS

Article 25(1) states:

Everyone has the right to a standard of living adequate for the health and well

being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

VANCOUVER DECLARATION ON HUMAN SETTLEMENTS (1976)

Section III(8) and Chap. II (A.3) state, respectively:

Adequate shelter and services are a basic human right which places an obligation on governments to ensure their attainment by all people, beginning with direct assistance to the least advantaged through guided programmes of self help and community action. Governments should endeavour to remove all impediments hindering attainment of these goals. Of special importance is the elimination of social and racial segregation, *inter alia*, through the creation of better balanced communities, which blend different social groups, occupations, housing and amenities.

The ideologies of States are reflected in their human settlement policies. These being powerful instruments for change, they must not be used to dispossess people from their homes or land or to entrench privilege and exploitation. The human settlement policies must be in conformity with the declaration of principles and the Universal Declaration of Human Rights.

UN COMMISSION ON HUMAN RIGHTS RESOLUTION 1993/77

Adopted unanimously, 10 March 1993, 49th Session, UN Commission on Human Rights

1993/77. FORCED EVICTIONS

1. Affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;
2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced evictions;
3. Also urges Governments to confer legal security of tenure to all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced evictions, based upon effective participation, consultation and negotiation with affected persons or groups;
4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities which have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups...

UN GLOBAL STRATEGY FOR SHELTER TO THE YEAR 2000

General Assembly Resolution 43/181, para. 13

13. All citizens of all states, poor as they may be, have a right to expect their Governments to be concerned about their shelter needs, and to accept a fundamental obligation to protect and improve houses and neighbourhoods, rather than damage or destroy them.

AGENDA 21 (UNCED, 1992), CHAPTER 7

7.6: Access to safe and healthy shelter is essential to a person's well being and should be a fundamental part of national and international action. The right to adequate housing as a basic human right is enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights

7.9(b): All countries should adopt and/or strengthen national shelter strategies, with targets based, as appropriate, on the principles and recommendations contained in the Global Strategy for Shelter to the Year 2000. People should be protected by law against unfair eviction from their homes or land.

VI. RECOMMENDATIONS AND DEMANDS

The members of the fact finding mission were permanently moved by the overwhelming information on the cold and inhumane methodology of evictions adopted by the Turkish authorities, and the overwhelming evidence of almost nonexistent State assistance to improve the housing and living conditions of those displaced to the cities.

The sheer scale of injustice that marked the indiscriminate evictions in the SouthEast continues to be perpetrated against the more than two million Kurds that have been internally displaced. The families seek life in sustainable settlements but find only indifferent public authorities and discrimination in every sphere of life. Such an unjust situation places demands on us all, NGO's and governments alike.

These recommendations and demands are made in light of the intense distress caused to the displaced Kurds and in the context of the Habitat II Conference that is focused on the meaning of civic responsibility and governmental obligation to ensure sustainable villages, towns and cities.

I Five minutes of reflection: A suggestion to all members of the international community gathered at Istanbul

We request that everyone reading this report take five minutes to reflect on the following:

1. To undertake this small symbolic act of reflection, five minutes of your personal time, to review our capacity to react to pain and injustice; against ourselves and especially against the others.
2. To consider the historic lessons of the consequences of all kinds of wars that are based more on retaining power than on finding ways to create the conditions for peace and justice to prevail.
3. To consider that the Habitat II Conference, the final global conference in this century, is being hosted by a country which is one of the world's worst violators of human rights, including massive forced evictions.
4. To reflect on the daily life faced by displaced Kurds in the slum settlements of Istanbul. By doing so, to reflect on how can we give the Habitat II Conference significance, by contributing to building a world where peace reigns in sustainable human settlements.
5. To recognise that instruments of war and destruction, are produced by a very powerful "military industrial complex". This is the most sophisticated and perverse combination of individual and corporate initiative with the aim of accumulating profits in exchange for lost lives, often of innocent citizens. War of any kind is a major business. It is part of the main export industries of some countries, and one of the main import expenses of many third world countries. To reflect, therefore on who are the real beneficiaries of wars?

6. To reflect finally on the urgent need to review our own active, personal attitude and role in understanding and acting on the meaning of human rights, peace and justice. And, in so doing to participate in a wake up call to change attitudes about war, peace and their links to a sustainable world.

II Demands to the Government of Turkey

1. Stop the war operations in SouthEast Turkey and contribute to the creation of conditions so that political dialogues, with international monitoring, can take place to solve the conflict.
2. Stop all the human rights violations, especially those affecting women and children. In particular, stop immediately the practice of forced evictions of Kurdish villagers from their homes.
3. Guarantee to all the displaced population safe return to their homelands,

and provide adequate compensation for their properties, houses destroyed by fire, animals killed and so forth. Implement special economic programs to reactivate the economy in the SouthEast. Begin reforestation programs in the areas where the forest were set on fire.

4. Provide special attention to the plight of people and families that were evicted and are living in the cities of Turkey.
5. Respect and apply all provisions of: the Geneva Conventions; the two protocols of the Geneva Conventions; the Customary laws of war; the International Convention on Rights of the Child; the International Convention on the Elimination of All Forms of Discrimination against Women; and, the European Convention on Human Rights and Fundamental Freedoms
6. Ratify all international human rights instruments that protect the economic, social and cultural rights of the residents of Turkey, in particular: the Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of Racial Discrimination. Comply by the recommendations for governments contained in the final report of the UN Special Rapporteur on the Right to Adequate Housing (UN doc. no. E/CN.4/Sub.2/1995/12).

III Demands to the PKK

1. Stop all acts of armed conflict and use all means possible to enter into a dialogue with the Turkish authorities to end the conflict in the SouthEast.
2. Stop the mistreatment of civilians, particularly using them as shields, and to respect the provisions of the Geneva Conventions, its two protocols and other customary laws of war.

IV Demands to the United Nations Human Rights Bodies

1. Appoint a UN Special Rapporteur on Turkey to investigate the human rights situation and to report to the UN Commission on Human Rights on the continued violations of the housing rights of the Kurds through the practice of forced evictions and through perpetuation of inadequate housing and living conditions of the displaced Kurds in the cities of Turkey.
2. Allow the visit to Turkey of the Special Representative of the UN SecretaryGeneral on Internally Displaced Persons.

V Demands to the International Community of States Attending Habitat II

1. Create an independent assessment mission that during the course of Habitat II will visit the "emergency zone" in SouthEast Turkey, particularly towns such as Van, Diyarbakir and Batman, and the destroyed and remaining villages. This mission should prepare a report to the plenary session of the Conference. The mission could be composed of representatives of the UN System, Governments, and NGO's.

2. To be aware and monitor, in the context of the themes of Habitat II, the conflict in S-E Turkey and to implement an immediate ban on the sale and provision of all arms and military equipment that might be used against civilian populations in Turkey.

3. To apply pressure on and to assist the parties involved in the conflict to set on a process towards peace, beginning with a stop to the violations of human rights of the Kurds.

VI Suggestions to the NGO community attending Habitat II

1. To learn as much as possible about the forced evictions in SouthEast of Turkey, and about the housing and living conditions of the displaced Kurdish population. Arrange visits to the slums of Istanbul where the displaced Kurds live.

2. To join together to formally express concern at Habitat II about the violations of human rights and housing rights in Turkey, and to insist that the Government of Turkey and the Governments attending Habitat II take the actions listed above.

3. To develop concrete actions of solidarity, during the Conference, with the displaced population and support actions in Turkey, internationally and in your own countries.

Endnotes:

- 1 Paragraph 35 of the Agenda's introduction reads: "We call for further effective measures and actions to be taken, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment." However, the Agenda does not offer any corresponding Goal, Target or indicator. "Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 21 October 2015, 2030 Agenda, para. 35, at: http://www.hlrn.org/img/documents/A_RES_70_1_EN.pdf.
- 2 "The human rights dimensions of population transfer, including the implantation of settlers," E/CN.4/Sub.2/1993/17, 6 July 1993, at: <http://www.hlrn.org/img/documents/ECN4Sub2199317%20en.pdf>.
- 3 See formulation in the relevant UN General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly resolution 1514 (XV) of 14 December 1960, at: <http://www.un.org/en/decolonization/declaration.shtml>; and Declaration on Principles of International Law Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations, GA/RES/2625 (XXV), 24 October 1970, at: <http://www.un-documents.net/a25r2625.htm>.
- 4 Human rights and population transfer, Final report of the Special Rapporteur, Mr. Al Khasawneh, E/CN.4/Sub.2/1997/23, 27 June 1997, Annex 2, p. 26, at: <http://www.hlrn.org/img/documents/Draft%20Declaration%20Population%20Transfer%20an1>.
- 5 Rome Statute of the International Criminal Court, U.N. Doc. 2187 U.N.T.S. 90, Article 7, at: http://www.hlrn.org/img/documents/rome_statute.pdf.
- 6 Ibid., Article 8.
- 7 "The Human Right to Adequate Housing in Occupied Territories of the World!" 6 June 2001, at: <http://www.hlrn.org/img/documents/1st+5%20SolidNet%20stmt.pdf>.
- 8 Declaration on Cities and Other Human Settlements in the New Millennium, A/RES/S-25/2, adopted without vote on 9 June 2001, para. 56, at: http://www.hlrn.org/img/documents/2071_246_A_RES_S25_2.pdf.
- 9 Excerpts from GYAV Articles of Incorporation (on file).
- 10 "Southeast Turkey Press Summary December 14-15, 2002," U.S. diplomatic cable, Canonical ID: 02ADANA415_a, 2002 December 17, 09:48 (Tuesday), at: https://wikileaks.org/plusd/cables/02ADANA415_a.html.
- 11 HLRN, "Welcome to the Solidarity Network," at: http://www.hlrn.org/spage.php?id=pw==#_V_P0g1r0UA.
- 12 According to Prime Minister Binali Yıldırım, in "Turkey's HDP calls for end to demolitions, sieges, 'illegal' round-the-clock curfews," *Hürriyet Daily News* (15 June 2016), at: <http://www.hurriyetdailynews.com/turkeys-hdp-calls-for-end-to-demolitions-sieges-illegal-round-the-clock-curfews.aspx?pageID=238&nID=100529&NewsCatID=338>.
- 13 David Smith, "Congo warlord Thomas Lubanga convicted of using child soldiers," *The Guardian* (14 March 2012), at: <http://www.guardian.co.uk/world/2012/mar/14/congo-thomas-lubanga-child-soldiers>. The ICC sentenced Malian Tuareg fighter Ahmad al-Faqi al-Mahdi to nine years in prison for destroying shrines and historic sites in Timbuktu during Mali's 2012 conflict. Al-Mahdi became the first person to be convicted by the ICC of cultural destruction as a war crime. "ICC: Mali fighter jailed for destroying Timbuktu sites," *Al Jazeera* (27 September 2016), at: <http://www.aljazeera.com/news/2016/09/icc-mali-fighter-jailed-destroying-timbuktu-sites-160927093507739.html>.
- 14 *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*.
- 15 Ahmad Muhammad Harūn ("Ahmad Harūn"), the former Minister of State for the Interior of the Government of Sudan and Minister of State for Humanitarian Affairs of Sudan is allegedly criminally responsible for 42 counts on the basis of his individual criminal responsibility under articles 25(3)(b) and 25(3)(d) of the Rome Statute, including forcible transfer of population (article 7(1)(d)), and 22 counts of war crimes. Ali Muhammad `Ali `Abd al-Rahmān ("`Ali Kushayb"), alleged leader of the Militia/Janjaweed, faces prosecution and an arrest warrant for 50 counts of individual criminal responsibility, of which 22 are for crimes against humanity, including deportation or forcible transfer of population. `Umar Hasan Ahmad al-Bashir, president of the Republic of Sudan since 16 October 1993, faces individual criminal responsibility for ten counts of crimes against humanity, including forcible transfer and genocide. `Abd al-Rahīm Muhammad Husain, current Minister of National Defense and former Minister of the Interior and the Sudanese President's Special Representative in Darfur now faces 13 counts of his individual criminal responsibility for seven counts of crimes against humanity, forcible transfer (article 7(1)(d)); and six counts of war crimes that include attacks against a civilian population (article 8(2)(e)(i)) and destruction of property (article 8(2)(e)(xii)). International Criminal Court, at: <http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0205/>.
- 16 For instance, Momčilo Krajišnik is the highest ranking Serbian politician to be tried for crimes in former Yugoslavia. On 27 September 2006, Krajišnik was convicted of crimes against humanity, including persecution, deportation and forced transfer. For those crimes he was sentenced to 27 (reduced to 20) years imprisonment. View the sentencing at: <http://www.youtube.com/watch?v=eZVyxpjvZow>. Serving his sentence in Belmarsh, England, he is currently appealing for early release.
- 17 "ICC to Pursue Land Grabs as Series Crimes," *HLRN News* (15 September 2016), at: http://www.hlrn.org/news.php?id=pnFnaA==#_V_T_QVr0UA.
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HOUSING AND LAND RIGHTS NETWORK (HLRN)

More than a billion people are ill housed, or have no shelter; tens of millions are forced from their homes and land due to war, discrimination, development projects, social-service reductions, economic liberalization and privatization policies. They all need our solidarity.

Habitat International Coalition (HIC) is an independent, international, nonprofit movement with hundreds of Members specialized in various aspects of human settlements. Its Members include NGOs, CBOs, social movements, academic and research centers, professional associations and like-minded individuals from over 120 countries in both North and South. HIC Members and thematic structures all share a set of objectives that bind and shape their commitment to communities struggling to secure adequate housing and improve their habitat conditions dedicated to reciprocal cooperation toward realizing social justice in the human habitat.

Housing and Land Rights Network (HLRN) objectives:

HLRN is a thematic structure composed of HIC Members advocating the recognition, defense and the full and progressive realization of everyone's human right to adequate housing everywhere to a secure place to live in peace and dignity by:

- Defending the human rights of the homeless, rural and urban poor, inadequately housed;
- Promoting public awareness about human rights-based approaches to human-settlement problems and needs globally;
- Advocating the full human rights of indigenous peoples and people under occupation and alien domination and subjugation, in particular their human rights to adequate housing and land;
- Demand legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including via social production and other practical means to realize their human right to adequate housing;
- Cooperating with various UN human rights bodies to uphold, develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfill the right;
- Conducting human rights-based policy analysis aligned with the obligations of states under international law;
- Providing a common platform for Members and communities across the Network to formulate and share human rights-based problem-solving strategies with social movements and progressive NGOs in the field of human settlements and sustainable development; and
- Educating about human rights with a focus on the experience of victims and their entitlement to remedy and reparations in accordance with international law;
- Advocating on their behalf in international forums.

To attain these objectives, HLRN Member services include:

- Building local, regional and international member cooperation to form effective housing rights campaigns;
- Human resource development, human rights education and training;
- Strategic planning and program development with Members;
- Enhancing Member self-representation skills and opportunities;
- Action research and publication;
- Exchanging and disseminating member experiences, best practices and strategies;
- Support for lobby efforts toward policy reform;
- Developing tools and techniques for professional monitoring of housing rights;
- Monitoring and evaluation of global sustainable-development policies and their implementation;
- Urgent actions of collective solidarity against forced eviction and other violations of the human right to adequate housing.

For more information, log onto HIC-HLRN websites at:

www.hlrn.org and www.hic-mena.org

Housing and Land Rights Network



HABITAT INTERNATIONAL COALITION