A place to live in dignity for all: Making housing affordable

Report of the Special Rapporteur on the right to adequate housing to the

78th session of the UN General Assembly

Questionnaire

For States: please share this questionnaire as well with your National Statistical Office and relevant Ministries to assist completing statistical sections relating to housing affordability.

Name of submitting entity, organization or individual: May 17 Association and Kaos GL Association

National law, policies and jurisprudence relating to affordable housing

1. Does your country’s national law, including constitutional, housing or social protection law, refer to housing affordability or provide any other guarantees to ensure a minimum standard of living? Or in its absence, are there national policies that refer to affordable housing or minimum standard of living? Please provide references and links to the respective key laws or constitutional provisions as well as policies.

Article 57 of the Constitution regulates the ‘Right to Housing’. However, this article does not grant a right to persons, but gave the state the duty to take measures to meet the housing needs and to ensure the protection of the environment and the city. Therefore, the relevant article only regulates that the state has an obligation in this regard. [[1]](#footnote-1)

The limits of the state on social rights, including the right to housing, are set out in Article 65 of the Constitution . Pursuant to this regulation, the limit of the obligation of the state to observe the principle of social state is determined as the adequacy of financial resources. Therefore, the state may not fulfil its obligation on the grounds of insufficient financial resources. These rules impose on the state the steps to ensure the right to housing as an assignment, however, they do not guarantee the right of persons to housing. In addition, there are no methods or plans on how the regulation on the right to housing can be implemented.

There is no direct regulation for the provision of minimum living standards and the right to housing, and there are regulations for determining the need for housing of people within the Municipal Law, the Social Services Law and the social support programs of the Ministry of Family and Social Services.

In Article 14 of the Municipal Law, municipalities were given the task of building housing and student dormitories, and in addition, municipalities were obliged to establish guesthouses for women and children in cities and metropolitan cities above a certain population. [[2]](#footnote-2)

There is no regulation in the Social Services Law that guarantees the right of people to housing. It is aimed at regulating the procedures and principles for people’s access to social support mechanisms. However, there are no rules regarding the housing affordability, guaranteeing everyone’s housing and minimum living standards.[[3]](#footnote-3)

In the Mass Housing Law regarding affordable housing, there is no regulation about accessible housing right to everyone.[[4]](#footnote-4)

The tenth development plan for 2014-2018 of the Ministry of Development included problem determinations regarding the need for housing. It has been stated that necessary measures will be taken to meet the basic housing needs of the people, especially the low-income people, at a higher rate, the accommodation opportunities of the students have been improved, and it has been emphasized that the need to eliminate the housing and education problems in the field of migration continues.[[5]](#footnote-5) However, there is no perspective on sexual orientation, gender identity and gender in the development plan. In addition, LGBTI+ organizations were not invited to the process of creating development plans.

1. Please explain if there is any official definition or criteria to assess whether a household faces housing costs above the level of affordability in your country.

Housing costs in Türkiye vary depending on the region, living standards and other factors. There is no officially defined “affordability level” in Türkiye. However, the housing costs of a household are generally assessed by considering factors such as the household’s income level, rent or mortgage payments, bill payments, costs of food and other basic necessities.

An indicator showing the relationship between income level and housing costs in Türkiye is the Household Consumption Expenditure study announced by the Turkish Statistical Institute (TURKSTAT).

In summary, although there is no official definition in Türkiye, it is common practice to assess by considering factors such as the ratio of the housing costs of the household to the income level of the household as well as the cost of other basic necessities.

1. Please share any important court decisions in your country that relate to the issue of affordable housing or enjoyment of a minimum standard of living, including important judgements on State policies or measures aimed at ensuring housing affordability. Please provide if possible, a short summary of the decision and a link to its text. (e.g. judgements by international, constitutional, supreme or high courts, to rent control measures or rent freezes, to access to housing subsidies, public or social housing, non-discrimination and equal access to affordable housing etc.)

There is no court order intended to ensure the housing affordability or to benefit from minimum living standards. There are only constitutional court decisions in which article 57 of the Constitution is interpreted.

In an application made due to the unconstitutionality of the Zoning Law, it has been mentioned that the state, which is responsible for ensuring the use of the right to housing regulated in the article 57 of the Constitution, must observe the environmental conditions.[[6]](#footnote-6)

In another application made due to the unconstitutionality of the Housing Law, it was again emphasized that article 57 is among the main purposes and duties of states. [[7]](#footnote-7)

Data and trends on housing affordability

1. Is housing affordability regularly measured in your country, region or city, by the national statistical office or other entities? Please explain how housing affordability is measured and tracked. Where is the data published?

The housing affordability in Türkiye is regularly measured by the Turkish Statistical Institute (TURKSTAT), which is the national statistical office. TURKSTAT conducts an Income and Living Conditions Survey[[8]](#footnote-8) every year and collects data on household expenditures, including the cost of housing. This research provides information on average housing costs for different income groups and is used to assess housing affordability for these groups. Data on housing affordability is published by TURKSTAT on its website[[9]](#footnote-9), Data Portal[[10]](#footnote-10) and Population Statistics Portal[[11]](#footnote-11).

In addition to the Income and Living Conditions Survey, TURKSTAT also conducts a survey called Household Consumption Expenditure. According to the latest research conducted in 2019, the highest share of household expenditures for consumption in Türkiye is housing and rental expenditures with a rate of 24.1%.[[12]](#footnote-12)

In addition to this information, TURKSTAT does not officially collect and/or publish data based on sexual orientation, gender identity and gender expression. In addition, there are no general or special protection measures regarding the collection of SOSISE-based data.

1. Has housing affordability increased or decreased in your country over the past 10 years? In which regions or cities has housing affordability changed and for whom?

There have been many developments regarding housing affordability in Türkiye in the last 10 years. However, it cannot be said that these developments are evenly distributed in all regions and for all segments.

Housing prices in Türkiye have remained high in recent years, especially in large cities. When the developments in the housing price indices of Istanbul, Ankara and Izmir are assessed, an increase in the rates of 7.6, 9.5 and 9.6 was observed in February 2023 compared to the previous month, respectively. Compared to the same month of the previous year, the index values increased by 138.3, 142.1 and 142.6 percent in Istanbul, Ankara and Izmir, respectively.[[13]](#footnote-13)

However, factors that cause high housing prices in large cities include various factors such as land prices, construction costs, housing loan interest rates, taxes and regulations. In addition, availability of more job opportunities in large cities increase housing prices by increasing the demand for housing in these regions. There are also housing affordability problems in rural areas.

Although the issue of housing affordability is an important problem for all segments in Türkiye, poor segments with low incomes are particularly affected by this problem. Poor segments living in Türkiye generally live in large cities with high-priced housing and inadequate housing conditions. The lack of regulations and policies that promote the right to housing in Türkiye causes the poor people to lack sufficient resources to own a house. Romani people, immigrants, refugees, disabled people, women and LGBTI+ people in Türkiye are also faced with the problem of housing affordability.

The earthquakes with the epicentre of Kahramanmaraş on February 6, 2023, which also affected 11 provinces destructively, have also directly affected the housing affordability in Türkiye in the recent period. The forced migration of people living in cities affected by the earthquake to the surrounding provinces and districts, especially metropolitan cities, has led to an increase in housing prices and rents. The need for temporary housing for people affected by the earthquake has also increased in direct proportion to this.

The increasing anti-LGBTI policies in Türkiye in recent years subject LGBTI+ people, especially children and young people, to forced or voluntary migration within the country. Inadequate housing supply, high prices and hatred towards LGBTI+ prevent LGBTI+ individuals from reaching adequate housing conditions, while earthquakes on February 6 caused an increase in homelessness among LGBTI+ individuals.

1. Please describe which households, persons or groups are at particular risk of being exposed to housing affordability in your country, region or city.

(Please provide data on housing affordability disaggregated on the basis of household size, form of tenure (living in self-owned housing, rental, other), type and quality of housing (e.g. living in formal or informal housing); location (region, urban, rural), type of household (with or without children, single parent households), income, employment status, gender, disability, age, nationality, ethnicity, religious affiliation or immigration status.)

There are various groups of people who are at risk of not being able to afford housing in Türkiye. No segregated data are collected on these issues in Türkiye, however, based on the experience we have gained from our work in the field, the poor, immigrants, women, LGBTI+ people and disabled peoples are at the forefront of these groups who are at risk of not being able to afford housing.

Türkiye has welcomed millions of Syrian refugees by opening its borders in recent years. This further exacerbated the problem of housing. Migrants and refugees often live in crowded, unsafe and inadequate housing conditions. Inadequacies in refugee camps also cause these people to face the risk of not being able to afford housing.

In Türkiye, women and LGBTI+ individuals may experience housing problems due to reasons such as discrimination and violence. Women who run away from violence and want to leave their homes as well as LGBTI+ people who are rejected by their families or who are subjected to violence after coming out are at risk of encountering housing problems. In Türkiye, where the risk of violence especially against women and LGBTI+ people is increasing, the inadequacy of the number of shelters that the state is obliged to establish and the fact that LGBTI+ people and sex workers cannot benefit from the existing shelters is another factor that increases the risk of these groups to encounter housing problems.

Disabled people, who are among the low-income groups since they are discriminated against in access to income sources and employment are also at risk of encountering housing problems.

In addition to these groups, other groups such as unemployed people, sex workers, retired individuals, homeless people and children may also be at risk of not being able to afford housing. In addition, young people living in large cities in Türkiye may also face the problem of housing affordability. While many young people have to choose between low-quality and unsafe housing options due to high rental prices and low incomes, this problem is increasing for young people who are neither at work nor in education. It is also observed that there is a high rate of those who are neither at work nor in education among LGBTI+ youth.

Structural problems of dormitory services offered to young people and students in Türkiye are another factor that confronts young people with the problem of housing. The low number of state dormitories, the fact that many dormitories are operated by religious communities, the fees of private dormitories being far above the levels that can be met by the majority of young people, and the heteronormative and binary structure of dormitory regulations that do not recognize LGBTI+ students can be mentioned as examples of these structural problems.

1. May certain specific groups or persons, such as persons experiencing homelessness, living in informal settlements, students, asylum seekers or refugees, potentially be left out in data collection in relation to housing affordability?

Yes, certain groups or individuals, such as people who are homeless, living in informal settlements, students, asylum seekers or refugees, may potentially be excluded from collecting data on housing affordability. This can be difficult because these groups do not have a permanent address or are not listed on official records.

In addition, these groups may face barriers to accessing information about housing affordability or may not have the resources to participate in data collection studies. For example, homeless people may not have access to the internet or have a phone to answer questionnaires.

It is important to ensure that data collection studies are inclusive, especially for the detection of more vulnerable or marginalized groups. By ensuring that all voices are heard through inclusive data collection, we can have a better understanding of the degree and nature of the housing affordability problem and move towards more effective solutions. Effective cooperation with non-governmental organizations in all these processes can also influence increasing the inclusiveness of data collection processes.

Causes and Consequences of housing unaffordability

1. What are main reasons why housing is unaffordable to certain persons or groups in your country? Please provide if possible as well links to (scientific) studies that have analysed such reasons.

The increasing anti-LGBTI+ policies in Türkiye as of 2015 cause LGBTI+ people to experience discrimination in numerous areas. The right to housing is also becoming an increasingly difficult right for LGBTI+ people to meet. The main reasons why housing cannot be met for LGBTI+ people in Türkiye can be listed as follows based on the experiences we have gained from our works in the field:

**Rejection by families:** LGBTI+ people may be rejected by their families and expelled from their homes. This may cause housing problems. “LGBTI+ people coming out to their families or having their gender identity and sexual orientation known against their will often results in their exclusion from the family. In addition, it can be said that the economic dependence of LGBTI+ youth on their families puts them at a disadvantage in terms of safe housing. In fact, recent studies have revealed that LGBTI+ people do not feel safe with their families.[[14]](#footnote-14) LGBTI+ people who have to live with their families can be exposed to violence from other family members. On the other hand, homelessness as a result of coming out to the family is one of the important problems experienced by LGBTI+ youth all over the world. Although there is no data on homeless LGBTI+ people in Türkiye, May 17 Association states that the need for housing comes to the fore among the applications to the psychosocial and legal support program, and urgent housing requests come from those who had to leave their families’ houses.”[[15]](#footnote-15)

**Discrimination:** Discrimination against the rights of LGBTI+ people is still a common problem in Türkiye. This can make it difficult for LGBTI+ people to find jobs, receive education and have access to housing. “Although the experiences of each group within LGBTI+ community regarding access to the right to housing may be different, what is common for all of them is that the discrimination that starts while looking for a place to live continues at all stages of housing process. As in many areas, trying to buy security and a relatively ‘free’ life at higher costs remains applicable when renting a house. In cases where this is not enough, LGBTI+ people can try not to attract attention and hide their identities in their homes and apartments, where they should feel the most comfortable. Therefore, it is also possible to say that financially tiresome housing conditions create an emotional burden for LGBTI+ people.”[[16]](#footnote-16)

**Difficulty finding LGBTI+ inclusive housing:** Finding LGBTI+ inclusive housing can be difficult in Türkiye. LGBTI+ individuals may be reluctant to disclose their identities, and many homeowners may follow discriminatory policies that make LGBTI+ individuals ineligible as tenants. LGBTI+ people may be discriminated against during the rental process.

“It is difficult to say that LGBTI+ people’s right to housing is fully recognized. For example, the ESHH Committee[[17]](#footnote-17) and the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity point out that property owners, real estate agents and financial institutions can create obstacles against LGBTI+ people and gay couples in terms of rent and housing loans, harass them and evict them from their homes.

As a matter of fact, we encounter similar cases in both the media[[18]](#footnote-18) and human rights reports in Türkiye. According to Kaos GL’s annual human rights reports, unusual and high costs are demanded from LGBTI+ people, especially trans women, both when acquiring and renting property, thus restricting the housing rights of these groups. In addition, sealing the houses of trans women on the grounds of sex work is a practice frequently resorted to by law enforcement agencies. These interventions were experienced more especially during the COVID-19 pandemic. For example, trans women living in Istanbul Bayram Street and Küçük Bayram Street were detained and their homes were sealed several times in 2021 by claiming that it is related to coronavirus measures.[[19]](#footnote-19) Illegal and arbitrary sealing of sex workers’ homes and prohibiting them from entering their homes mean that they are deprived of both housing and employment opportunities.”[[20]](#footnote-20)

**Hate, threats and violence:** The rising LGBTI+ hatred and anti-LGBTI+ policies in Türkiye may become the reason why LGBTI+ people cannot meet their right to housing. LGBTI+ people may be threatened by their landlords or neighbours. Threats can include being kicked out of the house or violence. Violence against LGBTI+ people can come from neighbours, as well as family members or roommates at home. The fact that journalist Ajda Ender, who has been subjected to systematic transphobic discrimination, insults and violence by her neighbours for eighteen years, will be tried this time with the complaints of people who violate her right to housing can be an example for this problem.[[21]](#footnote-21)

**Safety:** LGBTI+ people may find it difficult to find a safe home. In some places, the safety of homes can be a problem, and LGBTI+ people may feel insecure because their neighbours are homophobic or transphobic. “The choices LGBTI+ people in Türkiye have to make regarding housing as a result of the discrimination they experience in daily life prove that the determination of poverty should not be limited to income and expenditure.

In order to feel safe at home and to reduce the risk of discrimination, there is a high tendency of LGBTI+ people to live in central areas where the level of income and education is high, where there is no need for public transportation, where LGBTI+ presence is visible. Or, landlords can charge higher rents from LGBTI+ people as mentioned above. This means investing a significant part of their income in rent.”[[22]](#footnote-22)

**Legal protection:** LGBTI+ people may not benefit from the protection of laws in Türkiye. Certain laws do not prohibit discrimination in terms of gender identity and sexual orientation. “Lack of support from their assigned families can affect LGBTI+ people not only when they are young but also during old age. Safe housing opportunities for LGBTI+ people who need care at an old age are very limited. As facilities and support services for the elderly ignore the special needs of LGBTI+ people, it is not possible to say that they are offered a safe and welcoming accommodation. May 17 Association’s “Hey Lubunya! We Are Aging” report indicates that one of the most important concerns of LGBTI+ community regarding the right to housing is having to hide their identities while trying to find a place to live, as the real estate sector and nursing home procedures are not inclusive.[[23]](#footnote-23) Approximately 86 percent of those participated in the survey stated that they would like to spend their old ages if there is an LGBTI+ inclusive complex/nursing home/centre in Türkiye if their facilities allow.

The same report reveals that elderly LGBTI+ people have difficulty in finding a house with their own means as only uniform families and associations are accepted in the country. Excluded from income-generating work environments and unable to save or acquire property, LGBTI+ people live either in rental homes or with their assigned families. To summarize the discriminatory practices expressed by the elderly LGBTI+ people in the report: “Landlords do not lease houses to the elderly LGBTI+ people because they are not married, it is a problem to rent a house as a single man or a single woman, discrimination based on age and ethnicity, not leasing houses to trans people, them having to live in rented houses by paying high prices even if they find a house, and then having their contracts illegally cancelled and being forced to evict their homes.”[[24]](#footnote-24)

**Housing costs:** LGBTI+ people may face housing problems due to high housing costs. The limited availability of affordable and accessible housing for people and high rents can be a big problem, especially for poor LGBTI+ individuals living in large cities.

**Access to housing services:** Trans people in particular may also have difficulties accessing housing services. Some housing services may not recognize trans people’s gender identities or may not accept trans people based on transphobic motives. This can cause trans people to live on the streets or live under dangerous and unhealthy conditions. The current situation regarding the access of LGBTI+ people to shelters and related institutions in Türkiye can be summarized as follows:

* The problem of coordination between institutions and non-governmental organizations restricts and makes it difficult for LGBTI+ people to access resources.
* LGBT people who remain in mixed housing mechanisms may be subjected to violence and discrimination by other service recipients. This situation forces LGBT people to decide to leave.
* In local governments, accommodation applications of LGBTI+ people can mostly be fulfilled based on the initiative of the employees.
* Institutions and local governments do not keep the applications of LGBTI+ people and the services they provide as data.”[[25]](#footnote-25)

The fact that a 45-year-old trans woman, who was not admitted to the women’s shelter because her gender identity did not match the gender written on her identity, and who was mistreated in the centres for the homeless, froze to death on the street[[26]](#footnote-26) indicates how vital access to shelter services is for LGBTI+ individuals.

“When it comes to the right to housing, it is also necessary to mention what LGBTI+ students experience. It is vital for LGBTI+ university students to find a safe and permanent place away of discrimination and anxiety that they can live during their education. Both the legislation on dormitories and the discriminatory attitudes and behaviours of dormitory employees are two important factors that prevent LGBTI+ students in Türkiye from accessing safe and secure housing. Article 22/h of the Dormitory Administration and Operation Regulation of the Higher Education Student Loans and Dormitories Institution lists “conduct and actions that do not comply with the general moral rules and provoke people or society” among the acts and situations that require a condemnation penalty. The expression of “general moral rules”, which the LGBTI+ rights movement has objected to for years on the grounds that it limits rights and freedoms, is a threat to the existence of LGBTI+ students as it opens up space for all kinds of arbitrary interpretations and practices. In addition, the suspension from the dormitories of the Student Loans and Dormitories Institution (KYK) and cancellation of scholarships of students participating in peaceful assemblies and demonstrations have been common practices in recent years. For example, scholarships and student loans of students participating in 9th METU LGBTI+ Pride March were suspended in 2019.[[27]](#footnote-27) Some students who participated in the Pride March held in Eskişehir on June 30, 2021 were also punished with expulsion from dormitories and cancellation of scholarship by KYK.[[28]](#footnote-28) Similarly, student loans and scholarships of at least 100 students who protested the appointment of a trustee to Boğaziçi University were also cancelled, and then some of these penalties were decided to stay of execution.[[29]](#footnote-29) Such arbitrary sanctions against students who are economically dependent on their families, have difficulty in finding a place to stay and struggle to continue their education life with limited income are a violation of the right to housing and affect the future of the students as these prevent them from accessing the right to education.

The fact that the dormitories are based on the binary gender system leads to the exclusion of students who do not identify strictly as men or women.[[30]](#footnote-30) A study published by the ÜniKuir Association in July 2021 indicates that student dormitories and guesthouses are among the places where trans+ students encounter discriminati[[31]](#footnote-31)on on campuses the most. The vast majority of participants of the research stated that “they would always feel better and safer if they could stay in genderless dormitories or genderless rooms”.[[32]](#footnote-32)

The earthquakes with the epicentre of Kahramanmaraş, Türkiye on February 6, 2023, which also affected 11 provinces destructively, have also negatively affected the housing affordability of LGBTI+ people affected by the earthquake. “Türkiye Disaster Response Plan” is not also LGBTI+ inclusive. It is possible to stat that the practices cause various rights violations when it comes to temporary housing sites allocated by the state and for which AFAD is responsible.[[33]](#footnote-33)

1. What percentage of land is owned or otherwise controlled by the State or other public entities, as contrasted with private entities (both for profit and not for profit)? Please explain if there are any policies or laws which seeks to control the price of land, prevent land speculation including its supply and finance?
2. How many households have, during the last ten years been evicted because of their non-payment of housing costs? Please provide, if possible, more information on the socio-economic profile of the concerned households.
3. How many individuals, households or groups have, during the last ten years, been rendered homeless because of inability to afford housing? Please provide a breakdown of the socio-economic characteristics of such individuals.
4. Please describe how housing unaffordability impacts the capacity of individuals and families to enjoy their other human rights including rights to work, health, education, and access to personal security in all its dimensions.

Failure to cover housing costs seriously affects LGBTI+ people’s capacity to exercise their human rights. The right to housing is a fundamental human right recognized by the Universal Declaration of Human Rights. This right includes the right of people to live in a safe and healthy environment, to protect themselves and to establish families. In addition, this reduces the living standards of LGBTI+ people and often limits their capacity to exercise their human rights. For example, homelessness can prevent LGBTI+ people from exercising their basic rights such as access to work, access to healthcare, education and social services. Homelessness can also increase discrimination against LGBTI+ people and increase the risk of sexual abuse, violence and human trafficking. It is important to solve the housing problems of LGBTI+ people in order to fully establish human rights and to ensure social justice.

Failure to cover housing costs may increase the difficulties LGBTI+ individuals face in business life. Similarly, the lack of adequate housing conditions can make it difficult for LGBTI+ people to access healthcare services. The housing problem can reduce the financial resources needed to receive regular medical treatment. In addition, stress and difficulties caused by inadequate housing conditions can also adversely affect the mental health of LGBTI+ individuals.

LGBTI+ students who cannot afford housing costs may have to work to cover these costs, which may adversely affect the education of LGBTI+ students. In addition to the LGBTI+ exclusionary structure of the education system, LGBTI+ students living in dormitories may have difficulty in finding safe spaces due to the heteronormative structure of dormitories.

In addition, not having adequate housing conditions can also threaten the personal safety of LGBTI+ individuals. The problem of housing can force LGBTI+ people to become homeless and live on the streets. This can increase risks such as sexual, physical, hate-based violence. In addition, the challenges of living on the street can increase the risk of LGBTI+ people experiencing social discrimination and exclusion.

Laws, policies, programmes and practices aiming to ensure that housing is affordable to all without discrimination

1. Please share an overview of the laws, policies, programmes and practices adopted in your country/region/city to ensure that housing is affordable for all without any discrimination. Please, provide links to relevant official texts. (e.g. affordable housing, social and energy cost subsidies, preferential mortgage, building support schemes, provision of social and public housing, of serviced land for self-construction, rent containment and rent control measures, taxation, measures to reduce housing vacancy, multi-stakeholder initiatives by State, local Governments, construction industry, housing providers, tenant unions etc.)

There are no regulations or policies to meet and protect the right to housing. There are different regulations regarding the provision of temporary housing and financial support to people whose need for housing is determined. Most of the regulations are aimed at the need for housing that may arise for families, women, the elderly, children and disabled people.

The Ministry of Family and Social Services has social assistance programs[[34]](#footnote-34). Current programs for housing are listed as soup kitchens, food aids, renovation and major repairs, fuel aids, natural gas consumption support, electricity consumption support and social cohesion assistance. It was observed that there was an accommodation project for the homeless under the title of Project Support Programs. Considering the scope of the project, no scope has been specified to meet the need for housing or accommodation, and it has been stated that it is carried out to meet the cleaning, health, basic food, clothing and other similar needs of homeless, unsheltered and abandoned citizens. [[35]](#footnote-35)

It has been stated that there are Housing Aids Department within the Ministry as well as Housing Aids Unit, Social Housing Unit, Student Dormitories Unit and Monitoring Units under the department, however, no information has been provided about the duties and responsibilities of these units nor the works or support programs for housing affordability.[[36]](#footnote-36) The duties of the Department include ‘carrying out studies to determine the procedures and principles of assistance to meet the housing needs of needy families’.

In general, the ministry does not have support programs for everyone. The Social Assistance and Solidarity Foundation assesses the demands of the people who want to benefit from the support. The Social Assistance and Solidarity Promotion Law does not include a social support mechanism that everyone can benefit from equally. It is stated in the law that economic criteria such as whether or not to being subject to social security institutions or not receiving wage/income from these institutions or the amount of income per household per capita will be assessed in order to determine the deprivation status of people in need. Again, in the continuation of the same article, the regulations such as the criteria for benefiting from the supports for the ‘victims of all kinds of emergencies and disasters and martyr relatives and veterans’ and the duration of benefiting from the supports have not been clearly stated, and it has been stated that they will receive benefits according to the criteria and periods determined by the Social Assistance and Solidarity Foundation.[[37]](#footnote-37)

In the frequently asked questions section under Housing Account and State Contribution on the website of the Ministry of Family and Social Services, it was seen that the Ministry did not have any practices for housing assistance made directly to citizens or low-interest loans for housing purchase. Reference was made to the decree on housing account and the state contribution, and the housing account was mentioned[[38]](#footnote-38). Pursuant to this decree, Turkish citizens who will own housing for the first time can apply and those who have made regular payments within a minimum of 3 years are provided with a government contribution.[[39]](#footnote-39)

Again, in the statement made by the Minister of Family and Social Services, a housing support program for women whose spouses have passed away was announced.[[40]](#footnote-40) In order to benefit from the program, there are conditions such as being a Turkish citizen, having a family structure with three or more children. On the website of the Ministry, housing support is not mentioned under the heading of ‘aids for women whose spouses have passed away’.[[41]](#footnote-41)

Pursuant to the Housing Financing Project of the Ministry of Treasury and Finance dated May 20, 2022, it is aimed to protect citizens from the adverse effects of fluctuations in the housing market and to provide access to housing to people who will purchase their first houses. The support here is low-interest loan support.[[42]](#footnote-42)

It should be underlined that there are no detailed regulations regarding who, how and when social support services within the Ministry will be provided. There are no services that protect and guarantee an equal standard of accommodation and minimum living that everyone can benefit from, and it is up to the initiative of the affiliated institutions of the ministry to determine who the services provided cover and how the situations of deprivation and poverty are determined. There is also a condition that you have not benefited from any other support to benefit from a social support. Most of the aids provided are one-time, periodic and financial supports in amounts that will not fulfil minimum livelihood.

In Article 14 of the Municipal Law, it is obligatory to open a guesthouse for women and children in metropolitan cities with a population over 100.000. In the regulation on the opening and implementation of guesthouses for women, the guesthouses are defined as ‘a social service institution where women who have been subjected to physical, emotional, sexual, economic and verbal abuse or violence can stay temporarily by protecting them from violence, solving their psycho-social and economic problems, strengthening them and meeting their needs as well as their children, if any, during this period.’[[43]](#footnote-43)

Due to the extreme increase in rental amounts, the Law of Obligations has been brought to a limit on the rent increase rates with the provisional article. According to this temporary regulation, the new rent amount cannot exceed 25 percent of the rent amount of the previous year. [[44]](#footnote-44)

There is a regulation for the Turkish Armed Forces personnel, who are considered to be disabled within the scope of the Anti-Terror Law, to benefit from public housing and not to pay rent for a period of ten years under the Social Insurance Institution. [[45]](#footnote-45)

1. Please share an assessment of the success, limitations or potential failures of the above mentioned laws and policies in your country/region/city, including any studies or independent evaluation reports related to them Who has benefited from them, who has not? What has worked well, what - less? What lessons can be learned? What could potentially be replicable in other countries/regions/cities?

The right to housing/shelter in Türkiye is not a category of rights that is accessible and equally benefited for everyone.

In general, it can be said that the opportunities offered by the state for the protection and provision of the right to housing are insufficient “...the applicability of this right is problematic because what we call the right to housing is not a known area of rights. On the other hand, the solutions offered by the state so far regarding the right to housing consist of measures such as making citizens house owners and increasing the housing stock. In fact, rather than increasing the housing stock, the question is how all the groups will access such housing and what happens when they do not.”[[46]](#footnote-46)

It must be emphasized that the actions offered by the ministries to meet the need for temporary or permanent shelter are mostly social benefits for families. The state’s targeting of LGBTI+ people and hate speech against LGBTI+ people can exclude LGBTI+ people from social support mechanisms under the name of protecting the family. There is no marriage equality in Türkiye covering LGBTI+ people. Therefore, LGBTI+ individuals cannot benefit from the supports offered by the marriage institution witnessed by the state; and also LGBTI+ individuals may not be among the people accepted as beneficiaries by the ministries due to the fact that they are stigmatized and targeted as a threat to the family institution.

Only those with ‘female’ written on their identity cards are welcomed to the women’s guesthouses of municipalities. This will prevent trans women who have not completed the legal gender recognition process from being admitted to the guest house. There is no comprehensive guesthouse arrangement to protect LGBTI+ people from violence.

A major problem regarding right to housing in Türkiye is that public housing policies do not utilize an intersectional approach, especially regarding their impact on and their relevance to other human rights and freedoms, specifically for the most marginalized communities. Affordable housing policies also lack an intertwined understanding between the diverse categories of humans and the environment.

There are no regulations guaranteeing the fundamental human rights of LGBTI+ people in Türkiye. Article 10 of the Constitution, entitled ‘equality before the law’, and other regulations on non-discrimination do not include the term ‘sexual orientation and gender identity’. Therefore, there is no prohibition of discrimination against LGBTI+ people.

Along with legal barriers to access to housing, discriminatory policies and state discourse as well as societal prejudice can affect LGBTI+ people’s access to human rights and lead to economic, social, psychological and physical challenges. In order to solve these problems, the society and the state need to adopt more sensitive and egalitarian policies. The arrangements that can be made to solve the housing problems of LGBTI+ people can include the following:

**Making legal arrangements that guarantee the right to housing:** It is necessary to establish basic human rights such as the right to housing and the right to own a home for LGBTI+ individuals. Therefore, making legal regulations that guarantee the right to housing can be an important step in solving the homelessness problems of LGBTI+ people.

**Non-discrimination:** Discrimination has become the biggest obstacle to the access of LGBTI+ people to fundamental rights, especially the right to housing. “One of the most important measures to prevent this is the anti-discrimination law, which prohibits discrimination based on equality, sexual orientation and gender identity and acknowledges the existence of LGBTI+ people. Because unless there is such a law, everyone can find the power to discriminate against LGBTI+ people, whether in the public sector, private sector or on the street. In addition, since there are no regulations protecting them, LGBTI+ people avoid applying to support programs with the idea that they will encounter discrimination. In addition, a basic law recognizing the equality of LGBTI+ people paves the way for mainstreaming LGBTI+ rights in policy areas such as health, education, employment, housing, social protection and the fight against poverty. Only in this way, LGBTI+ people can resort to support mechanisms, knowing that they will not be discriminated against.”[[47]](#footnote-47)

**Outreach/support programs:** Support programs for housing problems of LGBTI+ individuals should include services such as providing housing assistance, providing rental assistance, or providing places to stay in shelters to LGBTI+ people who are homeless or in need of housing.

**LGBTI+ inclusive housing policies:** Public institutions, local governments and the private sector adopting LGBTI+ friendly housing policies can make it easier for LGBTI+ people to become homeowners or have access to rental housing.

**Legal support:** Establishing units where LGBTI+ people can receive legal support for housing problems can help LGBTI+ people defend their rights.

These regulations can play an important role in solving the housing problems of LGBTI+ people and contribute to the respect of human rights of LGBTI+ people.

Submission Instructions

Deadline: 30 April 2023

**E-mail:** Please return this questionnaire to [hrc-sr-housing@un.org](mailto:hrc-sr-housing@un.org); [ohchr-registry@un.org](mailto:ohchr-registry@un.org)

**E-mail subject line:** Input for SR housing - report on housing affordability

**Accepted File formats:** Word (supporting documents may be submitted in PDF)

Accepted languages: English, French and Spanish

Please include references to reports, academic articles, policy documents, text of legislation and judgements, statistical information with hyperlinks or attach them to your submission (please respect total file size limit of 20 MB per email to ensure that it can be received)

**Publication:** Submissions of States and public authorities will be published. For other stakeholders, submissions will be published, except confidentiality is explicitly requested.

**Expected presentation of the report of the Special Rapporteur to the General Assembly: October 2023**.

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