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Ignored and Unequal: Roma Access to the Right to Housing and Education in Turkey

Ulaş Karan





Roma girls from Edirne, who live in the Roma quarter pictured.

Nurcan Kaya

Acknowledgements

We would like to thank Ulaş Karan, who authored this report, and all of the people, institutions, and organizations who contributed to its preparation. We would also like to express our gratitude to all of the NGOs who were part of the network that came into being through the project as well as the experts who read the first version of this report and shared their ideas with us. In addition, we would like to thank all of the interviewees and institutional representatives who placed their trust in us during our interviews and shared with us the problems they have experienced. Lastly, we would like to express our gratitude to the Minority Rights Group International (MRG) and Zero Discrimination Association team and the institutions that provided financial support for the project.



The project 'Mobilising Civil Society for Monitoring Equality for Roma People in the Education and Housing Systems in Turkey'. Project Coordinators: Nurcan Kaya, Elmas Arus. Project Assistants: Pinar Çanga, Hatice Çetinkaya. Field Visits, Interviews: Nurcan Kaya, Elmas Arus, Hatice Çetinkaya. Editor: Nurcan Kaya. Corrections: Nihal Boztekin.

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ISBN 978-1-907919-87-9. Published June 2017.

This Report was prepared by Minority Rights Group International (MRG) and the Zero Discrimination Association within the context of a project titled 'Mobilising Civil Society for Monitoring Equality for Roma People in the Education and Housing Systems in Turkey' which was funded by the European Union and the British Embassy in Turkey. The views and opinions expressed in this publication are solely those of the author and in no way reflect the views of the EU Delegation to Turkey or the British Embassy in Turkey.

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Abbreviations

AFAD	<i>Başbakanlık Afet ve Acil Durum Yönetimi Başkanlığı</i> (Republic of Turkey Prime Ministry Disaster and Emergency Management Presidency)	HCA	Helsinki Citizens' Assembly
CERD	Committee on the Elimination of Racial Discrimination	HRC	Human Rights Committee
CESCR	Committee on Economic, Social and Cultural Rights	ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRC	Committee on the Rights of the Child	ICESCR	International Covenant on Economic, Social and Cultural Rights
ECHR	European Convention on Human Rights	MRG	Minority Rights Group International
ECRI	European Commission against Racism and Intolerance	NGO	Non-Governmental Organization
ECSR	European Committee of Social Rights	para.	Paragraph
ECtHR	European Court of Human Rights	SAD	<i>Sıfır Ayrımcılık Derneği</i> (Zero Discrimination Association)
EDROM	<i>Edirne Roma Kültürünü Araştırma Geliştirme Yardımlaşma ve Dayanışma Derneği</i> (Edirne Roma Cultural Research, Development, Support and Solidarity Association)	TİHEK	<i>Türkiye İnsan Hakları ve Eşitlik Kurumu</i> (The National Human Rights Institution of Turkey)
ERRC	European Roma Rights Centre	TOKİ	<i>Toplu Konut İdaresi Başkanlığı</i> (Housing Development Administration of Turkey)
ESC	European Social Charter (Revised)	UN	United Nations
GRC	Guidance and Research Centre	UNCRC	UN Convention on the Rights of the Child
		UNESCO	United Nations Educational, Scientific and Cultural Organization
		UNICEF	United Nations Children's Fund

Key findings

Key findings

- Turkey's Roma population and similar social groups such as Abdal have long been among the country's most marginalized communities. Despite being guaranteed in both domestic and international law, in practice for many Roma the right to education and housing remain out of reach: however, limited data on the disparities and discrimination they face has contributed to their continued invisibility in public life.
- Roma students face considerable barriers to accessing education and continue to enjoy far lower levels of attainment due to discrimination. Besides economic and geographic constraints, a range of issues including discrimination in the classroom, non-inclusive curricula and the segregation of many children into poorly performing 'Roma schools' have entrenched unequal learning outcomes.
- Roma communities suffer some of the worst housing conditions in the country, characterized by inadequate basic services, insecure land rights and physical segregation. These settlements are also especially vulnerable to destruction and relocation to accommodate urban development – a reality that can leave communities in a protracted state of displacement.
- These communities will continue to be sidelined from the mainstream society until these rights gaps are effectively addressed. While there has been some progress in recent years, with the government developing a number of policies that officially recognize the challenges they experience, it remains to be seen if the current strategies will produce positive results.



ROMA HOUSING IN SÜLOĞLU/EDİRNE, TURKEY.

Executive summary

Turkey's Roma population and similar social groups such as Abdal, totaling between two million and five million, have long been one of the country's most marginalized communities. From hate speech and the threat of targeted violence to extreme poverty and exclusion, they suffer discrimination in almost every area of their lives. This situation has been sustained not only by deep-rooted social prejudice, but also by the indifference and even complicity of authorities to address their second-class status in Turkey. Indeed, until relatively recently there was little official acknowledgement of the profound social and economic inequalities affecting them, let alone a concerted effort to improve their conditions.

The limited availability of studies or concrete data on targeted attacks, inadequate essential public services and other challenges have contributed to the continued invisibility of Roma and other similar groups in public life. This has been accompanied by a steady attrition of their ability to maintain their distinct culture and identity: for example, there has been a drastic decline in the number of people who can speak the traditional languages of the Roma community such as Romani, Lomavren, Domari and Abdoltili, and those languages and dialects are under threat of disappearing.

This report, drawing on extensive fieldwork with Roma communities as well as desk-based research, seeks to raise awareness among policy makers, journalists and the general public by highlighting the particular barriers they continue to face in two key areas – housing and education. While Turkey is a signatory to all of the relevant international conventions guaranteeing all citizens equal access to housing and education – protections affirmed in its national legislation and constitutions – in practice legal shortcomings and implementation failures have meant that for many these rights remain out of reach.

Poverty and discrimination from some landlords has meant that the barriers to securing adequate housing are especially high for Roma, resulting in high rates of homelessness or their concentration in settlements with limited public services and insecure tenure. This has led to the persistence of so-called 'Roma neighbourhoods' that are largely segregated from surrounding areas and mainstream society. Besides being characterized by limited access to water, sanitation and other needs, these communities are especially vulnerable to forcible

displacement to accommodate urban 'regeneration' and other projects: as a result, Roma may be forced to migrate repeatedly. These issues are especially acute for certain groups, such as women and refugees, who may be subject to multiple forms of discrimination.

Their discrimination is further entrenched by their continued exclusion from education. Despite the right to education being guaranteed for all, in practice a range of social and economic hurdles, from physical isolation and financial constraints to the absence of accessible and culturally appropriate schooling, have left many Roma children isolated – a situation that perpetuates low attendance, poor attainment and the emergence in some areas of almost exclusively Roma schools that reinforce their segregation. These issues are exacerbated by other forms of discrimination, such as harassment from staff and pupils, and curricula that ignore Roma in their materials. As a result, instead of effectively addressing the drivers of exclusion, Turkey's education system in perpetuating inequalities by failing to provide Roma with accessible, affordable education.

Importantly, there has been some progress in recent years, with the government coming up with a number of policies that officially recognize the challenges these communities experience. Despite the limitations and ambiguities of those policies, they have been embraced by the NGOs established by Roma and similar social groups. However, only time will tell if the current strategies will produce positive results. This report seeks to highlight the current right gaps and support the development of more inclusive social policies.

Methodology and scope

This study was carried out within the framework of a project titled 'Mobilising Civil Society for Monitoring Equality for Roma People in the Education and Housing Systems in Turkey', which was carried out by Minority Rights Group International (MRG) and the Zero Discrimination Association (SAD, *Sıfır Ayrımcılık Derneği*) with the financial support of the European Union and the British Embassy in Turkey. The aim of the project was to gather data concerning violations of the rights of the Roma community in Turkey in terms of education and housing, as well as monitor and document

instances of discrimination. In addition, the goal was to improve the capacity of Roma NGOs in this regard, produce a comprehensive report about the problems being experienced by Roma, create awareness at the local and international levels about the issue through proactive action both domestically and internationally, make the public authorities aware of the ongoing discrimination, and carry out lobbying efforts to bring about an improvement to the situation.

Within the scope of the project, launched in January 2016 and expected to run until August 2017, a network was created which includes Roma NGOs carrying out work in various regions of Turkey. Between March and October 2016 observations were made in a number of different provinces, with the help of organizations involved in the network, and visits were made to neighbourhoods heavily populated by Roma in the cities of Istanbul, Edirne, Izmir/Tire, Uşak, Gaziantep, Hatay

and Diyarbakır to meet with residents and discuss with them the problems they are experiencing. This report was prepared based on the observation reports of institutions in the network and the information they provided, as well as data gathered in the neighbourhoods that were visited and at workshops organized with network participants.

Observations were carried out within the scope of this project with the hope of determining the problems that Roma face in attempting to exercise their rights to education and housing. This report examines the information that was gathered in the field within a framework of international standards and offers a number of solutions to the problems that exist concerning access to rights. In the process of preparing the report, extensive consultations were carried out with the aim of making sure that both the language of the report and its recommendations reflect the views, sensitivities and concerns of Roma NGOs in Turkey.



ROMA HOUSING IN SÜLOĞLU/EDİRNE, TURKEY.

I The Situation of Roma and Similar Social Groups Living in Turkey

Studies indicate that the population of Roma and similar social groups¹ in Turkey is between 2 million and 5 million.² The Roma communities of Turkey live in various regions of the country and the majority of them (97 per cent) are settled.³ Depending on the region, they are known by different names, such as ‘Roman’, ‘Çingene’ and ‘Abdal’. There are three main groups of Roma in Turkey:⁴ The Dom live in southeast Anatolia, the Lom live in northeast Anatolia, and the Rom live in western Anatolia. Furthermore, the Abdal are considered to be a community that lives much like the Roma.⁵ Among the Roma there are people who speak Romani, Lomavren, Domari and Abdoltili, but now Turkish tends to be the mother tongue of Roma and similar social groups. Dom living in areas populated predominantly by Kurds are bilingual and also speak Kurdish. There has been a dramatic decrease in the number of people who can speak Romani, Lomavren, Domari and Abdoltili, and these languages and dialects are under threat of disappearing.⁶ Nearly all Roma and similar social groups are Muslim, some of whom are Sunni, while nearly all Abdal are Alevi/Bektaşî, as are some Roma who live in central Anatolia. A small number of Roma are Orthodox and Protestant Christian.⁷

Although the European Commission against Racism and Intolerance (ECRI) stated in 2001 that research on Roma and similar social groups in Turkey urgently needs to be carried out, to date there have been no official studies on this issue.⁸ The UN Committee on the Elimination of Racial Discrimination (CERD) asked the government of Turkey to submit a report based on academic and social research providing reliable social indicators concerning ethnicity, nationality and/or origins.⁹ To date, however, no such research has been carried out and no information has been submitted to international organisations concerning these social indicators. Academic centres focusing on the Roma community have been established at three universities in recent years, but so far none of them have carried out any studies of note.¹⁰ This situation has made it difficult to develop policies addressing the economic and social problems faced by Roma in Turkey, thus paving the way for the existing problems to become even less visible.

When a group of people is subjected to discrimination or is vulnerable to discrimination, it is the government’s

responsibility to conduct research concerning the scope of the problem. On the condition that precautions are taken to protect privacy and prevent abuse of the information acquired, data should be obtained that can then be used to carry out analyses, identify problems and develop solutions so that effective evidence-based policies can be created.¹¹ For example, the first step the government must take is to gather disaggregated data in order to develop policies to solve the housing problems of the Roma, as well as to reduce the rate of homelessness among Roma and increase their access to education.

In Turkey, poverty and social exclusion are widespread among Roma¹² and similar social groups, and that is the main obstacle for them in terms of accessing their social rights.¹³ Of all social groups in Turkey, Roma are one of the groups that face the most problems in accessing their rights to education and housing. CERD states that the majority of Roma continue to be subjected to discrimination especially as regards education, employment and housing.¹⁴

Even though Roma and similar social groups reside in almost every province in Turkey, they usually live separate from the rest of society in ghettos, leading to the phenomenon of ‘Roma neighbourhoods’ in Turkey.¹⁵ In recent years, these neighbourhoods have been subjected to large-scale levelling carried out in the name of ‘urban regeneration’. After their neighbourhoods are razed, the Roma residents have no choice but to move into apartments in other parts of the city, far from the city centre, with low housing costs.¹⁶ These urban development projects are often carried out in neighbourhoods inhabited by social groups like Roma without regard for whether they in fact own the property. This leads not only to violations of the right to housing, but also to violations of the right to education for Roma children and the children of families from similar social groups.¹⁷

This kind of ‘urban regeneration’ creates negative results for many disadvantaged people, but it is the Roma community that has suffered the most. The reasons for this are numerous: Roma are often unaware of their rights, illiteracy rates among Roma are high, and they fear adverse repercussions from the government if they oppose the development projects. As a result, they tend to not claim their rights. However, in recent years, Roma and similar social groups have begun to organize and demand

justice. As will be discussed below, this has had a major impact on official policies and paved the way for the emergence of initiatives aimed at strengthening the Roma community in terms of obtaining equal citizenship.

Turkey has signed numerous international conventions concerning equality in accessing and exercising fundamental rights and freedoms for people from different social groups. In 2004 an amendment was made to Article 90 of the Constitution of the Republic of Turkey when it was decided that in cases where a conflict arose between the law and an international convention of which Turkey was a signatory, the terms of the convention would apply. The international conventions to which Turkey is a signatory forbid the kind of discrimination to which Roma are subjected, but to a large extent those stipulations are ignored in practice.

Human rights documents, which include the rights to education and housing, are intended to provide protections not just in theory but in practice as well.¹⁸ Since education and housing are both social rights, two obligations arise for signatory states. Firstly, they are obliged to ensure that everyone has equal access to the standards expressed by those rights. The obligation to implement anti-discrimination policies needs to be carried out immediately, and Roma in Turkey must be granted equal access to their rights. Secondly, states are obliged to take progressive steps to raise standards concerning the right to education and housing to the highest level possible. The obligation of progressive implementation is focused not only on results but also on whether effective measures are applied to ensure qualitative and quantitative progress.¹⁹ On this point, states are expected to achieve measurable progress using a maximum of resources within a specified timeframe to institute a given right.²⁰

According to the European Committee of Social Rights (ECSR), states should not be content with just instituting legal regulations.²¹ In order to achieve the goal of effectively protecting a given right, the necessary practical measures must be put in place to a sufficient degree. If realizing a right turns out to be exceptionally complex and costly, states should take the necessary steps within a reasonable period of time to achieve measurable progress by using the maximum amount of existing resources.²² States can and must strike a balance between the public good and certain groups' interests while at the same time delineating certain priorities,²³ and the most disadvantaged groups should always be prioritized.²⁴ For example, Roma are the most notable of disadvantaged social groups in Turkey.²⁵ When marginalized or excluded groups are unable to gain sufficient access to the right to housing, this has a negative impact on their ability to access other rights, such as the right to education,²⁶ as the Roma community has experienced.

States have positive and negative obligations with regard to rights: the positive being that they must enforce protections, and the negative being that they must not violate the rights of citizens. In terms of positive obligations, certain special measures must be put in place with regard to historically disadvantaged groups such as Roma and similar social groups. The use of the word 'special' here points to measures that facilitate and accelerate the concrete realization of the goal of real equality for social groups that are subjected to discrimination. In other words, the aim of such measures is to support the attainment of a 'special' goal. As for the term 'measures', this includes social service or support programmes, the allocation of resources, priority treatment, prioritized employment, hiring and promotions, and administrative and regulatory steps concerning legislation and implementation such as time-based quantifiable goals and quota systems, as well as policies and their implementation.²⁷ Special measures are geared towards accelerating the realization of actual equality.

Through such measures the employment problems faced by Roma as a result of their low levels of education could be countered with special education programmes that would eliminate some of the disadvantages in their lives. While Article 10 of the Constitution – specifically, the provision that reads as 'Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality' - may appear to forbid special measures for Roma, in fact such a step would not run contrary to the principle of equality and is actually a requirement in line with the state's positive obligations. Measures targeting the education and housing rights of Roma and similar social groups need to be designed in a way that takes into account the problems they experience.

There is systematic discrimination if the rules of law, policies, implementation and predominant cultural attitudes create a relatively disadvantaged situation for some groups and a privileged one for others in the public or private sectors.²⁸ Roma in Turkey are subjected to such discrimination. An examination of Article 10 of the Constitution forbidding discrimination, together with Article 42 concerning the right to education and Article 57 concerning the right to housing, would suggest that the education and housing rights of Roma and similar social groups are being protected. But when the dire consequences of the discrimination against the Roma community are taken into consideration, it becomes clear that the authorities need to pay particularly close attention to those provisions contained in the Constitution and respond in the strongest terms to the reality of discrimination.

II Roma and the Right to Housing

A The Right to Housing in International and Domestic Law

1. The Right to Housing in International Law

The two primary standards concerning the right to housing in international law are Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 31 of the revised European Social Charter (ESC). According to the ESC, governments are responsible for encouraging the acquisition of adequate housing, preventing and reducing homelessness with the aim of eliminating it altogether over time, and ensuring that housing prices are brought into line for those who do not have sufficient means. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) forbids discrimination based on race or ethnicity with regards to the right to housing.²⁹

The right to housing should not be interpreted to mean the acquisition merely of a structure that will provide a roof over a person's head, nor should a house be seen solely as a living space. The right to housing is the right to live in peace and security in a place befitting human dignity, and it is everyone's right regardless of their income or their level of access to economic resources.³⁰ Within the context of that right, it is essential that the housing be located in a place that is accessible for the parties concerned.

Within the scope of the right to housing, the UN Committee on Economic, Social and Cultural Rights (CESCR) has elaborated the concept of 'adequate housing', which demands the following:

- Right to usage must be guaranteed in a way that will ensure legal protection against forced eviction, harassment, and other threats.
- There must be sustainable access to natural and shared resources, clean drinking water, means for the cooking and storing of food, sufficient energy for heating and lighting, infrastructure for cleaning and washing, a system of garbage collection, water waste and solid waste disposal, and emergency assistance services.
- The housing expenses of an individual or household should not be so high that they prevent the tenant

from covering the cost of other key needs or force them to make sacrifices in doing so.

- The housing must offer sufficient space for the tenants and protection against the cold, humidity, heat, rain, wind, and other threats against health, as well as offer protection against structural threats and agents of infection.
- The elderly, children, disabled individuals, ill individuals on the brink of death, individuals with HIV, the permanently ill, victims of natural disasters, individuals living in areas prone to disasters, and members of disadvantaged groups must be provided with a certain amount of preferential treatment in terms of housing.
- Housing must be located in an area that provides access to employment opportunities, health care services, schools, child care centres, and other social opportunities.
- The style of the construction of residences, construction materials, and the policies employed in construction must make it possible to express cultural identity and diversity.³¹

In terms of the right to housing, when some groups are subjected to negligent treatment or top down decision making it can be said that the right to housing has been violated through discrimination. Such instances occur when: an individual is unable to purchase or rent the residence they desire; individuals are evicted because of urban development or other reasons; government projects to develop housing are not executed in areas where certain social groups live; government housing projects or social aid targeting the right to housing are carried out in a way that some people cannot take advantage of them; public services such as clean water, sewage, transportation and education are of a lower quality or scale in one place compared to other areas; for a given area, police do not take enough action in a manner befitting the law despite high levels of crime; politicians, public officials or the media make statements creating the impression that areas where certain social groups live are overrun with crime. Such cases are examples of the types of discriminatory treatment to which Roma and similar social groups have been subjected in Turkey.

As discussed above in the case of education, sometimes states' obligations concerning the right to housing are of the

type that should be carried out immediately, while others should be carried out progressively. On this point, eliminating existing discrimination is a pressing obligation, while improving access to the right to housing can be taken up progressively. In terms of progressive obligations, a national housing strategy should be agreed upon that has goals targeting the improvement of housing conditions. The strategy to be implemented should, taking into account the existing resources, consider the most financially efficient way to achieve the goals in question and should set out the relevant responsibilities and deadlines.³²

When states take steps to bolster the right to housing, it is necessary to pay special attention to disadvantaged groups and afford them priority.³³ When such efforts are made, disadvantaged groups such as Roma who experience problems accessing the right to housing should be consulted and work should be carried out together with them.³⁴ The ECRI's Policy Recommendation Number 13, 'Combating anti-Gypsyism and Discrimination against Roma', made the following recommendations with regards to the right to housing:

- 'Afford Roma access to decent housing;
- 'Combat de facto or forced segregation in respect of housing;
- 'Ensure that the provision of new social housing for Roma aids their integration and does not keep them segregated;
- 'Ensure that Roma are not evicted without notice and without opportunity for rehousing in decent accommodation;
- 'Take steps to legalise the occupation of Roma sites or dwellings built in breach of town planning regulations once the situation has been tolerated for a long period of time by the public authorities;
- 'Promote coexistence and mutual understanding between persons from different cultures in neighbourhoods in which Roma and non-Roma live;
- 'Combat prejudice and stereotypes concerning Roma and Travellers in respect of access to housing;
- 'Combat any act of discrimination against Roma in respect of housing, particularly by ensuring that the legislation, including anti-discrimination legislation, is duly applied;
- 'Take effective measures against refusal to enter Roma in the register of inhabitants when they wish to settle permanently or temporarily;
- 'Ensure that spatial planning regulations do not systematically impede the traditional life of Travellers;
- 'Ensure that appropriate encampment areas, whether for permanent occupation or transit, are available to Travellers in sufficient numbers on suitable and duly serviced sites;

- 'Encourage consultation between all local players and Travellers about the positioning of encampment areas destined for them;
- 'Ensure that acts of discrimination against Roma in respect of housing are prosecuted and punished.'³⁵

2. The Right to Housing in Domestic Law

Article 57 of the Turkish Constitution stipulates the terms of the right to housing. Article 65, which states, 'The State shall fulfil its duties as laid down in the Constitution in the social and economic fields within the capacity of its financial resources, taking into consideration the priorities appropriate with the aims of these duties', gives the state broad discretionary powers in terms of implementing the right to housing. In terms of setting priorities and the amount of resources to be allocated, the aim of Article 65 is to keep the state's discretionary powers broad in such a way that they are not subject to judicial review. As regards the right to housing, the primary standard addressing discrimination is again Article 10. The tenets of that article require on the one hand that Roma have access to the right to housing equally with other groups, and on the other hand that disadvantaged groups such as Roma be taken into account in determining preferential treatment.

The right to housing is included among the aspects of discrimination taken up by the Law of the National Human Rights Institution of Turkey (TİHEK). Until the TİHEK Law was passed, there had not been any legal regulations banning discrimination with regards to the right to housing. Article 5 of the law forbade state institutions and organizations, occupational organizations of a public nature, real persons, private legal entities and people granted authority by the aforementioned bodies from discriminating in advertisements for the sale or rental of moveable and immovable properties, the rental of such properties, the stipulation of conditions of rental contracts, the renewal or termination of rental agreements, and the sale and transfer of properties.

The two main state institutions that deal with the right to housing in Turkey are the Ministry of the Environment and Urbanization, and the Housing Development Administration of Turkey (TOKİ). While those two institutions carry out work dealing with the right to housing, steps still need to be taken in terms of access to adequate housing. Social housing projects are carried out within the framework of Law 2935³⁶ (The Law on Housing Projects) and Law 3194 (The Development Planning Law).³⁷ This legislation, however, does not define the concept of adequate housing or, therefore, the standards that such housing should meet.³⁸ In terms of domestic law, while it can be said that the right to housing is currently guaranteed at the constitutional level,

the same does not hold true regarding sufficient guarantees at the level of law.

B Roma in Turkey and Access to the Right to Housing

States should guarantee in an equal manner the right to housing of disadvantaged groups. In Turkey, Roma and similar social groups encounter the most problems in accessing the right to housing. According to the ECSR, these groups are historically the most disadvantaged and vulnerable, and for that reason they require special protection. The needs, desires and lifestyles of Roma and similar social groups need to be taken into special account when passing legislation as well as when making decisions about concrete situations. This is important not just in terms of their access to rights, but also in terms of protecting the cultural diversity of society.³⁹ The ECRI recognizes that Roma in Turkey have suffered discrimination in accessing their right to housing and has made numerous recommendations in that regard.⁴⁰

1. Homelessness

The first problem faced by Roma and similar social groups in terms of the right to housing is homelessness. There is a striking lack of housing in Turkey and it is estimated that an additional three million residences are needed.⁴¹ While it is not known exactly how many people are homeless in Turkey, an NGO recently estimated the figure to stand at around 70,000.⁴² Unfortunately, there is no data concerning how many of those people who are unable to access adequate housing are Roma and similar social groups.⁴³

International law requires states to take action to ensure that people, especially those from disadvantaged groups, do not end up becoming homeless.⁴⁴ The obligation to eliminate homelessness is an immediate one, and in emergency situations shelters must be set up for people without homes. Since there is no state institution in Turkey responsible for setting up shelters, such work is usually undertaken by individual municipalities.⁴⁵

The ECSR is of the opinion that Roma in particular do not have access to the right to housing as stipulated in Article 31 of the ESC.⁴⁶ While Turkey claims that the homelessness rate is not very high because family ties are so strong,⁴⁷ there is no official or unofficial data to back up this claim. Observations have revealed that a significant number of those who are itinerant and homeless are Roma or members of similar social groups. Some of those groups have only recently settled and their places of residence are often in derelict areas of cities.⁴⁸

Fulfilling the obligation to deal with the matter of homelessness must be done in a way that takes into account the lifestyle preferences of Roma and similar social groups, and the participation of these groups is essential to this. Taking any other position and turning a blind eye to their differences would lead to a violation of the law against discrimination. The impacts that measures will have on disadvantaged groups must be taken into account, and the steps taken by states to realize a right must not pave the way for social exclusion or the exacerbation of existing forms of exclusion.⁴⁹

Another problem associated with homelessness is the fact that when Roma seek to rent homes outside their neighbourhoods they may be subjected to discrimination and be turned down by the landlord. For example, some landlords in Uşak and Diyarbakır recently decided to cancel rental agreements with potential tenants when they discovered that they were Roma or refused outright to rent to them.⁵⁰ Similarly, when the landlords are Roma, they may refuse to rent their properties to people who are not Roma.⁵¹ On that point, it is crucial that the existing legal regulations concerning the ban on discrimination be effectively implemented.

2. Housing Conditions

Another problem related to the housing rights of Roma and similar social groups concerns poor housing conditions.⁵² The right to adequate housing requires that a residence offer healthy living conditions; have water, heating and garbage removal services; be physically safe; not be overcrowded; and be sustainable as a residence.⁵³ At the same time, housing should not be far from the city centre or be near power lines or highways.⁵⁴ The location should offer access to public services, employment, health care centres, schools and other social services.⁵⁵

The ECRI has noted that the living conditions of Roma and similar social groups tend to be unhealthy and that they are sometimes forcibly moved on from the places they live.⁵⁶ People belonging to these groups are mostly poor and 80 per cent live in ghettos, while others live in poor neighbourhoods that are under threat from urban renewal projects. Poor living conditions and inadequate nutrition lead to health problems,⁵⁷ a situation officially acknowledged in a report produced following a Roma workshop held in 2009.⁵⁸

The places inhabited by Roma and similar social groups are severely lacking in terms of physical environment and hygiene. In some places it has been observed that multiple families live together in one residence, and in some regions families live in shacks and tents.⁵⁹ In general these groups, who live in areas separate from the rest of society, live in overcrowded housing,

making it difficult for children to focus on their studies, which is a key factor contributing to the high rates of absenteeism that exist among Roma.⁶⁰ It has also been noted that during cold and wet winters this housing becomes practically uninhabitable, and thus has a negative effect on the health of Roma. Infrastructure is also largely lacking in places heavily populated by Roma and similar social groups and most of the homes do not have running water or drainage systems.⁶¹

To give some examples, in the Şafak Neighbourhood, located in the district of Süloğlu in the province of Edirne and heavily populated by Roma, most families live in tarpaulin-roofed shacks with no drainage systems.⁶² The drainage systems for the homes occupied by Roma in the Selimşahlar neighbourhood of Manisa were destroyed by villagers.⁶³ It was observed that some of the homes occupied by Roma and similar social groups in the neighbourhood of Menzilahir in central Edirne, in Diyarbakır, in the district of Kırıkhan in Antakya, and in the districts of Saruhanlı, Kırkağaç and Soma in Manisa are unregistered and lack clean or running water and electricity,⁶⁴ and it was also noted that the houses are overcrowded and consist of just one or two rooms.⁶⁵ In Diyarbakır,⁶⁶ Çorlu and Antakya,⁶⁷ it has been observed that the homes in areas inhabited by Roma are in such poor condition that they cannot even be considered informal settlements. For the most part, the houses do not have basic amenities such as clean water, toilets or bathrooms. In the town of Kayaoğlu in the district of Akhisar in Manisa, Roma again live in houses that are in very poor condition and lack sufficient infrastructure.⁶⁸

During the fieldwork it was observed that the lack of water is leading to poor health and affecting the education of children. Because many of them are not able to access bathing facilities, Roma students may be forced to sit in the back of the classroom, be sent back home, or be shunned by their classmates and school administrators, on the ground that they 'smell bad'. As a result, they are deprived of their right to education. In the last 10 years, two Roma have died as a result of poor living conditions.⁶⁹ It is also notable that having a home without a secure title deed is a widespread problem. For example, in the neighbourhood of Kuştepe in Istanbul, very few Roma homeowners actually hold the deeds to their properties.⁷⁰

When states carry out social housing projects, priority needs to be given to the most disadvantaged groups.⁷¹ From 2003 to 2014, TOKİ constructed 633,295 housing units, 85 per cent of which were designed as social housing units. Of those 528,000 social housing units, however, just 144,000 were built as low-income housing.⁷² Various state institutions carry out social housing projects in Turkey but it is not known which groups benefit from these projects. According to figures provided by TOKİ,

5,133 of the housing units constructed in that period were for Roma and similar social groups.⁷³ In reply to a written parliamentary question on the issue, the Ministry of the Environment and Urbanization stated that from 2010 to 2015, of the 6,720 housing units planned for Roma and similar social groups, 6,147 had been completed. The Ministry's answer also indicated which provinces and regions those housing units were located in, along with complete figures related to them.⁷⁴ However, it should be noted that not all of those projects actually targeted Roma and similar social groups per se, but were simply carried out in regions heavily populated by such groups.

As a consequence, if the dimension of the problems concerning housing are taken into account, it becomes clear that the projects carried out were not comprehensive, nor did they focus on helping Roma and similar social groups become homeowners. The CESCR is of the opinion that the number of housing units constructed by TOKİ is far lower than what is actually needed, and that a national housing strategy must be drawn up.⁷⁵

Other than moving Roma to distant parts of the city when they fall victim to urban renewal projects—which occasionally sparks public attention—no projects have been identified that aim to solve the housing problem. For example, Roma who lived in the neighbourhood of Sulukule in the Istanbul district of Fatih were resettled in a neighbourhood called Taşoluk, 40 kilometres from the city centre.⁷⁶ Again in Istanbul, but this time in the neighbourhood of Sancaktepe, a group of Roma who had been living in tents and makeshift huts were resettled. The Istanbul Metropolitan Municipality decided to move them to Çatalca, some distance away on the other side of the city.⁷⁷ The TOKİ housing units in the district of Tire in Izmir are located seven kilometres from the city. The neighbourhood in which these units were built is quite close to the open sewage system of Tire, so a stench lingers over the area, and in the summer months mosquitoes and other insects also become a problem.⁷⁸ The TOKİ housing units in the Selimşahlar neighbourhood in Manisa are also far from the city and hygiene here again poses a problem. Garbage is collected only once per week and a recent sewage explosion filled the homes with sewer water. The inhabitants of these housing units pay 130 Turkish Lira (TL) per month in housing instalment payments, 10 TL for the maintenance fees of the complex and 10 TL for lighting, meaning that in total they pay 150 TL. Since they have no income other than quarterly payments of 300 TL in state aid, they cannot meet the monthly instalments or pay their utility bills and maintenance fees.⁷⁹

All of these projects were planned and carried out without participation from the groups involved. As mentioned above, in order to own the housing units into

which they are resettled, the residents have to make long-term monthly payments. However, most do not have regular work and therefore have difficulty making the payments. It is important to take into account the unique needs of Roma and similar social groups who have particular problems accessing employment; otherwise, violations of the law on discrimination may occur. Additionally, when deciding on an area in which to build social housing in the form of apartments, care must be taken to ensure that it is close to schools and places of work; furthermore, attention must be paid to resolving any possible issues that could arise with non-Roma neighbours and if apartment life will even be suitable for them.

3. 'Roma Neighbourhoods'

In Turkey, Roma and similar social groups generally live within the same area in what are called 'Roma neighbourhoods', resulting in social exclusion.⁸⁰ The following areas, for example, are considered to be 'Roma neighbourhoods': the Menzihar⁸¹ and Çavuşbey neighbourhoods in the city of Edirne,⁸² the Akıncılar neighbourhood⁸³ in the Yüreğir district of the city of Adana, and the neighbourhoods of Yenişehir, Ege, Hilal and Tepecik⁸⁴ in the city of Izmir. In Uşak, Roma live in separate ghetto-neighbourhoods; when Roma do not own a house and have to rent property, they generally have no choice but to move into a Roma neighbourhood or somewhere in its environs.⁸⁵

To date, the steps that the government has taken to rectify this situation have been limited and do little to fulfil the expectations of the Roma community. Individuals who are displaced as a result of urban renewal projects are forced to live in another part of the city, again separate from other social groups, thus perpetuating the existing state of affairs. A housing policy that does not spatially or socially segregate disadvantaged groups like the Roma needs to be pursued.⁸⁶ As it stands, the situation creates problems in terms of access to education, and the schools in neighbourhoods inhabited by such groups are largely only attended by children from those groups.

The fact that Roma and similar social groups live in separate areas has led to social exclusion, which in turn has led to the development of certain norms and types of behaviour, which are then passed down to families' children. Isolation has enabled behaviour patterns to remain in place, such as getting married and having children at an early age. Furthermore, exclusion and discrimination mean that many Roma lack faith that their lives will improve, leading them to place little importance on education and show less concern for their health—a situation that in turn perpetuates their social marginalization.⁸⁷ On the other hand, Roma groups prefer to live together with other Roma

in order not to feel excluded from society and also to protect their cultural values and feel secure. For that reason, it is crucial that the state consult these groups when urban renewal projects are carried out and offer support for projects within such a framework.

Segregation is a form of discrimination and must be eliminated. The TİHEK Law defines segregation as 'a situation in which individuals are separated from others either through action or inaction' and recognizes it as a form of discrimination. The fact that Roma are forced to live in separate areas is both a form of exclusion as well as racial discrimination, and leads to reduced access to education and health services, as well as fewer opportunities in the job market. The health of individuals living in poor conditions also declines, thus increasing the risk of illnesses.⁸⁸

The occupations, choice of housing, culture and traditions of Roma and similar social groups, as well as the structure of the poor neighbourhoods in which they live, are shaped by their traditional lifestyles.⁸⁹ Steps taken to improve housing conditions should, to the greatest extent possible, be planned in line with these groups' preferences and needs as regards their lifestyles. Being forced to live in apartment buildings disrupts how Roma and similar social groups gather as families and come together on a day-to-day basis, and breaks bonds of solidarity within their communities. Furthermore, the relevant authorities must understand that social conflicts may occur when Roma are forced to live in society at large; the ECSR emphasises that such situations must not be overlooked and that housing rights include a responsibility to resolve such issues.⁹⁰ Roma live together as large families out of economic necessity, and in Turkey this situation is not taken into account in the planning of social housing projects.⁹¹ Traditionally, Roma have occupations that cannot be carried out in multi-storey apartment buildings in the middle of cities and they prefer instead to live in detached houses with few floors and a garden, as that is what they need to carry out their occupations. These houses face the street, which facilitates the development and maintenance of relationships with their neighbours and offers children a place to play.⁹² For Roma and similar social groups, urban renewal projects are projects of standardization and exclusion.⁹³ Persisting with such an approach inevitably leads to discrimination in terms of the right to housing.

Steps taken to improve the living conditions of Roma and similar social groups must be carried out without moving their neighbourhoods to another part of the city. The environment in which they live should make it possible for them to carry out their occupations and earn a living.⁹⁴ One study revealed that the majority (75.28 per cent) of Roma and similar social groups want to continue to reside where they are currently living. Housing projects

that do not take such factors into account pave the way for the continuation of practices of segregation and also incur the risk of taking away individuals' traditional livelihood. To prevent this, it is of utmost importance that Roma and similar social groups are included in the planning and implementation of programmes that focus on new housing and eliminating segregation.⁹⁵

4. Acts of Violence Targeting Roma

Acts of violence are another factor leading to violations of Roma's right to housing. Such acts targeting these groups can result in their relocation and pave the way for violations of their right to housing, not to mention violations of other rights as well. In 2006 in the city of Afyon, it was alleged that two young Roma men had harassed some female students, whereupon a group of hundreds of non-Roma attacked a Roma family, and the attackers also set fire to a number of houses belonging to Roma.⁹⁶ NGOs have also reported attacks on Roma in the district of Selendi in Manisa,⁹⁷ as well as in the cities of Bursa⁹⁸ and İzmit,⁹⁹ particularly between 2010 and 2013.¹⁰⁰ As a result of the incidents in Selendi, Roma were sent first to the district of Gördes and then to the district of Salihli. Some were later relocated to a housing complex in the neighbourhood of Selimşahlar in the centre of the Manisa province.¹⁰¹ In another incident, five families in Bursa were forced to move into tents after their houses were demolished by the municipality following attacks against the community.¹⁰²

The right to housing necessitates the prevention of such crimes, as well as investigations into crimes that have been committed.¹⁰³ According to the European Court of Human Rights (ECtHR), not investigating such crimes constitutes a breach of the ban on torture and mistreatment and the ban on disrupting the right to respect for private life.¹⁰⁴ The children of families who are forcibly relocated as the result of racist violence experience problems in accessing the right to education, and this increases the number of students dropping out of school.¹⁰⁵

At times, acts of violence are also carried out by security forces, and it is a common belief among Roma that the police are prejudiced against them.¹⁰⁶ In 2015, in the district of Keşan in Edirne, 700 policemen took part in an operation targeting neighbourhoods populated primarily by Roma, as a result of which 44 people were taken into custody, including the president of the Federation of Trakya Roma Associations, on the grounds of 'disturbing the peace, extortion, issuing threats and resisting the police.' After the operation, around 200 riot police and Special Forces walked through the streets chanting, 'The police bring peace and security', as well as the slogan 'Happy is the one who says I am a Turk'.¹⁰⁷

As will be discussed below, acts of violence can also occur during forced relocations. The responsibility of carrying out forced relocations in a way that is respectful of human dignity requires that acts of violence not be committed. The fact that acts of violence committed against Roma have been insufficiently investigated and that Roma were not provided with protection represents a violation of the right to housing.¹⁰⁸ For example, during the removal of residents from the neighbourhood of Sulukule in Istanbul, police acted in breach of the law by not obtaining a court order for the removal, and during the process they also used violent force.¹⁰⁹

5. 'Urban Renewal' Projects and Forced Eviction

Forced eviction is defined in international law as 'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.'¹¹⁰ In international law, forced evictions are *prima facie* violations of a state's obligations, and they are only deemed acceptable during states of emergency and when carried out according to the principles of international law.¹¹¹ A forced eviction must adhere not only to domestic law but also to international laws on human rights.¹¹² Forced evictions pave the way not just for violations of the right to housing but to the right to life, the right to private life, the right to respect of family and housing, and the right to property.¹¹³

The state itself must refrain from carrying out forced evictions and must ensure that the law is enforced in dealing with its own agents or with third parties who carry out forced evictions.¹¹⁴ The law must provide the highest level of security of tenure to occupiers of houses and land, conform to international legislation, and strictly control the circumstances under which evictions are carried out.¹¹⁵ Women, children, the young and the elderly, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced evictions. Women of all groups are especially vulnerable to acts of violence and sexual abuse, and hence are particularly at risk.¹¹⁶ The ECtHR believes that in terms of both administrative regulations and their implementation, particular attention must be paid to the needs and lifestyles of disadvantaged groups such as Roma and similar social groups; if this is not done, acts such as forced evictions constitute violations of the right to private life and the right to respect for family and property.¹¹⁷ Similarly, if alternatives for housing are not provided, forced evictions again entail violations of those same rights.¹¹⁸

Forced evictions are sometimes carried out in connection with the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, urban beautification programmes, the clearing of land for agricultural purposes, unbridled land speculation, or the organization of major sporting events such as the Olympic Games.¹¹⁹

In cases of forced evictions, guaranteeing the right to housing and ensuring that Roma and similar social groups are not left homeless is crucial.¹²⁰ The fact that these groups are disadvantaged means that even if the settlement from which they are being forcibly evicted is an illegal one they must be provided with alternative housing, and great care must be taken concerning the timing and approach of the eviction.¹²¹ The minimum guarantees that are expected when a forced eviction occurs are as follows:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- all persons carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- provision of legal remedies;
- provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.
- Where those affected are unable to provide for themselves, the State party must ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.¹²²

In Turkey Roma and similar social groups are the disadvantaged group that is most affected by forced evictions, and it cannot be said that the evictions carried out have been executed in a manner respectful of human dignity.¹²³ In general, those who have been evicted have not been provided with housing or financial assistance, or have only been provided with such assistance temporarily. In Turkey, one of the ways in which the right to housing has been violated is through forced evictions in the name of 'urban renewal'. The places that have been inhabited by Roma and similar social groups since the 1950s are now being torn down for industrial or urban renewal schemes,

and these social groups have suffered as a result. One of the reasons is that these groups inhabited areas in the centre of the city that have become attractive for profitable investments in development.¹²⁴ This process continued in the 2000s with the passing of Law 5366, the Law on the Protection of Deteriorated Historic and Cultural Heritage through Renewal and Re-use,¹²⁵ on 5 July 2005 and in the 2010s with the passing of the Law Concerning the Transformation of Areas at Risk of Disasters¹²⁶ on 31 May 2012, both of which brought about the demolition of numerous Roma settlements.¹²⁷ These areas included Sulukule, Kâğıthane, Küçükbakkalköy, Dolapdere, Galata, Kasımpaşa, Kuştepe and Gaziosmanpaşa in Istanbul; Kamberler in Bursa; Ereğli in Zonguldak; Erenler and Yenimahalle in Sakarya; Çiçin Bağları in Ankara; Yeniköy in Diyarbakır; Turgutreis in Mersin; Kınalıçam in Yusufeli; 28 Haziran in İzmit; Çarşı and Taksim in Erzincan; and Gündoğan in Balıkesir.¹²⁸

Forced evictions targeting Roma neighbourhoods still continue. On 8 January 2015, 60 families were left homeless as the result of the destruction of their homes in the district of Ataşehir in Istanbul, as a result of which they were forced to live in tents in the middle of winter.¹²⁹ On 24 November 2016, 70 homes in an area inhabited by Roma in the district of Çerkezköy in Tekirdağ were torn down and the majority of the inhabitants were left homeless.¹³⁰ Another incident in Istanbul saw 23 families forced to move from Ataşehir-Küçükbakkalköy¹³¹ because their homes were torn down; they then resettled in Ümraniye-Şerifali, where they lived in tents, but now efforts are again underway to remove them to make way for a construction project.¹³²

Law 5366 and a regulation based on that law¹³³ make it possible for authorities, on the approval of the Ministerial Cabinet, to transform regular expropriation procedures into rapid emergency expropriation procedures in cases where a project would otherwise be delayed. This has not gone unnoticed and the fact that it is being done has been criticised for its disrespect of property rights and other human rights.¹³⁴ Practices of 'urban renewal' result in Roma and similar social groups being displaced from their places of residence. Although Turkey does not accept that such practices are in violation of the ban on discrimination, the fact that the majority of those being displaced are Roma points to the existence of discriminatory treatment.¹³⁵ Of course, urban renewal projects are not particular to Roma and similar social groups, but these groups fall victim to such practices more than any other. Social transformation should be secured before urban regeneration projects are implemented, and to that end Roma and similar social groups should be informed of what they will encounter at their new places of residence if they are to be relocated. In addition, special

consulting services should be offered and services should be provided to help them overcome any problems they may face after relocation.

Sometimes the places occupied by Roma and similar social groups are expropriated using the justification that the residents do not own the property. It is legally possible to forcibly evict someone on the grounds that they are 'squatters'. However such justifications do not nullify the obligation to provide other housing or financial support after the eviction.

Roma and similar social groups living in tents are sometimes evicted from the places where they are temporarily staying. For example, in the Çeşme district of Izmir, the tents of 30-40 Roma seasonal workers were torn down by the municipality.¹³⁶

Another issue related to forced evictions concerns whether or not the people subject to such treatment have access to open and effective legal recourse.¹³⁷ The ECSR believes in the necessity to meet the obligation to provide legal protection and consultation to the parties involved in an eviction so that an alternative solution can be found, as well as the obligation to announce the eviction a reasonable period of time in advance. The ECSR also states that evictions at night or in winter should be forbidden, that access to legal recourse and legal counsel should be available, and that compensation should be provided in the event of illegal evictions. According to the Committee, if evictions are to occur at all, they must be carried out in a manner that is respectful of human dignity and executed within a framework of rules of procedure that sufficiently protect the rights of the parties concerned. When evictions are carried out in the name of the public good, the individuals evicted must be provided with alternative housing or financial aid.¹³⁸

The ECRI notes that in most cases when Roma and similar social groups are forcibly evicted, they are not offered alternative housing and are left to live in difficult conditions in temporary settlements.¹³⁹ Furthermore, the ECRI has pointed out that after being forcibly evicted, such communities tend to disperse.¹⁴⁰ The disadvantaged situation of Roma requires that special care be shown for their needs and different lifestyles. As regards issues directly involving the right to housing, such as urban renewal projects and the related decision-making processes, the needs and desires of Roma must be taken into account.¹⁴¹ Urban renewal projects are harmful for the

culture of such social groups and make it difficult for younger generations to learn about Roma culture and keep it alive.¹⁴²

6. Roma Refugees

The right to housing is not a right that the state provides only to its citizens. It is a right that must also be granted both to refugees and to individuals legally residing in the country or holding a work permit.¹⁴³ For reasons closely related to the right to life, states are sometimes also required to grant the right to housing to individuals who are illegally present within their boundaries.¹⁴⁴ The housing provided to such individuals must meet high standards in terms of health, safety and hygiene, and key needs such as water, heating and sufficient lighting must also be met.¹⁴⁵

After the start of the civil war in Syria, a high number of refugees fled to Turkey, including Dom and Abdal. Abdal refugees in Turkey are subjected to more discrimination than Arab, Turkmen and Kurdish refugees, while those who are Alevi are subjected to discrimination on multiple grounds.¹⁴⁶ Studies show that the approximately 20,000 Abdal staying in Diyarbakır are housed in structures made of breezeblocks, some of which have no roofs at all, while others are covered with tarpaulin, with entire families staying in these single-roomed structures. Aid organizations have not provided aid to them because of their ethnic origins, religion and beliefs, which is an indication of the discrimination at play.¹⁴⁷ As a result of the efforts of certain NGOs, however, some aid organizations are now paying more attention to Abdal refugees.

The majority of Dom and Abdal who fled from Syria to Turkey are staying in tents¹⁴⁸ and on occasion the police raid their camps and take down their tents. A small number of refugees who are Roma or members of similar social groups stay as tenants in cheap rented accommodation. The cheap rent means that the places where they are staying tend to be flats, shops or construction sites that are far from the city centre and in unhealthy conditions.¹⁴⁹ For financial reasons they may move often, meaning that they are in a constant state of insecurity.¹⁵⁰ Such refugees do not stay in refugee camps but live near places populated by Turkish Dom and Abdal communities.¹⁵¹

III Roma and the Right to Education

A The Right to Education in International and Domestic Law

1. The Right to Education in International Law

The right to education is a fundamental human right that is included in international covenants to which Turkey is a signatory, and that is also guaranteed by the Turkish Constitution. This right is also considered to be essential for the realization of other human rights. According to the CESCR, education is a key means to eliminating economic and social inequalities, as well as ensuring that adults, youth and children who have been excluded from society are able to free themselves from deprivation and poverty, change their status in the society in which they live, and take part in various social networks.¹⁵²

Article 26 of the Universal Declaration of Human Rights, Article 13 of the ICESCR, Article 28 of the UN Convention on the Rights of the Child (UNCRC), Article 5 of the ICERD and Article 2 of the Additional Protocol of the European Convention on Human Rights (ECHR) all concern the right to education and guarantee this right. Turkey is a signatory to all international human rights conventions with the exception of the UNESCO Convention against Racism in Education.¹⁵³ However, although a signatory, Turkey has made reservations to the provisions pertaining to education in all of those conventions with the exception of the ICERD.

The right to education is included in Article 13 of the ICESCR, which can be considered the fundamental regulation in this area. According to the article, everyone has the right to education, in addition to which:

- '(a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate

means, and in particular by the progressive introduction of free education;

- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.'

The first paragraph of Article 13 states the necessity of the goal of developing understanding, tolerance and friendship among racial, ethnic and religious groups. Turkey's reservations concerning paragraphs 3 and 4 of Article 13 do not nullify the obligation to make the above-mentioned rights available to all.

States are obliged to provide the necessary infrastructure for education and also to ensure that their citizens have easy access to educational institutions. States must adhere to the following four principles: education should be available (availability); accessible (accessibility); acceptable (acceptability); and able to be adapted to students' needs (adaptability).¹⁵⁴ Failure to do so will result in the violation of the right to education.

Availability emphasizes the free and compulsory nature of education, awareness of parents' choices, and an educational system that is respectful of difference and embraces and reflects those differences. The principle of availability in education entails that schools and teachers must also be available, and hence that the state must build enough schools and employ enough teachers. In addition, teachers must be sufficiently qualified, schools must have the means—including adequate infrastructure—to provide a decent education, and there must be a sufficient amount and quality of educational materials. States are expected to ensure that schools are provided with enough financial resources and may not shut down a school without demonstrating a reasonable need to do so. Persons or legal entities also have the right to establish and operate private schools if they so desire.

Accessibility entails that there be no discrimination in access to the right to education, the implementation of

measures guaranteeing equal opportunity in education, and the assurance that school materials will not have content that is discriminatory in nature. This principle emphasizes that institutions and programmes of education must be accessible to everyone without discrimination. In this regard, special temporary measures must be put into place with the aim of ensuring genuine equality for disadvantaged groups, discrimination must be avoided, educational materials must not be discriminatory, educational institutions must be built in convenient locations, opportunities made available by modern technologies should be used, and education should be economically viable for all.

Acceptability includes the quality of the educational infrastructure (i.e. the quality of the teachers and approaches used), awareness of students' skills and aptitudes, the language of education, a programme of study that has qualities and content that will ensure equal opportunity upon completion of studies, and the disciplinary measures used in education. Acceptability is related to the minimum standards used in the process of education, such as how education is provided, its scope, and the techniques used in instruction. Within the context of this principle, certain issues are taken into consideration: how education is provided; the scope of education and teaching techniques; whether or not the state safeguards the health and safety of students at school; whether or not the education provided is of high quality; whether or not the education provided fulfils students' key needs; whether or not the education provided is respectful of differences in students' ethnic, religious and social backgrounds, as well as of their cultural identity and identification; whether or not the state respects parents' and guardians' freedom to ensure that their children receive an education in religion and morals appropriate to their beliefs; whether or not approaches to education respect students' dignity; whether or not the scope and content of course books are free of prejudices and stereotypes, and whether they are essentialist or pluralist; the attitudes and comportment of instructors; and whether or not disciplinary measures are implemented in a manner that is in line with students' dignity and in compliance with human rights.

Lastly, the principle of *acceptability* rejects any approach that forces students to adapt themselves to the system of education. Instead, it posits that education systems should be brought into harmony with students' needs and that education should have qualities and content that ensure that students benefit from other human rights and freedoms. The principle of acceptability is concerned with ensuring flexibility in education and, in particular, having

an education system that can keep up with the ever-changing needs of society, which are impacted by the relationship between globalization and localization. The principle requires that education systems keep up with the needs of changing societies and demands the creation and usage of curricula that take into consideration a number of factors including refugee children; students who identify with different religious, ethnic and language groups; children whose mother tongue is different than the country's official language; the children of migrant workers; children who have been detained or arrested; disabled children; and children who work.

Article 28 of the UNCRC, another important piece of legislation on the right to education, obliges signatory states to 'take measures to encourage regular attendance at schools and the reduction of drop-out rates.' This obligation carries particular importance in the face of the low attendance rates of Roma children, which will be discussed later in this report. Article 29 of the UNCRC emphasizes 'The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own,' as well as, 'the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin'. This regulation suggests yet again that, for Roma, the aims of education and the existing curricula need to be revised in line with an outlook that is pluralist and inclusive.

2. The Right to Education in Domestic Law

Aside from Article 42 of the Turkish Constitution, further regulations dealing with the right to education also exist within domestic law. According to Article 7 of Law 1739, the Constitutive Law on National Education, 'Primary education is the right of every Turkish citizen.' Article 4 of the same law forbids discrimination, stating, 'Institutes of education are open to everyone regardless of language, race, gender, disabilities and religious affiliation. In education, privileges shall not be accorded to an individual, family, party, or class.' In addition, Article 8 states, 'In order to ensure that successful students who lack financial means can obtain the highest level of education, assistance will be provided in the form of free dormitories, scholarships, loans and other means.' With this article, the law obliges the state to take special measures targeting disadvantaged groups. However, what is notable is that 'disadvantaged' here is limited to the state of economic disadvantage. Unfortunately, the law

remains silent on the issue of other forms of disadvantage, such as those faced by Roma and similar social groups. Law 6287, the Law on the Amendment on the Law on Primary Education and Other Laws, increased the length of mandatory education to twelve years.¹⁵⁵ Even before the passing of the TİHEK Law, Article 4 of Law 1739, the Constitutive Law on National Education, required that educational institutions be open to everyone regardless of language, race, gender, disabilities and religious affiliation.¹⁵⁶ Article 5 of the TİHEK Law forbids discrimination in education, whether public or private.

B Roma in Turkey and Access to the Right to Education

1. Access to Education

Article 17 of the ESC (Revised), which concerns the right to education, obliges signatories to establish and sustain an accessible and effective education system. When evaluating whether or not that obligation has been fulfilled it is necessary to see whether education is accessible for all children, and in particular whether or not the precarious situation of children of disadvantaged groups such as Roma and similar social groups has been taken into consideration and if special measures have been put into place to ensure equal access to the right to education.¹⁵⁷ The state has recognized the fact that one of the most important problems facing Roma and similar social groups is access to education.¹⁵⁸ It has been noted that absenteeism rates for children from these groups are high due to widespread poverty and a lack of support mechanisms such as tutoring centres.¹⁵⁹ It has been found that Roma and similar social groups face multiple obstacles in this regard—such as the lack of financial means to keep their children in school and children having to work so they can contribute to the family economy—which are linked with other elements of social exclusion.¹⁶⁰ At present, all children in Turkey are enrolled at a school based on the address at which they are registered. As such, when they reach school age, all children can thus in theory access primary education. In 2014, the average length of education received by people over 25 years of age was 7.6 years, and this figure is said to be on the rise.¹⁶¹ According to the Ministry of Education, for the years 2014–2015 the percentage of students who missed more than 21 days of school was 18.8 per cent for high school, 9.6 per cent for middle school, and 4.5 per cent for primary school. The percentages for students who missed more than 41 days of school were 2 per cent for high school, 4.9 per cent for middle school, and 2.6 per cent for primary school.¹⁶² For the years 2013 and 2014, the percentage of people aged 15-19 who had not completed

primary school was 8 per cent and 8.2 per cent respectively; the percentage of people aged 20-24 who had not completed middle school was 45 per cent and 47.4 per cent respectively.¹⁶³ However, it is not known what percentage of these figures is represented by Roma children. UNICEF has not gathered data that indicates levels of access to education by social group, and as such there is no information about non-registration at school, late registration, absenteeism or dropout rates among Roma children. According to UNICEF, the children from Roma families or similar social groups rank among the lowest in terms of school attendance.¹⁶⁴

The fact that there is a lack of public funds in Turkey to cover the basic needs of primary schools means that school administrators are forced to collect contributions from parents in cash or in kind both during registration and throughout the school year. During the collection of these contributions, referred to as ‘donations’, teachers, parents and children—particularly at schools with a low socioeconomic standing—are placed in a very difficult position, and there are major differences between schools at the high and low ends of the socioeconomic scale in terms of the amount of donations collected and the schools’ operating revenue. This, in turn, serves to deepen the state of inequality among schools.¹⁶⁵ For example, in the neighbourhood of Kuştepe in Istanbul, Roma families are generally content with the conditions at the schools in the area, but they complain that they are asked to give donations when they register their children.¹⁶⁶

The problem concerning access to education for Roma children and children of families from similar social groups is that despite the fact that primary schooling is guaranteed by law to be free, administrators have to turn to parents for the money needed to meet the schools’ basic needs, which means that when parents cannot provide those funds, the conditions at those schools are poorer and of lower quality. While the state should be covering all school costs from the state budget, in practice money to cover the operating costs of schools is collected in a variety of ways from parents. This situation has become widespread as a means of adhering to certain educational standards, and the amount of money that can be collected has a direct impact on the quality of education offered. Due to the economic disadvantage of Roma and similar social groups, they cannot give a sufficient amount in donations. This means that conditions at schools attended by Roma children are much worse than at other schools, and thus that Roma children receive education in insufficient conditions.

The Zero Discrimination Association (*Sıfır Ayrımcılık Derneği*—SAD) describes the existing situation in the following terms: ‘The economic cycle of schools is largely managed through contributions made by the parents of

children attending the neighbourhood school. As for schools near neighbourhoods where Roma live, the parents face financial difficulties, and so Roma children receive an education with limited opportunities and most of the time in poverty. Therefore even Roma children who are able to continue their education do so under unequal conditions compared to other children, as they at greater disadvantage. Furthermore, the level of education at such schools is generally lower, and it is striking to note that neither the teachers nor the school administrators are of the opinion that the children will succeed and their expectations are very low.¹⁶⁷

In Turkey, the support provided to parents for education is quite limited. The state, however, does provide all students with their textbooks free of charge. When students live in rural areas where there is no local school, they are provided with daily school transport to schools in larger towns. Such services, however, are not provided in urban areas. Roma are able to receive their course books free of charge, but since the majority live in cities, they are not eligible for the school transport services provided by the state in other circumstances. The only other form of support the state provides is 'Conditional Education Aid', within the scope of which male primary school students are given 35 Turkish Lira (TL) per month and female primary school students are given 40 TL per month; male middle school students are given 50 TL per month, and female middle school students are given 60 TL per month. An application must be submitted to the district or provincial social aid and solidarity foundation office in order to receive this aid, which is discontinued in cases of excessive absenteeism, on graduation, when the parents start working and receiving social security, or when the family's economic situation improves.¹⁶⁸ Currently there is no data available concerning the number of children of Roma families and families of similar social groups receiving this form of aid.¹⁶⁹

Although the exact figure is not known, a number of Roma children have a mother tongue other than Turkish. For such children, the fact that they have not received sufficient language instruction in Turkish and therefore have to learn Turkish as a priority during their schooling raises the likelihood of them being less successful at school than other children. It is evident that a student who knows little or none of the state's official language will be unable to benefit from education to the same extent as a student who knows that language.¹⁷⁰ For this reason, in terms of equal access to education, it is crucial that Roma children and children of similar social groups whose mother language is not Turkish also be taught the official language.

Roma children and the children of similar social groups generally do not leave their neighbourhoods until they start to attend primary school, and the teachers of

children whose mother tongue is not Turkish are unable to fully understand the language they use. Since education in their mother tongue is not provided, such children have insufficient knowledge both of their own language and of the language of education, therefore lowering their chances of success. A recent field study found that the number of Dom who use their mother tongue in their daily lives was 100 per cent in Antakya, 98.9 per cent in Diyarbakır and 75.9 per cent in Artvin, while this percentage for Abdals in Gaziantep was 78.3 per cent. The lowest percentage was in İzmir, at 19 per cent.¹⁷¹ This indicates that Roma communities still use their mother tongues as their primary means of communication. The same study found that Dom living in Diyarbakır were the most disadvantaged Roma group in terms of access to education. The study noted that the fact that they struggle even to complete primary school was concerning; by way of explanation for this situation, it was stated that the mother language of Dom living in Diyarbakır is not Turkish but either Kurdish or Domari.¹⁷²

2. Curriculum Design and Content

It is crucial that different groups are taken into account during the development of curricula. Just as the aims of a country's education system and the content of its curricula and textbooks can contribute to developing greater respect for other identities and for diversity, they can also serve to compound the state of prejudice and animosity in society.¹⁷³ In international law it is agreed that education systems must be used as a means to bolster human rights and respect for fundamental rights, as well as to improve understanding between groups of people who identify with different ethnicities, languages and religions, and to help develop tolerance.¹⁷⁴

The ECRI General Policy Recommendation Number 13 recommended that as a means of preventing the stereotyping, prejudice and discrimination that Roma children and children of similar social groups are subjected to at school, the awareness of parents of non-Roma children on these issues should be raised and teachers should be trained in the field of intercultural education. In addition, it proposed that the genocide of the Roma during World War II (Parrajimos) be included in education programmes and that school books be purged of stereotypes of Roma, include information about Roma language, culture and history, and highlight the contributions that Roma have made to society.¹⁷⁵

The education system in Turkey has an extremely centralized structure. The curriculum was developed and standardized in a centralized way without taking into account the characteristics of the populations in different areas of the country or their cultural, social and economic

particularities. Textbooks are approved in Ankara and no changes can be made in this regard unless on the initiative of the central administration. While the system may be based on a constructivist approach that makes it possible for teachers to adapt their syllabi to their students' needs, the fact that teachers have not received sufficient training in this area, as well as a number of other factors at play, means that such practice is not widespread.¹⁷⁶

Lessons do not cover other social groups or multiculturalism, and there are no regular events or activities that could be used to introduce students to other cultures.¹⁷⁷ Schoolbooks contain no information about the history and culture of other social groups in Turkey, and some groups are even discussed in terms that are discriminatory and xenophobic. The curriculum presents concepts such as citizenship, patriotism/nationalism and national values not within a universal/general framework but ethnically through Turkishness and religiously through Islam.¹⁷⁸

Roma are not mentioned in the existing curriculum in Turkey or in any instructional materials. Issues about Roma and similar social groups are not included in events organized by schools or the Ministry of Education, and as such these cultures are ignored entirely. Furthermore, textbooks contain discriminatory and prejudiced views, and may encourage intolerance. Turkey's education system is not pluralist and instead of strengthening diversity, it incites discrimination.¹⁷⁹ The ECRI recommends that the textbooks used in primary and middle school be reviewed from the perspective of human rights and any content that incites prejudice, stereotypes or excessively nationalistic be removed.¹⁸⁰ Recently, through the efforts of the SAD and protests by Roma groups, a book that had featured on the Ministry of Education's '100 Classics' list was removed for its insulting depictions of Roma.¹⁸¹ However, there is no information about whether a comprehensive assessment has been carried out to determine whether or not textbooks contain such depictions. A recent study has shown that the school curriculum excludes certain groups of people, gives dominant groups a privileged position through the use of cultural capital and perpetuates inequality. As such, it is currently impossible for Roma, as well as for other social groups in Turkey, to have narratives about their identities included in course books or to develop a sense of belonging to the country through the schoolbooks that are used.¹⁸²

3. Low Literacy Rates

Access to the right to education is as much a problem for adults as it is for children among Roma and similar social groups. According to the ECRI and CERD, Roma literacy rates are lower than that of the general population due to lower school completion rates among Roma children.¹⁸³ UNDP data indicates that in 2014, the literacy rate in

Turkey was 94.5 per cent,¹⁸⁴ with 95.3 per cent of men being literate and 79.6 per cent of women. Since the data was not disaggregated, it is impossible to deduce the literacy rate of Roma from those figures. However, taking into account the fact that poverty rates are high among Roma, it is not difficult to surmise that the literacy rate among Roma is lower than the national average; a report published in 2010 estimated literacy rates among Roma to be somewhere between 30 and 40 per cent.¹⁸⁵ Based on the low rates of education among Roma women, it can be surmised that literacy rates among women are even poorer. This situation among Roma women is not brought about only by the fact that they are Roma, but also points to how they are subjected to multiple layers of discrimination at the level of social gender roles.

A study carried out in Tekirdağ-Çorlu found that the literacy rate among elderly Roma was approximately 10 per cent.¹⁸⁶ According to a study of Roma and similar social groups, which was carried out in five provinces, 168 of 460 interviewees were illiterate. The study indicated that the rate of literacy among Roma (Dom) in Diyarbakır was lower than that of Roma living in other regions, with Abdal living in Gaziantep not faring much better. All of the Lom university graduates who were interviewed as part of the study lived in Artvin, and the study found that the rate of access to education of Lom living in the northeast of Turkey was much higher than that of Roma and similar social groups in other parts of the country. The study also found that Dom living in Diyarbakır had a higher rate of absenteeism and school dropouts than other Roma.¹⁸⁷ It has been noted that literacy rates among adult Dom are very low, and since families do not place a positive value on their children accessing education, rates of school attendance are also low.¹⁸⁸

The low literacy rates among Roma adults also has an impact on their possession of the basic skills required in the labour market. It has been noted that the majority of working-age Roma have been unable to sufficiently benefit from the occupational and technical training programmes offered by the employment institution İŞKUR or from its active labour policies. It has been stated that in order to rectify this situation, rates of schooling need to increase and participation in education needs to be supported, and in order to achieve this, it is recommended that awareness be raised among Roma about the value of education, and policies and measures facilitating schooling and participation in occupational training be put into place at the local level.¹⁸⁹

4. Schooling and Dropout Rates

Another problem concerning Roma children's access to education is that their rates of schooling are lower than

other groups. Studies have shown that access to education for Roma and similar social groups is closely related to the problems they experience in other aspects of their lives. At the forefront of those problems is poverty, which is seen as one of the main factors causing children to discontinue their education.¹⁹⁰ In Turkey, socioeconomic standing tends to be closely tied to the type of school attended and level of success in education.¹⁹¹

The ECRI obliges states to put into place all possible measures to combat absenteeism and school dropouts. On this point it recommends that parents be made aware of the importance of primary school; measures be implemented to ensure that children do not drop out of school and that children's education is prioritized; all financial and administrative impediments to children's education be removed; efforts be made to ensure that every child has access to primary school; school intermediaries (some of whom should be Roma) be hired to establish communication between schools and parents; and a large number of Roma be encouraged to take up the teaching profession so that they can help Roma children integrate into school life.¹⁹²

The ECRI has pointed out that while there is no statistical data about the schooling of children from Roma families, their attendance levels are low because of problems of access and a lack of financial means, and that this is exacerbated by displacement.¹⁹³ The Commission also emphasizes that levels of enrolment for Roma children are generally low and that there are numerous problems to contend with such as absenteeism, dropping out of school at a young age, and being sent to different schools simply because they are Roma. The underlying reasons for this state of affairs include families' lack of financial means, prejudice and low expectations at school.¹⁹⁴ The ECRI holds the view that since Roma and similar social groups face a level of poverty that prevents them sending their children to school, their children suffer from a lack of equal opportunity in terms of benefitting from educational services.¹⁹⁵ The CRC has pointed out that there is a lack of mechanisms to observe and report on the access of education of all groups, including Roma and similar social groups, and recommends that a comprehensive monitoring system be established.¹⁹⁶

Studies to determine absenteeism rates in Turkey often indirectly become implied indicators of absenteeism levels of Roma children and children of similar social groups. In response to sharp criticism of such a study the director of education in one district said, 'We want to determine which ninth graders are not continuing with their education. We didn't single them out because they are Roma. It was a study about the whole of Izmir but the fact of the matter is we may have focused on that area because absenteeism generally occurs in Roma neighbourhoods.'

By saying this, he seems to have implicitly accepted the problem of absenteeism among Roma children.¹⁹⁷ It has been noted that rates of absenteeism are higher at middle schools and high schools and that the majority of children who drop out are girls.¹⁹⁸ The main reason for girls dropping out of school is arranged marriage or elopement at a young age and having children.¹⁹⁹ Of the 150 students who are regularly absent at the Abdurrahman Köksaloğlu Middle School in the neighbourhood of Kuştepe in Istanbul, 80 to 85 per cent of them are Roma,²⁰⁰ and it has been noted that these children do not inform their parents when they skip school.²⁰¹

The findings of organizations established by Roma and similar social groups back such claims. Furthermore, it has been noted that teachers appointed to schools where Roma children study try to leave before they have finished their contracted period of instruction.²⁰² Such schools tend to be viewed as places of 'exile', and the teachers who work there are usually 'surplus' state-employed teaching staff.²⁰³ The reasons why Roma children drop out of school or are often absent are as follows:

- Parents do not ascribe due importance to education because of a lack of education and awareness;
- Early marriage, child marriage;
- Child labour; children must work to contribute to the family economy;
- Parents struggle to cover basic school expenses (stationery, school uniform);
- Families live in a single room, so children have no place to study;
- Children go to school without eating breakfast as a result of poverty and thus cannot concentrate on their classes;
- Commonly, children of Roma receive their identity cards late, so while many Roma students are actually 14-15 years old, their identity cards say that they are 7-8 years old, and this creates problems of integration and adaptation for both Roma and the other children in the classroom;
- Students have no one to help them with their homework;
- Students are unable to carry out homework projects that require the internet; most Roma homes do not have internet, so when they do not complete such projects, their grades suffer and they face embarrassment at school; and
- They are subjected to discrimination and marginalisation.²⁰⁴

The education system in Turkey offers students who drop out of school numerous options for returning to school. However, it has been noted that Roma families and

children often do not have enough information about the opportunities the system offers or about how to get back into school once they have dropped out. As such, students who have dropped out of school or children who have never registered need to be informed about these options through awareness campaigns and social aid projects.²⁰⁵

5. 'Roma Schools' and Practices of Segregation

Another phenomenon encountered by Roma and similar social groups is that of 'Roma schools'. Since most Roma live together in particular neighbourhoods, the schools located in those neighbourhoods are primarily attended by Roma children. This creates a situation in which Roma children attend different schools than non-Roma children, leading to the eventual creation of 'Roma schools'. For example, at Abdurrahman Köseoğlu Middle School in Istanbul's Kuştepe district, which is largely populated by Roma and similar social groups, 470 of the 600 enrolled students are Roma.²⁰⁶ At the schools in the neighbourhood of Gümüşçeşme in the city of Balıkesir, 60 per cent of the students are Roma.²⁰⁷ It has been noted that in the neighbourhoods in Edirne populated by Roma, the percentage of Roma studying at certain schools can be as high as 100 per cent.²⁰⁸ For example, all of the students enrolled at Fevzipaşa Primary School are Roma.²⁰⁹ Similarly, only Roma children attend Vali Faik Üstün Primary School in the neighbourhood of Yayla in Kırklareli, and all of the students studying at 13 Kasım Primary School in Tekirdağ are Roma.²¹⁰ Findings indicate that the quality of education at these schools is low.²¹¹

The schools that children will attend are automatically selected in advance according to the address at which they are registered; parents who do not like the school to which their child is allocated change their addresses on paper, even though this is against the law.²¹² As the schools attended by Roma generally offer poor quality education, parents who have the means to do so resort to such methods and pay a 'donation' so that their children can attend a better school. A fieldwork study uncovered such a situation at a school in Edirne: in a neighbourhood of the city where Roma live together with other social groups, all of the students attending the primary school were Roma. The non-Roma residents of the neighbourhood do not want their children to study with Roma children and therefore change their addresses on paper. As a result, despite the school being located in a mixed neighbourhood, it has no non-Roma students, and in this way the children's school environment has been completely cut off from the rest of society.²¹³

The ECRI's Policy Recommendation Number 13, 'Combating anti-Gypsyism and Discrimination against Roma', recommends that swift action be taken to put

measures into place, including legal and political measures, to put an end to the discrimination experienced by Roma children at school and integrate them into schools that are attended primarily by children from the majority social group.²¹⁴ Speaking on this issue one Roma mother said, 'My daughter is lucky. She goes to a different school than the other Roma. There are only four or five other Roma at her school. She studies hard and is going to be a lawyer,' implying that Roma children need to go to schools where they can have other students as role models.²¹⁵

Another problem faced by Roma children is segregation. Some examples of this include requiring students to study in different buildings or classrooms based on their social group, or if they remain in the same classroom, having them sit in separate parts of the classroom from other children or intentionally seating all Roma children in the same row, as well as forcing Roma children to study in different schools from non-Roma children. The TİHEK Law defines concepts including segregation and harassment, and forbids segregation as a form of discrimination. According to the law, segregation involves situations in which a person is kept apart from others, whether through action or non-action, on the basis of discrimination.²¹⁶ Such practices clearly constitute violations of the right to education and the ban on discrimination.²¹⁷

It has been noted that some non-Roma parents do not want their children to sit in the same classroom or same row as Roma students, and in some cases Roma students are required to study in a separate classroom.²¹⁸ Such practices are implemented, for instance, at a number of schools in Edirne, Antakya and Bartın.²¹⁹ In the 2013-2014 academic year, it was seen that Dom children of different ages and from different grade levels had been made to study together in the same classroom. Following a complaint filed by an association representative this segregation was brought to an end, but it was later found that the Roma children were again separated from the rest of the students.²²⁰ At a primary school in the neighbourhood of Selimşahlar in Manisa and at İsmail Keskinöğlü Primary School in the town of Kayalıoğlu in the province of Akhisar, Roma children are usually separated from the rest of the students and forced to study together in a different classroom. The same practice has been seen in some schools in the district of Akhisar in Antakya.²²¹ The Higher Planning Board accepted that such situations existed in a document released in 2016 entitled 'Strategy Paper for Roma Citizens, 2016-2021'.²²² Although the document stated that the practice of seating Roma children in separate classrooms or in different rows was not a widespread problem,²²³ such practices were seen in all of provinces visited during the fieldwork.

6. Negative Practices in Schools

Roma and similar social groups are sometimes subjected to mistreatment and harassment of a discriminatory nature. Harassment that constitutes discrimination is defined as the carrying out of any action against a person for reasons such as race or ethnicity that harms their dignity, attempts to create an environment marked by animosity, humiliation, insults or aggression, or has an undesired effect on the person targeted. The interests that are to be protected by forbidding harassment as a particular form of discrimination should not just be secured for the sake of ensuring rights and freedoms but to guarantee that these rights and freedoms are ensured in a manner befitting human dignity. Subjecting a student at an institution of education to insults or physical or psychological mistreatment constitutes an infraction of the law forbidding torture and mistreatment as well as the law against discrimination. It is not just other students who engage in such behaviour but also school personnel. The ECRI stipulates in Policy Recommendation Number 13 that the harassment of Roma children at schools is an issue that needs to be addressed.²²⁴

The Turkish Penal Code forbids physical violence within the scope of crimes such as wilful injury, and it is possible for administrative sanctions to be carried out within the context of the State Law on Public Servants. In 2016, the TİHEK Law defined harassment in Turkish law for the first time and recognized it as a form of discrimination.²²⁵ The TİHEK Law stipulates that with regards to cases of harassment, public institutions and organizations as well as occupational organizations of a public nature must take the necessary precautions to eliminate infringements, redress infractions, prevent the repetition of such acts, and ensure that legal and administrative steps are carried out to follow up on such matters.²²⁶

Cases of harassment are found in every part of Turkey.²²⁷ At schools attended by Roma children and children of similar social groups, teachers sometimes see these students as ‘troublemakers’.²²⁸ It has been noted that at mixed schools, the other students and even teachers harass Roma children because of their appearance or their clothing.²²⁹ It has been reported that Roma children must deal with widespread stereotypes and prejudices about them; whenever a negative event (such as a theft) occurs, Roma children are the first to be blamed, and this is seen to have a negative impact on their school attendance.²³⁰ It has also been noted that Roma children who attend the same schools as non-Roma children are subjected to harassment.²³¹

Cases of harassment are usually not reported to the authorities, and children who are victims of harassment rarely complain to their teachers; for the most part, when it is a teacher who harasses the student, no complaints are

filed with the school administration, and when a complaint is filed, no official measures are taken. It has been reported that Roma children are blamed for every problem that arises and that they are humiliated by teachers, for example by being asked to sit in the back row of the classroom. While complaints have been made about such situations to school principals, they produce no results because the principals take the side of the teachers.²³²

Neither teachers nor students are informed about what constitutes discrimination, and students who are victims of discrimination do not know which institutions or authorities they can turn to for help. It is the responsibility of the school administration to implement measures targeting all forms of discrimination at schools, including harassment, and victims of discrimination can turn to the law when such measures are not implemented.²³³ Despite this theoretical access to legal recourse, no such cases have been reported.

7. Private Education and Guidance Centres

Another discriminatory practice faced by Roma children is the fact that they are sometimes sent to special needs institutions known as ‘guidance and research centres’ (GRC). Such action is a clear violation of the right to education and the law on discrimination.²³⁴ The ECRI’s Policy Recommendation Number 13 suggests that this is a common practice in Europe and recommends that Roma children who are not mentally disabled not be registered at special needs schools; likewise, it recommends that such children who are currently enrolled at such schools be immediately registered at regular schools.²³⁵ The ECRI also noted that it has received concerning information about the state of affairs in Turkey, where it has been reported that some Roma children are placed in schools for children with special needs even though they have no mental or learning disabilities.²³⁶

Fieldwork carried out by the SAD has revealed that such practices are carried out in the cities of Istanbul, Izmir, Gaziantep, Kilis, Antakya and Manisa. The findings indicate that Roma children are sent to special needs institutions in one of two ways. In the first, the process starts with GRC employees driving to neighbourhoods with large Roma populations and taking children back to the centres, where they create false reports stating that the children have ‘disabilities’. In the second, the process starts when teachers send students to GRCs on a variety of pretexts and reports are drawn up after an interview, as the result of which the children are put into special needs classes in their schools or at another school.²³⁷ In the Kirikhan district of Antakya, it was found that Roma children have been sent to special needs institutes on the

basis of reports issued by GRCs stating that they have mental disabilities.²³⁸ In the town of Kayalıoğlu in the province of Manisa, which is home to 70-80 Roma families, it was found that around 19 children had been sent to special needs institutions.²³⁹ In the neighbourhood of Şerifali, in the Ümraniye district of Istanbul, reports were prepared for a large percentage of the Roma children living there, stating that they had mental disabilities.²⁴⁰

It has been found that the families of children who are performing poorly at school are convinced by teachers or GRC employees that their children need to receive an education in line with their needs; this, along with the monthly financial support from the government paid to families while their children are enrolled at a special needs school, are among the factors leading parents to accept this practice. It has been observed that families are not very aware of how studying at a special needs school and receiving a report of mental disability will affect their children in the long term. It has also been noted that findings about the effects of arbitrarily sending Roma children to special needs schools (with some GRCs and special needs schools acting in their own interests) have been sent to divisions of the Ministry of Family and Social Policy, but there have been no positive developments in this area. While the authorities have stated in face-to-face meetings that they are aware of the situation and will implement measures to prevent people from abusing the service, no effective steps have been taken. As a result of NGOs educating Roma parents about the effects of sending their children to special needs schools, some families have opted to take their children out of such schools. A similar practice sees some Roma children taken into 'individual education programmes' on the basis of reports stating that they have special educational needs. It has been noted that these children are sent to various classes in the school, where they are made to sit at the back of the class and are paid little attention by the teachers.²⁴¹

8. 'Urban Renewal' Projects

Another situation that has affected Roma families more than other social groups is urban renewal projects.²⁴² The majority of such projects are carried out in places populated by Roma and, as a consequence of being relocated or displaced without precautionary measures being put into place, the children of Roma families are unable to continue with their education.²⁴³ The fact that such families have been displaced from their homes, shelters and tents without their right to housing being guaranteed and without being resettled in another neighbourhood means that many have no choice but to move to another neighbourhood or even another district,

where they have difficulty establishing a new life. The fact that families are unable even to recreate the living conditions of their previous residence makes it difficult for the children of such families to continue with their education.²⁴⁴ It has been observed that the urban renewal projects carried first out in the Istanbul neighbourhood of Sulukule and then in Küçükbakkalköy have led to children being traumatized and subjected to poor living conditions, with the result that they are unable to continue with their schooling.²⁴⁵ It was found that after the demolition of the Sulukule neighbourhood, 300 displaced Roma children had been unable to register at a new school.²⁴⁶ A 15-year-old Roma living in a tent in the neighbourhood of Şerifali in the district of Ümraniye in Istanbul described the situation in the following terms: 'We weren't scrap collectors before. We weren't living here but in Küçükbakkalköy, where my family sold flowers. I was going to school. My classes were going well. One morning I went to school and when I came back, our home was gone. I dropped out of school that day, and now I'm a scrap collector.' In Küçükbakkalköy, Roma children who are trying to continue their lives among the ruins of their homes are unable to register at school because the local authorities refuse to issue them the residence document they need to enrol.²⁴⁷ It has been observed that the Ministry of Education, Ministry of Family and Social Policy and municipalities have taken no steps to ensure that such children are able to continue with their education.²⁴⁸

The ECSR has pointed out that the ESC draws particular attention to disadvantaged groups and to the fact that signatory states are obliged to guarantee equal access to the right to education for all children. Roma are among such disadvantaged groups, and this obligation requires that special precautionary measures be implemented whenever necessary. However, according to the ECSR, those special precautionary measures should not be limited to opening schools where Roma children study. The ECSR asked Turkey to provide information about how Roma children are guaranteed access to education as well as data about enrolment and dropout rates.²⁴⁹ Even though it has been five years since this request was made, no data concerning primary school enrolment rates among these groups, official or otherwise, has been gathered.

9. Nomadic Roma, Agricultural and Seasonal Workers

While not many Roma in Turkey are nomadic, there are some who live a nomadic lifestyle, and as a result problems arise for such families in terms of enrolling their children in school.²⁵⁰ Likewise, agricultural workers and seasonal workers spend parts of the year away from where they usually live

and major issues arise concerning access to education for the children of such families, as they often drop out of school or are unable to attend school regularly.²⁵¹

Families without a registered address are unable to enrol their children in school and the state has done nothing to ensure that such children can register at schools or gain access to education some other way. Some Roma are seasonal agricultural workers and the children of such families experience problems in terms of accessing education.²⁵² For example, it has been noted that in the district of Kırıkhan in Antakya nearly 90 per cent of Roma are seasonal agricultural workers and since they have to travel to other districts with their children, the children are unable to attend school.²⁵³

10. Roma Refugees

According to Article 42 of the Constitution, no one can be deprived of their right to education. However, that same article stipulates that primary school is only mandatory for citizens of Turkey. For that reason it could be argued that primary school is not mandatory for refugee children,²⁵⁴ which would be a violation of Article 28 of the UNCRC.²⁵⁵ It has been stated that children without foreign identification numbers are unable to enrol in school, a state of affairs that has rightly been criticised by the UN Special Rapporteur on the Human Rights of Migrants.²⁵⁶ According to official figures, there are 2.7 million Syrian and 300,000 Iraqi refugees in Turkey.²⁵⁷ After the civil war broke out in Syria in 2011, Dom and Abdal refugees fled to Turkey, along with other refugees escaping the fighting. Dom have been subjected to discrimination in Turkey based on their identity and refugee status, while Abdal have suffered from discrimination because of their religious beliefs and again for their refugee status.²⁵⁸ There is no data, official or otherwise, on the number of Dom and Abdal refugees currently in Turkey.²⁵⁹

Of the 930,000 child refugees in Turkey, 35 per cent have been able to attend school.²⁶⁰ This number was expected to rise to 450,000 by the end of 2016²⁶¹ The majority of refugees in Turkey are working illegally and as such they are subjected to severe exploitation and are paid

low wages, which has a direct impact on refugee children's access to education.²⁶²

The CERD has stated that Syrian child refugees do not have sufficient access to education in their mother tongue and recommended that the right to mother-tongue education be guaranteed for all refugee children.²⁶³ The ECSR has noted that in terms of access to education it should make no difference whether a child is living in a given country legally or illegally and that access to education is crucial for the life and development of every child. Not securing the right to education for refugee children puts them at even greater risk. For this reason, it is necessary to ensure that children have access to education regardless of their legal status. There are currently hundreds of thousands of refugee children in Turkey—including children of Roma and similar social groups, although there are no statistics regarding their precise number—and these children experience difficulties in obtaining access to education. In 2011, the ECSR reported that refugee children who are not citizens of Turkey were having difficulty accessing education because they did not have legal residency and that the situation did not meet the recommendations of the CERD in terms of the right to education.²⁶⁴ Similar findings were reported in 2015 and the CERD stated that there had not been any improvements in the situation of refugee children.²⁶⁵

It has been noted that Syrian refugee children are only able to access education if they are registered in the country or if they have a card issued by the Republic of Turkey Prime Ministry Disaster and Emergency Management Presidency (AFAD). While 80 per cent of children in refugee camps have access to education, only 14 per cent of those living outside the camps are able to attend school. Since the majority of Dom and Abdal refugees live outside such camps, it is estimated that very few children from these groups have access to education.²⁶⁶ The reason for this is, in part, that Dom and Abdal refugees face discrimination from other refugees as well as from Turks, combined with the fact that parents do not have the financial means to cover the cost of transport to send their children to school. Other factors that prevent them from accessing education are the fact that the language of education is Turkish and that children must work to financially help their families.²⁶⁷

IV Steps Forward

The government took its first step forward with regards to Roma and similar social groups in Turkey on 10 December 2009. Faruk Çelik, the Minister of State, held a workshop that was attended by parliamentarians from the ruling party and various representatives from the Roma community. A report on the workshop was prepared, which that was released to the public²⁶⁸ and submitted to then-Prime Minister Recep Tayyip Erdoğan. On 3 March 2010, a ‘Roma Gathering’, attended by thousands, was held in Istanbul, where an announcement was made about the measures to be implemented to improve the situation of the Roma community. Major promises were made, especially with regards to improving education and building inexpensive housing suitable for the lifestyles of Roma. However, a systematic government policy²⁶⁹ that could be used to fulfil those promises has never materialized, and nor have there been any positive developments with regards to education and the right to housing.²⁷⁰

The few small steps that were made were met with criticism from the opposition. For example, the support programmes created by aid and solidarity foundations within the scope of a ‘Roma Initiative’ were seen as a mere concession.²⁷¹ The response to such criticisms was that such a measure was not on the agenda,²⁷² meaning that Roma were still not seen as a group that has historically been disadvantaged in terms of accessing social rights.

In recent times the government has made pledges to carry out programmes aimed at solving the problems of the Roma community. In its Government Programme, the 64th government of Turkey, which was sworn into office in November 2015, acknowledged the main problems faced by Roma and acknowledged that Roma are a group that is subjected to discrimination, saying: ‘We will accelerate the process of solving the problems of our Roma citizens, focusing primarily on the issues of education, employment and housing, and we are going to eliminate all forms of discrimination.’²⁷³ In its 2016 Action Plan dated 10 December 2015, the government announced, ‘We will review previous efforts made to solve the problems of our Roma citizens and new projects will be launched’. However, the subsequent government, formed in May the following year made no such statements in its new programme.²⁷⁴

A The Ministry of Family and Social Policy’s Strategy Paper for Roma Citizens

Some steps have been made recently concerning Roma rights to education and housing. One of the first of these was a policy paper entitled ‘Strategy Paper for Roma Citizens, 2016-2021’, drawn up by the Ministry of Family and Social Policy and ratified by the Higher Planning Board, and a related document entitled ‘Stage 1 Action Plan (2016-2018)’.²⁷⁵ The original document was 50 pages long but was subsequently edited down to 19 pages before publication, so there are obvious omissions.²⁷⁶ The document acknowledged that Roma and similar social groups have historically been disadvantaged and that children from such groups experience problems accessing education. It also stated that access to education would henceforth be a strategic goal.

The document also acknowledged that the housing conditions of Roma and similar social groups are poor and that urban renewal projects place Roma at even greater disadvantage. The strategy to be followed entails ensuring access to adequate housing in disadvantaged regions, while ensuring that such housing is located in a healthy and liveable physical environment, has access to the necessary infrastructure services, and is suitable for the lifestyles and demands of Roma and similar social groups.

The strategy called for the establishment of a ‘Monitoring and Evaluation Board’, with government ministers and members of public institutions making up half of the members, and the other half comprised of members of NGOs, academics and occupational organizations. The board was set to meet every February to evaluate the work carried out in the previous year. However, even though eight months have passed since the strategy was agreed upon, Roma organizations have pointed out that nothing has been done to implement it and that the monitoring board has not yet been established.²⁷⁷

A number of main project aims were established to ensure the realization of the strategic goals set out in the paper. One of these aims was that policies were to be drawn up based on data to be gathered, a reflection of the fact that there is currently no data on Roma and similar social groups. It was agreed that 2016 would be a

preparatory year, during which time data on the social integration of Roma and similar social groups would be compiled to create a foundation for policies. To date, however, no public announcements have been made indicating that such work has been carried out.

The strategy stipulated that three-year action plans would be drawn up for two time periods, 2016-2018 and 2019-2021, and the first action plan was published together with the strategy. It stated that starting on 21 June 2017, 'Fieldwork will be carried out concerning the socioeconomic profiles of Roma citizens, their access to public services and basic rights, and their expectations and needs.' This is a critical aspect of the action plan as it will be the first official demographic study concerning Roma.

Comparing the scope of work to be carried out, as per the terms of the Stage 1 Action Plan to realize the strategic goal of 'ensuring that all Roma children have equal access to quality education and that Roma youth successfully complete at least their mandatory schooling', to the size of the problem reveals that the planned efforts are quite limited in scale. It should, however, be recognized that this is the first concrete framework for implementing official measures to identify and solve the problem. The programme for the first three years includes the following steps:

- Support the participation of Roma students in school councils with the aim of strengthening their ties to schools and helping them develop their social and communication skills, and hold extra-curricular events in the fields of sports, culture and art;
- Inform Roma parents about financial aid programmes and educational programmes offered by aid and solidarity foundations as a means of encouraging their children to continue their studies, and offer guidance to eligible families that have not taken advantage of such support;
- By means of the Preschool and Primary School Institutional Standards Module, identify students who have dropped out of school and ensure that they continue their studies; provide adult education programmes aimed at raising parents' awareness about the importance of continuing girls' education; and offer supplementary extra-curricular primary and middle school education as a means of increasing the success of students from predominantly Roma areas.

In the Stage 1 Action Plan, the right to housing is presented as a strategic goal in the following terms: 'Ensure access to adequate housing in disadvantaged regions and, taking into account [the need for] a healthy, liveable physical environment and the requisite infrastructure services, offer housing opportunities that

meet the demands of residents and suit their lifestyles.' On that matter, two plans of action were envisaged but they ignored many of the problems experienced by Roma and similar social groups in accessing the right to housing. All the same, as with the case of the right to education, the fact that those problems have been officially acknowledged and that work has been launched to address them is a very positive step. The actions to be taken in the first three years include the following:

- Starting with neighbourhoods largely populated by Roma and similar social groups, identify houses that can be improved with small repairs, launch work on the repairs, and select members of the community to participate in the repairs for the good of society;
- Where residences that are no longer habitable or that fall into the scope of urban renewal projects are inhabited by Roma and similar social groups, take into account the lifestyles and demands of these groups when planning housing projects that concern them, and as such ensure the construction of individual homes, rather than apartment blocks, that are suitable for small-scale allotment farming.

Roma organizations have responded positively to the fact that for the first time a strategy targeting Roma and similar social groups has been developed and that it has become state policy. At the same time, however, there have been numerous criticisms of the strategy: primarily, the strategy was drawn up in a non-comprehensive way using very general information, and the plan includes no concrete steps for solving the existing problems. Furthermore, a budget has not been drawn up to realize the intended goals, the strategy places little emphasis on the issue of discrimination, and it does not take a rights-based approach but rather tends to attribute the problem to Roma themselves.²⁷⁸

The ECRI stated in its 2016 report that it was pleased that the plan had been accepted. However, it also noted that political leaders must work to put an end to the marginalization of Roma and similar social groups and that much effort would be needed to implement the strategy. Furthermore, the report stated that clear budgets would need to be established for the implementation of the strategy within the action plans, and that binding financial contracts would need to be drawn up for authorities and other shareholders. Emphasis was also placed in the report on ensuring that Roma take part in every stage of the implementation and monitoring process to make certain that measures suitably meet the needs at hand.²⁷⁹

In terms of housing rights, any and all necessary measures must be put into place through the coordination of the central government, and regional and local

authorities.²⁸⁰ When housing projects are implemented at the local level, the central authorities must take on a coordinating role and carry out their duty of overseeing the project. When such projects are not carried out or are done so in an inadequate manner, various sanctions should be brought against the local authorities. Furthermore, it is important to point out that housing projects for Roma should be executed in such a way that they will not isolate the community or segregate them from the rest of society to ensure that violations of the right to housing and the law on discrimination do not occur.²⁸¹

States' obligations concerning the right to education and the right to housing include discretionary power to ensure that central authorities and local leaders carry out those obligations. States cannot cite a lack of coordination between bodies of authority and confusion regarding authority as an excuse for failure in this regard.²⁸²

B The Ministry of Family and Social Policy's Social Inclusion Project for Areas Predominantly Inhabited by Roma (SIROMA)

The SIROMA project is a major project directly concerned with Roma and similar social groups.²⁸³ The project, which has a budget of 11.5 million Euros, was launched in November 2015 and is planned to finish by the end of 2017. It is being overseen by the Ministry of Family and Social Policy, the Ministry of Education and the Ministry of Health, and is coordinated by the Directorate General of Family and Social Services, which is within the Ministry of Family and Social Policy. The aim of the project is to make it easier for Roma to enter the workforce and, by doing so, to increase their social inclusion. It is being carried out in 12 pilot provinces—Ankara, Adana, Balıkesir, Hatay, Edirne, Eskişehir, İstanbul, İzmir, Kırklareli, Manisa, Mersin and Tekirdağ—where 20 social services coordination centres are to be set up, each of which will have a social mediator and centre coordinator.

One of the most important goals of the SIROMA project is to facilitate access to education services and improve the academic performance of children at school. The project is still in its early stages so it is currently not possible to offer any evaluation of the outcomes. Between February and June 2016, data was gathered and fieldwork carried out in 21 provinces and districts of Turkey, the results of which were published in a report entitled 'The

Social Situation of Roma in Turkey and Public Policies Supporting Social Inclusion'.²⁸⁴ The report includes various findings regarding the right to education and housing.

The SIROMA project plans to carry out work in the following areas:

- Offer aid and guidance to Roma and similar social groups on a number of issues;
- Carry out research in regions largely populated by such groups;
- Provide education to strengthen civil dialogue and increase awareness about the fight against discrimination;
- Hold extra-curricular events with children at schools in Roma neighbourhoods;
- Carry out work to increase the preschool and primary school academic performance of Roma children;
- Provide training in health literacy to facilitate access to health services;
- Enable access to vocational courses and offer free transportation services; and
- Improve the occupational skills of Roma and similar social groups as a means of increasing their chances of employment.

C The Ministry of Family and Social Policy's National Strategy Paper on Children's Rights

While its direct focus may not be Roma and similar social groups, the National Strategy Paper on Children's Rights does pertain to the children of such families and is important in terms of efforts to improve access to education for disadvantaged groups. The project was drawn up by the Ministry of Family and Social Policy and passed by the Higher Planning Board at the end of 2013.²⁸⁵ The aim of the project was to achieve certain goals during the period 2013–2017. By establishing a 'Children's Rights Monitoring and Evaluation Committee', the goal was to oversee the implementation of the action plan, evaluate the results, and in the process ensure that cooperation was ongoing between the various institutions involved. While it was planned that NGOs would be included in the project, it could not be established whether or not the committee was actually established or if there were any Roma organizations among the NGOs involved.

The text of the project can be criticised for not making any direct reference to Roma and similar social groups. For instance, the action plan did not call for disaggregated

data to be gathered about children as a means of determining the current situation for such groups. However, one of the main goals was to create equality in education and a number of activities were envisaged as a means of doing so:²⁸⁶

- Implement the required legal and regulatory measures to integrate children currently not receiving schooling into the school system and prevent students from dropping out; this was considered necessary since in 2011-2012, 4.5 per cent of primary school students and 3.4 per cent of middle school students were absent from school for more than 20 days;
- Provide teachers and administrators with in-service training to inform them about students who have dropped out or are at risk of doing so, raise awareness about the issue, and have provincial and district educational directors develop and implement projects and programmes on the matter;
- Increase the resources of schools located in neighbourhoods and regions populated by disadvantaged families as a means of reducing the differences in education quality between regions and improve the equipment at such schools, thereby making up for the disadvantages brought about by families' socioeconomic position and environment;
- Appoint qualified and experienced qualified teachers to schools attended by children from disadvantaged families, offer incentives for teachers to stay on at their posts, and increase the number of teachers at such schools;
- Continue providing aid for educational expenses and similar support to families in disadvantaged regions;

- Put into place effective legal and administrative measures to prevent child marriages; and
- Develop a countrywide system for collecting and analysing comprehensive data about all children.

D The Ministry of Education's Strategic Plan for 2015-2019

Another plan concerning the right to education was the Ministry of Education's Strategic Plan for 2015-2019. The first strategic aim laid out in the plan was to 'ensure that all individuals have access to education and learning under equitable circumstances,' with the associated strategic goal to 'increase school completion rates and levels of participation at every stage of education and for every type of learning by the end of the project period, with a particular focus on disadvantaged groups.' While the emphasis on disadvantaged groups and principles of good governance is important, it was also noted in the plan that there was a need to develop methods for observations and analysis, as well as performance indicators that would serve as a source of data within the project. The plan emphasized that a lack of performance indicators could have a negative impact on observations and lead to a situation in which goals/strategies would not be regularly tracked, and thus it would not be possible to evaluate the results. It also outlined a range of measures, including awareness-raising on educational opportunities, improved school transportation and educational programmes specially tailored to reach those currently excluded from the existing educational system.²⁸⁷



ROMA HOUSING IN SÜLOĞLU/EDİRNE, TURKEY.

V Recommendations

A General Recommendations

- Rights protected by international conventions should be acknowledged for all social groups living in Turkey.
 - Disaggregated data should be collected in order to identify the special needs of Roma groups and improve protections against discrimination, all the while making sure that personal privacy is guaranteed. The final results should be made public.
 - Programmes should be developed in order to look into the challenges facing Roma and a solution should be found for the economic and social issues confronting Roma by developing, and setting aside the necessary budget for, strategies that include new, comprehensive and concrete goals based on the results of the research.
 - In a democratic society, differences should not only be seen as cultural richness; rather, they should be taken into account in order to bring about real and effective equality. The existing legal framework should be bolstered in favour of the fight against discrimination targeting Roma and similar social groups, and obstacles that prevent people from securing their rights should be identified and eliminated.
 - Measures should be put into place that will strengthen Roma NGOs so that Roma and similar social groups can make their voices heard, and incentives should be provided for such organizations.
 - A monitoring system should be created as a means of improving the functionality of the various strategies mentioned in the report and those launched by the government. This monitoring system should be participatory and accountable, and should include the participation of NGOs.
- conditions and with the provision of adequate housing in a nearby location should be forbidden by law.
- Work should be carried out to improve housing conditions; when drawing up measures in this regard priority should be given to disadvantaged groups, including Roma and similar social groups.
 - Bring an end to segregated ‘Roma neighbourhoods’; Roma should no longer live in isolation from the rest of society, but measures taken to effect such a change should take into account the needs and desires of Roma and similar social groups.
 - Quality accommodation centres that offer healthy living conditions should be constructed for Roma and similar social groups who live a nomadic lifestyle or carry out agricultural and seasonal work.
 - Urban renewal projects should not be carried out for the purpose of profit but rather as a means of improving housing conditions, utilizing the principles of ‘social renewal’ and ‘in-situ renewal’. Discrimination targeting Roma and similar social groups should be prevented when areas are selected for urban renewal.
 - When steps are taken in terms of accessing the right to housing, Roma should not be forced to live in places far from the city centre and their access to city services should not be restricted in any way.
 - Programmes should be drawn up targeting disadvantaged social groups, in particular Roma, with the aim of ensuring that they have ownership of their properties and secure housing.
 - More effort should be put into ensuring that refugees are able to access their right to quality, healthy housing and particular attention should be paid to more disadvantaged refugees such as Roma and similar social groups.

B Recommendations Concerning the Right to Housing

- Measures implemented to eliminate the problem of homelessness should include separate actions aimed specifically at Roma and similar social groups.
- Forced evictions should be brought to an end; forced evictions that cannot be carried out in suitable

C Recommendations Concerning the Right to Education

- All Roma children should immediately be enrolled in school regardless of whether or not they are recorded in the state registry. Work should be carried out to

raise the awareness of school personnel as a means of preventing negative responses to such action.

- Levels of access to education among Roma children should be progressively increased for Roma children, with a focus on preschool but including all grade levels, and work should be carried out in collaboration with families and NGOs in order to achieve this goal. During this process, priority should be given to disadvantaged groups and regions, and the practice of extracting donations from parents should be brought to an end.
- The economic and social obstacles preventing Roma children from accessing the right to education should be examined in greater detail. Roma organizations and other NGOs working on such issues should collaborate to come up with concrete and realistic strategies.
- Family support programmes should be developed with regards to food, clothing, equipment and transportation in order to prevent Roma children from dropping out of school and ensure that they continue their studies. Supportive training should be provided both in and out of school to eliminate inequality between Roma and non-Roma children. Neighbourhood study centres should be established for children who live with their families in single-room homes and/or who are unable to find anyone to help them with their homework.
- Awareness-raising activities should be held so that children and youth who have dropped out of school can return to their studies, and families and children should be informed about the different options available for continuing their studies, such as distance learning.
- Various approaches should be developed to ensure that children living in nomadic Roma communities and the children of seasonal workers can commence and/or continue their studies.
- School curricula should be reviewed to see if they contain any content that is discriminatory towards Roma and similar social groups, and if any is found, such content should be removed. Moreover, topics pertaining to the cultures of these groups should be included in the curriculum. However, when such content is being added, care should be taken to ensure that it does not reinforce any existing stereotypes.
- Through the implementation of special measures, care should be taken to ensure that the expenses of schools attended by Roma children are covered in full through

the budget of the Ministry of Education. Teachers should be provided with special training on the elimination of prejudice and discrimination, and the quality of education should be improved by taking steps such as hiring more experienced teachers and Roma teachers.

- Steps should be taken to ensure that Roma and non-Roma children study at the same schools as a way of eliminating the social divide that exists between Roma and the rest of society. Work should be carried out to dispel widespread prejudices against those social groups and stop the ghettoization of neighbourhoods where Roma children live.
- Work should be carried out with regards the harassment of Roma children by their peers or by school personnel. Preventative measures should be put in place, including confidential complaints mechanisms and disciplinary action against any staff or students engaging in harassment, accompanied by broader anti-bullying campaigns and awareness-raising among Roma children of their rights.
- Since the languages spoken by Roma and similar social groups are under threat of disappearing, Roma children who so desire should be able to study those languages, and the necessary legislation and resources should be put into place to make that possible.
- Various projects should be implemented to raise the predominantly low education level of Roma and similar social groups, primarily the provision of literacy programmes.
- At least one school counsellor should be appointed to every school attended by Roma children and the problems experienced by Roma children should be closely monitored.
- Work should be carried out to ensure that Roma parents participate in the parent-teacher associations of schools attended by Roma children.
- Roma families should be informed about the importance of education, and information activities should be held that educate both families and children about the matter of child marriage.
- More work should be done on the issue of refugee children's access to education and close attention should be paid to the needs of Roma refugees, as they are in an even more disadvantaged position. Schools should be better equipped to meet the needs of such students and teachers should be trained so that they can better deal with them.

Notes

- 1 In this report, the expression 'Roma and similar social groups' is often used. The term 'Roma' includes Dom, Lom, and Rom living in Turkey, whereas 'similar social groups' is also inclusive of Abdal living in Turkey, as they have a similar lifestyle as Roma; they work similar jobs as Roma and sometimes live in the same area. In some places, 'Roma' is used on its own for the sake of brevity, but it should be taken to include all such social groups, including Abdal. This report deals with the issue of the difficulties all of these groups face in accessing the right to education and housing.
- 2 According to the ECRI, that figure stands at 2,750,000. See ECRI, 4th Report on Turkey, 2011, para. 83.
- 3 For more on the history of Roma in Turkey, see Adrian Marsh, 'Türkiye Çingenerinin Tarihi Hakkında' ('On the History of Turkey's Gypsies'), *Biz Buradayız! Türkiye'de Romanlar, Ayrımcı Uygulamalar ve Hak Mücadelesi*, Ebru Uzpeder, Savelina Danova/Roussinova, Sevgi Özçelik, Sinan Gökçen (eds.), EDROM, ERRC, HCD Yayını, İstanbul, 2008, pp. 5 ff.
- 4 Marsh, 'Etnisite ve Kimlik: Çingenerin Kökeni' ('Ethnicity and Identity: The Roots of Roma'), *Biz Buradayız!...*, p. 23.
- 5 Nurcan Kaya, *Türkiye Eğitim Sisteminde Renk, Etnik Köken, Dil, Din ve İnanç Temelli Ayrımcılık (Discrimination in the Turkish Education System Based on Colour, Ethnic Roots, Language, Religion and Beliefs)*, MRG, Tarih Vakfı, İstanbul, 2015, p. 63, http://tarihvakfi.org.tr/media/documents/2_10_2015_13_52_08e54a.pdf (date of access: 30.12.2016)
- 6 UNESCO Atlas of the World's Languages in Danger, <http://www.unesco.org/languages-atlas/index.php> (date of access: 30.12.2016)
- 7 Marsh, *op. cit.*, pp. 26.
- 8 ECRI, 2nd Report on Turkey, 2001, para. 30; 3rd Report on Turkey, 2004, para. 86, 111; ECRI, 4th Report on Turkey, 2011, para. 107.
- 9 CERD, Concluding Observations, Turkey, 2016, para. 12.
- 10 See Trakya Üniversitesi Roman Dili ve Kültürü Araştırmaları Enstitüsü (Trakya University Roma Language and Culture Research Institute), *Resmi Gazete (Official Gazette)* no. 29282 dated 01.03.2015, <http://rae.trakya.edu.tr/> (date of access: 30.12.2016); Adnan Menderes Üniversitesi Romanlar Uygulama ve Araştırma Merkezi (Adnan Menderes University, Roma Research and Applied Studies Centre), *Resmi Gazete* no. 27896 dated 05.04.2011, <http://www.akademik.adu.edu.tr/aum/romanlar/> (date of access: 30.12.2016); Bülent Ecevit Üniversitesi Roman Kültürü Uygulama ve Araştırma Merkezi (Bülent Ecevit University Roma Culture Research and Applied Studies Centre), *Resmi Gazete* no. 29408 dated 06.07.2015, <http://romer.beun.edu.tr/> (date of access: 30.12.2016)
- 11 ECSR, *ERRC v. Italy*, Complaint No. 27/2004, 07.12.2005, para. 23.
- 12 Suat Kolukırık, 'Türkiye'de Rom, Dom ve Lom Gruplarının Görünümü' ('Prospects for Rom, Dom and Lom in Turkey'), *Hacettepe Üniversitesi Türkiyat Araştırmaları Dergisi*, year 5, v. 8, 2008, p. 152.
- 13 Selin Önen, 'Çingenerin Sosyal Haklara Erişimindeki Zorluklar: Roman ve Dom Toplulukları Karşılaştırılması' ('The Difficulties Faced by Gypsies in Accessing Social Rights: A Comparison of the Roma and Dom Communities'), III. Sosyal Haklar Uluslararası Sempozyumu (3rd International Social Rights Symposium), 24-25 October 2011, Kocaeli, p. 466, <http://www.sosyalhaklar.net/2011/bildiri/onen.pdf> (date of access: 30.12.2016)
- 14 CERD, Concluding Observations, Turkey, 2009, para. 19; CERD, Concluding Observations, Turkey, 2016, para. 27.
- 15 Fundación Secretariado Gitano, *Türkiye'de Romanların Durumu: Türkiye'de Çalışma ve İnsana Yakışır İş Koşulları Sorunları (The Situation of Roma in Turkey: Problems Concerning Conditions of Employment and Decent Work)*, 2010, p. 14, www.ec.europa.eu/social/BlobServlet?docId=7331&langId=tr (date of access: 11.11.2016). For example, of 24 neighbourhoods in the city of Edirne, 7 are populated largely by Roma. See 'İzleme Projesi Saha Notları' ('Monitoring Project Field Notes'), interview with Turan Şallı and Sezgin Kaplan.
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- 225 Article 2/1-j. Harassment is defined in the following terms: ‘Every kind of behaviour that seeks to harm human dignity or is intimidating, derogatory, insulting, and/or intends to cause embarrassment and thus results in harm to human dignity, on the grounds stipulated in this law, including those of a psychological and sexual nature’.
- 226 Article 3/3.
- 227 Kaya, *op. cit.*, p. 60.
- 228 Ali Çağlar Deniz, Merve Balcioğlu and Abdülkerim Diktaş, ‘Uşak’ta Yaşayan Romanların Türk Eğitim Sistemi İçerisinde Yaşadıkları Problemler’ (‘Problems Experienced by Roma Living in Uşak in the Turkish Education System’), *İnsan ve Toplum Bilimleri Araştırmaları Dergisi*, v. 5, no. 4, 2016, pp. 1132-1135.
- 229 Akkan, Deniz and Ertan, *op. cit.*, p. 65.
- 230 Deniz, Balcioğlu and Diktaş, *op. cit.*, pp. 1128-1130.
- 231 Önen, *op. cit.*, p. 476; Fundación Secretariado Gitano, *op. cit.*, p. 13.
- 232 Kaya, *Unutmak mı Asimilasyon mu?: Türkiye’nin Eğitim Sisteminde Azınlıklar*, p. 26.
- 233 Kaya, *Türkiye Eğitim Sisteminde Renk, Etnik Köken, Dil, Din ve İnanç Temelli Ayrımcılık*, p. 61.
- 234 ECtHR, *D.H. and Others v. the Czech Republic*, Appl. No. 57325/00, 13.11.2007; *Horváth and Kiss v. Hungary*, Appl. No. 11146/11, 29.01.2013
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- 236 ECRI, 5th Report on Turkey, 2016, para. 74.
- 237 Opişan, *op. cit.*

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- 239 Opişan, *op. cit.*
- 240 Field visit carried out by SAD within the scope of the RODİMATA Project in May and September in 2014 to the neighbourhood of Şerifali in Istanbul's district of Ümraniye.
- 241 Opişan, *op. cit.*
- 242 Fundación Secretariado Gitano, p. 13.
- 243 CESCR, Concluding Observations, Turkey, 2011, para. 27.
- 244 Kaya, *op. cit.*, p. 60.
- 245 Opişan, *op. cit.*
- 246 See 'Sulukule'de Ders Zili de Sustu' ('School Bells Fall Silent in Sulukule'), 05.03.2008, <http://www.radikal.com.tr/turkiye/sulukulede-ders-zili-de-sustu-842066> (date of access: 30.12.2016)
- 247 See 'Evsiz Kalan Roman Çocuklar Okula da Alınmıyor' ('Homeless Roma Children not Allowed to Enrol in School'), 20.09.2006, <http://bianet.org/bianet/cocuk/85556-evsiz-kalan-roman-cocuklar-okula-da-alinmiyor> (date of access: 30.12.2016)
- 248 Opişan, *op. cit.*
- 249 ECSR, Conclusions 2011, Turkey-Article 17-2, 10.01.2012.
- 250 It is estimated that around 20,000 Roma live in this manner. See <http://t24.com.tr/haber/roman-calistayi-raporu,71526> (date of access: 30.12.2016)
- 251 Piirainen, *op. cit.*, p. 23.
- 252 Kaya, *op. cit.*, p. 63.
- 253 MRG-SAD monitoring activities, Antakya-Kırkhan, October 2016.
- 254 Association for Monitoring Equal Rights (AMER), Migrants' Association for Social Cooperation and Culture (İstanbul-GöçDer), p. 5.
- 255 Report by the Special Rapporteur on the human rights of migrants, François Crépeau, Mission to Turkey (25-29 June 2012), 17.04.2013, para. 69.
- 256 *Ibid.*, para. 70.
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- 259 François Crépeau, para. 72.
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- 277 *Ibid.*
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- 281 ECSR, *ERRC v. Portugal*, Complaint No. 61/2010, 30.06.2011, para. 71.
- 282 ECSR, *ERRC v. Greece*, Complaint No. 15/2003, 08.12.2004, para 29; *ERRC v. Italy*, Complaint No. 27/2004, 07.12.2005, para. 26; *COHRE v. Italy*, Complaint No. 58/2009, 25.06.2010, para. 87.
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The Zero Discrimination Association

The Zero Discrimination Association (*Sifir Ayrımcılık Derneği*) was founded in Istanbul in 2009 by a group of activists with the aim of working to prevent rights violations and discrimination against all disadvantaged groups, particularly against Roma and communities following a Roma lifestyle.

The aim of the association is to support the social development of economically, socially and culturally at-risk and disadvantaged communities and to carry out projects within a framework of dialogue and solidarity that tackle prejudice and discrimination against these communities and promote social unity. The association conducts activities regarding all disadvantaged groups in general and specifically about Roma, which includes Rom, Dom, Lom and Abdal groups.

The association runs various advocacy activities and campaigns in order to raise public awareness about the problems faced by Roma.

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law: registered charity no. 282305, limited company no. 1544957.

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Ignored and Unequal: Roma Access to the Right to Housing and Education in Turkey

Turkey's Roma population and similar social groups such as Abdal have long been among the country's most marginalized communities. Despite being guaranteed in both domestic and international law, in practice for many Roma the right to education and housing remain out of reach: however, limited data on the disparities and discrimination they face has contributed to their continued invisibility in public life. *Ignored and Unequal: Roma Access to the Right to Housing and Education in Turkey* provides a detailed overview of the challenges facing these communities and the ways forward for these issues to be addressed.

Roma communities suffer some of the worst housing conditions in the country, characterized by inadequate basic services, insecure land rights and physical segregation. These settlements are also especially vulnerable to destruction and relocation to accommodate urban development – a reality that can leave communities

in a protracted state of displacement. Roma students face considerable barriers to accessing education and continue to enjoy far lower levels of attainment due to discrimination. Besides economic and geographic constraints, a range of issues including discrimination in the classroom, non-inclusive curricula and the segregation of many children into poorly performing 'Roma schools' have entrenched unequal learning outcomes.

These communities will continue to be sidelined from the mainstream society until these rights gaps are effectively addressed. While there has been some progress in recent years, with the government developing a number of policies that officially recognize the challenges they experience, it remains to be seen if the current strategies will produce positive results. This publication provides a series of concrete steps for authorities that, if effectively implemented, could bring about lasting change for Roma and similar social groups in Turkey.

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ISBN 978-1-907919-87-9

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