



# Methodology

Legal Country Mapping for the Rights to Safe Drinking Water and Sanitation and the link with the Right to a Healthy Environment

Turkey

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## INTRODUCTION

This analysis follows the mapping methodology used by Human Right 2 Water to assess the integration of the human rights to water and sanitation (HRWS) into law and policy at national level. It has been adapted and extended to give voice to the human right to a clean, safe<sup>1</sup>, healthy and sustainable environment (HRHE), with the aim of assessing the combined advantages of recognising both these sets of human rights.

It draws upon the criteria and principles that were originally laid out in General Comment No.15<sup>2</sup> for the human right to water and sanitation, with further elaboration of the right to sanitation after it was recognised as a separate human right in 2015. Alongside this and noting that the HRHE was also recognised as a human right by the General Assembly in July 2022<sup>3</sup>, we have compared the main principles of the HRHE as related to water. For this analysis, we draw upon the Framework Principles from the paper published by the Special Rapporteur on Human Rights and the Environment from 2018<sup>4</sup>, Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment<sup>5</sup>, and the paper titled 'Human Rights Depend on Safe and Sufficient Water', 2021<sup>6</sup>.

In addition to the principles of a human rights-based approach<sup>7</sup>, there are the normative criteria of the human rights to water and sanitation which are specific to the realisation of these rights. The substantive elements of the HRHE, as referenced in the Good Practices<sup>8</sup> paper mentioned above, are also considered here, where they are linked to water, specifically element 4 on the access to safe water and adequate sanitation. Given the significant advances in the design and measurement of national indicators for the supply of clean and safe drinking water and sanitation through the Joint Monitoring Programme<sup>9</sup>, General Comment No.15 has been augmented, especially on the topic of sanitation, which was recognised as a separate right in 2015. For the purposes of this analysis, the criteria have been maintained as the five elements of the human rights to water and sanitation, and there are additional questions relating to specific environmental aspects that support these rights.

For reference, Annex 2 collates the two sets of human rights principles, looking at how they relate under each category.

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<sup>1</sup> Note that the word 'safe' has been included in several places, including the title of the Special Rapporteur, and the framework principles, but not in the latest UNGA resolution.

<sup>2</sup> General Comment No. 15 on the Right to Water, was adopted in November 2002, by the Committee on Economic, Social and Cultural Rights and then explicitly recognized on 28 July 2010, through [Resolution 64/292](#), the United Nations General Assembly

<sup>3</sup> The human right to a clean, healthy and sustainable environment, July 2022 (A/76/L.75)

<sup>4</sup> Framework Principles from the paper published by the Special Rapporteur to the Healthy Environment from 2018, ARC/37/59

<sup>5</sup> Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment, March 2020, A/HRC/43/53

<sup>6</sup> 'Human Rights Depend on Safe and Sufficient Water', 2021, HRC/26/48

<sup>7</sup> The elements of the HRBA are Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality.

<sup>8</sup> Good Practices on the Right to a Safe, Clean, Healthy and Sustainable Environment, March 2020, A/HRC/43/53

<sup>9</sup> JMP, WHO and UNICEF data found at [www.washdata.org](http://www.washdata.org)

## Overview of national water governance for Turkey

### General Legislation

	Supreme Law	Constitution
1.A.1	State Organization	Unitary
1.A.2	Relationship between International and National Law	Monist
1.A.3	Name of Institution possessing regulation-making authority	Grand National Assembly of Turkey
1.A.5	Popular consultation as part of governing/legislative process	No
1.A.8	Member of a regional integration organization	Yes
5.C.1	Independent National Human Rights Institution (NHRI)	Yes

### Water Governance

3.A.1	Right to Water mentioned in Constitution	No
3.A.2	Right to Sanitation mentioned in Constitution	No
3.A.3	Right to a clean and healthy Environment in Constitution	Yes
3.A.4	A water code or a law specific to water resources	Yes
3.A.5	National Strategy, Policy, Action Plan etc. on Water and Sanitation	Yes
1.A.8	International institution for Transboundary Water Resources	No
3.C.7	Priorities in the allocation of water for different uses?	No

### Benchmark Scores<sup>10</sup>

Section	Elements included in law	Score
4.A	Availability and Accessibility	Partially included
4.B	Quality and Safety	More than half
4.C	Water Pollution Control	More than half
4.D	Affordability	Partially included
4.E	Acceptability	More than half
4.F	Non-Discrimination, Equality, Universal Access	Partially included
4.G	Right to Information, transparency	Partially included
4.H	Public Participation	Partially included
4.I	Accountability, remedies and complaints procedures	More than half
4.J	Sustainability	Partially included
	<b>TOTAL</b>	Partially included

KEY

	Mostly included
	More than half
	Partially included
	Few references

<sup>10</sup> Score up to 10 allowed for each element, with a score of 10 suggesting that all relevant laws are fully included, zero suggests there are no laws to fit this criterion, and scores on a scale of 1-10 represent the degree of inclusion of pertinent laws (double click to activate excel sheet for calculation).

## CHAPTER 1. WATER GOVERNANCE OVERVIEW

A- Preliminary questions:

1. **What type of State is the country? (e.g. Federal, Unitary, etc)**

Unitary.

2. **Is there any division of government powers? If yes, please elaborate on their functions.**

Yes, Turkey is a presidential democracy and a constitutional republic. As per the Turkish Constitution 1982 (the “**Constitution**”), the government is divided into:

- Legislative: unicameral parliament (the Grand National Assembly of Turkey (the “**National Assembly**”)) enacts, amends and repeals laws; debates and adopts the budget bills and final accounts bills; decides to issue currency, declare state of war and authorize foreign armed forces to be stationed in Turkey; approves international treaties; decides to proclaim amnesty and pardon; and has the power of impeachment;
- Executive: the President of the Republic (head of the State and executive power) appoints and dismisses vice-Presidents and ministers; ensures orderly and harmonious functioning of the state bodies; determines national security policies and is the Commander-in-Chief of the Turkish Armed Forces; promulgates laws and issues presidential decrees on the matters regarding executive power. The Council of Ministers as an executive body was abolished by amendments introduced into the Constitution in 2017; and
- Judiciary: exercised by “*independent and impartial courts*” that are divided into the Constitutional Court (rules on the conformity of laws and decrees to the Constitution), the High Court of Appeals (and other civil courts), the Council of State (and other administrative courts), the Court of Jurisdictional Disputes (deliberates on disputes between civil and administrative courts), the Court of Accounts (charged with

auditing revenues and expenditures of public administrations) and the Council of Judges and Prosecutors (supervises judges and public prosecutors).

3. **Which institutions and levels of government have legislative powers?**

The Constitution states that legislative powers are vested in the National Assembly on behalf of the Turkish nation and this power cannot be delegated. The National Assembly has the authority to enact, amend and repeal laws and has a general power to make laws on any subject matter. Decisions are taken by an absolute majority of members of the National Assembly present which can under no circumstances be less than one plus a quarter of the total number of members. The President shall promulgate the laws adopted by the National Assembly within fifteen days and may send the laws that he/she deems unsuitable for promulgation back for reconsideration. Budget laws are excluded from this procedure. If the National Assembly adopts the law sent back for reconsideration without any amendment with absolute majority, the law shall be promulgated by the President.

The President may issue presidential decrees on the matters regarding executive power but not on matters that by Constitution should be regulated exclusively by law. The fundamental rights, individual and political rights and duties cannot be regulated by a presidential decree.

Laws and decrees come into effect on the date of their publication in the Official Gazette.

4. **Who has the power to ratify treaties?**

National Assembly.

5. **Is there popular consultation as part of governing/legislative process?**

No, Turkish law does not require holding public consultations as part of the legislative process. Civil society organizations remain largely excluded from legislative consultation processes. In fact, Turkey has been numerous times criticized by international and human rights organizations for lack of transparency and

absence of evidence of stakeholder consultation on new regulatory proposals open to the general public in Turkey.

6. **Has the country established one or several basin management agencies? Is it autonomous?**

Yes, the General Directorate of Water Management (the “GDWM”) under the Ministry of Agriculture and Forestry (the “MAF”) plays a major role in the integrated management of water resources. Its Basin Management Department is actively involved in the coordination of basin management activities and preparation and implementation of River Basin Protection Action Plans with respect to Turkey’s 25 river basins.

No, being part of the government, the GDWM is not autonomous.

7. **Does the country have transboundary water resources?**

Yes, Turkey has five transboundary river basins: Çoruh River Basin, Aras and Kura River Basin, Euphrates-Tigris River Basin, Asi (Orontes) River Basin, and Meriç (Maritza) River Basin. Just over 36% of the Turkey’s water potential is composed of transboundary waters.

8. <https://water.fanack.com/turkey/shared-water-resources-in-turkey/> **Where transboundary water resources exist, is there an established international institution for basin management? Does it have any responsibility in relation to drinking water?**

No, management of Turkey’s transboundary water resources is governed largely through bilateral agreements and memoranda of understanding with neighbouring countries (e.g. Turkey-Syria-Iraq agreements with respect to the Euphrates-Tigris River Basin) and there are no international bodies set up for basin management. Turkey is a member of the Mediterranean Network of Basin Organisations (“MENBO”, a regional network within the International Network of Basin Organisations that promotes an integrated water resources management at the river basin level), however, MENBO’s

principal powers are only consultative and aim at encouraging population’s awareness on water management, developing information and training programs and exchanging information.

B- The country is member of a regional integration organisation?

1. **Which countries form part of this organisation?**

Turkey is a member of the Economic Cooperation Organisation (“ECO”). Other Member States of the ECO include Afghanistan, Azerbaijan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Tajikistan, Turkmenistan and Uzbekistan.

2. **Are the decisions of the organisation legally binding for the members?**

No.

3. **What is the mandate of the organisation?**

*"ECO will pave the way to a territory of integrated and sustainable economies as well as free trade area achieved by highly educated societies and improved governance through enhanced cooperation".*

4. **Does the regional organisation have the authority to regulate or make decisions which affect water, sanitation and a healthy environment? Are there any mechanisms for enforcement?**

Yes, Trans-boundary environmental problems, natural disasters, food security and health problems are among the ECO’s policy objectives.

No, there is no mechanism for enforcement.

C- Water governance and administration:

1. **What is the structure of the government water administration (provide relevant organizational charts whenever available) and what power, role and responsibilities does the Government have at each level?**

- a. **At national/federal level?** Issues relating to water administration fall within the competence of the MAF and the GDWM established within its framework. The structural subdivisions of the GDWM include the Basin Management Department, the Water Law and Policy

Department, the Water Quality Department, the Monitoring and Water Information System Department, the Flood and Draught Management Department and the Research and Assessment Department. Its duties and responsibilities include determination of policies related to protection, improvement and usage of water resources; coordination of water management at national and international levels; preparation of river basin management plans; making necessary coordination related to water allocations; carrying out works related to trans-boundary and frontier waters, etc.

Certain government-affiliated and related organizations (e.g., the General Directorate of State Hydraulic Works (the “DSI”), the Turkish Water Institute) also form part of the water management system.

- b. **At the intermediate level (state, river basin, other)** [Not applicable.]
- c. **At the local level?** The MAF has regional directorates to promote to implement relevant policies at the local level. The directorates generally activities in accordance with the MAF’s instructions.

2. **Which government ministries/agencies are directly or indirectly involved in governance of water and sanitation and a healthy environment?**

In addition to the MAF and related directorates and departments noted above, the following ministries and agencies are also involved in the governance of environmental and water management issues:

- Ministry of Environment, Urbanisation and Climate Change (General Directorate for Combating Desertification and Erosion, General Directorate for Environmental Management, General Directorate for Environmental Impact

Assessment, Permit and Inspection, Turkish Environment Agency) oversees environmental protection and enhancement and establishes environmental pollution prevention and protection concepts and policies;

- Ministry of Energy and Natural Resources is in charge of protecting and developing geothermal sources and natural mineral waters;
- Ministry of Health (General Directorate of Public Health, General Directorate of Health Promotion) oversees public health, including matters relating to drinking water and bathing water quality;
- Ministry of Foreign Affairs (Department of the General Directorate for Environment, Climate Change and Transboundary Waters) follows the global agenda regarding water and monitors and participates in processes related to transboundary waters;
- Bank of Provinces associated with the Ministry of Environment, Urbanisation and Climate Change provides funding for local government investments, including water treatment facilities;
- Ministry of Industry and Technology performs industrial water and wastewater management;
- Special Provincial Administrations linked to the Ministry of Interior oversee water delivery to non-metropolitan rural areas.

3. **Which national government agency is responsible for the environment? What are its responsibilities with respect to water?**

The Ministry of Environment, Urbanisation and Climate Change is responsible for the issuance of environmental permits and licenses, including in relation to water use; takes measures with respect to prevention of water pollution and construction of wastewater treatment facilities.

4. **Which national government agency is responsible for drinking water? What are its**

**responsibilities?**

The GDWM is responsible for creating policies to better utilize water resources as well as developing a national and international water management policy. It has been carrying out a capacity development project to establish an effective monitoring system for water quality, preparing river basin protection action plans, and determining specific provisions for capacity.

The DSI oversees development, management and conservation of groundwater resources and cover the issues of observation, field investigation, master

plan, pre-feasibility, feasibility, design, construction and management for irrigation, hydraulic energy generation and domestic water supply.

**5. Which national government agency is responsible for sanitation? What are its responsibilities?**

There is no single institution in Turkey charged with developing policies for water sanitation. Relevant functions are dispersed among various ministries (including the Ministry of Interior, the Ministry of Health, the MAF, the Ministry of Environment, Urbanisation and Climate Change) and state-associated institutions as the DSI.



## CHAPTER 2: INTERNATIONAL AND REGIONAL TREATIES

1. **What international or regional treaties has the country ratified? Please insert the date of the signature/ratification/accession.**
2. **What declaration or reservation has the country entered to these instruments?**

## A. Regional Multilateral/Bilateral Treaties

Table 1. Regional multilateral and bilateral treaties

Instruments	Participating States	Date of signature/ratification/accession
<b>Multilateral</b>		
<p>1. Convention for the Protection of Human Rights and Fundamental Freedoms (1950)</p> <p><u>Declarations:</u></p> <p>“The Government of Turkey, acting pursuant to Article 25 (1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, hereby declares to accept the competence of the European Commission of Human Rights, to receive petitions which raise allegations concerning acts taken under the jurisdiction of the Republic of Turkey.</p> <p>This Declaration shall be extended to petitions in relation to anything done or omitted by a Turkish authority outside the national territory of Turkey, having due regard to local, factual and legal circumstances and provided that the Turkish authority concerned had exercised Turkish jurisdiction only and not jurisdiction shared with or exercised by an international or any other State authority.</p> <p>In the event that the Commission, when interpreting any of the rights or obligations of the Convention, takes into consideration other international treaties or conventions as a supplementary means of interpretation, the Government of Turkey assumes that due regard will be given to the intrinsic conditions contained in each of these treaties or conventions with respect to the delimitation of the relevant substantive and territorial scope of the application.</p> <p>This Declaration extends to petitions made in respect of</p>	<p>46 Council of Europe member states</p>	<p>Signed: 04 November 1950</p> <p>Ratified: 18 May 1954</p>

<p>facts, including judgments based on such facts which have occurred subsequent to January 28, 1987. Any petition previously registered by the Commission in reliance on the previous Declaration made by Turkey pursuant to Article 25 shall be deemed to have been made on the basis of the present Declaration.”</p> <p>“The Government of the Republic of Turkey, acting pursuant to Article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms [see Article 34 of the Convention since the entry into force of Protocol No. 11], hereby recognizes as compulsory <i>ipso facto</i> and without special agreement the jurisdiction of the European Court of Human Rights in all matters concerning the interpretation and the application of the Convention.</p> <p>This Declaration shall be extended to acts of jurisdiction exercised by a Turkish authority outside the national territory of Turkey, having due regard to local, factual and legal circumstances and provided that the Turkish authority concerned had exercised Turkish jurisdiction only and not jurisdiction shared with, or exercised by an international or any other state authority.</p> <p>In the event that the Court, when interpreting any of the rights or obligations of the Convention, takes into consideration other international treaties or conventions as a supplementary means of interpretation, the Government of Turkey assumes that due regard will be given to the intrinsic conditions contained in each of these treaties or conventions with respect to the delimitation of the relevant substantive and territorial scope of the application.</p> <p>This Declaration is made on condition of reciprocity including reciprocity of obligations assumed under the Convention. It extends to all matters raised in respect of facts, including judgments which are based on such facts which have occurred subsequent to January 22, 1990.</p> <p>Any case pending before the Commission at the time of effectiveness of this Declaration and filed pursuant to the former Declaration made by Turkey pursuant to Article 25 shall be deemed to have been made on the</p>		
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basis of the present Declaration.”		
2. Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention, 1976).	Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, EU, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey	Signed: 16 February 1976 Ratified: 06 April 1981
3. Berne Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention, 1979).	Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, EU, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Macedonia, Turkey, Ukraine, UK, Belarus, Burkina Faso, Morocco, Senegal, Tunisia	Signed: 19 September 1979 Ratified: 02 May 1984
4. Convention no. 479/DP between Bulgaria, Georgia, Romania, the Russian Federation,	Bulgaria, Georgia, Romania, Russian	Signed and ratified: 29 March

Turkey and Ukraine on protection of the Black Sea against pollution (1993).	Federation, Turkey, Ukraine	1994
5. Convention on the Protection of the Black Sea against Pollution (Bucharest Convention, 1992).	Bulgaria, Georgia, Romania, Russia, Turkey, Ukraine	Signed and ratified: 29 March 1994
<b>Bilateral</b>		
1. Agreement for the Cooperation in the field of Environment between Turkey and Azerbaijan.	Azerbaijan and Turkey	09 July 2004
2. Agreement between the Government of the Republic of Angola and the Government of the Republic of Turkey for the Reciprocal Promotion and Protection of Investments.	Angola and Turkey	05 October 2021
3. Memorandum of Understanding on environmental and forestry cooperation between the Minister of Environment and Forestry of the Republic of Turkey and the Federal Minister of Agriculture, Forestry, Environment and Water Management of the Republic of Austria.	Austria and Turkey	18 June 2009
4. Agreement Between the Peoples Republic of Bulgaria and the Republic of Turkey Concerning Co-operation in the Use of the Waters of Rivers Flowing Through the Territory of Both Countries (Maritsa/Marica, Tundzha, Veleka, Rezovska Rivers).	Bulgaria and Turkey	23 October 1968
5. Agreement between the Republic of Turkey and the Republic of Bulgaria on determination of the boundary in the mouth area of the Mutludere/Rezovska River and delimitation of the maritime areas between the two States in the Black Sea.	Bulgaria and Turkey	04 December 1997
6. Agreement for the Cooperation in the field of Environment Protection between Turkey and Bulgaria.	Bulgaria and Turkey	19 April 2004
7. Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Kingdom of Cambodia in the	Cambodia and Turkey	21 October 2018

field of water.		
8. Memorandum of Understanding between Ministry of Water Resources of the People's Republic of China and Ministry of Environment and Forestry of the Republic of Turkey on Technical Cooperation in the Field of Water Conservancy.	China and Turkey	27 October 2008
9. Agreement between the Government of the Republic of Turkey and the Government of the Republic of the Croatia on cooperation in the field of environment, nature, water and forestry.	Croatia and Turkey	18 February 2009
10. Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Djibouti in the field of Water.	Djibouti and Turkey	13 May 2014
11. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Republic of Ecuador in the field of environment.	Ecuador and Turkey	15 March 2012
12. Agreement between the European Union and the Republic of Turkey on the Environment Agency and the European Environment Information and Observation Network.	European Union and Turkey	18 March 2003
13. Accord de cooperation entre le Gouvernement de la République française et le Gouvernement de la République de Turquie dans le domaine de l'environnement.	France and Turkey	09 September 1997
14. Accord entre le Gouvernement de la République française et le Gouvernement de la République de Turquie dans le domaine de l'environnement.	France and Turkey	05 May 1997
15. Agreement between the Republic of Turkey and the Republic of Georgia on cooperation in the field of environment.	Georgia and Turkey	14 July 1997
16. Agreement on cooperation in the field of environment and forestry between the Government of the Republic of Turkey and the Government of Georgia.	Georgia and Turkey	4 December 2009

17. Agreed Minutes of the third meeting of the Greek-Turkish Joint Committee on environmental cooperation.	Greece and Turkey	04 December 2003
18. Memorandum of Understanding between the Hellenic Republic and the Republic of Turkey concerning co-operation on environmental protection.	Greece and Turkey	20 January 2000
19. Memorandum of Understanding on cooperation between the Government of the Republic of Turkey and the Government of the Republic of the Guinea in the field of environment.	Guinea and Turkey	03 March 2016
20. Agreement on cooperation in the field of environmental protection between Hungary and Turkey.	Hungary and Turkey	21 September 1993
21. Memorandum of Understanding between the Republic of Turkey and the Islamic Republic of Iran on cooperation in the field of environment.	Iran and Turkey	07 April 2015
22. Memorandum of Understanding on environment between the Republic of Turkey and the Islamic Republic of Iran.	Iran and Turkey	28 May 2011
23. Memorandum of Understanding between the Ministry of Environment of the Republic of Turkey and the Department of Environment of the Islamic Republic of Iran.	Iran and Turkey	21 December 1996
24. Memorandum of Understanding in the field of environment between the Ministry of Environment and Forestry of the Republic of Turkey and the Ministry of Environment of the Republic of Iraq.	Iraq and Turkey	15 October 2009
25. Agreement on Cooperation between the Government of the Republic of Turkey and the Government of the Italian Republic in the fields of Environmental Protection and Sustainable Development.	Italy and Turkey	08 May 2012
26. Agreement between the Government of Kazakhstan and the Government of Turkey on cooperation in the sphere of environmental	Kazakhstan and Turkey	04 March 1997

protection.		
27. Agreement for the Cooperation in the field of Environment between Turkey and Kosovo.	Kosovo and Turkey	20 May 2010
28. Agreement for the Cooperation in the field of Protection of Environment between Turkey and Kyrgyzstan.	Kyrgyzstan and Turkey	27 May 2009
29. Agreement between the Government of the Republic of Turkey and the Government of the Republic of Moldova for the construction of second phase of the drinking-water supply system and intra-urban water pipelines in Ceadir-Lunga.	Moldova and Turkey	07 November 2008
30. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Republic of the Moldova on cooperation in the field of environment.	Moldova and Turkey	01 October 2012
31. Agreement for the Cooperation in the field of Protection of Environment between Turkey and Mongolia.	Mongolia and Turkey	15 March 2011
32. Agreement between the Government of the Republic of Turkey and the Government of the Kingdom of Morocco on Cooperation in the field of Environmental Protection.	Morocco and Turkey	16 April 2004
33. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Kingdom of Morocco in the field of environment.	Morocco and Turkey	18 September 2014
34. Agreement for the Cooperation in the field of Environment between Turkey and the Netherlands.	The Netherlands and Turkey	15 April 2002
35. Cooperation Agreement between the Republic of Turkey and the Republic of the Niger in the field of water.	Niger and Turkey	08 January 2013
36. Agreement for the Cooperation in the field of Environment Protection between Turkey and Oman.	Oman and Turkey	13 January 2004

37. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Islamic Republic of the Pakistan on cooperation in the field of environment.	Pakistan and Turkey	23 February 2017
38. Agreement for the Cooperation in the field of Environment Protection between Turkey and Pakistan.	Pakistan and Turkey	15 June 2003
39. Memorandum of Understanding between the Republic of Turkey and the State of Qatar on cooperation in the field of environment.	Qatar and Turkey	02 December 2015
40. Agreement between the Republic of Turkey and Romania on cooperation in the field of water.	Romania and Turkey	19 September 2016
41. Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Senegal in the field of water.	Senegal and Turkey	08 April 2016
42. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Republic of Serbia on cooperation in the field of environment.	Serbia and Turkey	07 May 2018
43. Cooperation Agreement between the Government of the Republic of Turkey and the Government of Republic of Serbia in the field of water.	Serbia and Turkey	10 October 2017
44. Agreement between the Republic of Turkey and the Republic of Slovakia on cooperation for the Protection of the Environment.	Slovakia and Turkey	02 April 1997
45. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of the Republic of Sudan on cooperation in the field of environment.	Sudan and Turkey	24 December 2017
46. Cooperation agreement in the field of environment protection between the Government of the Republic of Turkey and the Government of the Syrian Arab Republic.	Syria and Turkey	28 May 2011



47. Memorandum of Understanding between the Government of Turkey and the Government of the Syrian Arab Republic on establishment of a pumping station for withdrawal of water from Tigris River.	Syria and Turkey	28 May 2011
48. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of Syrian Arab Republic in the field of efficient utilization of water resources and combating of drought.	Syria and Turkey	28 May 2011
49. Memorandum of Understanding in the field of remediation of water quality between the Government of the Republic of Turkey and the Government of the Syrian Arab Republic.	Syria and Turkey	28 May 2011
50. Agreement between the Republic of Turkey and the Republic of Tajikistan on cooperation in the field of environment.	Tajikistan and Turkey	10 September 1995
51. Agreement for the Cooperation in the field of Environment between Turkey and Thailand.	Thailand and Turkey	02 March 1998
52. Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Tunisia in the field of forestry and water.	Tunisia and Turkey	06 June 2013
53. Memorandum of Understanding between the Government of the Republic of Turkey and the Government of Republic of Tunisia on cooperation in the field of environment.	Tunisia and Turkey	27 December 2017
54. Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of Tunisia in the field of forestry and water.	Tunisia and Turkey	06 June 2013
55. Agreement for the Cooperation in the field of Environment between Turkey and Turkish Republic of Northern Cyprus.	Turkish Republic of Northern Cyprus and Turkey	29 May 2004
56. Agreement between the Republic of Turkey and the Republic of Turkmenistan on cooperation in the field of environment.	Turkmenistan and Turkey	18 November 1996

57. Agreement for the Cooperation in the field of Water between Turkey and Turkmenistan.	Turkmenistan and Turkey	29 February 2012
58. Agreement between the Government of Uzbekistan and the Government of Turkey on cooperation in the sphere of environmental protection.	Uzbekistan and Turkey	18 November 1997
59. Agreement for the Cooperation in the field of Environment Protection between Turkey and Ukraine.	Ukraine and Turkey	01 December 2003
60. Agreement for the Cooperation in the field of Protection of Environment between Turkey and the United States.	United States and Turkey	12 October 1991

## B. International Treaties

Table 2. International binding instruments

Instruments	Signature	Ratification/accession
<p>International Covenant on Civil and Political Rights (1966).</p> <p><u>Reservation/Declaration:</u></p> <p>The Republic of Turkey declares that it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).</p> <p>The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.</p> <p>The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.</p> <p>The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.</p>	15 August 2000	23 September 2003
<p>Optional Protocol to the International Covenant on Civil and Political Rights (1966).</p> <p><u>Reservation/Declaration:</u></p> <p>"The Republic of Turkey declares that the three declarations and the reservation made by the Republic to the International Covenant on Civil and Political Rights shall also apply to the present Optional Protocol."</p> <p>"The Republic of Turkey interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the Republic of Turkey who claim to be the victims of a violation by the Republic of any of the rights set forth in the Covenant."</p> <p>"The Republic of Turkey formulates a reservation</p>	03 February 2004	24 November 2006

Instruments	Signature	Ratification/accession
<p>concerning article 5 paragraph 2 (a) of the Protocol to the effect that the competence of the Committee: a) shall not apply to communications from individuals if the same matter has already been considered or is being considered under another procedure of international investigation or settlement. b) shall be limited to communications concerning alleged violations which result either from acts, omissions, developments or events that may occur within the national boundaries of the territory of the Republic of Turkey after the date on which the protocol enters into force for the Republic of Turkey, or from a decision relating to acts, omissions, developments or events that may occur within the national boundaries of the territory of the Republic of Turkey after the date on which the Protocol enters into force for the Republic of Turkey. c) shall not apply to communications by means of which a violation of article 26 of the International Covenant on Civil and Political Rights is reprimanded, if and insofar as the reprimanded violation refers to rights other than those guaranteed under the aforementioned Covenant."</p> <p>"The Republic of Turkey declares that the three declarations and the reservation made by the Republic to the International Covenant on Civil and Political Rights shall also apply to the present Optional Protocol." "The Republic of Turkey interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the Republic of Turkey who claim to be the victims of a violation by the Republic of any of the rights set forth in the Covenant."</p> <p>The three declarations and the reservation made by the Republic of Turkey to the International Covenant on Civil and Political Rights read as follows: The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof). The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.</p> <p>The Republic of Turkey declares that this Convention is</p>		

Instruments	Signature	Ratification/accession
<p>ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.</p> <p>The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes.</p>		
<p>International Covenant on Economic, Social and Cultural Rights (1966).</p> <p><u>Reservation/Declaration:</u></p> <p>The Republic of Turkey declares that; it will implement its obligations under the Covenant in accordance to the obligations under the Charter of the United Nations (especially Article 1 and 2 thereof).</p> <p>The Republic of Turkey declares that it will implement the provisions of this Covenant only to the States with which it has diplomatic relations.</p> <p>The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.</p> <p>The Republic of Turkey reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance to the provisions under the Article 3, 14 and 42 of the Constitution of the Republic of Turkey.</p>	15 August 2000	23 September 2003
<p>Convention on the Elimination of All Forms of Discrimination against Women (1979).</p> <p><u>Reservation/Declaration:</u></p> <p>"With respect to article 29, paragraph 1 In pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Turkey declares that it does not consider itself bound by paragraph 1 of this article."</p>		20 December 1985

Instruments	Signature	Ratification/accession
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999).	08 September 2000	29 October 2002
<p>International Convention on the Elimination of All Forms of Racial Discrimination (1966).</p> <p><u>Reservation/Declaration:</u></p> <p>"The Republic of Turkey declares that it will implement the provisions of this Convention only to the States Parties with which it has diplomatic relations.</p> <p>The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and the legal and administrative order of the Republic of Turkey are applied.</p> <p>The Republic of Turkey does not consider itself bound by Article 22 of this Convention.</p> <p>The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice."</p>	13 October 1972	16 September 2002
<p>Convention on the Rights of the Child (1989).</p> <p><u>Reservation/Declaration:</u></p> <p>The Republic of Turkey reserves the right to interpret and apply the provisions of articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Constitution of the Republic of Turkey and those of the Treaty of Lausanne of 24 July 1923.</p>	14 September 1990	04 April 1995
Convention on the Rights of Persons with Disabilities (2006).	30 March 2007	28 September 2009
<p>Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006).</p> <p><u>Reservation/Declaration:</u></p> <p>"Turkey declares that [its] ratification of the Optional</p>	28 September 2009	26 March 2015

Instruments	Signature	Ratification/accession
Protocol to the Convention on the Rights of Persons with Disabilities neither amounts to any form of recognition of the Greek Cypriot Administration's pretention to represent the defunct 'Republic of Cyprus' as party to that Protocol, nor should it imply any obligation on the part of Turkey to enter into any dealing with the so-called Republic of Cyprus within the framework of the said Protocol."		
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).</p> <p><u>Reservation/Declaration:</u></p> <p>"The Government of Turkey declares in accordance with article 30, paragraph 2, of the Convention, that it does not consider itself bound by the provisions of paragraph 1 of this article."</p> <p>"The Government of Turkey declares, pursuant to article 21, paragraph 1, of the Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications to the effect that a State Party is not fulfilling its obligations under the Convention.</p> <p>The Government of Turkey declares, pursuant to article 22, paragraph 1, of the Convention that it recognizes the competence of the Committee Against Torture to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention."</p>	25 January 1988	02 August 1988
Geneva Convention (III) relative to the Treatment of Prisoners of War (1949).	12 August 1949	10 February 1954
Geneva Convention (IV) relative to the protection of Civilian Persons in Time of War (1949).	12 August 1949	10 February 1954
United Nations Framework Convention on Climate Change (1992).	-	24 February 2004
Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997).	-	28 May 2009
Paris Agreement (2016).	22 April 2016	11 October 2021

Instruments	Signature	Ratification/accession
<p><u>Reservation/Declaration:</u></p> <p>The Republic of Turkey, on the basis of “equity, common but differentiated responsibilities and respective capabilities” as clearly and accurately recognized under the United Nations Framework Convention on Climate Change of 9 May 1992 and the Paris Agreement, and by recalling decisions 26/CP.7, 1/CP.16, 2/CP.17, 1/CP.18 and 21/CP.20 adopted by the Conference of the Parties to the Convention, declares that Turkey will implement the Paris Agreement as a developing country and in the scope of her nationally determined contribution statements, provided that the Agreement and its mechanisms do not prejudice her right to economic and social development.</p>		
Convention on Biological Diversity (1992).	11 June 1992	14 February 1997
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1974).	14 October 1994	31 March 1998
Stockholm Convention on Persistent Organic Pollutants (2001).	23 May 2001	14 October 2009



## CHAPTER 3: DOMESTIC LEGISLATION ON WATER

### A. Water law

1. **Is the right to water mentioned in the Constitution?**

No, the right to water is not mentioned in the Constitution.

2. **Is the right to sanitation mentioned in the Constitution?**

No, but there are indirect references to water and sanitation in the Constitution, including Article 166 regarding the planning of use of natural resources (which include water resources) and Article 168 regarding operating/exploiting natural resources.

3. **Does the Constitution otherwise reference water and sanitation?**

No.

4. **Is there a water code or a law specific to water resources? Please specify.**

Yes, the Law on Waters No. 831 dated 28 April 1926 (the “**Law on Waters**”). A bill for a new law on water resources and sanitation was submitted to the Cabinet of Ministers in 2016; following amendments introduced by the MAF, the bill is expected to be presented to the National Assembly for approval.

Together with the Groundwater Law No. 167 dated 16 December 1960 (the “**Groundwater Law**”) the Law on Waters forms the basis for regulating water resources.

5. **Is there national strategy / policy, action plan or similar document on water? Does it include the management of wastewater and sanitation?**

Yes, the National Action Plan on Water (2019-2023) was prepared by the MAF and includes national strategy on the usage of water, including wastewater, sanitation and an amendment to the Law on Waters. The Law on Waters covers the supply of water and stipulates an obligation for government or administrative authorities to supply water to citizens. Hence, this law implicitly includes people’s right to water and sanitation.

In addition, there are certain other laws regulating water and sanitation governance, e.g. the Law on the Geothermal Resources

and Natural Mineral Waters No. 5686 dated 6 March 2007.

6. **Are there any other major regulations, decrees, orders, circulars, or similar official documents (such as pricing, water policing, utility easements, public domain occupation...etc.) related to the rights to water and sanitation?**

Supplementary legislation includes:

- (i) Environmental Law No. 2872 dated 11 August 1983 (the “**Environmental Law**”);
- (ii) Law No. 7261 on the Establishment of the Turkish Environment Agency and Related Amendments dated 24 December 2020;
- (iii) Presidential Decree on Combating Agricultural Drought and Drought Management Studies No. 5140;
- (iv) Law No. 7410 on Amendments to the Environmental Law and Certain Laws dated 10 June 2022;
- (v) Law No. 7478 on Village Drinking Water dated 16 May 1960 (the “**Law on Village Drinking Water**”);
- (vi) Law No. 1053 on Supply of Potable and Industrial Water to Municipalities dated 03 July 1968;
- (vii) Communiqué No. 9 on Determination of Protection Areas of Aquifers and Springs Supplying Drinking Water;
- (viii) Regulations on Quality and Treatment of Drinking Water;
- (ix) Regulations on Protective Safety Measures for Water Structures of DSI;
- (x) Regulations on Quality of Surface Water to be Obtained or Planned to be Obtained as Drinking Water No. 28338 dated 29 June 2012;
- (xi) Regulations on Water Products;

- (xii) Regulations on Monitoring of Surface Waters and Groundwater;
- (xiii) Regulations on Water Allocations;
- (xiv) Regulations on Control of Water Use in Irrigation Systems and Reduction of Water Losses;
- (xv) Regulations on Surface Water Quality dated 2012;
- (xvi) Regulations on Water Pollution Control No. 25687 dated 31 December 2004;
- (xvii) Regulations Concerning Water Intended for Human Consumption No. 28580 dated 07 March 2013.

## B. Environmental law

1. **Is the right to a healthy environment mentioned in the Constitution?**  
Yes, specifically Article 56 of the Constitution establishes that *“all people have the right to live in a healthy and balanced environment”*.
2. **Does the Constitution otherwise reference a safe, clean and healthy environment?**  
Yes, in addition to the above, Article 56 of the Constitution states that *“it is the duty of the State and citizens to improve the natural environment, to protect the environmental health and to prevent environmental pollution”*. Article 169 indicates that *“the State shall enact the necessary legislation and take the measures required for the protection and extension of forests”*.
3. **Is there an environmental code or law that references water?**  
Yes, the Environmental Law and the Law on Waters. In addition, a bill for a new law on protection of the nature and biodiversity is currently being drafted.
4. **Is there a national strategy, policy, action plan or similar document on the environment?**  
Yes, a plan on *“Sustainable Management of Environment and Natural Resources”* for the 2019-2023 was published by the Ministry of Development (dissolved in 2018, now part of the President’s Strategy and Budget Office). [ ]

5. **Are there any other major regulations, decrees, orders, circulation or similar documents related to the right to a healthy environment (such as resource consents, public domain occupation etc)?**  
Yes, e.g. the European Social Charter and its supplementary covenants to which Turkey is a party; the Turkish Criminal Code, which references some crimes in relation to the environment; the Regulations Concerning Water Intended for Human Consumption No. 28580 dated 07 March 2013 govern procedures and principles regarding spring waters and drinking water.

## C. Extraction and/or use of water

1. **Does the legislation regulate the right to abstract water? (Surface, groundwater etc.)?**  
Yes, the Law on Waters regulates the right to abstract water. Under this law, supply and management of surface water sources belong to municipalities and villages, whereas same functions with respect to natural mineral and geothermal waters belong to the State.
2. **Does the legislation distinguish between the extraction of drinking water and water for other uses?**  
No, there are no legislative priorities in the allocation of water for different users. In general, public has a right to use water for drinking, washing, bathing, watering of cattle and for recreational purposes subject to certain limitations (e.g. according to the Regulations on Water Pollution Control, swimming, fishing, backpacking, hunting in places which are closer than 300 meters to water receipt points is forbidden).
3. **Is the right to use water connected to land ownership?**  
Yes, the Turkish Civil Code (Law No. 4721 dated 07 September 2002) defines two different types of water: (1) private water and (2) general water. General water, which comprises all water resources that are beneficial to public (unless otherwise provided in specific laws), cannot be subject to private ownership and State has the full control over it. Further, the right to use

groundwater is not linked to ownership of land, because this type of water is also considered beneficial public water. Rights to use water can be linked to ownership of land only if private water is within the boundaries of the property in question.

4. **Are permits/licenses required for water use (e.g. domestic, agricultural, industrial)?**

Yes, the Groundwater Law and the Law on the Geothermal Resources and Natural Mineral Waters regulate groundwater exploration and extraction. Licenses for extraction with the purposes of irrigation, utilization, or sale are issued by special provincial administrations in accordance with the State Procurement Law No. 2886 dated 10 September 1983. It is primarily required to have an exploration certificate from the DSI in order to conduct related exploration activities. Other persons/entities are able to use ground water sources based on utilization certificate, which is also granted by the DSI, once a person / entity successfully obtains the exploration certificate. According to the Fishery Law No. 1380 dated 04 April 1971, livestock/fisheries are subject to permits granted by the MAF.

5. **Can permits/licenses be suspended? Under what circumstances?**

Pursuant to the Groundwater Law the exploration certificate is provided for one year. If the certificate holder applies for an extension during the last month of the valid term of the certificate, the term of the certificate will be extended for another year. If certificate holder cannot complete its exploration within that time, the certificate becomes invalid and a new certificate has to be obtained.

The terms and conditions of exploration and utilization certificates are regulated by the Groundwater Law. According to information provided by the DSI verbally, the terms of these certificates depend on the area of activity and water basin. Terms and conditions of these certificates vary depending on the certificate holder's area of activities.

6. **Can water abstraction licenses be transferred? Is transferability subject to**

**restrictions?**

Yes, water abstraction certificates for shafts are given to properties' ownerships. These certificates may be transferred to third persons via properties' sale or inheritance.

7. **Are there priorities in the allocation of water for different uses?**

Although there are no legislative priorities in the allocation of water for different users, different users are bound by different regimes. For instance, permits and regulations for hydroelectric power plants, aquaculture enterprises and water supply enterprises vary. [ ]

8. **Are there any regulations for monitoring the volume of water extracted from groundwater?**

Yes, the Regulations on Water Pollution Control states that the "*purpose is to protect the country's underground and surface water resources in order to optimize the utilization of its potential, to prevent pollution in a manner consistent with sustainable development goals, to determine the legal and technical principles necessary for its realization*". Yet there is not a specific provision for monitoring the volume of water extracted from the groundwater, but pursuant to the Groundwater Law, the Law on Waters and the Law on the Geothermal Resources and Natural Mineral Waters No. 5686, performance of the initial inspection and issuance of the relevant permit fall within the competence of the DSI. [ ]

9. **Are there any restrictions for releasing contaminants/pesticides/fertilisers/farm animal effluent/industrial waste or other pollutants to rivers, lakes, seas, or groundwater?**

Yes, pursuant to Article 8 of the Environmental Law, it is strictly prohibited to release any contaminants to the environment. Also, the Regulations on Water Pollution Control No. 25687 dated 31 December 2004 state that "*chemical, physical, bacteriological, radioactive and observed in the form of negative changes in ecological characteristics and may be direct or indirectly on biological resources, human health, fisheries, water quality and*

*substances that will create impediments to the use of water for other purposes or the discharge of energy waste". Under the Waste Management Regulations dated 02 April 2015 and the Zero Waste Regulations*

No. 30829 dated 12 July 2019, usage of certain fertilisers, pesticides and industrial waste is restricted. [ ]

## CHAPTER 4. THE HUMAN RIGHTS TO WATER AND SANITATION & SDG 6 TARGETS<sup>11</sup> including elements of the Human Right to a Healthy Environment

### A. Availability and accessibility (SDG 6.1, 6.2, 6.4)

#### 1. What laws or regulations ensure that a minimum essential level of water is available to all?

Article 5 of the Constitution provides that *“the fundamental aims and duties of the State are to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republic and democracy, to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, economic, and social obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social state governed by rule of law; and to provide the conditions required for the development of the individual’s material and spiritual existence.”* There is no legal provision, however, that explicitly ensures a minimum essential level of water that is available to all.

#### 2. What are the standards/policies on the amount of water to be made available?

While there are standards and policies regulating the quality of water to be made available, there is no specific standard for the amount of water to be made available.

#### 3. In cases where water is not available on premises, what mechanisms are in place to ensure collection times do not exceed 30 minutes including wait times and queuing?

There are no such measures under the law.

#### 4. Does the law ensure continuous supply of water for all?

No.

**In instances where water availability is not continuous, what measures are implemented?**

There are no such measures under the law.

#### 5. How is water supply availability ensured for marginalized and vulnerable groups, e.g.,

#### economically challenged or less developed rural areas?

Article 56 of the Constitution provides that *“everyone has the right to live in a healthy and balanced environment. It is the duty of the State and citizens to improve the natural environment, to protect the environment health and to prevent environmental pollution.”* The Law on Village Drinking Water provides that the drinking and utility needs of villages are provided by the DSI and that all village and village quarters that do not have sufficient sanitary and potable water shall be determined, and the DSI is empowered to provide the necessary drinking water pipes, pumps, as well as to establish factories and facilities.

#### 6. Does the law/policy prioritize water for domestic uses over other uses?

There is no law or policy that explicitly prioritizes the use of water for domestic purposes.

#### 7. What are the grounds for disconnecting, interrupting or altering water supply and sanitation services (e.g., authorities may alter water supply in case of droughts or emergencies, in which cases are disconnections possible...)?

The Regulations Concerning Water Intended for Human Consumption provide that spring and drinking water facilities are subject to annual controls by the Ministry of Health. These are also monitored quarterly by local health authorities. If the parameters of water quality, as determined in the relevant legislation, decrease, *“necessary actions”* should be taken however, the extent and nature of such actions are not specified.

#### 8. What are the procedural standards/criteria for permitting interruption, disconnection or alteration of water supply and sanitation services?

The Regulations Concerning Water Intended

<sup>11</sup> See Table of the Targets and Indicators of SDG 6 page 9

for Human Consumption provide that spring and drinking water facilities are subject to annual controls by the Ministry of Health. These are also monitored quarterly by local health authorities.

9. **Are alternative ways of water supply and sanitation services provided for in case of alteration of supply and/or service?**

No.

10. **Does law/policy provide guidance on: The number of water outlets?**

No.

The safety, distance and time from a dwelling or structure to reach water outlet or sanitation facilities (e.g., laws that specify water outlets must be available within a certain distance from a school or household)?

No.

Technical safety of water outlets or sanitation facilities (e.g., law requiring that certain standards are applied in the construction of those facilities or of buildings)?

No.

11. **Are there any standards that protect healthy natural water bodies to guarantee sustainable sources of water for drinking or other household uses?**

Yes, several regulations specify parameters for the protection and maintenance of natural water bodies to guarantee sustainable sources of water for drinking and other household uses. The Regulations on Management of Bathing Water Quality dated 2019, for instance, set out principles to be complied with in the protection and prevention of pollution of bathing waters, such as the prohibition of the discharge of all kinds of wastewater and the prohibition of throwing solid wastes and residue into swimming areas.

12. **Do groundwater sources and aquifers have an allocation of water volume protected from extraction to ensure long term sustainability?**

Presidential Decree No. 4920 allows local municipalities to distribute free or discounted water to households, with the qualification that the free or discounted

water cannot exceed 1/5 of the household's monthly water use.

13. **Is there any provision in the law/policy for the availability and accessibility of clean and healthy environmental spaces in non-domestic places such as schools, hospitals, workplaces, prisons, refugee camps, etc.?**

No.

14. **Is there any provision in the law/policy for availability and accessibility of water and sanitation facilities in non-domestic places such as schools, hospitals, workplaces, prisons, refugee camps, etc.?**

No.

### B. Quality and safety (SDG 6.1, 6.2, 6.3)

1. **Are there parameters of quality and safety for drinking water established under law?**

Yes, the Regulations on the Quality of Surface Water, the Regulations on Procedures and Principles Used in Municipal Water and Sewage Services, and the Regulations Concerning Water Intended for Human Consumption set quality and safety parameters for drinking water. Such quality and safety parameters are based on technical parameters and are evaluated by experts.

2. **Is monitoring of drinking water quality or wastewater required by law/policy? If so, which actor is required to monitor it and how often (according to the law/policy)?**

Yes, the Regulations Concerning Water Intended for Human Consumption provide for audit and monitoring of the facilities of spring and drinking water by the Ministry of Health once a year and by local authorities quarterly. The Regulations on Management of Bathing Water Quality provide that the monitoring of bathing water quality is carried out by the provincial health directorate before each swimming season. Bathing water quality is also evaluated by the Ministry of Health at the end of each swimming season.

3. **Are there any regulations to control or monitor the quality of groundwater aquifers so that they do not become contaminated?**

No.

4. **Do laws/regulations include guidance on the safe construction of water and sanitation infrastructure (e.g. to ensure no contact with excreta, ventilation, respect construction guidelines)?**

The Regulations on Inspection of Hydraulic Structures regulate all hydraulic constructions and hydroelectric energy production plants.

5. **Do laws/regulations include requirements or guidance on safe emptying of latrines as well as safe treatment and disposal of treated sludge?**

According to the Municipality Law No. 5393 dated 03 July 2005, among the powers and duties assigned to municipalities is construction of urban water supply and sewerage systems and wastewater treatment plants.

6. **Do laws/regulations establish requirements on household water treatment and storage (e.g. quality requirement with respect to water containers, rainwater harvesting limitations, etc.)?**

No.]

7. **Do laws/regulations provide constraints on the levels of nitrates and phosphates that are released into groundwater through agricultural land use?**

Yes, the Regulations on the Protection of Water Against Agricultural Nitrate Pollution No. 29779 dated 23 July 2016, define a threshold value of nitrate in surface and underground water and the MAF is directed to prepare Action Plans and Monitoring Programs to address contamination caused by agricultural nitrate in water.]

### C. Water pollution control (SDG 6.3, 6.6)

1. **Are there legislative provisions concerning waste disposal activities? Which authorities are responsible for monitoring to determine if waste has caused pollution of bodies of water?**

The Regulations on Monitoring Surface and Underground Water deal with drinking water/wastewater monitoring. The MAF coordinates the formation of a National Monitoring Network with the participation of all relevant institutions and organizations

that conduct monitoring activities. The Regulations also provide that the General Purpose Monitoring is performed to assess changes in the quality and quantity of water due to natural conditions and human activity.

1. **Is there legislation which regulates the contamination of groundwater? How is it addressed in practice?**

Yes, the Regulations on Water Pollution Control govern water pollution, including groundwater pollution.

2. **Is permission required to discharge effluents? What are the criteria used for considering applications and granting permits?**

Yes, the Regulations on Water Pollution Control state that “with respect to water pollution control, a pollutant source of any kind is contingent on a permit as a matter of principle” and provide for the contents of permits depending on the source of waste. There is no exception to permission requirement for discharging effluents.

The Regulations on Water Pollution Control provide that permits shall be renewed periodically. During the renewal process, if an industrial establishment is found lacking on the specified points, the previously issued permit shall not be renewed. The relevant establishment then needs to reinitiate permission procedures and take specific steps.

3. **Can waste discharge permits be lost/suspended/modified during their lifespan? Under what circumstances? Is compensation payable?**

Yes, water discharge permits can be lost, suspended, or modified to prevent undesirable effects on the existing uses or to regulate the quality of a water receptor medium. Wastewater discharge permits may be restricted or revoked under two conditions: (a) if it is determined that discharges in the form permitted will have an undesirable effect on either the present or future uses of the water reception medium; or (b) if the discharge is not carried out in conformity with the principles laid down by the local administration in issuing the permit.

**4. Are instances of pollution of water sources subject to penalties / fines? Which institution is in charge of the administration of the penalties?**

Yes, individuals and legal entities that give rise to the creation of wastewater are required to bear all the costs that may arise from their use of the sewerage system or of existing treatment or disposal plants. The Regulations on Water Pollution Control also provide that *“wastewater infrastructure plant managements and corporations, companies and enterprises with discharge permits are legally responsible for not exceeding the wastewater discharge standards and not disposing of pollutants in the receptor medium beyond the limits envisaged in their permit. As permit holders, they are not necessarily immune to penalties and legal prosecution for violations.”*

The DSI is entitled to cancel exploration and utilization certificates, as well as to impose administrative fines on the certificate holders.

Charges are also payable against the disposal of waste into streams, lakes, underground aquifers, and other water bodies.

Persons polluting the environment and those causing environmental destruction have strict liability for damages resulting from pollution and degradation. They are obliged to compensate on a joint and several basis regardless of the extent of their contribution to such damage, and to pay applicable administrative fines.

**D. Affordability (SDG 6.1)**

**1. How does law/policy address affordability of water supply and sanitation services?**

The Constitution provides that *“every Turkish citizen has an innate right and power, to lead an honourable life and to improve his/her material and spiritual wellbeing under the aegis of national culture, civilization, and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution, in conformity with the requirements of equality and social justice.”*

This constitutional principle of equality and social justice encompasses the provision of

public services, such as water supply and sanitation services, should be provided equally to all at an affordable and fair price.

**2. What mechanisms must be established by law/policy to ensure affordability of water and sanitation services?**

In case of a breach of the overarching principle of equality and the social state principle under the Constitution, the Council of State or the Constitutional Court may potentially initiate abolishing laws or regulations that breach such principles.

**3. How are tariffs established and what is the process for updating these tariffs?**

The Regulations on the Procedures and Principles of Determination of Tariffs with Respect to Waste Water, Infrastructure and Domestic Solid Waste Disposal Facilities of Waster Water provide that water disposal services can be priced at three different tariffs: (i) tariff depending on pollution and flow rate; (ii) constant tariff; and (iii) tariff depending on connection fee.

**4. Does the tariff vary depending on the regions/circumstances?**

Yes, the tariff varies according to regions. Each metropolitan municipality regulates these differently according to its water and sewerage administration regulations.

**5. Which actors are responsible for and involved in setting and/or approving tariffs for water supply and sanitation services?**

The Water and Sewerage Administration is responsible for setting and/or approving tariffs for water supply and sanitation services.

**6. Is disconnection from water supply and sanitation services for non-payment allowed? What procedures must be followed in such cases prior to disconnecting the supply and service? Are there any further consequences (other than shutoffs) for bill non-payment?**

Yes, disconnection for non-payment may be done by the Directorate of Waters' related unit. Subscription agreements between the Water and Sewerage Administration and water users provide that debts and default interests must be paid to the Water and Sewerage Administration.



## E. Acceptability (SDG 6.1, SDG 6.2)

1. **Is there provision in the law or contracts with service providers that relate to the need to take into account cultural and social dimensions of acceptability (e.g. colour or odour of water, or the positioning of a facility)?**

Yes, Turkey is a member of the World Health Organization, whose decision-making body, the World Health Assembly, adopted by consensus in May 2011 Resolution 64/24, which urges Member States to ensure that national health strategies contribute to the realization of water and sanitation related Millennium Development Goals while coming in support to the progressive realization of the human right to water and sanitation that is sufficient, safe, acceptable, physically accessible, and affordable for personal and domestic uses.

The DSI is responsible for taking positive action to ensure a universal realization of the right to water and sanitation.

The Regulations Concerning Water Intended for Human Consumption provide for audit and monitoring of the facilities of spring and drinking water in order to determine whether spring waters and drinking water comply with values and parameters set out in the annexes to the regulation.

2. **Is there provision in the law or contracts with service providers that relate to the need to ensure dignity and privacy (e.g., in workplaces, but also in the design of shared sanitation facilities for certain communities)?**

No.

3. **Is there provision in the law or contracts with service providers that relate to the need to ensure that people affected by the service do not suffer from a reduction in the health of their environment?**

Yes, the Regulations on Water Pollution Control provide for wastewater discharge standards which must be followed.

## F. Non-discrimination, equality, and universal access (SDG 6.1, 6.2)

1. **Is there any legislation about the prohibition of direct and indirect discrimination (on all grounds) and promotion of equality in accessing water and sanitation services?**

Yes, Article 10 of the Constitution provides that *“everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds.”* It further provides that *“no privilege shall be granted to any individual, family, group or class. State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings.”*

2. **Are there any legal measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks and capacities?**

Yes, the Fundamental Guidance on Accessibility for Persons with Disabilities in Health Institutions published by the Ministry of Education requires toilets for disabled students. The Regulations on Private Hospitals No. 24708 dated 27 March 2002 provide that private hospitals must have toilets and bathrooms for the disabled.

7. **Is there any legal recognition for women in the empowerment, leadership, decision-making and full, equal and meaningful participation of women and girls, and the role that women play as managers, leaders and defenders of natural resources and agents of change in safeguarding the environment and water resources?**

No.

## G. Right to information, Transparency (SDG 6.b)

1. **Is there any specific legislation about the right to seek, receive and impart information held by public authorities? Does the law expressly set out the right to seek, receive and impart information on water related issues?**

Article 74 of the Constitution provides that “citizens and foreign residents in Türkiye, with the condition of observing the principle of reciprocity, have the right to apply in writing to the competent authorities and to the Grand National Assembly of Türkiye with regard to the requests and complaints concerning themselves of the public.” In addition, the Law on the Right to Obtain Information No. 4982 dated 09 October 2003 (the “**Information Law**”) and the Regulations on the Basis and Procedures of Implementation of the Law on Right to Seek Information (the “**Right to Seek Information Regulations**”) set out the details regarding the exercise of the right to information.

**2. Does the right to information require the payment of a fee? Is there a provision on the affordability of such fee?**

In principle, applications to government bodies for information requests do not require a fee. The Information Law, however, allows governmental bodies to ask for fees covering costs of the information/documents to be provided in response to the request and provides that the Ministry of Finance sets the relevant tariff. The applicant is deemed to have withdrawn its request if the fee is not paid within 15 business days.

There is no provision in relation to the affordability of, or exemption from, such fee requirement. Pursuant to the Right to Seek Information Regulations, however, a fee cannot be requested for information/documents up to ten pages and associated postage costs.

**3. Are there any exceptions with regard to who or what type of water and environment related information held by public authorities can be accessed?**

The Environmental Law specifically addresses the right to access environment-related information: everyone has the right to access environment-related information within the scope of the Information Law, except for information, which may damage the environment once disclosed, such as breeding sites and rare species.

**4. Which institutions are required by law/policy to make information on water public? Does it reference only the right to access information or also the obligation to make public such information on water related issues (e.g., are institutions obligated to provide information only upon demand, or are they obligated to publish or make available information at certain periodic intervals, on the occurrence of certain circumstances, etc.)?**

All governmental bodies, subject to restrictions included under the Information Law, are obliged to provide requested information. They are also obliged to take all necessary administrative and technical steps to finalize applications as soon and as accurate and effective as possible. The DSI and its sub-organs are to be applied to at the first stage.

**5. Are there requirements in relation to the language, locations, format, timing and means used for providing water and environment related information to the public? What mechanisms are in place to ensure information is made available to all including to minorities?**

No.

**6. Are there any mechanisms to ensure that education on the importance of a healthy environment is included in school curricula, and that the link is made with sustainable drinking water supplies?**

No.

**7. Are there any legal provisions requiring certain authorities to educate the population on water related issues?**

No.

**8. Are there any requirements in relation to access to information in contracts with water and sanitation operators?**

No.

**H. Public participation (SDG 6.5.1, 6.b)**

**1. Is there a law/policy which addresses public participation?**

Yes, the Regulations on Management of Bathing Water Quality provide that the classification of the previous swimming season and the list of bathing waters to be

followed in the new season are announced by the provincial health directorate and presented to the public. Complaints, opinions, and suggestions conveyed by the public are taken into account to be used in monitoring studies during the swimming season.

2. **What are the criteria listed in the law/policy in relation to participation in water-related issues (e.g. allocated time to provide comments, invitation to public hearings, etc.)?**

Public participation is only regulated within the scope of the Environmental Impact Assessment (EIA) process and there are no other specific regulations addressing the criteria for participation in water-related issues. In relation to the EIA, the venue and date of the meeting is determined by the competent state authority and announced to the public along with the description of the project. The participants may be asked to share their opinions or suggestions in writing.

3. **Do the contracts between governmental authorities and operators of water and operators of water and sanitation services impose upon the operators an obligation to ensure or provide for public participation at any levels at which the applicable services are delivered?**

This cannot be determined as such contracts are not publicly available.

#### I. Sustainability (SDG 6.4, 6.5, 6.6)

1. **Is the establishment of an IWRM mechanism including regional or local associations or other groupings of water users provided for and regulated by laws or regulations? How do they interact with or connect into other agencies or regulators?**  
No.
2. **How does legislation/policy ensure that water and sanitation services are delivered in an improved and sustainable manner, considering the availability of water resources, competing demands and generally the needs of present and future generations?**

The Environmental Law is a framework document that determines general principles concerning the protection of the environment and the prevention of pollution. It endorses the "Polluter Pays Principle" and handles environmental issues broadly.

3. **How does legislation/policy ensure that water and sanitation services are delivered in a sustainable manner to rural and deprived urban areas?**

The Law on Village Drinking Water provides that the DSI can build facilities in partnership with provincial banks or other domestic and foreign institutions to provide the necessary water and sanitation services.

4. **How does the legislation/policy ensure that delivery of water and sanitation services are economically sustainable, with sufficient expenditure for operation and maintenance and the protection of the environment?**

There is no law or policy that provides this specifically, but the equality and social state principles under the Constitution may be interpreted to encompass this.

5. **How does the legislation/policy reduce the number of people suffering from water scarcity by optimising water use efficiency across all sectors, and ensuring sustainable withdrawals?**

The Law on Village Drinking Water provides that the DSI can build facilities in partnership with provincial banks or other domestic and foreign institutions to provide the necessary water and sanitation services.

6. **Is there any legislation/policy to protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes?**

The Constitution provides that it is the duty of the State and citizens to improve the natural environment, to protect the environmental health and to prevent environmental pollution.

#### J. Accountability/ Remedies and complaint procedures

1. **Are there remedies provided by law/regulations to file complaints or other ways of accessing justice in reference to**

**water, sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

Yes, the Regulations on Water Pollution Control provide that if certain undesirable effects are being created as a result of wastewater discharge, third parties who have witnessed the harm or are likely to suffer as a result of it have the right to object to the discharge permit by presenting their evidence to the permit-granting body. If legally presented objections are recognized, the parties making the discharge shall be obliged to take the required measures to ameliorate such harm. There is no appellate system provided for by law or regulation.

2. **Are there possibilities for financial assistance for legal counsel in cases concerning water, sanitation and a healthy environment?**

No.

3. **Who monitors water & sanitation service providers?**

The DSI monitors water and sanitation service providers.

5. **Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under**

**which conditions is such an appeal possible?**

Since service providers are public entities, any action against their actions or inaction that are contrary to law, can be brought to administrative courts. Such decisions may further be appealed to Regional Administrative Courts and finally subject to cassation in the Council of State.

6. **Are there any protective mechanisms to ensure that there is a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence?**

The Constitution ensures the freedom of expression and rights and freedom of association and assembly.

7. **Is there any legislation to respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters?**

There is no specific legislation that protects the rights to freedom of expression, association, and peaceful assembly in relation to environmental matters, but these are fundamental rights recognized and guaranteed by the Constitution.

## CHAPTER 5. JUDICIARY SYSTEM

### A. Preliminary questions

1. **What is the relationship between international law and national law (i.e. is the state a monist or dualist system--how is international law interpreted in relation with domestic law)?**

Article 90 of the Constitution regulates that “international agreements duly put into effect have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional”. Based on Article 90, it is accepted that Turkey adopts the monist theory of international law. This means that, pursuant to the Constitution, international treaties and national laws have equal force. Accordingly, in case of a conflict between international law treaties on fundamental rights and national laws, the former prevails.

2. **What is the hierarchical structure of the legal system?**

Turkey has a civil law system based on codified laws. The main domestic sources of law, in hierarchical order, are the Constitution; codes and statutes; international treaties (once ratified by the National Assembly); presidential decrees; regulations and by-laws. Where there is a discrepancy between an international treaty and a code, courts must resolve it under the general principles of Turkish law. However, international treaty provisions regarding basic rights and freedoms prevail over domestic codes. Nevertheless, unlike codes and statutes, compliance of international treaties with the Constitution cannot be challenged before the Constitutional Court.

3. **Has the State ratified the relevant international conventions establishing regional or international complaint mechanisms?**

Yes, Turkey has signed and ratified, *inter alia*, the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

### B. Remedies and complaint procedures/accountability

1. **Are there remedies provided by law to file complaints or other ways of accessing justice in reference to water and sanitation and a healthy environment? Who may file them? Are the decisions appealable?**

Penalties of judicial and administrative nature are regulated by the Environmental Law and related legislation. In addition, it is possible to lodge a complaint about different environmental issues to different competent authorities, e.g. complaint relating to sanitary water can go to the district’s White Desk. The relevant administration may take necessary measures upon receipt of a complaint. In terms of remedies, as stated, relevant laws provide for a right to claim compensation, provided that certain conditions are satisfied. If an administrative act damages access to water or sanitation of a person/entity, this person/entity has the right to request compensation from the administration through compensation lawsuits filed against the State under administrative law. Such person/entity is also entitled to file a lawsuit requesting cancellation of an administrative act.

2. **Are such complaint procedures required to be provided in conformity with human rights principles (such as non-discrimination, equity)?**

Yes, conditions encapsulated within these complaint procedures are in conformity with human rights principles.

3. **Does the law provide for financial assistance for legal counsel in cases concerning water and sanitation or access to a healthy environment?**

The Civil Procedure Law No. 6100 dated 04 February 2011 requires that legal aid be provided for both litigation expenses and legal counsel. People who are unable to pay partial or full proceeding costs can benefit from legal aid in their prosecution and defence and execution proceedings and can

- request temporary legal protection, unless they do not submit a justification.
4. **Who monitors the administrative level bodies and/or service providers?**  
Service providers are mostly public entities in Turkey and the relationship between the service providers and the State is based on administrative tutelage. However, a concession agreement may be executed between the State and a private entity with respect to the procurement of drinking, utility and industrial water, the disposal of waste and rain water, building/operating necessary plants for the services mentioned, and operating natural water facilities.
  5. **Is there a possibility to appeal against the decisions of service providers? With whom would such an appeal be lodged, and under which conditions is such an appeal possible?**  
Since service providers are usually public entities in Turkey, it is possible to bring an action against a service provider in administrative courts in order to cancel their decision if such decision contradicts the law in terms of power, form, cause, subject matter or purpose. Moreover, an administrative action for damages can be brought before an administrative court on the basis of a violation of a personal right even if there is no illegality.
  6. **What remedies are available at an administrative level?**  
Governmental authorities must respond to any petition requesting information, relating to the status of ongoing proceedings, within 30 days after receipt of such a petition. If the relevant governmental authority fails to respond within 30 days or dismisses the petition, an action against such governmental authority may be brought before administrative courts. In addition, if a service provider's performance of its services is deemed an administrative act and such service provider damages a person/entity while performing its services, then the damaged person/entity is entitled to request compensation from such service provider if the person/entity files a compensation lawsuit in accordance with administrative law.
  7. If the service provider is a public entity, the Administrative Jurisdiction Procedures Law No. 2577 dated 20 January 20 1982 entitles consumers to apply to a higher authority for reversal or amendment of decisions of services providers.
  8. **Who monitors these administrative level bodies?**  
Administrative level authorities are monitored by higher level administrative authorities based on hierarchy, and administrative protection principles, and by administrative courts which are entitled to cancel the acts of an administrative authority through a cancellation lawsuit.
  9. **Are such administrative bodies legally independent entities according to the law?**  
Yes, the Constitution sets out that all administrative authorities are to act impartially and be independent in their acts and transactions.
  10. **Is there any evidence (e.g., case law) that courts in the country have (or may have) jurisdiction to enforce any economic, social or cultural rights?**  
Economic, social and cultural rights are recognized by the Constitution and relevant national legislation. Therefore, economic, social and cultural rights are judicially enforceable. Particularly, decision of the Constitutional Court dated 26 January 2012 and decision number 2012/16 and decision of the Constitutional Court dated 03 July 2014 address the right to water, as encapsulated within international instruments.
  11. **Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to water, sanitation and a healthy environment? Is there any existing case law?**  
If obligations to respect, protect and fulfil the human rights to water and sanitation are violated, the court may proceed on cases provided that the process for initiating the lawsuit is duly performed. We are aware of decisions rendered by the Constitutional Court where the Constitutional Court recognizes or refers to international

documents regarding the right to water under the reasoning section.

12. **Do courts in the country have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the human rights to a healthy environment? Is there any existing case law?**

As stated in Article 56 of the Constitution, everyone has the right to live in a healthy and balanced environment. The state fulfils this duty by utilizing and supervising health and social institutions in the public and private sectors. In this respect, some actions that harm environmental health have been regulated as crimes in the Criminal Code and some sanctions have been regulated in return for these actions (e.g. crime of causing zoning pollution). In addition, both administrative and judicial penalties are regulated under the Environmental Law and relevant regulations. Therefore, criminal and administrative courts do have jurisdiction to hear cases regarding the obligations to respect, protect and fulfil the right to a healthy environment. In any case that the applicant does not find the judgement satisfactory, after the necessary appeal procedure they can always use their right to make an individual application, on the violation of their right to a healthy environment before the Constitutional Court.

13. **Provide a brief overview of the judicial procedure involving a human rights violation case.**

Although certain cases can only be reviewed by the supreme courts under Turkish law, violations of human right to water and sanitation are not among such. Therefore, it is possible to apply to local courts (i.e. first instance courts) in case laws relating to the human right to water and sanitation are violated. Only the Constitutional Court can evaluate whether there is a human rights violation. Local courts are entitled to decide whether an act is against the law or not while having the discretion on pointing out such violations.

14. **Is there a Constitutional /Supreme Court? Are cases heard as the last appeal or may**

**cases be referred directly?**

The Court of Appeals and the Council of State are the last appeal courts. There are no federal courts, but as previously noted, there are district courts that work as first appeal courts for certain disputes. Only in exceptional cases and for disputes including alleged human rights violations, such as deprivation of due process, absence of fair trial etc., appeals may also be initiated before the Constitutional Court as a last resort.

15. **Have domestic courts applied international human rights law in past cases or have they referred to decisions from international human rights bodies (with reference to water, sanitation and the environment)?**

International agreements which are duly in force have the force of law. In case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws, due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

Therefore, it may be concluded that the application of such international human rights law instruments are encouraged.

16. **Are court proceedings conducted in only one principal language, or are they also conducted in local languages, including minority and indigenous languages? Does the law require that information is made available in local languages?**

The procedures adopted in a proceeding are regulated by law, and the proceeding should be conducted in accordance with law. Therefore, the proceedings should be understandable. The proceedings are only held in Turkish. However, if the relevant persons do not speak Turkish, they may demand translators as part of the right to a fair trial.

17. **Have domestic courts applied (or referenced) recommendations of national human rights institutions?**

Courts have the discretion to take into consideration recommendations from national human rights institutions.

### C. National human rights institutions

#### 1. Is there an independent national human rights institution?

Yes, the Human Rights and Equality Institution of Turkey. The authorities and duties of the Human Rights and Equality Institution of Turkey are regulated by the Law on Human Rights and Equality Institution No. 6701 dated 06 April 2016, pursuant to which the Board of the Human Rights and Equality Institution of Turkey shall act independently while performing its duties.

#### 2. Does the mandate of the national human rights institution cover the entire human rights framework, including economic, social and cultural rights?

The Human Rights and Equality Institution of Turkey is authorized to work on promoting human rights that are regulated under the Constitution and the international agreements to which Turkey is party. Certain economic, social and cultural rights are regulated under the Constitution and under some of the international agreements to which Turkey is party.

#### 3. Is the national human rights institution authorized to receive and adjudicate complaints of violations of human rights to water, sanitation and a healthy environment?

The Human Rights and Equality Institution of Turkey is authorized to receive and resolve human rights violation complaints. However, such resolutions are not binding, but rather 'advisory'.

The Constitutional Court works as a binding decision-making authority for individual applications. Persons claiming that their human rights were violated by a state authority may apply to the Constitutional Court. However, the jurisdiction of the Constitutional Court, in examining individual applications, is limited to a number of human rights, mainly civil and political rights, which are also regulated under European Convention of Human Rights. The right to water and sanitation is not directly regulated

as an individual human right under the Turkish.

#### Does the national human rights institution have a legal basis or authority to initiate an action to address systemic human rights violations?

The Human Rights and Equality Institution is authorized to examine human rights violation complaints, and it can also initiate an examination *ex officio* if there are indications of a human rights violation.

The Human Rights and Equality Institution is also allowed to request written or oral information from other administrative authorities, and if necessary, it can also conduct physical site visits. However, since the Human Rights and Equality Institution is not a judiciary body, it does not have the authority to initiate hearings under the Law on Human Rights and Equality Institution.

#### 4. What type of remedies does the national human rights institution have the authority to impose?

The Human Rights and Equality Institution's decisions are of an advisory nature, and it mainly prepares reports with respect to the performance of administrative authorities regarding protection of human rights.

#### 5. Is the institution allowed to initiate investigations/hearings?

Although the institution is allowed to initiate investigations, it is not a judicial body and therefore cannot initiate hearings.

#### 6. Does the national human rights institution have the authority to monitor how remedies for violations of rights to water, sanitation and a healthy environment are implemented by governmental authorities, service providers or other agencies/entities?

Pursuant to the Law on Human Rights and Equality Institution, the Human Rights and Equality Institution has a duty to monitor the results of its decisions even though such decisions are not binding.

### D. Regulation

#### 1. Is there a water regulator established by law?

There are several administrative agencies, as



well as local municipal authorities, that form the regulatory field over water in Turkey.

The MAF is the leading administrative body overseeing the policy development and execution of the protection, development and use of water resources in Turkey. Its mandate includes ensuring coordination of water management, the preparation of river basin management plans, developing environmental measures and standards in the management and protection of water sources, and devising strategy and policies for flood risks.

The DSI is a legal entity sitting under the MAF. It is the national investment agency responsible for the development of water resources at the national level. This means overseeing projects such as the planning and constructing of large-scale hydraulic facilities and overseeing their transfer to the relevant organizations for operation and maintenance. It is also responsible for developing hydropower projects and protecting against flood damage.

In addition to these two primary bodies, other institutions also have significance in regulating and administering water rights and access, including: the Ministry of Environment, Urbanization and Climate Change; the Ministry of Health; the Ministry of Energy and Natural Resources; the Ministry of Foreign Affairs; the Ministry of Interior; the Ministry of Industry and Technology; the Presidency of Strategy and Budget.

**2. Is the water regulator an independent entity?**

The DSI is a stand alone public legal entity and is associated with the MAF.

The Water Management Coordination Committee under the MAF provides coordination and cooperation when determining measures to protect environment, improvement of water

investment, development of strategies, and evaluating the implications of relevant public authorities in relation to the basin plans. The Water Management General Directorate of the MAF pursues and coordinates the application of the decisions of this committee.

**3. What are the oversight mechanisms and responsibilities related to drinking water supply and sanitation services of the regulator?**

The Constitution provides for certain mechanisms for the accountability of the government; which are: (i) parliamentary inquiry which is an examination conducted to obtain information on a specific subject; (ii) a general debate which is the consideration of a subject, relating to the community and the activities of the State, at the Plenary of the National Assembly; and (iii) parliamentary investigation which may result in the trial of Vice Presidents or Ministers.

As per the recent amendments to the Constitution, Ministers and Vice Presidents will only be responsible to the President and since there are no more censure motions, the Parliament will no longer have the competence to monitor/discharge them. Written questions will be addressed only to Vice presidents and Ministers given that there will no longer be a Prime Minister or Council of Ministers. No written questions can be addressed to the President. Lastly, parliamentary investigations may result in a criminal trial of Vice Presidents, Ministers and the President. Administrative oversight mechanisms include the Ombudsman, State Supervisory Board, Turkish National Assembly Human Rights Investigation Commission, written and verbal parliamentary inquiry, parliamentary debate, parliamentary investigation and petition to the relevant administration.

## ANNEX 1: TARGETS AND INDICATORS OF SDG 6

TARGET	INDICATOR (CUSTODIAN AGENCIES)
6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all	6.1.1 Proportion of population using safely managed drinking water services (World Health Organization (WHO)/United Nations Children's Fund (UNICEF))
6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations	6.2.1a Proportion of population using safely managed sanitation services (WHO/UNICEF) 6.2.1b Proportion of population using a handwashing facility with soap and water available (WHO/UNICEF)
6.3 By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally	6.3.1 Proportion of wastewater safely treated (WHO/United Nations Human Settlements Programme (UN-Habitat)/United Nations Statistics Division (UNSD)) 6.3.2 Proportion of bodies of water with good ambient water quality (United Nations Environment Programme/UNSD)
6.4 By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity	6.4.1 Change in water-use efficiency over time (Food and Agriculture Organization of the United Nations (FAO)) 6.4.2 Level of water stress: freshwater withdrawal as a proportion of available freshwater resources (FAO)
6.5 By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate	6.5.1 Degree of integrated water resources management implementation (0–100) (United Nations Environment Programme) 6.5.2 Proportion of transboundary basin area with an operational arrangement for water cooperation (United Nations Educational, Scientific and Cultural Organization (UNESCO)/United Nations Economic Commission for Europe (UNECE))
6.6 By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes	6.6.1 Change in the extent of water-related ecosystems over time (United Nations Environment Programme/Ramsar Convention)
6.a By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies	6.a.1 Amount of water- and sanitation-related official development assistance that is part of a government-coordinated spending plan (WHO/United Nations Environment Programme/Organization for Economic Cooperation and Development (OECD))
6.b Support and strengthen the participation of local communities in improving water and sanitation management	6.b.1 Proportion of local administrative units with established and operational policies and procedures for participation of local communities in water and sanitation management (WHO/United Nations Environment Programme/OECD)

Source: Sustainable Development Goal 6 - Synthesis Report on Water and Sanitation (2018), Table 1

## ANNEX 2: The human rights to water and sanitation and the right to a healthy environment compared

Table 1: Comparison of the human rights principles

Principles of the Human Right to a Healthy Environment (from Framework Principles)	Principles of the Human Rights to Water and Sanitation (from General Comment No.15)
<b>Human Rights</b>	
<p>Principle 1. States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights.</p>	<p>GC 1. Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.</p> <p>GC 20. The right to water, like any human right, imposes three types of obligations on States parties: obligations to respect, obligations to protect and obligations to fulfil.</p>
<b>Sustainable environment</b>	
<p>Principle 2. States should respect, protect and fulfil human rights in order to ensure <u>a safe, clean, healthy and sustainable environment</u></p>	<p><i>Respect:</i> GC 21: The obligation to <i>respect</i> requires that States parties refrain from interfering directly or indirectly with the enjoyment of the right to water. The obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water allocation; <u>unlawfully diminishing or polluting water</u>, for example through waste from State-owned facilities or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law.</p> <p><i>Protect:</i> GC 23. The obligation to <i>protect</i> requires States parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the</p>

	<p>necessary and effective legislative and other measures to restrain, <u>for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.</u></p> <p><i>Fulfill:</i> GC26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. ... and facilitating improved and <u>sustainable access to water, particularly in rural and deprived urban areas.</u></p> <p>GC.11. The manner of the realization of the right to water must also be <u>sustainable, ensuring that the right can be realized for present and future generations.</u></p>
<p><b>Non-Discrimination</b></p>	
<p>Principle 3. States should <u>prohibit discrimination</u> and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.</p>	<p>GC. 15. With respect to the right to water, States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to <u>prevent any discrimination</u> on internationally prohibited grounds in the provision of water and water services.</p>
<p><b>Safety and freedom of expression</b></p>	
<p>Principle 4. States should provide <u>a safe and enabling environment</u> in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence</p>	<p>GC, 44,b Violations of the obligation to protect follow from the failure of a State to <u>take all necessary measures to safeguard persons</u> within their jurisdiction from infringements of the right to water by third parties.</p>
<p>Principle 5. States should respect and protect the rights to freedom of expression, association and peaceful assembly in relation to environmental matters.</p>	

Public Awareness and education	
<p>Principle 6. States should provide for <u>education and public awareness on environmental matters.</u></p>	<p>GC, 25. The obligation to fulfil can be disaggregated into the obligations to facilitate, promote and provide. The obligation to promote obliges the State party to take steps to ensure that there is <u>appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.</u></p> <p>Article 24, para. 2, of the Convention on the Rights of the Child requires States parties to “To ensure that <u>all segments of society [...] have access to education and are supported in the use of basic knowledge of [...] the advantages of [...] hygiene and environmental sanitation.</u>”</p>
Access to Information	
<p>Principle 7. States should provide <u>public access to environmental information</u> by collecting and disseminating information and by providing affordable, effective and timely access to information to any person upon request.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water. <u>Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.</u></p>
Accountability	
<p>Principle 8. To avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights.</p>	<p>56. Before any action that interferes with an individual's right to water is carried out by the State party, or by any other third party, the relevant authorities must ensure that such actions are performed in a manner warranted by law, compatible with the Covenant, and that comprises: (a) opportunity for genuine consultation with those affected; (b) timely and full disclosure of information on the proposed measures; (c) reasonable notice of proposed</p>

	<p>actions; (d) legal recourse and remedies for those affected; and (e) legal assistance for obtaining legal remedies</p> <p>GC 24. Where water services (such as piped water networks, water tankers, access to rivers and wells) are operated or controlled by third parties, States parties must prevent them from compromising equal, affordable, and physical access to sufficient, safe and acceptable water. To prevent such abuses an effective regulatory system must be established, in conformity with the Covenant and this General Comment.</p>
<p><b>Public Participation</b></p>	
<p>Principle 9. States should provide for and facilitate <u>public participation in decision-making related to the environment</u> and take the views of the public into account in the decision-making process.</p>	<p>GC 48. The formulation and implementation of national water strategies and plans of action should respect, inter alia, the principles of non-discrimination and people's participation. <u>The right of individuals and groups to participate in decision-making processes that may affect their exercise of the right to water must be an integral part of any policy, programme or strategy concerning water.</u> Individuals and groups should be given full and equal access to information concerning water, water services and the environment, held by public authorities or third parties.</p>
<p><b>Remedies</b></p>	
<p>Principle 10. States should provide for <u>access to effective remedies for violations of human rights and domestic laws relating to the environment</u></p>	<p>55. Any persons or groups who have been denied their right to water should have <u>access to effective judicial or other appropriate remedies</u> at both national and international levels</p>
<p><b>Standards and Indicators</b></p>	
<p>Principle 11. States should establish and maintain <u>substantive environmental standards</u> that are non-discriminatory,</p>	<p>53. To assist the monitoring process, <u>right to water indicators should be identified in the national water strategies or plans of action.</u> The</p>

<p>non-retrogressive and otherwise respect, protect and fulfil human rights.</p>	<p>indicators should be designed to monitor, at the national and international levels, the State party's obligations under articles 11, paragraph 1, and 12. Indicators should address the different components of adequate water (such as sufficiency, safety and acceptability, affordability and physical accessibility), be disaggregated by the prohibited grounds of discrimination, and cover all persons residing in the State party's territorial jurisdiction or under their control.</p>
<p><b>Violations</b></p>	
<p>Principle 12. States should ensure the effective enforcement of their environmental standards against public and private actors.</p>	<p>GC 55. All victims of violations of the right to water should be <u>entitled to adequate reparation</u>, including restitution, compensation, satisfaction or guarantees of non-repetition. National ombudsmen, human rights commissions, and similar institutions should be permitted to address violations of the right.</p>
<p><b>International Cooperation</b></p>	
<p>Principle 13. States should cooperate with each other to establish, maintain and enforce effective international legal frameworks in order to prevent, reduce and remedy transboundary and global environmental harm that interferes with the full enjoyment of human rights.</p>	<p>GC 30. Article 2, paragraph 1, and articles 11, paragraph 1, and 23 of the Covenant require that States parties recognize the essential role of international cooperation and assistance and take joint and separate action to achieve the full realization of the right to water.</p> <p>GC 38. For the avoidance of any doubt, the Committee wishes to emphasize that it is particularly incumbent on States parties, and other actors in a position to assist, to provide international assistance and cooperation, especially economic and technical which enables developing countries to fulfil their core obligations indicated in paragraph 37 above.</p>
<p><b>Non-Discrimination</b></p>	
<p>Principle 14. States should take additional measures to <u>protect the rights of those who are most vulnerable to, or at particular risk from, environmental</u></p>	<p>16. Whereas the right to water applies to everyone, States parties should give <u>special attention to those individuals and groups who have traditionally faced difficulties in exercising</u></p>

<p><u>harm</u>, taking into account their needs, risks and capacities.</p>	<p><u>this right</u>, including women, children, minority groups, indigenous peoples, refugees, asylum seekers, internally displaced persons, migrant workers, prisoners and detainees.</p>
<p>Principle 15. States should ensure that they <u>comply with their obligations to indigenous peoples</u> and members of traditional communities, including by:</p> <ol style="list-style-type: none"> <li>a. Recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used.</li> <li>b. Consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources.</li> <li>c. Respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories, and resources.</li> <li>d. (d) Ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories, or resources.</li> </ol>	<p>GC 7. The Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food (see General Comment No.12 (1999)). Attention should be given to <u>ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology</u>. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not “be deprived of its means of subsistence”, States parties should ensure that there is <u>adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples</u>.</p> <p>GC 16 (d) 16... In particular, States parties should take steps to ensure that:</p> <p>...(c) Rural and deprived urban areas have access to properly maintained water facilities. Access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution. Deprived urban areas, including informal human settlements, and homeless persons, should have access to properly maintained water facilities. No household should be denied the right to water on the grounds of their housing or land status; (d) <u>Indigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water;</u> (e) Nomadic and traveler communities have access to adequate water at traditional and designated halting sites; (f) Refugees, asylum-seekers, internally displaced persons and returnees have access to adequate water whether they stay in</p>



	<p>camps or in urban and rural areas. Refugees and asylum-seekers should be granted the right to water on the same conditions as granted to nationals;</p>
<p><b>Sustainability</b></p>	
<p>Principle 16. States should respect, protect and fulfil human rights in the actions they take to <u>address environmental challenges and pursue sustainable development.</u></p>	<p>11. The elements of the right to water must be adequate for human dignity, life and health, in accordance with articles 11, paragraph 1, and 12. The adequacy of water should not be interpreted narrowly, by mere reference to volumetric quantities and technologies. Water should be treated as a social and cultural good, and not primarily as an economic good. The manner of the realization of <u>the right to water must also be sustainable, ensuring that the right can be realized for present and future generations.</u></p> <p>26. The obligation to fulfil requires States parties to adopt the necessary measures directed towards the full realization of the right to water. The obligation includes, inter alia, according sufficient recognition of this right within the national political and legal systems, preferably by way of legislative implementation; adopting a national water strategy and plan of action to realize this right; ensuring that water is affordable for everyone; <u>and facilitating improved and sustainable access to water,</u> particularly in rural and deprived urban areas.</p>