

24 April 2007

Dear Ms. Mivelaz,

As discussed earlier today, Turkey's contribution to the study on "Human Rights and Access to Water" was sent to the Secretariat along with the Mission's Note dated 17 April 2007, No. 570.10.1/2007/BMCO DT/3269. Please find enclosed the revised version of Turkey's contribution.

Yours sincerely,



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## Information Note

### **1. Views on international human rights obligations to be taken into account in relation to equitable access to safe drinking water and sanitation:**

References to “access to clean water” appear in the Convention on the Elimination of All Forms of Discrimination Against Women” as well as the “Convention on the Rights of the Child”. However, there is no universally accepted definition of “the right to water” within the context of the UN Human Rights instruments. Furthermore, in the recent resolution of the Human Rights Sub-Commission on “promotion of the realization of the right to drinking water and sanitation (E/CN.4/BUB.2/RES/2001/2)” no recognition of “the right to water as an international human right” exists.

The criteria on the right to water has been elaborated by the UN Committee on Economic, Social and Cultural Rights in its General Comment No:15, which does not have a legally binding status. The General Comment aims only at assisting and promoting the implementation of the UN Covenant, as a part of the “soft law”.

According to the the General Comment 15, human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. In this respect, right to water should be recognized as “the responsibilities of governments to ensure the requirements of each citizen to access safe and clean water and sanitation.

### **2. National legislation or draft legislation related to equitable access to safe drinking water and sanitation:**

Various aspects of safe drinking water and sanitation are governed by different laws and legislations in Turkey. The following laws and regulations form the general framework for safe drinking water.

- Law on Water No. 831,
- Law Related to Groundwater Resources, No. 167
- Law on Village Drinking Water No. 7478,
- Law on Supply of Drinking, Usage and Industrial Water in Ankara, İstanbul and Provinces with Population over 100,000, No. 1053.
- Law on the Establishment and Functions of the General Directorate of State Hydraulic Works, No. 6200.
- Municipality Law, No. 5393,
- Law on Public Works No. 3194,
- General Sanitation Law, No. 1593,
- Regulation on the Control of Water Pollution,
- Regulation on Technical Procedures concerning Water Pollution,
- Regulation on Administrative Procedures concerning Water Pollution.

In accordance with the General Sanitation Law, “Regulation on the Quality of Water Consumed for Humanitarian Purpose” entered into force in 2005, which was promulgated in the Official Gazette No. 25730, dated 17 February 2005. The activities undertaken to implement this Regulation are under way.

“Regulation on the Quality of Surface Waters from which Drinking Water is Supplied or Planned to be Supplied” has been prepared in accordance with the relevant European Union directives. This Regulation entered into force in 2005.

Regulation on the Control of Water Pollution contains specific provisions on the protection of surface waters which are the main source of drinking waters.

In accordance with the legislative framework, the provision and administration of drinking water is entrusted with municipalities in places where a municipality operates. In places where there is no municipality, this function is entrusted with “Village Councils” pursuant to the Village Law.

Furthermore, the General Directorate of State Hydraulic Works (DSI in Turkish acronym) is the primary executive state agency of Turkey for nation’s overall water resources planning, managing, execution and operation. The main objective of DSI is to develop all water and land resources in Turkey. It aims at rational and effective use of all principal natural resources. DSI was established by the Law No. 6200 in 1953 as a legal entity and brought under the aegis of the Ministry of Energy and Natural Resources. It is entrusted with the task of “single and multiple utilization of surface and ground waters and prevention of soil erosion and flood damages”. For that reason, DSI is empowered to plan, design, construct and operate dams, hydroelectric power plants, domestic water and irrigation schemes. DSI’s main function of developing water and land resources in Turkey covers a wide range of interrelated functions. These include irrigation, hydroelectric power generation, domestic and industrial water supplies for large cities, recreation and research on water-related planning, design and construction materials. DSI is also responsible for domestic and industrial water supply and for water treatment plants for settlements over 100,000 population in accordance with the Law No. 1053. As of 2006, DSI has supplied 2,6 billion cubic meters drinking and usage water supplies to 48 cities that fall within the scope of the Law No. 1053. Projects are under way to provide drinking and usage water supply for further 20 cities. With the completion of these projects, the water supply for drinking and usage will rise to 5,4 billion cubic meters in the subsequent year. Drinking and usage water supplies provided by DSI comply with Standard on Waters Consumed for Humanitarian Purpose (TS 266/2005) which is also compatible with the European Union standards. A draft law has been submitted to the Parliament to entrust DSI with providing drinking and usage water supplies to settlements having a population below 100,000 and locally administered by a municipality. Once the draft law is adopted by the Parliament, the number of citizens having access to safe drinking and usage water will rise significantly.

## **2. National Plan of Actions, development programmes, public policies or emergency responses related to access to safe drinking water and sanitation:**

An “Action Plan on the Prevention of Diseases Caused by Water and Emergency Response” has been prepared by Ministry of Health. The Action Plan envisages the prevention of water related diseases and implementation of necessary measures, in case of any “outbreak”. Therefore, in accordance with the provisions of Action Plan, “drinking water and surface water qualities and sanitation standards have been improved”, “public awareness on water related diseases have been increased” and “ drinking water sources and transmission pipelines have been monitored”.

### **3. Examples of judicial decisions related to access to safe drinking water and sanitation:**

The Court of Cassation has rendered rulings on the expropriation of properties for the purpose of providing drinking water supplies; demolishing unlawful properties for the protection of drinking water basins and expropriation for the purpose of building transmission pipelines and storage tank for safe drinking water. The Court of Cassation in several decisions regarding drinking water held the view that the need for drinking water has a priority over other types of water needs and that the municipalities are under obligation to meet the drinking water needs of citizens at affordable costs.