

## TRACING THE CONNECTIONS BETWEEN HUMAN RIGHTS AND POST-EARTHQUAKE

### DEPREM SONRASI SÜREÇTE İNSAN HAKLARINI İNŞA ETMEK

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<p><b>Received</b> 23.08.2023</p> <p><b>Revized</b> 17.09.2023</p> <p><b>Accepted</b> 08.10.2023</p> <p><b>Article</b> <b>Classification:</b> Research Article</p> <p><b>JEL Codes</b> D70 D73 D74</p>	<p>Disasters can strike suddenly but can have long-lasting, months, or even years of enduring impacts. The extent to which these impacts will exacerbate natural inequalities in life and society depends significantly on how governments and humanitarian actors integrate human rights into disaster preparedness and response. This is because the adverse outcomes of disasters can deepen existing inequalities and vulnerabilities within society. People living in cities, especially those who do not have equal access to resources, information, and support, can become more vulnerable in the face of natural events. Earthquakes, as a natural event, can turn into disasters in areas where necessary precautions are not taken or where suitable infrastructure is lacking. Earthquakes, being a natural event, but potentially turning into disasters due to human negligence, can lead to a widening gap among existing inequalities in society in the aftermath. Human rights such as the right to life, right to shelter, right to water, and right to food can be suspended in the post-earthquake process. In this study, a human rights assessment has been conducted in the aftermath of the earthquakes that occurred in Türkiye on February 6th. Human rights have been evaluated under subheadings, and a situation assessment has been made with Türkiye's monthly progress reports in the context of human rights.</p> <p><b>Keywords:</b> Disasters, Earthquakes, Human Rights, 6<sup>th</sup> of February Earthquakes.</p>

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<p><b>Gönderilme Tarihi</b> 23.08.2023</p> <p><b>Revizyon Tarihi</b> 17.09.2023</p> <p><b>Kabul Tarihi</b> 08.10.2023</p> <p><b>Makale Kategorisi</b> Araştırma Makalesi</p> <p><b>JEL Kodları</b> D70 D73 D74</p>	<p>Afetler aniden ortaya çıkabilen, ancak etkileri aylarca, hatta yıllarca süren felaketlere neden olan doğa olaylarıdır. Bu etkilerin yaşamdaki ve toplumdaki doğal eşitsizlikleri ne ölçüde artıracağı, büyük ölçüde hükümetlerin ve insani yardım aktörlerinin insan haklarını afet hazırlığı ve afet sonrası süreçlere nasıl entegre ettiğine bağlıdır. Afetlerin olumsuz sonuçları toplumdaki mevcut eşitsizlikleri ve kırılanlıkları daha da derinleştirebilmektedir. Afet bölgelerinde yaşayan insanlar, özellikle de kaynaklara, bilgiye ve desteğe eşit erişimde dezavantajlı durumda olanlar afetler karşısında daha savunmasız hale gelebilmektedirler. Bir doğa olayı olarak depremler, gerekli önlemlerin alınmadığı veya uygun altyapının bulunmadığı alanlarda afete dönüşebilmektedir. Doğal bir olay olan ancak insan ihmali nedeniyle felakete dönüşme potansiyeli olan depremler, sonrasında toplumdaki mevcut eşitsizlikler arasındaki uçurumun daha da açılmasına yol açabilmektedir. Yaşam hakkı, barınma hakkı, su hakkı, beslenme hakkı gibi insan hakları deprem sonrası süreçte askıya alınabilmekte özellikle kentlerin dezavantajlı kesimleri durumun vahametini daha ağır yaşayabilmektedir. Bu çalışmada Türkiye'de 6 Şubat'ta meydana gelen depremler sonrasında bir insan hakları değerlendirmesi yapılmıştır. İnsan hakları alt başlıklar halinde değerlendirilerek, insan hakları bağlamında Türkiye'nin aylık ilerleme raporlarıyla durum değerlendirmesi yapılan çalışmada günümüze kadar olan süreçte hangi alanlarda daha ciddi iyileştirmelerin yapılması gerektiği örneklerle açıklanmıştır.</p> <p><b>Anahtar Kelimeler:</b> Afetler, Depremler, İnsan Hakları, 6 Şubat Depremleri.</p>

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## Introduction

The concepts related to natural events, disasters, and hazards are often used interchangeably in any language, but they have distinct meanings in terms of stages and outcomes. The term "natural disaster," which is commonly used but is actually a misnomer, refers to a natural event such as an earthquake, hurricane, or flood that occurs naturally and has the potential to cause harm or damage to human lives, property, and the environment. In other words, it represents the natural hazard created by these events. On the other hand, when a natural hazard occurs and results in significant damage, destruction, and loss, it escalates to become a disaster. In other words, a disaster is the consequence of a natural event that leads to severe impacts and adverse outcomes, often causing suffering to people, economic losses, and environmental degradation. It is generally accepted among environmental geographers that there is no concept of a "natural disaster." Every aspect and stage of a disaster, including its causes, the extent of damage, preparedness, consequences, response, recovery, the scope of the disaster, and who will live or die, is more or less a societal issue (Smith, 2006).

According to Boshier, the term "natural disaster" is considered a misnomer at this point because in nearly every situation, there are fundamental human-induced factors that turn natural events into disasters. Referring to these events as "natural disasters" implies avoiding human responsibility and resorting to fatalism (Boshier, 2008). Instead, an active approach should be developed to understand the connections between natural events and human relationships, seeking solutions to prevent disasters resulting from these interactions. The report by the World Bank in 2010 titled "Natural Hazards: UnNatural Disasters" conveys a similar message: earthquakes, droughts, floods, and storms are natural events, but "unnatural" disasters result from the omission and negligence of humans, leading to deaths and damages. Each disaster is unique, but each reveals the actions of individuals and governments at different levels. If these actions were different, there would be fewer deaths and less damage, and prevention would be possible.

Disasters can occur suddenly, but the consequences can have long-lasting effects that persist for months or even years. The extent to which these effects exacerbate natural inequalities in life and society depends significantly on how governments and humanitarian actors integrate human rights into disaster preparedness and response. This is because the adverse outcomes of disasters can deepen existing inequalities and vulnerabilities within society. Particularly, people living in cities with unequal access to resources, information, and support can become more vulnerable in the face of natural events as disasters. These vulnerabilities can be further exacerbated by factors such as deforestation, rapid urbanization, environmental degradation, and climate change. The impact of disaster varies among affluent and impoverished individuals, between genders, and among marginalized and majority groups.

Human rights such as the right to life, right to shelter, right to water, and right to food can be suspended in the post-earthquake process. In this study, a human rights assessment has been conducted in the aftermath of the earthquakes that occurred in Türkiye on February 6th. Human rights have been evaluated under subheadings, and a situation assessment has been made with Türkiye's monthly progress reports in the context of human rights. In conclusion part, the article indicates that of such crises, human rights should not be suspended; instead, human rights should be at the centre of the response to the crisis. In addressing a major crisis, joint efforts should be made to enhance and protect human rights for everyone. The right to life, the right to shelter, adequate nutrition, clean drinking water, sanitation, healthcare, and non-discrimination must be provided fairly. In disaster-scale emergency situations, a human rights approach to response should be sought, ensuring that no discrimination is made based on nationality, ethnicity, religion, migration status, or political beliefs. A human rights-based approach to

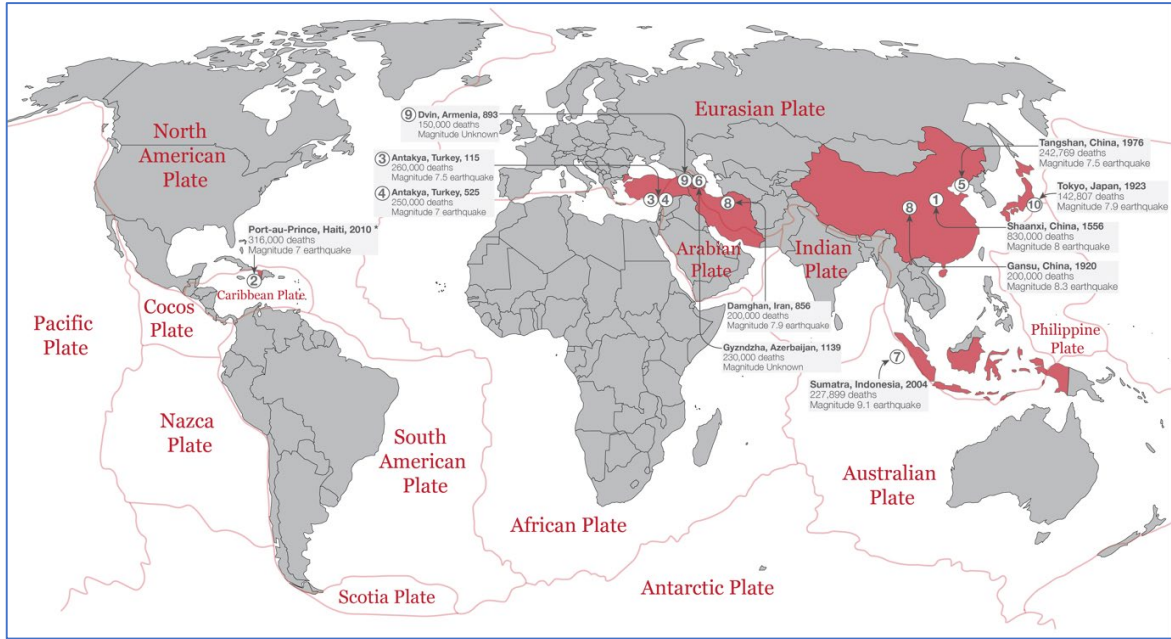
disaster response can facilitate the fair and effective delivery of humanitarian assistance and hold governments accountable for compliance with international human rights standards, including the principle of non-discrimination.

### **1. Earthquakes as a Disaster**

An earthquake is an event that occurs without any warning, involving the violent shaking of the ground and everything on it. It is caused by the release of accumulated stress in moving lithospheric or tectonic plates. The Earth's crust, which is approximately 50 miles thick, is divided into seven major plates and several smaller ones, all of which move slowly and continuously. Earthquakes have a tectonic origin, meaning that the movement of these plates is responsible for the intense vibrations. When an earthquake occurs in a densely populated area, it can result in a significant loss of life, injuries, and substantial property damage (National Disaster Management Authority [NMDA], 2023). Numerous examples throughout human history illustrate the scale of damage and loss of life caused by significant earthquakes. Survival following an earthquake is heavily dependent on a country's financial capacity, the accessibility of healthcare facilities for the affected individuals, and the estimated damage to infrastructure. Unlike other natural events, earthquakes are a natural phenomenon that results in irreparable property and building damage and has various economic impacts. First of all, rescue efforts are costly and complex in earthquakes. Secondly, earthquakes can destroy critical facilities that contribute to economic gains and disrupt the functioning of a city or state. Thirdly, the cost of reconstruction is high due to the possibility of complete building collapse. Finally, even individuals who are not directly affected by the earthquake are at risk if the economy ceases to function. Therefore, earthquakes are one of the deadliest and most dangerous natural events (EduBirdie, 2022). The scope of irreparable damage, loss of life, and paralyzed infrastructure results in significant economic costs for rescue, prevention, rebuilding, and rehabilitation efforts. Recovery after an earthquake often requires a significant amount of time and financial contributions that are often unattainable for the affected community due to the losses caused by the disaster. In general, the dependency of modern societies on infrastructure makes earthquakes the most dangerous disaster in terms of long-term recovery.

In today's world, the number of fatalities resulting from disasters has been on a declining trend compared to the past. This is because the world has become more resilient in coping with disaster events. However, earthquakes still continue to be catastrophic events that can claim a significant number of lives. Historically, flood, drought, and infectious disease outbreaks were the leading causes of disaster-related deaths, but nowadays, the high annual mortality rates are generally attributed to major earthquakes, and possibly the tsunamis they trigger. Since the year 2000, the highest two years with annual death tolls reaching into the hundreds of thousands are recorded as 2004 and 2010. These deaths were predominantly attributed to earthquake-related fatalities, accounting for 93% and 69% respectively. The deadliest earthquakes in human history are visible on the map in Figure 1, based on death estimates by the National Geophysical Data Center (NGDC) of the National Oceanic and Atmospheric Administration (NOAA). The deadliest earthquake in history occurred in 1556 in the city of Shaanxi, China, with an estimated death toll of 830,000. This is more than twice the death toll of the second deadliest earthquake: the 2010 Port-au-Prince earthquake in Haiti, which resulted in an estimated 316,000 fatalities. Two earthquakes that occurred very recently, the 2004 Sumatra earthquake and tsunami, and the 2010 Port-au-Prince earthquake, also rank among the deadliest earthquakes in human history. However, some of the deadliest events happened in the distant past. The third on the list is an earthquake that occurred in the year 115 in Antakya, Türkiye (Ritchie, 2018). Both ancient and very recent events feature prominently in the top rankings. Fatal earthquakes have remained a persistent threat throughout our history top 5 earthquakes can be seen in Table 1.

**Figure 1: The Deadliest 10 Earthquakes in Human History**



Source: Our World in Data, 2018.

**Table 1: The Deadliest 5 Earthquakes in Human History**

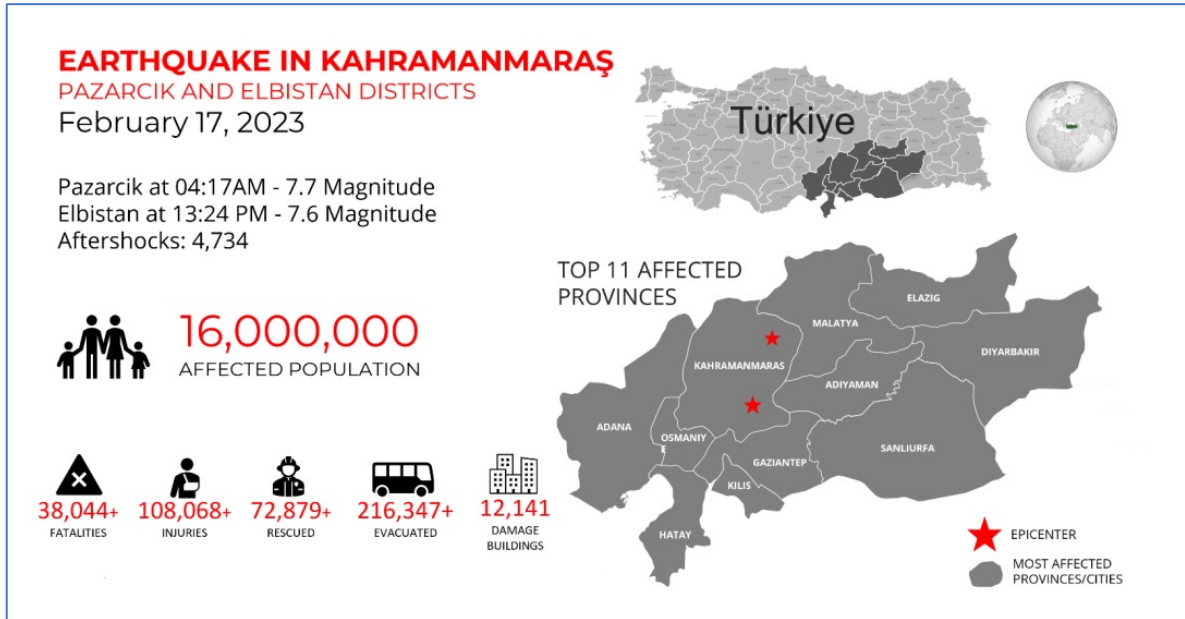
Ranking	Location	Year	Estimated Death Toll	Earthquake magnitude	Information
1	Shaanxi, China	1556	830,000	8	It's estimated more than 97 counties, as much as 60% of the population perished due to the collapse of cave dwellings.
2	Port-au-Prince, Haiti	2010	316,000	7	If the lower estimate of 220,000 is considered, it would indeed change the ranking of the 1556 Shaanxi earthquake in terms of its place among the deadliest earthquakes in history.
3	Antakya, Türkiye	115	260,000	7.5	This earthquake had widespread and far-reaching consequences, causing severe damage to ancient Antioch, the nearby city of Apamea, and even affecting distant Beirut. Additionally, the earthquake triggered a local tsunami that inflicted damage along the coast of Lebanon.
4	Antakya, Türkiye	225	250,000	7	The historical accounts of severe damage to the Byzantine Empire resulting from the 115 AD earthquake are consistent with the widespread impact of major seismic events on structures and communities in the ancient world.
5	Tangshan, China	1976	242,769	7,5	The Tangshan earthquake serves as a stark example of the importance of earthquake preparedness, proper building standards, and the need for public awareness and education regarding seismic risks, especially in regions prone to earthquakes. Estimated that up to 85% of buildings collapsed.

Source: Our World in Data, 2018.

If looked at in the past 25 years, 1998 and 2023 stand out as years with significant deadly earthquakes worldwide as well as Türkiye. Here are some important earthquakes that occurred in those years (The Guardian, 2023):

- a) August 17, 1999 İzmit Earthquake, Türkiye: This earthquake struck Türkiye's Marmara Region, causing significant destruction in cities like Istanbul, Kocaeli, and Sakarya. Thousands of people lost their lives.
- b) January 12, 2010 Haiti Earthquake, Haiti: This earthquake devastated Haiti, leading to a major disaster and the loss of hundreds of thousands of lives.
- c) March 11, 2011 Tōhoku Earthquake, Japan: This earthquake, also known as the Great East Japan Earthquake, triggered a massive tsunami and led to a nuclear crisis at the Fukushima Daiichi Nuclear Power Plant.
- d) August 24, 2016 Italy Earthquake, Italy: This earthquake struck central Italy, causing the collapse of many villages and resulting in fatalities.
- e) December 27, 2020 Croatia Earthquake, Croatia: This earthquake hit Croatia's capital, Zagreb, causing significant damage.
- f) September 7, 2023 Alaska Earthquake, United States: This earthquake affected Anchorage, Alaska, and caused substantial damage in the region.
- g) February 6, 2023, Kahramanmaraş Earthquake, Türkiye: The earthquake, which occurred 7.7 magnitude, impacted 11 provinces and led to approximately 50,000 deaths and 1.5 million people becoming homeless. The provinces of earthquakes: Adıyaman, Hatay, Kilis, Osmaniye, Gaziantep, Malatya, Şanlıurfa, Diyarbakır, Elazığ, and Adana, where approximately 16 million people reside. A second major earthquake, with a magnitude of 7.6, occurred in the region 9 hours later, causing further damage to already weakened buildings. One week after the earthquake 16,000 people reported as affected population (Figure 2). Aftershocks continue to be felt in the disaster-stricken area. The Minister of Interior Affairs announced that the number of casualties from the earthquake was 50,399. Despite 2 months passing since the disaster, it was reported that the identities of 1,200 individuals have not yet been determined. According to the latest official figures, the number of injured individuals is 107,204 (United States Geological Survey [USGS], 2023).

**Figure 2:** *The Facts of Earthquake in Kahramanmaraş, Türkiye on February 17, 2023*



**Source:** The International Federation of Red Cross and Red Crescent Societies (IFRC), 2023, Access <https://www.ifrc.org/media/51844> (Available at 20.08.2023).

## 2. Protecting Human Rights in Post-Earthquake Periods

Humanitarian crises, including disasters, conflicts, and outbreaks of diseases, sometimes converge and give rise to concerns related to human rights, exacerbating pre-existing human rights sensitivities. The increase in the number of affected people, the duration, scale, and complexity of crises are among the other components. If the rights of individuals are not adequately addressed and rectified, the impact on affected people can create a cycle of suffering, injustice, and violence that worsens existing tensions, reduces the chances of rapid recovery, and exacerbates the crisis. The protection of human rights during humanitarian crisis response is a comprehensive and essential component. However, prior preparation and prevention, as well as strengthening resilience afterward, are also critically important. Promoting long-term solutions and maintaining stability and peace are essential elements in addressing humanitarian crises.

The impact of earthquakes on affected individuals, families, and communities can be highly destructive. This can include the loss of lives and livelihoods, the destruction of homes, properties, and infrastructure, interruptions or cessation of essential services, and long-term or even permanent forced displacement from land, homes, and communities. While wealth and power do not provide immunity against these impacts, in most cases, the worst affected are the poor and socially disadvantaged, who are also the least resilient to economic shocks, often resulting in their longer recovery periods. Victims of disasters not only face serious humanitarian challenges and difficulties but also frequently experience significant human rights violations, including the right to adequate housing, the right to food, the right to water, and others. Humanitarian crises are human rights crises (United Nations Human Rights Office of the High Commissioner [OHCHR], 2022).

There are some general principles<sup>1</sup> emphasize the importance of recognizing and safeguarding the rights and dignity of individuals affected by disasters, ensuring their access to information, protection, participation, and remedies during and after such events (Inter-Agency Standing Committee [IASC], 2011, p. 11);

- a) Affected persons should be recognized and treated as individuals entitled to the same rights and freedoms as others in their country, without discrimination, in accordance with international human rights law.
- b) Due to their increased vulnerability and suffering in the aftermath of a disaster, affected persons should receive special protection.
- c) They should be provided with adequate, timely, and easily accessible information in a language they understand regarding their safety, emergency relief provisions, and details about rehabilitation processes and actors.
- d) Affected persons have the right to claim and exercise their human rights, and they should be supported in doing so.
- e) They should be consulted and given the opportunity to take charge of their own affairs to the maximum extent possible and as early as possible.
- f) Affected persons should be allowed to participate in the planning and implementation of activities during various stages of disaster response.

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<sup>1</sup> “Operational Guidelines on the Protection of Persons in Situations of Natural Disasters” was published in 2011 by IASC which outlined the general principles for people affected by disasters.

- g) If they are ordered or forced to flee, leave their homes, or are evacuated due to a natural event or its effects, they should be considered as “internally displaced persons” and treated in accordance with the 1998 Guiding Principles on Internal Displacement.
- h) They should have access to timely and effective remedies, including unimpeded access to the justice system, in case of any violations of their human rights.

The general principles should have four criteria that collectively ensure that humanitarian aid is effective, respects the dignity and rights of affected individuals, and is responsive to the dynamic nature of crises and emergencies. They are fundamental principles in the field of humanitarian assistance and are commonly referenced in international guidelines and agreements related to humanitarian response (IASC, 2011, p. 30).

- a) **Availability:** Humanitarian goods and services should be available in sufficient quantity and quality. This means that there should be an adequate supply of essential items such as food, water, shelter, medical care, and other necessary resources. These goods and services should meet certain quality standards to ensure they are safe and effective.
- b) **Accessibility:** Accessibility means that humanitarian assistance should be provided to all individuals based on their needs, without discrimination. This principle emphasizes that assistance should be distributed fairly and without bias. It also stresses the importance of making sure that the assistance is physically accessible to everyone, including those with specific needs, such as persons with disabilities.
- c) **Acceptability:** Humanitarian goods and services should be respectful of the cultural norms, beliefs, and values of individuals, minorities, peoples, and communities. Additionally, they should take into account gender and age requirements. This means that humanitarian efforts should be culturally sensitive and tailored to the diverse needs of different groups within the affected population.
- d) **Adaptability:** Humanitarian assistance should be flexible enough to adapt to changing needs in different phases of an emergency, including relief, recovery, and, in the case of internally displaced persons, return, local integration, or settlement elsewhere in the country. This criterion recognizes that the needs of affected populations may evolve over time, and humanitarian responses should be able to adjust accordingly.

The protection of human rights is essential to ensure the safety, health, and well-being of individuals affected by earthquakes. Efforts should be made to uphold these rights in accordance with national and international legal frameworks, and respect for the human rights of earthquake survivors should be a priority. In the context of human rights, the rights that need to be protected in the aftermath of an earthquake can be summarized as following subheadings.

## 2.1. Right to Life

The right to life is the most fundamental of human rights and is protected in numerous national and international legal documents<sup>2</sup>. Every person has the inherent right to life, which shall be protected by law. Everyone is entitled to the rights to life, liberty, and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Everyone has the right to be protected against violence, threats of violence, and actions that

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<sup>2</sup> The right to life is a fundamental human right recognized and protected in numerous international human rights documents. Instruments such as the Universal Declaration of Human Rights (Article 1 and 3), the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the American Convention on Human Rights, the African Charter on Human and Peoples' Rights, and the Charter of Fundamental Rights of the European Union, among others, establish and secure the right to life, imposing obligations on states to prevent its violation.



may endanger their life or physical, mental, or moral integrity, whether committed by public or private actors. These statements highlight fundamental principles related to human rights, particularly the right to life and the prohibition of torture and other forms of cruel, inhuman, or degrading treatment. They emphasize the importance of legal protection and respect for the dignity and physical, mental, and moral integrity of every individual. These principles are enshrined in various international human rights instruments and are considered essential to upholding human rights worldwide (Universal Declaration of Human Rights [UDHR], 1948). The environmental devastation caused by earthquakes exacerbates the dire consequences for human rights, including the right to live in a clean, healthy, and sustainable environment. The destruction of thousands of buildings and essential infrastructure required for people to enjoy their human rights compounds the challenges posed by earthquakes. Earthquake-induced disasters, fundamentally, disrupt the right to life and deprive individuals of rights such as the right to housing, the right to food, the right to water, the right to health, and others.

It is possible to say that earthquakes, as a natural event, fundamentally disrupt the right to life and can lead to individuals being deprived of rights such as the right to housing, the right to food, the right to water, the right to health, among others.

## **2.2. Rights to Food, Water and Sanitation**

In the framework of human rights, the rights to food<sup>3</sup>, clean water, and sanitation<sup>4</sup> are safeguarded by international documents. These rights are of fundamental importance to enable individuals to lead a healthy life and to attain a standard of living in accordance with human dignity. These international documents ensure the protection and guarantee of the right to access to food, water, and sanitation within the context of human rights. These General Comments provide valuable guidance on how to interpret and implement the rights to food and water, which are essential components of economic, social, and cultural rights. They underscore the importance of ensuring that these rights are not only recognized in principle but also effectively realized in practice for all individuals, without discrimination.

According to IASC Operational Guidelines (Sections B.2.1 and B.2.2) in the aftermath of an earthquake, the state and other actors involved in relief, rehabilitation, and reconstruction efforts should take adequate measures to ensure the following: ensuring that distributed food, whether cooked or dry rations, meets international nutritional standards and is culturally acceptable to the affected population; ensure unhindered access to food for individuals with special needs, including unaccompanied children, infants, the elderly, persons with disabilities, those living with long-term or chronic illnesses, pregnant and lactating women. Providing sufficient, safe, acceptable, physically accessible, and affordable water for personal and

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<sup>3</sup> Economic, Social and Cultural Rights General Comment No. 12 (1999): The right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. General Comment No. 15 (2002): The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses (United Nations [UN], 2023).

<sup>4</sup> Universal Declaration of Human Rights: This declaration is a historic document that proclaims fundamental human rights and freedoms. It emphasizes a range of basic rights, including people's right to access to food, water, and sanitation; International Covenant on Civil and Political Rights: This covenant safeguards the right to life and access to vital necessities for individuals. It includes access to basic needs such as food, water, and sanitation; International Covenant on Economic, Social and Cultural Rights: This covenant protects economic, social, and cultural rights, including the right to access to food, water, and sanitation. It underscores that everyone has the right to access these basic necessities; Convention on the Rights of the Child: This convention specifically emphasizes children's access to basic necessities like life, food, water, and sanitation. It asserts that children should have these rights (UN, 2023).



domestic use for all affected individuals, without discrimination, to ensure a dignified life. Providing adequate, separate, and secure toilet and bathing facilities for women and men in all aid camps/centres and temporary/transitional shelters. Ensuring proper sanitation facilities, including solid waste management, garbage disposal, and drainage facilities, and promote hygiene in all aid camps and temporary/transitional shelter areas. Ensuring access to water and sanitation facilities for persons with disabilities, the elderly, children, women, and marginalized groups. These measures are essential for addressing the immediate needs and ensuring the dignity and well-being of those affected by earthquakes during the relief and recovery phases (IASC, 2011, pp. 29-32).

### **2.3. Right to Health**

As a right to health<sup>5</sup>, in addition to adequate health services, it includes the basic determinants of health as discussed in the preceding section. Among these determinants are access to safe and potable water, adequate sanitation, secure food supply, nutrition, housing, healthy working and environmental conditions, access to health education and information, especially sexual and reproductive health rights. All of these factors are significant elements that influence the right to health. All relevant actors must ensure the protection of the right to health of those affected by an earthquake. This includes the right to timely and appropriate, accessible, culturally acceptable, and gender-sensitive health services without discrimination. States and other actors involved in disaster relief, rehabilitation, reconstruction, and recovery efforts must ensure certain considerations are given special attention.

First and foremost, the needs of affected individuals requiring urgent medical care must be met, regardless of whether these issues and needs are pre-existing, earthquake-related, or part of the humanitarian response. Special attention must be paid to the health needs of women and girls, access to health services, and the provision of priority sexual and reproductive health services, which include preventing and managing maternal illness and death, preventing sexual violence, managing it clinically, preventing HIV, and ensuring the provision of appropriate drugs and hygiene materials, as well as ensuring access to reproductive and specialized health services. Given the inadequate hygiene conditions that can be observed among the earthquake-affected population, measures must be taken to prevent, respond to, and mitigate infectious and communicable diseases. The need for special services for injured individuals and disabled individuals, as well as the health needs of individuals with chronic illnesses, should not be overlooked. It is not just physical health but also community-based psychosocial support that must be provided, especially to children affected by the earthquake. Special mental health services for individuals with mental disorders should also be considered when necessary.

This should be also highlighted that Sexual Exploitation and Abuse (SEA) against to women and girls that affect them as physical and psychological during emergencies. The risk of SEA significantly increases in such situations, underscoring the need for well-defined structures and procedures to enforce a zero-tolerance policy. It is essential to educate affected communities about the risks of SEA and provide them with reporting mechanisms to ensure accountability and prevent impunity. This approach necessitates a comprehensive awareness-raising program,

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<sup>5</sup> The human right to health is indeed recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 12 of the ICESCR states: Everyone to the enjoyment of the highest attainable standard of physical and mental health. In essence, the statement recognizes health as a fundamental human right, and it obliges states that are parties to the covenant to take measures to ensure that everyone enjoys the highest attainable standard of physical and mental health. It encompasses various aspects of health, including access to healthcare services, sanitation, disease prevention, and overall well-being, all with the goal of allowing individuals to live a life in dignity (International Covenant on Economic, Social and Cultural Rights, 1966).

including training for all response personnel, volunteers, and partners. A transparent and secure reporting system that guarantees confidentiality and safeguards survivors and whistleblowers must be established, along with an effective system to monitor and respond to allegations.

#### **2.4. Right to Housing**

The human right to adequate housing is defined as the right of every woman, man, youth, and child to gain and sustain a safe and secure home and community in which to live in peace and dignity. This right is protected and guaranteed in international law, most explicitly in Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>6</sup>. The article recognizes housing as a fundamental component of the right to an adequate standard of living. It emphasizes that everyone has the right to adequate housing, which includes safe and secure housing that allows individuals and families to live in peace and dignity. States that are parties to the ICESCR are obligated to take appropriate measures to ensure the realization of this right. The right to adequate housing is a crucial element of the broader right to an adequate standard of living and is fundamental to the protection of human dignity and well-being. It encompasses not only the physical structure of housing but also the broader community and living conditions in which individuals and families reside.

It would not be inaccurate to say that one of the most significant challenges faced by people after an earthquake is the loss of their homes. Earthquakes primarily result in people losing the places where they feel the safest. The collapse of buildings that are not earthquake-resistant poses a threat to both the lives and property of individuals. Human rights-based participatory planning is necessary to assess the housing needs of affected individuals and to provide permanent solutions that fully realize the human right to adequate housing. The focus should be on providing suitable permanent housing to all affected families as a matter of urgency. Governments, in consultation with civil society/humanitarian organizations and affected communities, should establish a feasible timeline for the completion of permanent housing and determine the maximum allowable time that can be spent in emergency and temporary/transitional/shelter housing. Terms such as "temporary," "transitional," "shelter," and "permanent" housing should not only be defined in terms of their characteristics but also in terms of time frames (IASC, 2011, pp. 39-42). Transitional housing should be viewed as a short-term, temporary measure to provide access to adequate permanent housing. Under no circumstances should transitional/shelter housing become the final destination. Equitable steps should be taken without distinction to enable a rapid transition from transitional/shelter housing to permanent housing. All affected individuals should have equal rights to housing during emergency and transitional periods, regardless of their pre-disaster property status. All transitional/shelter housing provided to disaster-affected individuals should be located in a safe and non-hazardous location, provide access to essential services such as water, sanitation, electricity, solid waste management facilities, transportation, healthcare, and education, be suitable for living, culturally appropriate, and accessible. After an earthquake, the lack of adequate shelter, especially when people are living in tents, can indeed expose women and girl children to the risk of sexual abuse, assault, and exploitation (IASC, 2015, p. 168). Therefore,

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<sup>6</sup> Article 11 of the ICESCR states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent."

it is crucial to create safe spaces for women and girls, where they can live free from fear and violence.

## **2.5. Right to Education**

The right to education<sup>7</sup> is a human right that must be respected and protected. This right should be understood as the right of every individual, without discrimination, to access all forms of education at all levels that are accessible, acceptable, and inclusive. Educational interventions should be planned accordingly. At the primary level, education should be compulsory and free. Interventions and activities at all educational levels should be based on certain principles (Centre for Criminal Justice and Human Rights, 2018). First of all, the return of children and youth, whether affected by the earthquake or not, to school or educational programs in safe learning environments should be facilitated without discrimination as early and as quickly as possible, even if the required documents have been destroyed. Special efforts should be made to ensure full and equal access to education for girls and women, as well as for members of marginalized groups affected by the earthquake. Education should respect the cultural identity, language, and traditions of the affected individuals. Special attention should be given to the needs of disabled children (IASC, 2019, p. 84). Schools should only be used as collective shelters as a last resort and only as long as necessary. In such cases, alternative classrooms, such as tents, should be provided.

## **3. Assessing the 6<sup>th</sup> of February Earthquakes from a Human Rights Perspective**

The devastating earthquakes that occurred on 6<sup>th</sup> of February at 04:17 and as aftershocks at 13:24, which severely affected southeastern Türkiye and northern Syria, have brought about serious human rights issues. Türkiye has recently experienced one of the largest earthquake disasters in the world, both due to the two major earthquakes it endured within a 24-hour period, the type of earthquakes experienced, and the fact that these two earthquakes of significant magnitude and type occurred in a densely populated region. According to the announcement made by Disaster and Emergency Management Authority (Afet ve Acil Durum Yönetimi Başkanlığı [AFAD]) on February 21, 2023, a total of 42,310 citizens have lost their lives in the provinces of Kahramanmaraş, Gaziantep, Şanlıurfa, Diyarbakır, Adana, Adıyaman, Osmaniye, Hatay, Kilis, Malatya, and Elazığ (Türk Mühendis ve Mimar Odaları Birliği [TMMOB], 2023, p. 5). As of today, the total death toll has exceeded 50,000 (British Broadcasting Corporation [BBC], 2023), millions of people have been left homeless, and many individuals have been deprived of shelter, food, drinking water, and medical care, especially in the early days following the earthquake. In the hours following a 7.8-magnitude earthquake on Monday morning, temperatures dropped to as low as approximately 37 degrees Fahrenheit (2.7 °C) in the vicinity of the earthquake's epicentre in southern Türkiye. Additionally, a cold rainstorm occurred on the same day. In the subsequent days, temperatures continued to decrease and remained below freezing. State of emergency has been declared in the affected provinces due to the earthquakes.

According to the reports from AFAD as 13<sup>th</sup> of February, a total of 81,000 people were injured in 10 provinces, 31,974 citizens have lost their lives. 195,962 individuals have been displaced from the region to other provinces and 24,921 buildings were either destroyed or suffered severe

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<sup>7</sup> Universal Declaration of Human Rights (1948) Article 26: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

damage (AFAD, 2023a). Search and rescue operations are still ongoing in all affected provinces, and damage assessments are currently being conducted by our thoughts and relevant official institutions. These efforts are being supported by a large-scale international relief operation, involving more than 233,000 personnel from over 45 countries. The first week of the response focused on search and rescue reports, and then life-saving relief efforts, including food, shelter, and non-food items for those evacuated, as more than 158,000 people were reported to have been evacuated from the region. In addition, the earthquake's impact on the health system and infrastructure in Hatay province has been devastating. Hatay, being the most affected area, has seen significant damage to its healthcare facilities. According to reports, three main hospitals were destroyed, and 15 hospitals sustained damage, including four blood banks. To address the situation, a substantial number of personnel, totalling 233,000 individuals, including 10,000 international staff, have been mobilized in the affected areas. Additionally, 8,700 health personnel and 157 health service vehicles were deployed to the affected regions as of February 10<sup>th</sup>. These efforts aimed to bolster the local health system's capacity to respond to the disaster and provide essential medical services. However, as a week has passed since the earthquake, it is becoming increasingly challenging to retrieve people who may still be trapped under rubble. Despite the extensive relief efforts, the situation remains complex and urgent, highlighting the need for ongoing support and resources to address the health and humanitarian crisis effectively. (The International Federation of Red Cross and Red Crescent Societies [IFRC], 2023). According to United Nations International Children's Emergency Fund's (UNICEF) humanitarian situation report dated February 16<sup>th</sup>, it has been reported that more than one million people are staying in temporary accommodations under adverse winter conditions. The identities of more than 1,467 unaccompanied children have been determined. Approximately 4 million children, including 350,000 refugee and migrant children, are reported to lack access to education. As of February 16<sup>th</sup>, critical supplies such as hygiene kits, winter clothing, and electric heaters have been delivered to approximately 218,000 individuals, including 132,000 children (UNICEF, 2023a).

United Nations Population Fund's (UNFPA) report on 24<sup>th</sup> February, the United Nations sexual and reproductive health agency, has reported that there are approximately 226,000 pregnant women in the affected region, with an expected 25,000 of them due to give birth in the coming month. The European Centre for Disease Prevention and Control (ECDC) has warned that the damaged public service infrastructure could increase the risk of food and waterborne diseases emerging and spreading. According to ECDC, there is a potential risk of a cholera outbreak in the camps where earthquake-affected individuals are staying, in Türkiye, in the coming weeks (UNFPA, 2023a). The European Union (EU) also has emphasized the necessity of ensuring access to health services, shelter, clean drinking water, and adequate sanitation and hygiene facilities to mitigate the threat of infectious diseases.

According to UNFPA's report dated March 2<sup>nd</sup>, it has been stated that the damage to healthcare facilities due to the earthquakes has led to challenges in accessing safe childbirth and postnatal care services. The need for mobile and temporary service units in the affected provinces has also been increasing, highlighting these deficiencies (UNFPA, 2023b). As of 10<sup>th</sup> of March, according to estimates, more than 3.3 million people have evacuated the affected areas, including by personal means. To address the housing needs of this large population, authorities have established over 300 tent camp areas (including approximately 370,000 tents) and 209 container areas (comprising more than 15,000 containers). These emergency shelter measures were swiftly implemented to ensure that earthquake survivors have a safe and temporary roof over their heads. While earthquake survivors are struggling to live in tents despite the cold

weather conditions, heavy rainfall has caused floods and waterlogging in many provinces affected by the earthquake (UNFPA, 2023c). On March 15<sup>th</sup>, torrential rains affected Adıyaman and Malatya, two of the earthquake-stricken provinces, resulting in the flooding of the tents where earthquake survivors were staying.

AFAD announced on 3<sup>rd</sup> of April that 6 provinces, including Bingöl, Kayseri, Mardin, Tunceli, Niğde, and Batman, have been included in the list of provinces affected by the earthquake due to the presence of light, moderate, and severe buildings (AFAD, 2023b). For Emergency Report which prepared by Support to Life (STL) dated 6<sup>th</sup> of April, the earthquakes have affected 4 million school-age children, including 350,000 refugee children. 254,000 students who were affected by the earthquake in these provinces are continuing their education in 71 other provinces. Additionally, 11,064 students who had previously moved from the earthquake-affected regions to other provinces have returned to the affected region. In the 10 affected provinces, 2,026 temporary learning spaces, consisting of tents, containers, or prefabricated schools, have been established. Although the 2022-2023 academic year will end on June 16, summer programs will be organized to compensate for the learning loss due to the closure of schools. Approximately 2.4 million people are living in temporary shelters in the earthquake-affected region, with 1.6 million of them residing in scattered temporary settlements. The most affected regions are Hatay, Adıyaman, Kahramanmaraş, and Malatya, where 92% of the population lives in temporary settlements. Hatay has the highest number of people living in both official and unofficial temporary shelters. 20<sup>th</sup> of April UNFPA announced that 14,400 births are expected in the earthquake-affected region next month, and 130,000 women are pregnant. Since February 6, more than 5.5 million people have been provided with healthcare services in the earthquake zone. However, it is not possible to say that it is completely sufficient. In all the affected provinces, there is a need for dignity kits and gender-sensitive and disability-friendly Water, Sanitation, and Hygiene (WASH) facilities in temporary settlements. According to a recent analysis for the report, access to services remains limited in Kahramanmaraş (On İki Şubat) and Hatay (Arsuz, Defne, Samandağ, and Hassa). Additionally, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) Senior Response Coordinator has requested international and non-governmental organizations (INGOs) working on the ground to prioritize and increase their activities, especially in Adıyaman and Malatya, due to the insufficient number of operational NGOs. The establishment of more tent or container facilities for coordinating efforts related to Gender-Based Violence (GBV) and Sexual and Reproductive Health (SRH) is considered a priority in these provinces (UNFPA, 2023d: 2). According to the initial findings of the UNFPA assessment in 19<sup>th</sup> of June, the healthcare personnel in primary healthcare centres only have the capacity to address acute health issues. While the number of healthcare units set up in camps or container environments is increasing, there is still a significant gap in reaching and providing services to individuals in rural areas or those residing outside of camps/container environments. Among the affected population, there is still a high demand for contraception methods and medications (UNFPA, 2023e, pp. 1-2).

Despite six months passing since the devastating earthquakes in February 2023, the health and protection infrastructure and services continue to be critically affected. As of August 3<sup>rd</sup>, efforts have been emphasized to improve the living conditions in tent settlements, particularly in terms of WASH and protection assistance. The restoration of public infrastructure, including housing units and public service buildings, remains a top priority. Authorities are consolidating informal and formal tent areas and transitioning to container cities to provide better services to the region's residents. Transportation deficiencies have been reported as a significant issue in Hatay, Malatya, and Adıyaman. Despite free buses to hospitals, transportation remains problematic

due to overcrowding on buses and a lack of coverage in remote areas. Menstrual hygiene management is another urgent issue. Women and girls are struggling to meet their menstrual hygiene needs and manage their periods with dignity. WASH services are limited in this regard. Most women and girl children in temporary settlements lack access to water and private, safe, and well-lit toilets. Access to adequate menstrual materials is also a challenge because many women cannot afford a sufficient supply of sanitary pads due to increased prices. There is a need for more awareness sessions on hygiene to complement existing information materials. GBV and protection are another area of concern identified in focus group discussions conducted by UNFPA. Reports indicate an increase in domestic violence, including physical, sexual, and psychological violence, following the earthquake. High levels of stress due to the loss of loved ones, deteriorating and crowded living conditions, unemployment, and economic vulnerability are contributing factors to the increased violence, primarily affecting women and children. However, due to cultural norms and beliefs, women fear reporting domestic violence as they worry about losing custody of their children or the stigma associated with reporting the incident. Moreover, women face difficulties in accessing GBV intervention services such as psychosocial support (UNFPA, 2023f, pp. 2-3).

According to the latest data from UNOCHA in August, the earthquake-affected provinces of Hatay, Kahramanmaraş, Adıyaman, and Malatya have a population of 181,264 households residing in temporary shelters. This figure is 59% lower compared to the data from March. In informal settlements, there are only 100,159 households, indicating a 64% decrease from the figures for the same period. Official records show that 344,016 people reside in 40 official temporary settlements, with 320,805 of them living in containers. It is estimated that 90% of those displaced due to the earthquake are still residing in temporary settlement areas (UNOCHA, 2023, p. 5). The report also indicates that toilets are only available in about 56% of informal shelter areas. Issues related to accessibility, lack of gender-appropriate facilities, and ongoing concerns about water supply and hygiene persist. There is also a high demand for hygiene materials, especially for women and girls. The absence of family planning materials and experts in women's health and maternity care results in pregnant women not always receiving routine antenatal care and having limited treatment options during pregnancy and childbirth (UNOCHA, 2023, p. 7). Access to menstrual hygiene products remains a problem for many women who cannot afford adequate sanitary pads due to increased prices. There is a need for more awareness-raising sessions on hygiene. An increase in gender-based violence, including physical, sexual, and psychological violence, is reported in temporary settlements. Additionally, women face difficulties in accessing services such as psychosocial support, case management, legal aid, and access to justice.

While the basic housing needs of those affected by the earthquake are still being addressed, the Emergency Situation Report in August has emphasized the importance of providing public services such as WASH, Mental Health and Psychosocial Support (MHPSS), cash assistance, and livelihood support. A significant majority of individuals whose homes suffered moderate, severe, or complete damage prefer to apply for rental assistance instead of opting for container support. Many of these individuals face difficulties in accessing rental options due to increased prices and limited availability, leading to challenges in accessing rental alternatives. This situation currently accounts for a significant portion of those living in tents. For the report children are particularly vulnerable. Research indicates more restrictions in meeting the basic needs of children in households compared to before the earthquake, with lower allocations for food (at least 3%), essential materials (8%), and medical care (at least 12%). Both boys and girls are highly exposed to dangerous forms of child labour, including begging, as well as forced

and early child marriages. WASH is consistently reported as the highest priority needs in all areas (Support to Life [STL], 2023).

#### **4. Conclusion**

The destructive earthquakes that struck southeastern Türkiye on February 6<sup>th</sup> require a concerted and sustainable global humanitarian intervention. The total death toll has exceeded 50,000 and continues to rise. Hundreds of thousands of people have been left homeless, lacking shelter, food, drinking water, and medical care. The response to the disaster has been slow, and despite more than 7 months passing since the initial earthquakes, the needs of the people and communities in the country continue to grow. In times of such crises, human rights should not be suspended; instead, human rights should be at the centre of the response to the crisis. In addressing a major crisis, joint efforts should be made to enhance and protect human rights for everyone. The right to life, the right to shelter, adequate nutrition, clean drinking water, sanitation, healthcare, and non-discrimination must be provided fairly. In disaster-scale emergency situations, a human rights approach to response should be sought, ensuring that no discrimination is made based on nationality, ethnicity, religion, migration status, or political beliefs. A human rights-based approach to disaster response can facilitate the fair and effective delivery of humanitarian assistance and hold governments accountable for compliance with international human rights standards, including the principle of non-discrimination.

The immediate provision of life-saving assistance in the form of personnel, machinery, and operational equipment to rescue people trapped in earthquake rubble is crucial. In Türkiye such operational organization has been lacking to the extent that since the beginning of the crisis, more coordinated rescue plans should have been triggered to prevent countless deaths. As a result of the earthquakes, hundreds of thousands of people have become homeless or lack adequate shelter, and many have fled from devastated areas. The tent facilities provided to those who remained in the region have not been a sufficient response in the context of the right to shelter, particularly during the harsh winter conditions. The subsequent flooding disaster following the earthquake also raises issues in terms of the right to life due to the loss of life. In the context of human rights, reports also support the fact that the region still lacks adequate water and sanitation services, and there are problems, especially for children, in accessing food. It is essential to implement plans and projects with solid foundations to improve the earthquake-affected areas and ensure living conditions that are worthy of human rights in these regions as soon as possible.

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