Joint statement: Respect LGBTI+ rights in EU-Türkiye relations

News, Civil Rights and Freedom, EU Enlargement, European Commission, Turkey

> Today, alongside five other international human rights organisations, we demand that the EU takes specific steps to ensure respect for the human rights of LGBTI people in Turkey in future EU-Turkey relations.

The LGBTI+ community in Türkiye is increasingly the target of discrimination, intimidation and violence, said the European Commission in its 2023 Enlargement Package published last week. It also points out that the activities of LGBTI+ organisations continue to be unduly restricted, LGBTI+ people and human rights defenders continue to be targeted with legal sanctions for participating in Pride events, and LGBTI+ people continue to face hate speech, stigmatisation, and smear campaigns.

According to our assessment and that of LGBTI+ human rights defenders these trends will intensify in the coming months.

After the May 2023 elections, Türkiye has explicitly expressed its desire for the EU to revive its accession process. Beyond the enlargement framework, EU leaders are considering options for engaging with Türkiye in areas of mutual interest, with the High Representative of the European Union for Foreign Affairs and Security Policy and the European Commission preparing a report on the future of EU-Türkiye relations ahead of the 14-15 December European Council. Indeed, in recent weeks, EU officials have also signalled an intention to intensify dialogue and cooperation with Türkiye, including on issues such as visa facilitation, trade and investment, and migration.

In light of these developments, we remind the EU and Türkiye that respect for rule of law and human rights must remain at the core of EU-Türkiye relations, regardless of the framework in which they develop. The EU's accession process is anchored in the respect for fundamental rights, including those of LGBTI+ people, and such respect remains a cornerstone in all areas of the EU's external action. We therefore call on the EU institutions to ensure that all discussions on EU-Türkiye relations – including the upcoming report due to be presented at the December European Council – take into account the human rights concerns we have outlined below, and that all steps toward engaging with Türkiye are used to promote tangible human rights improvements in the country.

Hate speech against LGBTI+ people

Discrimination and hate speech which constitute incitement to hostility or violence against LGBTI+ people in Türkiye continued throughout 2023, often by high-level government officials, including the President. The run-up to the elections was marred by a high volume of anti-LGBTI+ statements from politicians, and smear campaigns against LGBTI+ people led by the ruling party. Since the election, pro-government media outlets have continued this alarming pattern of stigmatisation and discrimination.

In both September 2022 and 2023, the "Great Family Platform" organised anti-LGBTI+ marches in which some participants called for the banning of LGBTI+ organisations and events, and which led to commentaries justifying a call for the death penalty against LGBTI+ people. The promotional videos for the marches, in which LGBTI+ people were stigmatised, were approved by the Radio and Television Supreme Council (RTÜK) as public service

advertisements. In 2022, the advertisement presented LGBTI+ people as a “virus,” and in 2023, the advertisement targeted so-called “LGBT propaganda.”

Türkiye is a party to many international treaties that prohibit discrimination, including on grounds of sexual orientation and gender identity. Among those most relevant to the violations described are the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture (CAT) and the European Convention on Human Rights (ECHR). The Turkish government has an obligation to protect everyone from discrimination, and should not be part of or show complacency towards any statements that could encourage discrimination and target a marginalized group, including LGBTI+ people.

> We call on the EU to condemn discriminatory speech against LGBTI+ people and human rights defenders and to persist in urging Türkiye’s government and all its representatives to abstain from making statements that stigmatise and discriminate against LGBTI+ people, as such remarks put them at risk of harassment and violence. The EU should call for a prompt, impartial, thorough and effective investigation into any attacks and other forms of harassment against LGBTI+ people and for perpetrators to be brought to justice.

Freedom of peaceful assembly, in particular Pride events

This year’s Pride season in Türkiye began shortly after the legislative and presidential election, and spanned a number of weeks. A record number of Pride events were planned, despite blanket bans and the threat of police violence and detention of LGBTI+ human rights defenders.

LGBTI+ human rights defenders courageously defied political pressure and bans in order to claim their right to freedom of assembly and expression, but once again faced a number of fundamental rights violations. Across the country, LGBTI+ people and their allies were denied the right to exercise their rights to freedom of expression and peaceful assembly. The police used unnecessary and excessive force against protestors, and arbitrarily detained people participating in the events as well as bystanders.

Police intervened in at least 10 LGBTI+ rights related events and pride marches, detaining at least 224 people, including lawyers, journalists, human rights defenders, and foreign nationals. An opposition MP was also targeted and threatened with detention. At least 5 foreign nationals, including an Iranian LGBTI+ activist with international protection status, were held in removal centres for up to one month, facing deportation. The excessive use of force deployed during the police interventions violates the right to peaceful assembly, which is protected under domestic law and international treaties, including the European Convention on Human Rights.

In 2023, despite the continued anti-LGBTI+ rhetoric, bans and attacks on Pride marches, LGBTI+ human rights defenders continued their resistance with numerous successes, as many Pride events were organised, which once again underscores the strength and resilience of the LGBTI+ movement and people’s commitment to upholding fundamental rights and the rule of law in Türkiye.

However, 2023 was the ninth consecutive year since 2015 that LGBTI+ people have been subjected to blanket bans and restrictions on Pride events.

> We call on the EU to demand Türkiye ends all arbitrary and disproportionate restrictions on the right to peaceful assembly, including the use of blanket bans, and protects participants of pride marches and other LGBTI+ events from any potential violence, as stipulated in Türkiye’s national legislation and international legal commitments.

New draft constitution

Earlier in 2023, the government proposed amendments to the Turkish Constitution on Article 41 on “protection of the family and the rights of the child.” The proposed amendment aimed to add to Article 41 that a “union of marriage can only be established between a woman and a man.” This definition of marriage explicitly discriminates against LGBTI+ people. Activists advocating for LGBTI+ rights are also concerned that such discriminatory amendments may pave the way for criminalising same-sex relationships and prohibiting LGBTI+ organisations from operating in the country.

> We urge the EU to exert pressure on Türkiye to ensure that any revision of its Constitution includes a strong commitment to upholding the right to non-discrimination, in accordance with the various international treaties to which Türkiye is a party.

Amnesty International

Civil Rights Defenders

The International Federation for Human Rights (FIDH)

Human Rights Watch

ILGA-Europe – the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association

World Organisation Against Torture (OMCT)