



Contribution from Kaos GL, SPoD, Pembe Hayat, ILGA-Europe and ERA to Turkey's Report 2016

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Summary of key developments and trends

2015 has been a year that can be considered as a step back in terms of the rights of LGBTI people in Turkey. During 2015, hate speech against LGBTI people was more prominent than previous year; in the campaigns for the general elections in June 2015 many politicians, including the President and some ministers, used discriminatory language or hate speech against LGBTI people by targeting mostly an openly gay candidate. There have been several attacks and bans on the freedom of assembly of LGBTI people. No steps have been made to prevent homophobic and transphobic hate crimes and discrimination against LGBTI people. Turkey's Human Rights and Equality Law, that does not include discrimination based on sexual orientation and gender identity, was issued in the Official Newspaper of State. The law that was negotiated and accepted on 6th of April in Turkish Grand National Assembly has officially come into force with the approval by President. Hate crime against the community, especially against trans people, is still a grave worry.

Main action points for the coming year

The government should be urged to:

- Include the terms “sexual orientation” and “gender identity” in constitutional clauses on equality and non-discrimination, as well as in hate crime legislation.
- Develop a plan to adopt a legal framework for the protection of LGBTI people and to prevent homophobic and transphobic hate crimes and discrimination.
- Take all administrative measures, both on the national and local level, to prohibit and prevent discrimination on the basis of sexual orientation and gender identity, in order to provide effective protection to LGBT people in Turkey.
- Conduct full and independent investigations into all allegations of harassment, violence or abuse of LGBT individuals, and prosecute perpetrators.
- Develop a plan to improve conditions for LGBTI prisoners in cooperation with the Ministry of Justice



Bias motivated violence, hate speech, hate crimes

In the coming year, the government should be urged to:

- Add the terms ‘sexual orientation’ and ‘gender identity’ to hate crime legislation;
- Stop discriminatory language and hate speech against LGBTI people by politicians;
- Systematically collect and track information on hate crimes;
- Give training to police officers and prosecutors on hate crime against LGBTI persons;
- Promote reporting of incidents of violence, attacks and threats towards LGBTI persons;
- Stop impunity for the court cases for LGBTI murders.
- Regulate the arbitrary interpretation of “unjust provocation”.

In the general elections of 2015, several LGBTI people were candidates, which prompted hate speech by several media institutions. Some homophobic and transphobic posters appeared on the streets of Ankara, including a call to kill LGBTI people by the members of the Young Islamic Defence in Ankara. Moreover, an important hate crime case, that of Ahmet Yıldız, has remained open for 8 years with no developments so far.

In July, LGBTI activist and chair of the Red Umbrella Organisation Kemal Ördök was raped and robbed at her home in Ankara. Two men entered Kemal’s home; one of them raped Kemal and the other took her mobile phone. When she told the police about the incident, the officers were aggressive towards her. At the police station, she was told to drop charges and officers also did not believe the rape allegation. The two assailants continued to contact Kemal via phone after their release.

A young trans woman and a sex worker living in Avcılar, Istanbul, first became the victim of the Meis Site hate campaign against trans women where she was living and working. Later, she became target of a mob forcing trans sex workers to pay “protection money”.

Freedom of assembly, association and expression

In the coming year, the government should be urged to:

- Improve the institutional and political environment to create conditions for full freedom of expression;
- Ensure the security of parades and demonstrations for freedom and equality by the LGBTI movement as well as ensure freedom of assembly in general.
- The law regulating the right to association should be revised and improved in order to enable an easier access and less bureaucratic procedure for LGBTI initiatives, especially trans self organisations.



In the last year, there have been attacks by religious groups against assemblies by LGBTI organisations in Bursa in July 2015 and in Diyarbakır in April 2016. Both of the events were subject to a hate campaign started prior to the event. An event organised by the LGBTI organisation in Adana in January and the 13th İstanbul Pride were banned by the Governor's Office and attacked by the police.

The police attacked the İstanbul LGBTI Pride Parade with tear gas, pressurised water, and plastic bullets. Many people were injured. Protesters were taken into custody and journalists were assaulted. Parliamentarians from HDP [People's Democratic Party] and CHP [Republican People's Party] resisted police violence hand in hand. Despite the police attacks that continued throughout the day, the rainbow flag was waved in all the streets of Beyoğlu.

Keskesor LGBT, an LGBT organisation based in Diyarbakır, planned to have a panel and assembly which had to be cancelled as a result of an LGBT homophobic and transphobic hate campaign by Hüda-Par, an Islamist pro-Kurdish party.

Pembe Hayat organised a football match on 6 March 2016 as part of their International Sex Workers' Day events to raise awareness. The mediary firm running the football field inside Ankara University, Cebeci, cancelled the agreement and told Pembe Hayat that they did not approve of such kind of an event by transvestites.

On March 24 and 25 2016, the Youth Films Festival took place in the Bülent Ecevit University. Kaos GL organised the event "Love Zeki Müren / Gender and Discrimination" with a gay singer on the panel on the second day of the festival. The authorities of the university cancelled the event for morality reasons.

On the 4th of May, SES (Union for Health and Social Services Workers) organised an event on "Accessing Social Services for LGBTI people". Hospital staff tore up the poster for that event.

Kaos GL Association was targeted by ISIS. A military institution, Gülhane Military Medical Academy's intelligence document that shows ISIS's threat to Kaos GL was spread on social media. Kaos GL Association made written applications to Governorship of Ankara, Provincial Police Department, Prime Ministry and General Staff of Turkish Armed Forces after the GATA document. . The Association is awaiting a response from the General Staff of Turkish Armed Forces and the Prime Ministry.

Equality and non-discrimination

In the coming year, the government should be urged to:

- Develop the capacities of the bar associations on anti-discrimination legislation on the ground of gender identity and sexual orientation;
- Introduce an effective free legal aid system to guarantee efficient access to justice;



- Develop a systematic procedure of reporting and monitoring of human rights violations based on sexual orientation, gender identity and sex characteristics.

Turkey's Human Rights and Equality Committee Law, which does not include discrimination based on sexual orientation and gender identity and discriminates against LGBTI people itself, was issued in Official Newspaper of State. The law was negotiated and adopted on the 6th of April in the Turkish Grand National Assembly and officially came into force with the approval of the President.

During Turkey's UPR session at the UN Human Rights Council in Geneva, Deputy Prime Minister Bülent Arınç (AKP) stated that the lack of any legal protection for LGBTI people did not mean that their rights were ignored. A final report under the UN's Universal Periodic Review process was adopted for Turkey.

Rights and equal treatment of trans and intersex persons

In the coming year, the government should be urged to:

- Pass a law that allows trans people to undergo a gender reassignment procedure without demands of sterilisation, unmarried status, and other discriminatory points of the Civil Code.
- Introduce legal regulations to recognise the preferred gender identity based on self-determination
- Apply the ECHR decision on Y.Y. vs. Turkey case to reform Article 40 of Turkey's Civil Code
- Develop inclusive social policies and national employment strategies in order to provide equal opportunities in social services, benefits and employment opportunities for trans and intersex persons
- Report and monitor a nationwide consensus on school drop-outs of trans and intersex children; hence, to come up with national strategies about how to solve the relevant problems
- Apply European Directives on Goods and Services, and Employment to provide equal access and treatment, also for trans and intersex persons
- End arbitrary implementation of the Misdemeanour Act Law against trans persons

Trans and intersex individuals face hardships in accessing health care due to discriminatory attitudes of the hospital staff. In a legal case concerning discrimination in access to health care against trans individuals, a doctor refused to examine a trans woman patient because of her gender identity. There has been no investigation into the doctor's conduct, but the victim was punished for allegedly insulting the doctor. An intersex person was also faced with ill treatment and discrimination when they applied to be examined for a physical ailment. Finally, a trans individual was refused by the university from which he graduated, when he asked them to reissue his diploma with his new name. He filed a complaint against the university's decision, but the court upheld it. He cannot practice his profession due to this.



The Turkish Constitutional Court will review the country's Article 40/2, which requires trans people to undergo gender reassignment surgery in order to get legal recognition of their gender identity.

According to a judgment by the Supreme Court in 2014, apart from 'sexual intercourse by the connection of a man and woman's genitals', all other sexual intercourse types are identified as unnatural.

A supportive and enabling environment for civil society

One more municipality, Nilüfer from the city of Bursa, which had been helping the local LGBTI community and organisation signed SPoD's pledge of LGBTI-friendly municipalities. The municipalities that already signed SPoD's pledge, such as Şişli, Beşiktaş, Akdeniz and Kadıköy, developed their services and policies aiming at LGBTI equality.

More LGBTI activists participated in decision-making at the local level. LGBTI persons are increasingly represented in city councils, and some municipalities are opening stable institutions for equality on gender identity and sexual orientation, such as the Equality Units in Şişli, Beşiktaş and Çankaya municipalities.