

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	593
Land:	Tyrkiet
Kilde:	Social Policy, Gender Identity and sexual Orientation Association and Kaos GL Association
Titel:	Submission to the UN Human Rights Committee Prior to the Adoption of the List of Issues 132 nd Session (28 June to 23 July 2021)
Udgivet:	21. maj 2021
Optaget på baggrundsmaterialet:	30. august 2021

21 May 2021

**From the Social Policy, Gender Identity and Sexual Orientation Association
and Kaos GL Association**

**Submission to the UN Human Rights Committee
Prior to the Adoption of the List of Issues
132nd Session (28 June to 23 July 2021)**

Turkey

Prepared by:

Marsel Tuğkan Gündoğdu | Email: tugkan@spod.org.tr | Phone: +905386601619
Murat Köylü | Email: murat@kaosgl.org | Phone: +905057958925

LIST OF ISSUES REGARDING THE SITUATION OF LGBTI+ RIGHTS IN TURKEY

Turkey's civil society space has been progressively shrinking in the last few years. The climate of repression became more tangible during the state of emergency instituted just after the failed coup attempt in July 2016. Multiple reports of international and regional human rights bodies have expressed an extreme and growing concern regarding attacks on human rights defenders (HRDs). The oppressive climate greatly affects the rights of LGBTI+ people and human rights defenders and organizations working in the LGBTI+ rights field. Activists find themselves working in an increasingly conservative environment dominated by discrimination, bigotry, and hate. According to ILGA Europe's Rainbow Map 2021¹, Turkey was ranking better than many Western Balkan countries 5 years ago. Today it is the second worst country in CoE member states after Azerbaijan. According to Transgender Europe, Turkey has the highest number of transgender killings in Europe.

LGBTI+ organizations have been a target for the government, since the first ban to Istanbul Pride Week in 2015, it has become more concrete with an indefinite ban to all LGBTI+ themed events in Ankara, and the following spread of the ban on LGBTI+ events across the country by the governorates and district governorates. Until 2014, Turkey hosted numerous pride marches in numerous cities in peace. In 2014, there were street demonstrations in 26 Turkish cities. There were more than 150.000 people in Istanbul Pride in 2014. Since 2015, all pride marches are banned by the governorates. Police attacked with tear gas and plastic bullets to the peaceful protesters in Istanbul. Last year, governors started to ban the indoor events of pride weeks as well in different cities. On November 2017, all kind of LGBTI+ themed events was banned in Ankara, which meant LGBTI+ rights and other organizations couldn't organize conferences, seminars, workshops in the capital city and then the ban has spread all over the country and all the pride marches and events were banned by the local authorities.

Advocacy at the national level is considered impossible. LGBTI rights organizations are not invited to decision making processes. However, in more recent years, the LGBTI+ movement has been increasingly cooperating with local administrations.

Alongside this, the central administration puts pressure on LGBTI+ organizations via local authorities (e.g. district governorates and governorates) and harasses them with financial audits and other restrictive legislations.

A striking record of hate attacks and threats, including death threats, from conservative groups, police, radical Islamist groups, were reported. Hate speech and smear campaigns are becoming more common in the pro- government media, targeting organizations and individual human rights defenders, exposing them, their homes and offices. LGBTI+ human rights defenders are being demonized as "terrorist", "outside power" and "spy".

Organizations do not have enough capacity to increase and maintain security measures and to create a safe workplace for their staff and volunteers. Consequences of increasing hate, attacks and

¹ <https://www.ilga-europe.org/rainboweurope/2021>

threats are very often mental health issues. The capacity of LGBTI+ organizations to provide mental health support is very limited, only a few of them can provide mental health support to their volunteers and staff. Lack of resources is amongst the barriers to accessing support. Moreover, specialized mental health services are generally poor in several cities and organizations don't have enough networking skills to reach non-biased mental health professionals.

Right to Life, Security and Protection from Violence

In Turkey, no legislative and other measures have been adopted and/or implemented to ensure an effective, prompt and impartial investigation into alleged cases of crimes and/or other incidents, where there is reasonable ground to suspect that the victim was targeted due to their sexual orientation, gender identity or expression, and sex characteristics (SOGIESC). There are no independent and effective procedures to receive and investigate reports of hate crimes and/or hate motivated incidents allegedly committed by law enforcement staff, particularly where SOGIESC constitutes one of the motives.

Furthermore, the courts may continue to give decisions about the perpetrators of LGBTI+ related incidents in which they reduce the penalty on the ground of "unjust provocation"² or "good conduct".

Likewise, no legislative and other measures have been adopted or implemented to ensure that a bias motive may be taken into account as an aggravating circumstance when related to SOGIESC. The very limited hate crimes legislation (Turkish Penal Code Article 122) do not recognize SOGIESC as a possible motive or ground; and no appropriate measures have been taken or implemented to ensure that victims and witnesses of hate crimes and incidents against LGBTI+ persons are encouraged to report them, neither to identify specific LGBTI+ groups with heightened vulnerability and adopt targeted measures to protect them.

No appropriate measures have been taken or implemented to ensure that law-enforcement, judiciary and prison officials possess the knowledge and skills (and are able to apply them) to identify hate crimes and other hate-motivated incidents and provide victim and witnesses with adequate assistance and support. Within the police, there are no units tasked specifically with investigating these incidents, no liaison officers tasked with maintaining contact with LGBTI+ organizations in order to establish a relationship of trust, and no systems of anonymous complaints or online complaints to allow reporting by third parties of the occurrence of such incidents.

No specific measures have been adopted or implemented to ensure the safety and dignity of LGBTI+ persons deprived of their liberty, including: effective measures to minimize the dangers of physical assault, rape and other forms of sexual abuse; authorities adopting and implementing anti-bullying strategies to prevent violence against LGBTI+ detainees; transgender prisoners given the possibility to be allocated to either a male or female facility based on their self-determined gender identity; providing protective measures to avoid placing LGBTI+ detainees in solitary confinement; and training programs and/or codes of conduct for prison staff to ensure that prisoners are treated with respect and without discrimination with regard to their SOGIESC.

There is no effective system to register complaints and collect data on hate crime and hate-motivated incidents related to SOGIESC and are there no official statistics publicly available with regard to hate crime and hate-motivated incidents related to SOGIESC. Likewise, no measures have

² <https://kaosgl.org/en/single-news/remission-for-wisam-sankarir-squos-murderer-due-to-unjust-provocationr-squ>

been adopted or implemented to regularly gather data on the levels of social acceptance towards lesbians, gay, bisexual and transgender persons.

Lastly, there is no prohibition against so-called “conversion therapies” that address children or adults.

Protection from Discrimination and Hate Speech

In Turkey, no appropriate measures have been taken to combat or prohibit all forms of hate speech and discrimination against LGBTI+ people. In particular, there are no legislative measures adopted or implemented to prohibit hate speech or discrimination against LGBTI+ persons. Usually, the prosecutors or the courts recognize explicit hate speech towards LGBTI+ people within the framework of “freedom of speech and opinion”.³ An example is the decision of the Turkish Constitutional Court on 2018, in which they ruled that saying gay people “perverted” on the mass media was not a crime.⁴

Similarly, no specific measures have been taken to raise awareness of public authorities and institutions of their responsibility to refrain from statements which may reasonably be understood as legitimizing hatred or discrimination against LGBTI+ people. No trainings, awareness raising activities or any other form of guidance is provided to public officials and state representatives to promote tolerance towards LGBTI+ persons whenever they engage with civil society, media and sports organisations, political organisations and religious communities.

To make matters worse, a smear and systematic hate campaign, fueled by high-level state authorities and pro-government media has been conducted against LGBTI+ community in Turkey since mid-2010s. The severity and harshness increased in the recent days. Consequently, protection on ground of sexual orientation and gender identity was portrayed as the key reason for Turkey’s withdrawal from the Istanbul Convention. In brief, state officials including President Recep Tayyip Erdoğan, the Chief Advisor for the Presidency, İbrahim Kalın; the Minister for Interior, Süleyman Soylu; the Chief of Religious Affairs, Prof. Dr. Ali Erbaş, and the Communications Director of Turkish Presidency, Fahrettin Altun joined this hate campaign.

- On the 1st of July 2019, At the symposium organized by TİHEK, LGBTI+ people were targeted: “Indecencies such as [being] LGBT are attempts to undermine humankind, its nature and family.” TİHEK (Human Rights and Equality Institution of Turkey) is supposed to work against discrimination but continues to discriminate. At the symposium organized by TİHEK, LGBTI+ people were targeted: “Indecencies such as [being] LGBT are attempts to undermine humankind, its nature and family.” TİHEK had recently rejected the application of two trans women, claiming that “sexual identity is not considered as a basis of discrimination”. The institution is meant to protect individuals against discrimination yet does not recognize gender identity and sexual orientation-based discrimination. This time, the institution demonstrated a discriminatory attitude at its conference titled “International Symposium on the Right to Protect Family” with the

³ <https://kaosgl.org/haber/yeni-akit-in-nefret-soylemine-takipsizlik-karari>

⁴ <https://kaosgl.org/haber/aymye-gore-escinsellere-sapkin-demek-nefret-soylemi-degil>

motto “It’s Time for Family”. On the first day of the symposium (April 29), speaker Prof. Dr. Orhan Çeker said “Indecencies like [being] LGBT are attempts to undermine humankind, its nature and family. I believe that the church and the synagogue would stand against these indecencies as well, and we should struggle against it together if necessary”.

- On the 5th of July 2019, the Chief of Religious Affairs, Prof. Dr. Ali Erbaş committed the crime of homophobia in a hate speech⁵ at the 8th International Religious Services Conference held in Konya. In the conference’s opening speech which he delivered, Erbaş said, “We see a number of perversions are put forward by means of certain mottos, such as ‘gender equality’, and a fuss is made over them,” and used homophobic hate speech by suggesting that “homosexuality is a perversion that is ‘against nature’”.
- On the 20th of August 2019, the Minister of Internal Affairs, Süleyman Soylu, said that he didn’t approve of LGBTI+ people, as he saw LGBTI+ people as a threat to family values, religion and the traditions of the nation⁶.
- On 24th April 2020, in the first Friday khutbah of Ramadan, the Religious Affairs Administration of Turkey targeted LGBTI+ people and those living with HIV⁷. The Directorate of Religious Affairs has targeted the LGBTI+’s and people living with HIV in Friday’s khutbah. Religious Affairs Chairperson Ali Erbaş spread hate and discrimination with his khutbah titled, "Ramadan: Patience and Will Training". Friday's khutbah is being broadcasted in mosques across the country.
- Within days, several leaders came out to publicly support Erbaş. The Presidential Spokesperson and Chief Advisor, İbrahim Kalın, commented that Ali Erbaş “put the divine truth into words”. The Minister of Family, Labour and Social Services, Zehra Zümrüt Selçuk, commented that Erbaş’ words “remind us of our religious values in order to protect our families and generations during Ramadan”. The Parliamentary Human Rights Investigation Commission Spokesperson, Osman Nuri Gülaç, added that "the future of humanity is only possible through legitimate marriages” and referred to LGBT lobbies commanding academia, politics and media in many countries in the world⁸.
- On February 3rd 2021, President and AKP Chairperson Recep Tayyip Erdoğan said, “There is no such thing as LGBT. This country is nationalist, spiritualist and is walking to the future with these values” at the Artvin-Bilecik-Çankırı-Gaziantep-Iğdır provincial congress of his party.⁹

⁵ <https://kaosgl.org/en/single-news/hate-speech-from-the-president-of-turkish-religious-affairs>

⁶ <https://t24.com.tr/amp/haber/soylu-amerika-ankara-da-lgbt-ye-22-milyon-dolar-yardim-yapiyor,837850>

⁷ <https://www.kaosgl.org/en/single-news/turkey-s-religious-affairs-targeted-lgbti-s-islam-curses-homosexuality>

⁸ <https://kaosgl.org/en/single-news/end-hate-speech-and-targeted-attacks-against-lgbti-people-in-turkey>

⁹ <https://kaosgl.org/en/single-news/erdogan-let-s-not-worry-about-what-lesbians-mesbians-say>

- On February 10th 2021, Fahrettin Altun, Communications Director of the Turkish Presidency, who said¹⁰ “mad minority” about the protests at Boğaziçi University, who announced the closure of Boğaziçi University LGBTI+ Studies Club on social media before anyone else, who targeted LGBTI+'s at the 2020 Pride Week, once again targeted homosexuals. Altun spoke at the opening of the Digital World Workshop held at the Dolmabahçe Office. The workshop is being held by the Anatolian Publishers Association with the support of the Presidency's Directorate of Communications. In one part of his speech, Altun targeted homosexuals with homophobic hate speech: “Likewise, we firmly oppose the corruption of concepts such as freedom and tolerance for the sake of homosexuality propaganda, targeting our families and children in this way. Protecting our citizens from all kinds of extremism is the primary duty of the state. Presenting such ugliness as something normal, especially to young people, is an attack on our social order and the noble character of our nation. Making the slightest concession on this issue today to look nice for others will result in much more serious problems in the future. We are not allowing this, we will not allow.”
- On February 20th 2021, in the statement¹¹ of the Head of Presidential Communication department regarding the withdrawal from the Istanbul Convention, it says that: "As known, Türkiye was the first signatory to the Istanbul Convention by demonstrating a strong commitment to protect women's status in society and fight any violence against women. The Istanbul Convention, originally intended to promote women's rights, was hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Türkiye's social and family values. Hence the decision to withdraw. Türkiye is not the only country who has serious concerns about the Istanbul Convention. Six members of the European Union (Bulgaria, Hungary, Czechia, Latvia, Lithuania and Slovakia) did not ratify the Istanbul Convention. Poland has taken steps to withdraw from the Convention, citing an attempt by the LGBT community to impose their ideas about gender on the entire society."

Right to Peaceful Assembly and Demonstration

In Turkey, there are no measures in place to ensure that freedom of peaceful assembly and expression can be enjoyed without discrimination on grounds of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The ban for the Istanbul Pride March and the relevant marches in other cities (such as İzmir, Mersin, Ankara, Adana) continues. There are no visible changes made to review or lift such measures. On the contrary, the level of hate speech arousing from government representatives has increased.

- Usually, the authorities refer to “public security risks”, “public morality”, and “social sensitivities” as reasons to ban LGBTI+ rights activities, indoor or outdoor. They even sometimes justify the bans with “protecting the rights of others”. Various conservative and

¹⁰ <https://kaosgl.org/en/single-news/homophobic-hate-speech-from-the-presidential-spokesperson>

¹¹ <https://www.iletisim.gov.tr/English/haberler/detay/director-of-communications-altun-we-will-always-advocate-powerful-women-powerful-turkiye>

nationalist groups and political parties gave press statements demanding the pride marches to be banned or they would take care of it on their own, which was a clear threat and call for violence.

- While LGBTI+ people's rights to peaceful assembly and demonstration are violated in a general sense, those rights were also massively violated by the prohibitions imposed within universities. While the Rectorates of the METU and Hacettepe University in Ankara prohibited LGBTI+ events, meetings and demonstrations were planned to be held within the university. These prohibitions were based on the decision of the Ankara governorship to ban "any LGBTI+ related events" within the province between 2017 and 2019. The decision of the Ankara Governorate was repealed by the courts in March, 2020 and October, 2020.¹² In November 2017, the Ankara Governor banned indefinitely all kind of LGBTI+ themed events in the capital of Turkey referring to "public morality", "social sensitivities" and "sensibilities" on the basis of the Law on the State of Emergency.
- Law enforcement authorities do not take appropriate measures to protect participants in peaceful demonstrations in favor of the human rights of LGBTI+ persons. Law enforcement officers are not sensitized and trained to protect specific social groups, including LGBTI+ persons, during public demonstrations.
- No measures are in place to prevent the abuse of legal or administrative provisions on grounds of "public health", "public morality" or "public order" resulting in restrictions on the effective enjoyment of the right to peaceful assembly by LGBTI+ persons or human rights organizations supporting the rights of LGBTI+ persons.
- Public authorities have not publicly condemned any unlawful interferences with the exercise of freedom of expression and peaceful assembly by LGBTI persons or human rights organizations supporting the rights of LGBTI persons.
- The Ombudsperson Office rejected the application of the LGBTI+ rights organizations against the LGBTI+ events ban in Ankara, stating that it was out of their mandate.¹³

Freedom of Expression

State-funded mainstream media are completely blind to LGBTI+ rights and many good developments and success stories remain invisible. This attitude also creates self-censorship in alternative media components while there are some direct attempts to censor LGBTI+ themed contents. After some claims in social media that there is a gay character in Aşk 101 (Love 101) - a series to be published in Netflix, LGBTI+ community have faced with cyber bullying and hatred campaign lasted for days. In these days when LGBTI+ community has also been struggling against Covid-19, these hatred and smear campaigns targeting LGBTI+s and their fundamental rights reveal the discrimination against LGBTI+s one more time.

¹² <https://kaosgl.org/en/single-news/regional-administrative-court-approved-the-annulment-of-the-lgbti-ban-in-ankara>

¹³ <http://www.pembehayat.org/haberler/detay/1679/pembe-hayatin-kamu-denetcligi-basvurusuna-incelenemezlik-karari>

Pro-government conservative newspaper Yeni Akit that made targeting LGBTI+s as a habit were among the ones organizing and spreading this hatred campaign. Supporting the hate campaign started towards Aşk 101 with the hashtags #netflixadamol (Netflix be a man) by troll and bot accounts, Yeni Akit made a news about the series named “Net Provocation” on April 11. In the article, they continue their cliché hateful attitude as “homosexual perverts”. They also hand the microphone to RTÜK’s President Ebubekir Şahin. According to Yeni Akit’s claim Şahin said, “We warned Aşk 101 team, and we keep an eye on them. Our redlines are obvious. We are determined to prevent immorality. As RTÜK board, we are determined to prevent any content that can annoy our society to be broadcasted.” In July 2020, it was revealed¹⁴ that another series had also been censored after AKP Deputy Chairperson, Head of Publicity and Media and Kahramanmaraş MP Mahir Ünal’s statement to BBC Turkish, and a senior RTÜK official’s, who did not want to be named, confirmation of the homophobic censorship on Netflix’s Turkish series Love 101.

This statement is not the first LGBTI+phobia of RTÜK. In the previous years, RTÜK imposed some sanctions to Modern Family published in beIN Series HD Comedy on the grounds that “there are some individuals living in a gay marriage” (in 2019); to 9-1-1 TV series published in FOX Life on the grounds of “inappropriate display of two elderly men” (in 2019); and to the videoclip of P!nk’s song “Secrets” on the grounds of “there are homosexual-like dance moves” (in 2018). These are just a few examples of RTÜK’s LGBTI+phobic policies.

RTÜK also issued an administrative fine for allegedly “disrupting the social structure” to the story of two female parents in the “Extraordinary Pregnancies” program on TLC in August 2020. In the report on TLC, the Upper Board said that “homosexual relationship, which is shown as a model relationship, is contrary to the spiritual values of society”. The homophobic ruling said that “presenting two women as parents, having children and describing their experiences during pregnancy processes is disruptive to the gender models and the social structure.” RTÜK members issued administrative fines to TLC channel with their personal moral opinions that stratifies society and ignores same-sex relationships.¹⁵

RTÜK both ignores LGBTI+s and prevents equal representation of LGBTI+s with its decisions based on the principles of “national and moral values of the society”, “general morality and protection of the family”. With the “Regulation on the Presentation of Radio, Television and Optional Broadcasts via the Internet” published in the Official Gazette on August 1, 2019, RTÜK has made it obligatory to obtain a broadcast license from their institutions for media service providers who want to offer their broadcast services only from the internet. Thus, the risk of RTÜK’s censorship has emerged for platforms that can be freed from their censorship and perform relatively free publishing.

¹⁴ <https://kaosgl.org/en/single-news/discriminative-practices-of-sahin-the-re-elected-president-of-radio-and-television-supreme-council-of-turkey>

¹⁵ <https://kaosgl.org/en/single-news/discriminative-practices-of-sahin-the-re-elected-president-of-radio-and-television-supreme-council-of-turkey>

On March the 26th 2021, Boğaziçi University has launched¹⁶ a disciplinary investigation into a student carrying a rainbow flag during protests against the appointment of a rector. N.D., who raised a rainbow flag during protests attacked by police on February 1, targeted by a disciplinary investigation that says "you went upstairs and waved the LGBTI+ flag".

On February the 2nd 2021, Police did not allow the rainbow flag during the Boğaziçi demonstrations in İzmir, chased those who waved the flags, male police searched a female citizen's bag and took the rainbow flag in the protest in Alsancak-İzmir to support the Boğaziçi¹⁷. Police detained university students by beating and dragging them on the ground. Those detained were handcuffed on their backs and put in the police vehicle. After the police attack, a press statement was planned to be held at Gündoğdu Square of İzmir. While negotiations with the police for the press statement were continuing, the police wanted to take the rainbow flag, advancing on the two people who were carrying the flag.

In many cities like Antalya, Istanbul and Ankara, police tried to prevent the rainbow flag from entering the demonstration area during the İstanbul Convention protest held on March 20th¹⁸. The police attacked the rainbow flag and try to take it.

It is understood from the threat of RTÜK's President that RTÜK wants to carry on its anti-LGBTI+ and discriminatory censorship tradition that it has been carrying out systematically over the years to the internet as a great obstacle in front of the freedom of expression and that he also commits a crime of discrimination. It is also observed that LGBTI+ flag and rainbow image are importunately criminalized by the security forces by violent interferences at the demonstration. No measures have been taken to enable LGBTI+ people to enjoy their freedom of expression.

Freedom to Association

In Turkey, the freedom of association of LGBTI+ human rights organizations are ensured by both the possibility to obtain official registration and the removal of discriminatory administrative procedures and/or restrictions based on "public health", "morality" and "public order". However, there is no involvement or consultation of such organizations when policies that may concern or affect LGBTI+ persons are being adopted or implemented. No public funding is available for non-governmental organizations with the purpose of protection of the rights of LGBTI+ persons.

In October 2018, the Ministry of Interior released a new amendment regarding civil society that requires organizations to submit identifying information to the Ministry of Interior's digital system called DERBİS, about each membership which is approved or terminated within 30 days. It is foreseen that this new amendment will be a crackdown on mostly trans people and LGBTI+ people who are state workers or who need confidentiality about their membership to an association. According to Kaos GL's research on the Situation of LGBTI+ Employees in the Public Sector in Turkey

¹⁶ <https://kaosgl.org/en/single-news/disciplinary-investigation-against-the-student-with-rainbow-flag-at-bogazici-university>

¹⁷ <https://kaosgl.org/en/single-news/the-police-s-determination-against-the-rainbow-flag-in-izmir>

¹⁸ <https://kaosgl.org/en/single-news/police-tried-to-block-the-rainbow-flag-during-the-istanbul-convention-protest-in-antalya>

in 2018[6], %52 of LGBTI+ state workers don't feel secure to come out in their workplace, while %39 are partially and %7 are completely open. In addition to that, only %22 of them reported that they were not victims of sexual orientation and gender identity based discrimination. These rates clearly show that LGBTI+ state workers are forced to hide their identities to prevent any discrimination both in recruitment process and daily work life. However, with this new amendment, LGBTI+ people who are engaging with LGBTI+ organizations would be an easy target for the authorities.

Additionally, there are no measures in place to effectively protect defenders of human rights of LGBTI+ persons or LGBTI+ organizations against hostility and aggression. Since 2016, LGBTI+ organizations are targeted by ISIS from time to time. On 2016, Kaos GL Association was targeted and their request for police protection was denied.¹⁹ On September 2020, the Minister for Interior repeated a possible threat for LGBTI+ organizations, after an ISIS member was caught by the Turkish police.²⁰ The same minister is among the hardliners against LGBTI+ rights and frequently uses hate speech.

No measures have been taken to ensure that non-governmental organizations defending the human rights of LGBTI+ persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons. Last year, Ministry of Justice prepared their Human Rights Strategy with no involvement of the LGBTI+ organizations. Same happened with the HIV/AIDS Operational Plan of the Ministry for Health.

Right to Respect for Private Life

In Turkey, no measures have been taken to repeal, amend or apply in a manner which is compatible with the principle of non-discrimination, any criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to SOGIESC. There are no explicit measures in place to ensure that personal data are not collected, stored or otherwise used when referring to SOGIESC. Existing records that do not comply with this principle are not being destroyed.

No legal gender recognition procedures that are quick, transparent, accessible and based on "self-determination" are available. In particular, legal gender recognition of transgender persons is: conditional on undergoing an operation or treatment entailing irreversible sterilization against their wishes; conditional on undergoing hormonal treatment or any other form of medical treatment or surgical procedure; and conditional on a psychological diagnosis or expert statement. It is not conditional on the capacity to demonstrate a period of "life experience" in the self-determined gender. Legal gender recognition of transgender persons is accessible irrespective of financial situation and police record, but not when it comes to age and medical status.

The Turkish Constitutional Court repealed the provision on forced sterilization stating that "due to the medical operation which is obliged by the law, transgender persons will need to be sterilized anyway".

Appropriate measures have partially been adopted and/or implemented to guarantee full legal gender recognition of a person in all areas of life, including adapting official documents, and educational or work certificates issued by non-state actors. In concrete, there are no measures in place to ensure change of documents provided by non-state actors.

¹⁹ <https://www.lgbti-era.org/blog/turkish-lgbt-organization-closes-offices-amid-security-concerns>

²⁰ <https://kaosgl.org/haber/tutuklanan-isis-liler-lgbti-dernegine-saldiracakti-iddiasi>

There are partial legal and other measures in place to protect the right of transgender persons to marry: transgender persons are allowed to marry a person of the sex opposite to their reassigned sex. However, where married trans persons are required to divorce prior to obtaining the legal recognition of their self-determined gender, there are no measures in place compensating for a loss in acquired rights of spouses. They need to be divorced to get recognized for their gender reassignment. After official recognition, they cannot get married with persons of the same sex, as there is no marriage equality in Turkey.

National legislation does not confer rights and obligation on unmarried couples and no measures have been adopted and/or implemented so that the same rights and obligations apply to same-sex couples and different-sex couples.

Same-sex couples have no access to registered partnerships under national law and there are no measures in place to provide them with the possibility to address the practical problems related to the social reality in which they live. No legal measures have been adopted and/or implemented to ensure that the same-sex partner of a national may obtain a residence permit in Turkey for family reasons.

There are no measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest without discrimination based on SOGIESC. National legislation in Turkey does not permit unmarried different-sex couples to adopt each other's children (a second-parent or step-parent adoption), neither does it give the same right to unmarried same-sex couples. National laws do not permit assisted reproductive treatment for single women. Unmarried different-sex couples cannot receive assisted reproductive treatment, and such treatment is not available for unmarried same-sex couples either.