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ANNUAL REVIEW

OF THE HUMAN RIGHTS SITUATION
OF LESBIAN, GAY, BISEXUAL, TRANS
AND INTERSEX PEOPLE

2019



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex
People in Turkey covering the period of January to December 2018

Turkey

Asylum

Attacks against LGBTI refugees continued this year. For instance, on 30 May a trans woman, Ayda, was attacked in Yalova and had to be hospitalised. Seven perpetrators were detained. LGBTI activists started a campaign in solidarity with LGBTI asylum seekers, called #MyNameisAyda.

Two trans women and a gay man who fled Azerbaijan, were detained in Istanbul on 17 July on allegations of sex work. They were held in custody for six days and ill-treated by police. Once released, they returned back to Azerbaijan.

Bias-motivated speech

Hate speech towards LGBTI organisations and activists in pro-government media continued in 2018, both online and offline. For instance, LGBTI NGO SPoD was called “perverted organisation” by news outlet Akit.

Leaflets with anti-LGBTI content were distributed in several cities in July, including Ankara, Izmir and Osmaniye. The leaflets suggested homosexuality could be ‘reversed’ by ‘persuasion’, called gay people ‘sexual perverts’ and opposed organisations working on LGBTI equality; it is not clear who had produced them.

On 23 May, the Turkish Constitutional Court ruled that calling LGBTI people perverts on media cannot be considered hate speech, as it falls under freedom of expression.

Bias-motivated violence

At least four trans women were killed in 2018 and many more were attacked. SOGIESC are still not protected grounds in the hate crime law.

Education

Trans students face discrimination in education, for instance being denied access to dorms, as reported in November.

Enlargement

Turkey applied to join the EU in 1987; negotiations began in 2005. In its annual enlargement package reviewing progress made towards EU accession, published in April, the European Commission specifically named ‘serious concerns’ around the

protection of LGBTI rights, highlighting the Ankara ban (see under **Freedom of assembly**), the lack of hate crime or hate speech laws, and widespread discrimination.

Freedom of assembly

On 23 February, the ban on public events organised by LGBTI groups was upheld by Ankara’s 4th and 13th Administrative Courts. The ban was initially imposed by the Ankara Governor’s office in November 2017 and two Ankara-based LGBTI NGOs Kaos GL and Pembe Hayat (Pink Life) then challenged it in court. In April, Kaos GL brought the case to the Constitutional Court on the basis that the ban is “a serious rights violation”. The Court rejected the request for injunction, but the inquiry process is ongoing.

On 3 October, the Ankara Governorship declared a new ban, after the state of emergency was lifted.

The 6th Pride March in Izmir was held on 10 June with hundreds participating. There was no police intervention and the group made their press statement without incidents.

During a volunteer meeting on 26 June at the offices of SPoD, a group of people verbally threatened the volunteers and tried to enter the office. SPoD volunteers called the police, who then also tried to enter the offices, saying “...we are under the state of emergency rule, we can break the door and enter”. A SPoD board member was assaulted by the group outside. The police subsequently obtained a warrant and searched SPoDs’ offices. The volunteers filed a complaint with the Beyoğlu police precinct the same night; the attackers were released several hours later. SPoD temporarily closed their offices and cancelled training and Pride week activities as a precaution.

The 26th annual Istanbul Pride week began on 25 June, with the Pride march scheduled for Sunday 1 July. The theme for the week’s event was ‘Boundaries’ focusing on the work of the LGBTI movement despite bans. The march was banned for the fourth time in a row. Police forces attacked demonstrators in different districts of Istanbul, with plastic bullets and tear gas. 11 demonstrators were taken into custody, and later released.

Activists in Adana in southern Turkey had planned to hold the city's first ever Pride march on 7 July. The governor's office banned the parade the day before, citing safety and morality concerns. The governor's official statement said that the Pride "will incite hatred and hostility amongst a section of the public" and that it could cause "imminent peril with regards to public security".

The 4th Pride March in Mersin was held successfully on 14 July with hundreds of people attending despite the governor's rejection to the request of permission for the march.

Freedom of expression

Ali Erol, LGBTI activist and founding member of NGO Kaos GL, was detained by police on 2 February. This followed a police operation at his house in Ankara; according to media reports, his social media posts were included in the warrant for his detention. Erol's detention happened at a time when Turkish forces had launched a military offensive into a Kurdish-held enclave in northern Syria. The Turkish Medical Association (TTB) reacted, speaking out against the government's action and calling for peace; several doctors were arrested. Subsequently, hundreds of individuals who had agreed with the TTB or criticised the military offensive on social media were arrested. Erol had posted similar messages and had also opposed the Ankara governorship's ban on his social media accounts (see **Freedom of assembly**). He was released on 7 February under judicial control, without any clarification as to the reasons for his detention or what charges he was being prosecuted under. Since February, Ali had to regularly report to the police and sign a document.

Health

In November, the General Director of Prisons and Detention Houses informed the Committee on the Inquiry of Human Rights that there are currently 200 LGBTI people in prisons. They also shared that one trans inmate underwent breast augmentation, paid for by the Ministry of Health as it was "required for the person's psychological and physical health".

Three municipalities in Izmir, Bursa, and Mersin started giving free and anonymous STI testing services in 2018, in addition to those available in Istanbul and Ankara.

Legal gender recognition

Following the Constitutional Court's decision last year, the new law on LGR entered into force on 20 March. The law abolishes the sterilisation requirement, but not surgeries. In practice, it seems that the requirement in the law to submit a proof of surgery is interpreted strictly as relating to genital surgeries that lead to sterility.

Participation in public, cultural and political life

Hasan Atik, an LGBTI rights activist became a candidate for the parliament elections from The People's Democratic Party (HDP) in Edirne, but was not elected.

Police and law enforcement

On 25 January, trans woman Diren Coşkun began a hunger strike in Tekirdağ prison. Diren had been arrested in August 2017 during an ID check, on grounds of propaganda for an illegal organisation. She was housed in the male ward, and when she protested was placed in solitary confinement. She went on hunger strike to demand trans-specific healthcare and to be removed from isolation. She later suspended her hunger strike after cooperation with the prison warden.

The Ministry of Justice announced in 2014 a plan to construct a separate prison for LGBTI inmates. There has been no follow up since then. This April, NGO CISST (working on inmate rights) released a press statement saying that they receive a lot of letters from LGBTI inmates about these plans. The Ministry has not answered questions filed under freedom of information claims.

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