

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	538
Land:	Tyrkiet
Kilde:	ILGA Europe
Titel:	Annual Review about LGBT in Europe and Central Asia
Udgivet:	4. februar 2020
Optaget på baggrundsmaterialet:	15. maj 2020



TURKEY

ACCESS TO GOODS AND SERVICES

In January, the Turkish National Human Rights Institution (TİHEK) rejected two trans women's complaint that they were denied accommodation in a hotel last summer, because gender identity is not a protected ground. The Administrative Court reversed the TİHEK's decision in December.

Two trans women and a trans man were denied entrance to the club 222 Park in Eskişehir on 6 March. They called the police, who made jokes about them with the security staff and stood by as they suffered physical assault by three individuals. The police later handcuffed the victims and drove them to a hospital. The victims filed a complaint, but the case was dismissed. The police officers also filed a complaint against the victims for insulting and injuring public officials. The first hearing was postponed to 2020.

BIAS-MOTIVATED SPEECH

The Minister of Internal Affairs, Süleyman Soylu made several anti-LGBTI statements this year.

LGBTI+ people were targeted by hate speech at a symposium organised by Turkish National Human Rights Institution (TİHEK) in May.

On 5 July, the Friday khutbah of Presidency of Religious Affairs read in all mosques, included anti-LGBTI statements.

Transphobic statements by a prominent academic stirred public debate on trans-exclusionary radical feminism (TERF) on social media in August. Several NGOs stood in support of trans people.

BIAS-MOTIVATED VIOLENCE

Several trans woman were victims of murder this year. Hande Şeker was murdered by a police officer in İzmir on 9 January; Gökçe Saygi was killed in her home in Antalya in May; Defne was killed in her house in Afyonkarahisar in June. Court cases are ongoing. Activists organised a demonstration against police brutality, commemorating Şeker.

A group of trans women were attacked in a park in Antep in June and were then detained and verbally abused by police officers.

EDUCATION

The President of the Council of Higher Education, Yekta Saraç stated that the concept of "gender" does not conform with Turkey's values and that the curricula of Women's Studies and Gender courses must be closely monitored. Soon after, the Council of Higher Education cancelled a project on gender equality and removed their "Gender Policy Paper" from their website.

EMPLOYMENT

Kağıthane Municipality fired three garbage truck drivers after discovering they were "in a homosexual relationship". On 30 January, the 34th Labor Court of İstanbul nullified R.S.'s firing and enforced their re-employment.

In 2013, a police officer was fired by the Ministry of Interior because he is gay. The Court ruled that this was illegal and reinstated the officer in his job. The Council of State overturned the court ruling in February this year. The Council argued that according to the Law on Public Officers, police officers may not engage in anything shameful or disgraceful - even though the law does not mention same-sex relations qualifying as such. Decree no.682 of 2017 does explicitly say that members of the police or army cannot be "homosexual", but this entered into force years after the officer's firing. The officer appealed to the Constitutional Court.

An HIV positive gay teacher was fired from his job in July, after the Ankara school found out about his status. Once an HIV positive diagnosis is made, doctors are obliged to report it to the Ministry of Health for statistical purposes. However, in this case, the information was further shared, violating the teacher's right to private life.

FREEDOM OF ASSEMBLY

Kaos GL and Pink Life NGOs successfully challenged a ban on LGBTI events in Ankara. The ban was initially imposed for the time of Turkey's state of emergency in 2017. However, it was not lifted by the Ankara governor's office when the emergency rule ended in 2018, but remained in force indefinitely and has been extended to LGBTI events in general. On 19 April, the Ankara 12th Regional Administrative Court lifted the blanket ban and



stated that events need to be protected. The ruling affirmed that indefinite bans violate fundamental rights and are unlawful.

Despite the ruling, bans and attacks on Pride events and marches continued to take place. On 6 May the Middle East Technical University (METU) rectorate in Ankara banned the annual Pride march on campus, planned for 10 May. The LGBTI+ students group at the university called for international solidarity and mobilisation. The group held the event despite the ban, and were met with police who used pepper spray, plastic bullets and tear gas to disperse them. A professor and 21 students were detained, and released the same night. The students were later denied access to their student loans, which was eventually reversed by the courts.

"Pride for us, is the one day we can come together and express ourselves on campus as who we are. We just want to celebrate the LGBTI community like many of our peers in other countries. We are asking everyone to stand in solidarity with us and help us celebrate Pride at METU again this year." - Melike Balkan, one of the participating students (Amnesty International)

In the following weeks, Turkish authorities banned Pride events in Izmir, Antalya, and Mersin. A film screening and a workshop on LGBTI rights, which were part of a local cultural festival, were also banned in Tunceli.

On 14 June, the Izmir Governorship banned Pride events and the march that would have taken place three days later. On 19 June, the court lifted the ban on events, but ruled on 21 June that the march shall remain banned. Regardless, Pride march participants gathered in the city on 22 June and were violently attacked by the police.

Every year since 2015, Istanbul Pride has been banned by the authorities. This year, the Governor's Office stated in their reasoning that Taksim square is not a place for marches and demonstrations. When the organisers offered to hold the march in Bakırköy, the Office said all their events were of "public concern". A day before the planned march, the 27th Istanbul Pride Week Committee called for a gathering at Taksim at 5pm. The organisers read out a statement. Police appeared in riot

gear and the crowd was attacked several times. Five people were taken into custody.

On 28 June, 31 Council of Europe Member States condemned these bans and called on Turkey to uphold freedom of assembly. A number of Republican People's Party (CHP) municipalities expressed support for Istanbul Pride, which was harshly criticised by the Turkish Women and Democracy Association (KADEM), led by President's daughter Sümeyye Erdoğan.

On 17 April, students successfully held the seventh Pride parade at Boğaziçi University. It was the only Pride march not banned in Turkey this year.

The third annual Queer Olympix, planned for 24 August in Istanbul, were cancelled by the Kadıköy District Governor's Office at the last minute, "to protect public health, public order, and public morality". Around 130 LGBT+ athletes were to compete in the event.

Police fired tear gas at the participants of the women's rights rally in November. The Minister of Interior stated LGBTI activists attacked the police.

FREEDOM OF EXPRESSION

Anti-LGBTI censorship by the Radio and Television Supreme Council (RTÜK) was frequent this year. RTÜK suspended the show 9-1-1 by Fox Life for featuring a gay couple, saying that such portrayal is contrary to the national and moral values of society. On 1 August, a new law gave RTÜK the power to censor online content, such as Netflix and demand personal information about its users.

On 6 March, Çağlar Cilara, the host of the Channel 5 TV program 'Matters in Question' discussed LGBTI rights with Beyoğlu municipality's CHP mayoral candidate Alper Taş. When Taş spoke in support of LGBTI people, Cilara agreed and was immediately fired from his job. The programme was cancelled.

FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

In February Buse Aydın, a trans woman who had been sentenced



to life and imprisoned for 24 years in a men's prison, and in solitary confinement "for her own safety" for the past five, was denied access to gender affirming surgery by the Ministry of Justice. The decision came after Buse went on a hunger strike for the second time to protest previous denials and to put pressure on the administrator to move her to a women's prison. The Peoples' Democratic Party (HDP) Ankara Representative Filiz Kerestecioğlu posed questions on the mistreatment to the Minister of Justice in Parliament.

HEALTH

In July, the Medical Ethics Committee imposed a 945TL (148EURO) fine on the urologist Dr. Cem, who subjected his patient N.Ö., a gay man, to homophobic slurs and published the story on his Facebook page last year.

LEGAL GENDER RECOGNITION

In July, the 10th Chamber of the Council of State upheld a lower court ruling affirming that clinics in Turkey cannot refuse to perform gender affirmation surgeries. In 2017, the Cerrahpaşa OB-GYN department stated they would no longer perform hysterectomies on trans men. Surgery being a requirement of legal gender recognition (LGR), this practically made LGR inaccessible. Although the Supreme Court previously ruled that sterilisation is no longer a requirement of LGR, doctors continued to require sterilisation this year.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

NGOs SPoD and Genç LGBTI+ published the "LGBTI+ Friendly Municipality Protocol" in January, providing guidance for mayoral candidates. The Protocol was signed by 27 candidates from 10 different provinces, four of whom were successfully elected.

POLICE AND LAW ENFORCEMENT

Seven trans women were detained in Kayseri without any justification and were held for 48 hours. Two of the women face charges of running a sex worker ring.