

# Situation of LGBTI Rights in Turkey and Recommendations

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# Preface

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This book has been foreseen as the final report of the project “Raising Awareness on Human Rights of Lesbian, Gay, Bisexual and Trans People in Public Institutions, Parliament and Non-Governmental Organizations”, implemented by the Kaos GL Association between 2013 and 2015; however, it has been designed to expand the report into a text of strategic recommendations.

As it would be noticed, the project period corresponded with political events that have marked Turkey’s recent history: The Gezi Park protests as well as anti-democratic and unlawful responses the Justice and Development (AKP) government gave to the claims of corruption. In that process, the AKP government grew increasingly authoritarian, left the rule of law principle, closed its doors to NGOs that keep its critical distance to the government and didn’t do any better than the “old period” considering their patronizing mentality of governance and standardizing identity politics, which resulted in their

targeting LGBTI people and their political supporters, especially on the way to the June 2015 general elections. The Gezi Park protests that expressed demands for a participatory, pluralist and contemporary democracy, with LGBTI movement being on the frontline, were suppressed by the government through tools of physical and symbolic violence, accused of “plotting a coup”, which was followed by an accelerated period of the AKP’s nationalist-conservative consolidation and closing its doors to rights-based civil society.

In order to help this consolidation, the AKP leaders and media organizations did not consider it harmful to spread discriminatory news and hate speech explicitly targeting LGBTI people on the way to the June 2015 general elections. Bills and parliamentary questions based on international human rights law and political documents, some of which were taken to the Parliament as part of this project, were either rejected or avoided with commonplace responses by the AKP.

In such a challenging period, shortly the “Awareness Project” has been implemented with active participation of the Project Advisory Board consisting of six experts from different disciplines. The Kaos GL Association and the Advisory Board decided the thematic focus of the project as “Equal Citizenship”. In this context, bills and parliamentary questions were taken to the Parliament for the notice of Ministries of Justice, Family and Social Policies, Labour and Social Security, Interior and Health and press statements were made at the Parliament. In addition to these institutions, workshops were held for experts from the Ombudsman’s Office and Turkey Human Rights Organization. Apart from those mentioned above, Ministries of European Union, Development, National Education and Science, Industry and Technology participated in the “International Conference on Gender, Diversity and Social Inclusion.”

During the process, our advisors showed great effort in preparing publications and meeting contents as well as advocacy activities such as presenting bills and parliamentary questions under the scope of the project. Our publication “Condition of LGBTI Rights in Turkey and Suggestions” consist of

articles by the aforementioned Advisory Board Members who accompanied us for about 2 years.

“Conservatism in terms of the Control of Sexual and Gender Identities” by Prof. Dr. Melek Goregenli discusses the relation between conservatism ideology and actual politics from “social-psychology” perspective and sheds light on the “construction and conservation of inequality”. Goregenli addresses “homophobia-authoritarianism” relationship and intergroup hatred in an increasingly authoritarian Turkey as a collective ideology which goes beyond character traits of single individuals: “The tendency of conservatism which can be observed in mental structures and behaviours of each individual, without doubt, is formed by social system and power ideologies that generate and feed these tendencies.”

“Suggestions for Political Sphere” by Prof. Dr. Simten Cosar evaluates her determinations and suggestions on the condition of LGBTI citizens on two axes: institutional politics and political participation. According to Cosar, a new era has started in Turkey with the AKP, “however, this *new period* is not meant to be a complete disengagement from 1980s and 1990s, it rather signifies that there are no more ups and downs as in those two decades, on the contrary, the structural transformation aimed by politics causing such ups and down has come to its final phase.”

“Creation of ‘National Will and Stability’ on Traditional and New Media: Being Left Speechless and Silence” by Prof. Dr. Mutlu Binark helps us focus on the media and communications aspect of the issue. Binark discusses the ownership structure of media industry from the perspective of freedom of expression and freedom of media and explains in his distinctive language how and why heteronormative masculinity culture and the “AKP government’s conservative and standardizing Sunni Islam interpretation” are being fed by media organizations, whether they be partisan or non-partisan.

“Struggles Imposed by New Hierarchical Citizenship Regime on Marginalized Groups and LGBTI Movement” by Ass. Prof. Aysen Candas stresses that “Turkey has entered a challenging *de-democratization* phase”. According to Candas, the AKP’s social engineering policies that accompany this period

aim at taking back LGBTI movement's current gains; which became clear by the police attack on Istanbul Pride in 2015. Despite this pessimistic picture, what should be done is obvious: "LGBTI citizens just like all other marginalized groups have to keep fighting and stand together with those groups. In the history of societies, there are periods that democratic gains are demolished and such crisis gives rise to progressive movements again through which new democratic periods are established."

"Recognition of Sexual and Gender Identities and Discrimination in Turkey" by Ass. Prof. Kerem Altiparmak explains how different groups are forced into visibility by standardizing identity politics. According to Altiparmak, a result of such politics is the claim that all citizens are equal, without considering their identity traits. "The legitimacy of denying the demands of minorities and self-claimed groups is rooted from this equality understanding. Just like the majority does not have privileges in regards with their difference, minorities shouldn't have either. Otherwise, that would be contrary to equality, the assumption goes. This issue is much more prominent in terms of LGBTI rights." This approach means legal non-recognition and allows discrimination and hate.

"Legislation Process, Commissions and LGBTIs: Determinations and Suggestions" by Dr. Salih Sahin emphasizes the responsibility of the Turkish Grand National Assembly (TBMM), as part of its functions of legislation and inspection, to form legal-institutional guarantees in order for LGBTI people to enjoy their rights and freedoms. "Today, in Turkey, it is seen that exclusion processes that ignore and not recognize LGBTI citizens are put into practice instead of legal regulations that include discrimination and inequality clearly and directly towards right-holder LGBTIs." In this context, Sahin summarizes his suggestions for the TBMM under 4 titles: legal regulations aiming social inclusion, participatory legislation process, effective monitoring of law practices and strengthening the capacity of the TBMM's Administrative Organization.

These articles bring forward determinations and suggestions for inequality and discriminations due to homophobia and transphobia, from different disciplines. In fact, it is obvious that the struggle against homophobia and

transphobia should have political, legal, cultural, social and academic aspects. Therefore, articles collected in this book suggest a change of paradigm through more systematic and holistic perspectives rather than giving a detailed analysis of varying needs and demands of lesbian, gay, bisexual, trans and intersex people in every field of life.

We would like to thank our advisors once again for their contributions. We sincerely wish that opinions and suggestions in this book would help equality, freedom and justice struggle of LGBTI right-holders in particular as well as that of the Parliament, Government, judicial bodies, bar associations, non-governmental organizations and all other shareholders.

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**Kaos GL Association**

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# Conservatism in Terms of the Control of Sexual and Gender Identities

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Prof. Dr. Melek Göregenli

**T**he lexical meaning of the word of Conservatism is generally expressed as “the protection of what already exists, the tendency for being against the change” and as “supporting the policies in regard to maintaining the existing order”; similarly, traditionalism and being against social change are central notions in the sociological analysis of conservatism. Conservatism, as mental structures that direct human behaviour, is also usually expressed in its definition as “attitude of being against changes that interrupt functioning in social, economic, legal, religious, political or cultural order”.

In social psychology studies conducted in the US and European countries, conservatism is dealt with people’s behavioural aspects toward social facts and the results of these studies indicate that one of the distinctive signs of conservatism is the **fear of change**. This fear appearing as a daily life fear in personal lives, when transferred to political sphere, can be observed in form of voting for various political parties on the right wing or supporting central policies in the same direction. In line with these results, it can be said that one of the main determinants separating liberals and conservatives from each other is the tendency to accept or to resist the change. In

general, the most important factor separating right and left from each other is the **attitude against inequality**. Sociological literature indicates, too, that leftists advocate equality and rightists think that hierarchy in the society is inevitable. (Jost, Glaser, Kruglanski & Sulloway, 2003). In 2006 and 2012, a study regarding conservatism has been conducted in Turkey in the form of a public opinion survey by the cooperation of Open Society Foundation (Acik Toplum Vakfi) and Bogazici University. According to the results of the study in 2012, it is stated that the rate of those who do not find themselves conservative and those who find themselves very conservative in conservative attitudes regarding politics and private life in Turkey is decreasing. This situation is named as “the tendency to becoming-moderate”. In addition to this, it is also expressed in the results that the society’s tendency to protect the status quo is increasing compared with 2006 (Yilmaz, 2012).

Similar results were obtained from studies conducted in the context of recent debates on the definition and content of conservatism in Turkey (Goregenli et. al, 2012). For instance, the gradually less expressed term of “conservative-democrat”, as a mental structure, is still important as a research question regarding to what extent it can exist in people’s mind-set. It is important because whether conservatism can produce democratic daily life policies or not is closely connected to mental structures associated with conservatism. A study is conducted with university students in order to understand the relationship between conservatism and social psychological variables; *authoritarianism, legitimating the system, blind patriotism, the belief in a just world and attitudes towards human rights (the freedom of expression, rights to equality and privacy, social security)*. The findings of this study have shown that “political opinion, the level of religion’s effect on daily life and ethnic origin” are related with the above-mentioned social-psychological attitudes. According to the results, those who are left-oriented advocate the freedom of expression and social security rights more strongly in the frame of human rights while those who are right-oriented and say that they feel the effect of religion on themselves more strongly are legitimating the system. Right-oriented participants’ overall points of belief in a just world, authoritarianism, blind patriotism and homophobia measures are meaningfully higher, as well. The most predicting factor about being in favour of freedom of expression is the tendency of authoritarianism. When participants’ tendency of authoritarianism increases, it is stated that they are in favour of freedom of expression in a lower level. In other studies, following this one,

for instance in studies conducted with prospective judges and prosecutors, similar results are obtained, too (Goregenli, 2012). The results of applied research show that results support research and theoretical literature on this subject. Conservatism is negatively correlated with producing and adopting democratic policies. Conservatism is an ideological cognitive structure related with legitimating the system, being in favour of inequalities, preserving the existing order, being against the expression of different opinions, supporting the existing political order without any critics, **authoritarianism** and **homophobia**. Right-oriented tendencies and the effect of religion in daily life are also positively correlated with conservatism.

Authoritarianism and homophobia are in general closely related with the standardizing ideology of conservatism on sexual orientations and gender identities. Studying attitudes towards gays and lesbians, which is among the topics of prejudice and discrimination against outer groups, has a scientific importance and also matters for people's lives. The approach to a different outer group in the society, whether this approach is positive or negative, and economic, social and psychological problems gays and lesbians experience as a result of these approaches are important subjects that need to be investigated (Sakalli-Ugurlu, 2006). In the relevant literature, many studies indicating that homophobia is related with authoritarianism show that people who have higher authoritarianism points perceive outer groups as a threat to traditional values and that they classify themselves more "moral" and "good" than others. In studies conducted, it has been stated that authoritarianism is correlated with prejudice, discrimination and hostility against outer group members (Altemeyer and Hunsberger, 1992). Similarly, due to the fact that these people are more loyal to traditional family structure and customs, they approach gays and lesbians, of whom they think as a threat against customs and traditional values, in a more negative way (Herek, 1988). In Sakalli's (2002a) study that he investigated the relationship between attitudes toward gays and lesbians and ambivalent sexism, traditionalism and conservatism, it is stated that homophobia is related to sexism. It has been seen that participants who have higher points of ambivalent sexism have more negative attitudes towards homosexuality. In addition, it has been stated in study findings that being sexist, traditional and conservative leads to negative attitudes towards homosexuals. In Sakalli, Yalcin and Glick's (2007) study in which they examine the level of empathy that university students have for rape victims, it is elaborated that male participants and partici-

pants who have higher protective or hostile sexism points have more negative attitudes against victims and that these negative attitudes are positively correlated with the belief in a just world. In another study, Sakalli (2002b) addresses the effect of social interaction and gender difference on the formation of stereotypes towards only gays. According to the findings, as the social interaction with gays increases, the formation of stereotypes towards gays decreases.

The tendency of conservatism which can be observed in mental structures and behaviours of each individual, without doubt, is formed by social system and power ideologies that generate and feed these tendencies. The process of control defines the world according to principles which define and preach what is good and evil, wrong and right from family to school, from street to state. Therefore, thoughts around heterosexism and homophobia as well as political rights struggle cannot be simply reduced to the problem of people who have different sexual orientations other than heterosexuality or the oppression towards trans gender identities; the main question for everyone is about “what kind of life” a society wants to live. Heterosexism – and homophobia- or the notion of heteronormativity with that, indicates the cultural, social and political organization of a society with reference to gender ideologies. The ideologies of conservatism aim the whole designation of society as a system of inequality and injustice; the control of sexual and gender identities is the leading one among essential components of this designation.

Findings of many empirical researches lead us to predict that prejudices and negative stereotypes are brought into life through canonization by heterosexist ideologies, through “violence” towards excluded groups in changing forms and contents; that ideologies canonizing discrimination are a new kind of conservatism fed by traditional values. Although we know that world-views which generally can be defined “right-wing” are closer to the values feeding the discrimination; it is clear that “modern” life ideologies fed by a kind of macho-individualism form the background for a kind of a new fascism, namely, the “symbolic fascism” and that this world-view is not only comprised of “right” ideologies. With a kind of elitism and majoritarianism, the beliefs in that hierarchy between humans or groups is a natural thing and that some groups are, so to speak, naturally prior to others – social superiority orientation- feed symbolic fascism. The reflection of symbolic fascism onto our lives takes place through new forms that are “normalized” within

“developed” lifestyles in which discrimination and violence are politically condemned. Intervention policies aiming to control the sexuality and serving to this life which is tried to be normalized are at being formed; sometimes speakers of the power clearly speak out the “desirable, ideal, acceptable citizenship” criteria and some other times all these factors can be hidden in security policies.

Through disciplining the public space; the control of body, limiting/destroying the possibilities of getting together in public space and therefore the abolishing the visibility of all the other sexual and gender identities other than acceptable, monogamist heterosexuality are aimed. Illegalizing sexual orientations, gender identities and intersexual conditions is being realized through relating the existence of lesbians, gays, bisexuals, trans’ and intersexual people (LGBTIs) with prostitution in discursive and legal level. Even though the obstructions before organization of LGBTIs are diminishing, the field of activity are increasingly limited. Let alone punishing hate speech and hate crime, speakers of the power almost promote them. An up-to-date proof of this is that Turkey Human Rights and Equality Institution Acts was enacted in April 2016 without mentioning “sexual orientation, gender identity, intersexual conditions, gender expression” and even “and similar grounds”.

Conservative body policies on sexual and gender identities as well as sexuality are being implemented on women in a similar way. Closure-separation policies aimed by the idea of “private prisons” for LGBTIs repeat themselves with “pink” bus-taxi models suggested for protecting women from heterosexual masculinity. What’s tried to be subdued is not discrimination, oppression and violence, but those who are the direct target of attacks by heterosexual masculinity.

The definition of woman by only her existence in the family, emphasis made on unfavourableness of contraception in terms of religion, framing sexuality -like everything else- into religious values are being increasingly normalized.

All components of sexism, homophobia and conservatism in general are a widespread system ideology within masculinity’s process to define itself and therefore it plays the most important role in the construction of a society. Conservative ideology that orders a binary behavioural guide for femininity and masculinity in every aspect of life which leaves no room for difference

and transition legitimates discrimination and violence in every aspect of life. As a result, it can be said that the monistic, oppressive and discriminatory conservatism of heterosexism is spreading violence as a relationship ideology both between groups and as a control ideology over body by normalizing it. It can be possible to define another culture and anti-ideology accompanied by the imagination of another world against conservatism's policies regarding gender and sexualities; therefore, a transformative information fed by another ideology of being and living together can be produced and another way of politics can be set up. Let us finish with the words of Judith Butler in an interview by Kaos GL: "We fight against discrimination on the basis of our demand for equal treatment. And in this way, we seek to achieve a kind of 'normality'. I suppose as well that if the choices are either to 'be normal' or 'to be pathological' we have to choose 'normality'. But maybe this framework can be put into question, since striving to 'be normal' is about conformity, effacing difference, and achieving invisibility. So the second direction in which we strive must be to establish our difference, to let people know the complexity and specificity of sexuality, of modes of love and attachment, and of new communities with different norms about how sexual practices can take place. We have to insist on equality, but also be recognized for whatever differences characterize our lives."





# Suggestions for Political Sphere

Prof. Dr. Simten Coşar

**F**or evaluating determinations on the condition of lesbian, gay, bisexual, trans and intersex (LGBTI) citizens' rights in Turkey within the frame of political science and developing suggestions, basically two lines must be followed: institutional politics and political participation.

When it comes to *institutional politics*, what should be examined is the state, government, political parties, trio of executive-legislative-judicial powers, bureaucratic mechanisms in relation to these powers and how they operate. When it comes to *political participation*, one needs to predominantly examine the political regime, how citizens are linked with political institutions and how citizens interact politically with one another. Of course, these two axes -institutive policy and political participation- are neither disconnected nor solely parallel. On the contrary, they might touch slightly, overlap or intersect in relation to the existing historical dynamics. However, an analysis on the rights of citizens in a certain historical moment and geography requires recognizing the specific criteria of the axes in question. Hereby, citizenship practices in relevant socio-politic context would be evaluated from a rights-based perspective as well as suggestions and visions that could be politically developed would be well-grounded.

In this section of this article, first of all, the basic characteristics of Turkish politics in 2000s will be summarized based on such a distinction. This summary will be presented through the aforementioned axes of institutional politics (governance) and political participation (citizens, rights and liberties) axes. After that, an evaluation summary will be given on LGBTIs' experiences of human rights practices as citizens in 2000s in Turkey by approaching LGBTI people's rights as (both) human and, therefore, civil rights, and selected suggestions on how to strengthen, guarantee and implement LGBTI rights in political sphere will be listed.

### **Institutional politics**

It is possible to speak of two developments that *prima facie* seem contradictory with each other in regard to *institutional politics* in Turkey in 2000s. The first development, which was in the character of a way out from the existing political crisis in line with the economic crisis in 2001 and 2002, is the foundation of the Justice and Development Party (AKP) [*Adalet ve Kalkınma Partisi*], most of whose founders having an experience in the Islamic movement, and which is one of the parties that have originated from the Welfare Party (RP) [*Refah Partisi*].<sup>1</sup> The fact that the AKP came first in the general elections (2002) almost right after its foundation and that it could form the government without a coalition unlike the convention since the second half of 1990s indicates the beginning of a new political period in Turkey. However, this *new period* is not meant to be a complete disengagement from 1980s and 1990s, it rather signifies that there are no more ups and downs as in those two decades, on the contrary, the structural transformation aimed by politics causing such ups and down has come to its final phase. In other words, the first fifteen years of 2000s, documented as the years of the AKP ruling, shows continuity with the socio-political transformation which has begun in the first half of 1980s. Undoubtedly, this continuity doesn't make the AKP and the politics of the AKP government *old*. Quite the contrary, it symbolizes, in the Turkish politics in 2000s, the final phase of a reconstruction process in parallel with the historical evolving of the transformation, hosting *new formations* and *new practices*.

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1 The AKP (2001-) is a political party established after the disintegrations within the Felicity Party (SP) [*Saadet Partisi*]. However, we can describe AKP as a party born out of the RP, both because the SP is a political party established (2001) after the closure of the Virtue Party [*Fazilet Partisi*] (1998-2001), which was established after the closure of the RP (1983-1998), and the outstanding AKP members has an RP background.

The structural transformation that has navigated not so stably between 1980s and 2000's has followed a neoliberal path.<sup>2</sup> The first issue that the AKP governments have made a consistent impression over fourteen years since they held the institutional power is the fact that they have been developing politics based on the dynamics of the neoliberal structure in question and implementing their politics according to these dynamics. Another consistency comes from their insistence on conservatism on the sociocultural axis. Political choices and practises of AKP governments that we can say these are contradictory gains consistency based on relevant conservatism. In this respect, the most concrete examples can be seen on attitudes which party has got on the face of politics of gender and demands for right about gender equality.

In brief, the AKP, in the period of its first governance between 2002 and 2007, has had a liberal attitude in the face of demands for gender equality by women's organizations and has presented itself through its dialogue preferences. Whereas since 2007, it has turned to an increasingly indifferent, ignoring, intolerant and oppressive attitudes and practices with regard to both demands for gender equality in particular and the gender regime in general. This has become clear both with the various statements by the AKP spokespeople, ministers, and outstanding members<sup>3</sup> and with the form

- 2 Although there are arguments claiming that neoliberal structuring has come to end in general around the world, in particular in Turkey, the argument that Turkey and the world are still within the neoliberal order is adopted. On this, see Amy Goodman, Interview with David Harvey, "Marxist Geographer David Harvey on the G20, The Financial Crisis and Neoliberalism," [http://www.democracynow.org/2009/4/2/marxist\\_geographer\\_david\\_harvey\\_on\\_the](http://www.democracynow.org/2009/4/2/marxist_geographer_david_harvey_on_the) Date accessed: 25 March 2015; Susan Braedley and Meg Luxton, "Competing Philosophies: Neoliberalism and the Challenges of Everyday Life," as part of *Neoliberalism and Everyday Life*, Braedley and Luxton (comp.) (Montreal and Kingston, London, Ithaca: McGill-Queen's University Press, 2010), s. 3-21.
- 3 In 2002, the suggestion of the Peace and Democracy Party (Baris ve Demokrasi Partisi) and the Republican People's Party (Cumhuriyet Halk Partisi) for guaranteeing "gay rights", which was brought forward in connection with the process of making a new constitution, was refused by the Nationalist Movement Party (Milliyetçi Hareket Partisi) and the AKP for being "contrary to public morality". Ten years before this objection, then AKP Chair Recep Tayyip Erdogan replied to a question on a TV program by Abbas Guclu, Genc Bakis (The Young View), as follows: "It is necessary that gays, too, have the legal guarantee within the frame of their rights and freedoms." (See: <http://t24.com.tr/haber/basbakan-erdogan-es-cinsellerin-haklari-yasal-guvence-altina-alinmal,204994>. Also see: <https://www.youtube.com/watch?v=WyhizrExiaA> Date accessed: 25 March 2016.) Apart from the ambiguity of this answer, we pass through a period that there are many rights violations so serious that pointing out that the matter does not only consist of "gay rights" might be labelled *luxury*. Besides, it's necessary to remind that in 2010, then State Minister respon-

of relation they have with non-governmental organizations demanding for gender equality. Today the AKP does not get in contact with rights-based organizations when it comes to *feminist politics* and/or *gender identity* and *sexual orientation*. A similar approach can be found on its attitude and choices of practise in the face of violation of rights in relation to gender inequality. Apart from the examples given in the footnote three, the AKP government, since its second period of governance which started in 2007, has set a course which would reduce its already loose connection with feminist organizations to a minimum at an ever increasing pace. On the other hand, obscure statements expressed during the party's early period which could be interpreted as a positive take on LGBTI rights were swiftly replaced with statements having a strong *moralistic* tone and even explicit hate speech. The connection that the AKP has established with non-governmental organizations and its attitude towards demands of gender equality are related with political participation axis along with institutional politics and require an evaluation related to relevant rights violations.

### **Human Rights – Civil Rights – Violation of Rights**

Although institutional politics of Turkey has proceeded in a way that is being more conservative and authoritarian at an ever increasing pace, it must be acknowledged that LGBTIs' increased social and political visibility since the first half of 1990s when they started off their organized struggle is a gain. Additionally, the role of alliances with other rights-based NGOs, social movements, especially women's movement and feminist organizations has increased within the scope of struggle for eliminating violations as well as practical and legal recognition of civil rights of LGBTIs. It should be understood that although these developments might seem contradictory, LGBTI movement has well assessed the gaps stemming from the ups and downs of politics implemented in 1990s within the scope of neoliberal structuring.

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sible for Women and Family Affairs Sema Aliye Kavaf said "I believe that homosexuality is a biological disorder, an illness. I think it needs to be cured." and in 2010 (see. <http://www.hurriyet.com.tr/escinsellik-hastalik-tedavi-edilmeli-14031207> Date accessed: 25 March 2015) and in 2011, then re-named Minister of Family and Social Policy Fatma Sahin stipulated that "giving support for gay issues" requires them "not to devastate family values". (see <http://www.kaosgl.com/sayfa.php?id=9503> Date accessed: 25 March 2015).

Moreover, it can be said that ever more increasing conservatism and authoritarianism during 2000s have made it indispensable for rights-based NGOs to build alliances among themselves. It must be emphasized that these alliances are also connected to the empowering effect of Turkey's EU membership process, which became more evident in the second half of 1990s, on civil society.

Authoritarian practices that have prevailed over certain spheres of politics in 1990s and that have become more clear in every part of the socio-political plane in the second half of 2000s, have been the defining factor for institutional politics as of 2016. In this respect, it is a factual determination that LGBTIs' rights on the ground of human rights - *rights they are born with* - and, in relation to this ground, rights originating from being a Turkish citizen are not recognized not just *de facto*, but also *de jure*. In other words, LGBTI citizens in Republic of Turkey cannot enjoy the very rights that heterosexual citizens can, in a large spectrum from work life to education and health care.

In order for LGBTI citizens to enjoy those rights, sexual orientations, gender identities and intersex situations must be recognized by laws and in politics. It can be said that LGBTI people in Turkey face double discrimination as they don't have any legal recognition, in other words, they cannot even enjoy equality before the law. Because citizenship in Turkey (Sunni, Muslim, Turkish) is defined and operated according to the criteria of heterosexual masculinity. LGBTI people are being called to this identity and it is legally determined that their rights will be recognized as long as they seem and act like heterosexuals.<sup>4</sup> While an anti-discrimination regulation based on gender was passed and later strengthened with a gender equality perspective in the Turkish Constitution in the first half of 2000s (the first period of the AKP), LGBTI people were made invisible and excluded from the regulation, proving once again that legal equality is not established. The last example of it is the objection of Minister of Justice Bekir Bozdağ to add "sexual orientation and gender identity" phrase into the draft law for International Judiciary Coop-

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4 Hereby, it would be relevant to point out the parallel of this with feminist movements' demand for equal citizenship with regard to gender equality. Nation-state's definition of citizenship is masculine without exception and it navigates through dualist sexist norms included by masculinity.

eration in Criminal Matters, on the grounds that the AKP is a “conservative democrat party”.<sup>5</sup>

In addition, as of 2016, LGBTI people are denied their most fundamental civil rights such as right to education, health and work unless they shy away from being out in public, which can also be found in the data compiled by the Kaos GL. Discrimination LGBTI people already face due to their identity while accessing to education and health services, which are civil rights, grows new layers as enjoying these rights are increasingly being associated with *individual* and/or *private* spheres at the end of neoliberalization process. LGBTI people’s access to right to work/employment as a civil right has been effected by a multiple exploitation mechanism (gender-sexual or gender identity-ethnicity-class) in all phases of the history of the Turkish Republic, be it neoliberal or not.

Essentially, the most visible and calamitous example of structural violence that is almost ordinary for LGBTI citizens’ daily life, meaning the most basic human rights violation LGBTI people face, is the *disentitlement of their right to life*. A conspicuous element of these violations documented by the Kaos GL in its 2014 Hate Crimes Report is that violations especially involving serious physical violence occur in the vicinity of where victims live.<sup>6</sup> In other words, victims are exposed to violence ranging from sexual harassment to beating, from rape to murder in their houses, “around their houses” or at their schools.

As it could be followed from the Kaos GL reports, legal, political and social non-recognition of gender identity and sexual orientation hinders accessing to clear data on different forms and levels of structural violence with regard to monitoring violation of rights.

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5 <http://t24.com.tr/haber/adalet-bakani-kanuna-cinsel-yonelim-filan-eklemeyiz-siyasi-tavrimiz-bu,335349> Date accessed: 9 April 2016.

6 Kaos GL, *2014 Yılında Türkiye’de Gerçekleşen Homofobi veya Transfobi Temelli Nefret Suçları Raporu* (Ankara: Kaos GL, June 2015), <http://www.kaosgldernegi.org/yayindetay.php?id=123> Date accessed: 15 November 2015.

## Suggestions

LGBTI people are not recognized at political, economic and social spheres in Turkey. What's meant by *recognition* is legal, political and social acceptance of LGBTIs as *citizens with rights* rather than mere visibility of LGBTI individuals. The issue of recognition of LGBTI people carries along a series of perpetual violations on the axis of human rights and civil rights. In order to overcome these violations and tackle unequal practices in political and legal spheres based on gender identity, sexual orientation or intersex conditions;

1. Responsibility of the state in the fight against inequality based on gender identity, sexual orientation and intersex conditions at the legal level should be arranged constitutionally and mentioned in related laws.
2. Primary, secondary and higher education policies should be arranged and implemented in a way to include the notion of fight against discrimination based on sexual and gender identity in syllabus, interclass interaction, scopes of lesson as well as interactions among teachers and between teachers and students.
3. The Labour Code should be overhauled so as to overcome discrimination based on gender identity and positive discrimination measures should be implemented on the basis of gender identity and sexual orientation.
4. Necessary arrangements to stop discrimination based upon gender identity, sexual orientation and intersex conditions should be done in regard to access to healthcare, which is one of the most fundamental civil rights:
  - a. Health care personnel must be educated about prejudices and discriminatory practices based on gender identity, sexual orientation and intersex conditions;
  - b. In-service trainings on this topic must be performed with active participation of LGBTI organizations;
  - c. In-service disciplinary code and procedure must be arranged in a way that requires penal sanction for discriminatory practices.
5. Aforementioned suggestions could also be evaluated as part of “social inclusion”, a political suggestion used more to fight against discrimina-

tory practices based on gender, gender identity and sexual orientation. Social inclusion practices, used in many countries, target citizens that hit a *glass ceiling* and could not move beyond this ceiling and limits, such as LGBTI people. Such practices aim to equalize these people with other members of society in a wide array from micro-practices in daily life to institutional politics. They carry along policy recommendations aimed at helping these people being treated as really equal citizens and accessing to social life equally. Those suggestions both include trainings for citizens that don't face discrimination and practices aimed at stopping the victimization of those who are discriminated, compensating their damages of and helping them actively participate in social life, which are in line with positive discrimination. It would be functional to pay attention to the following general lines for social inclusion practices to fight against discrimination based on gender identity and sexual orientation in Turkey:

- a. Political decision makers and practitioners should perpetually be in cooperation with LGBTI rights organizations in order to develop policies to stop discrimination based on sexual and gender identity both in legislation and in practice;
- b. Legal framework must be formed; citizens must be educated about discriminations based on sexual and gender identity while enjoying equal rights –education, healthy life, work, travel, housing, freedom for expression, etc...– In this process,
  - i. Relevant institutions and agents must work with LGBTI organizations in the sphere of education, health and work life;
  - ii. Awareness raising trainings about discrimination based on gender identity, sexual orientation and intersex conditions must be organized for target groups and these trainings must be made continuous;
  - iii. Protective mechanisms and units must be established at institutions in the sphere of education, health and work life for people who face rights violations due to their sexual and gender identity. A regular communication must be maintained with LGBTI organizations in regard to establishment and operation of such mechanisms and units.

In this evaluation, rights-based advocacy in general, LGBTI rights-advocacy in particular are grounded on the principle that *all human beings are equal*. Accordingly, civil rights with their political and social versions are regarded as the appearances of fundamental rights within the scope of modern, nation-states. Today, in a period when conservative and authoritarian mentality of governance has become ever more present and inequality of any kind from economic to cultural axis has reached the peak in Turkey, wherever heterosexism exists *-everywhere-* LGBTI people are not just *vulnerable* but also *hurt* systemically. Thereby, it is clear that there is an urgent need for developing policy suggestions crosscutting national and international spheres with active participation of LGBTI organizations and taking practice-related steps by the state for the recognition of LGBTIs' civil rights. This is an indispensable requirement for everyone living in this country to be able to *live* together.



# Creation of “National Will and Stability” on Traditional and New Media: Being Left Speechless and Silent

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Prof. Dr. Mutlu Binark

“A SQUAT grey building of only thirty-four stories. Over the main entrance the words, CENTRAL LONDON HATCHERY AND CONDITIONING CENTRE, and, in a shield, the World State’s motto, COMMUNITY, IDENTITY, STABILITY.”

*(Huxley, 2015:31)*

wouldn’t be lying if I tell I didn’t want to type anything when asked to write an evaluation about the current situation of traditional and new media... While welcoming the spring of 2016, there isn’t much positive development to mention on our situation... Political and social issues passed over from 2015; political and social polarization intensified by two different results of two general elections; peace process that has been dramatically transformed into a civil war in eastern cities following the first election results; continuous terrorist attacks in Ankara that target civilians, in particular the bombing in Ankara Train Station on 10 October; everyday despair, anxiety and intimidation resulting from the “securitization” regulations in cities that turn them into “war zones”...

Academics who either signed or supported the Academics for Peace declaration demanding the immediate end to the civil war in eastern cities have been continuously targeted by notably President Erdogan, political representatives of the AKP and MHP, traditional media and opinion technicians organically supporting the AKP discourse and indicted, making it the first obstacle in 2016 that kept us from reaching to common sense. Likewise, the issue of imprisoned journalists passed over from 2015 and the lawsuit against journalists Can Dundar and Erdem Gul is still in progress. It is also necessary to mention the long list of censored websites<sup>7</sup> and online *strangle politics*<sup>8</sup> routinely implemented after any social tension.

Firing columnists and producers who have critical opinions about the AKP government, especially about the President, and handing over media corporations close to the Gulen Movement to mandatory custodians as part of the “Parallel Structure” operations are also ongoing political practice. Moreover, the ownership structure in media industry has transformed into a polarized form between “partisans” and “non-partisans”; constraints on alternative media organizations (e.g. penalties, lawsuits, arrests) have increased; conditions for alternative media to exist have become highly difficult.

Whether they are partisan or dissident, contents of shows in mainstream media industry can be evaluated as following: While with the call of becoming famous, common people are involved in the production as “labour power” through *floor shows* which are the low-cost products of culture industry, the audience also becomes a part of these *floor shows* to support their favourite contestants. TV series on the other hand, are composed of narratives such as detective stories that naturalize masculine culture and hegemonic male values; adaptations with cunning, bad female figures and radical representations of over-class individuals within family intricacies or poor and humble maidens waiting for their prince charming. On top of that, if one of those series makes a hit, another clone will be prepared and aired on a different TV channel. According to our domestic TV show industry, di-

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7 While this paper was being prepared, the number of banned websites was 110.594. Tumblr blogging website was also among those websites. For further information, please see: <https://engelliweb.com/>

8 This practice means the use of a cap by Internet Service Providers to restrict the bandwidth. Accordingly, uploading contents especially on social media is precluded. Bandwidth cap was applied during the operations in eastern cities, sieges and terrorist attacks in Ankara.

versity of gender roles, sexual and identities and lifestyle choices is almost non-existent. Existing examples, on the other hand, are displayed through extreme, deficient or incorrect representation mechanisms, encouraging to be perceived eccentric, marginal, alternate, and even deviant through the narrative of what's natural and legitimate.

It would not be incorrect to state that our media and TV programs, just like the other ideological tools of state such as family, education and work life, have become more conservative and that democratic cultural representations are swiftly being diminished<sup>9</sup>. Clone and repetitive productions, instead of creative and cultural productions that promote critical thinking, succeed each other in traditional media industry. In most of these productions it is argued that social success can be reached through individual achievements, talent and rivalry; this argument is grounded as a “new ethos”; the need of social solidarity and getting organized is only possibly in the situation of helping the “deprived and poor”. Individuals whose desires and goals are different from that of majority, on the other hand, become the subjects of narratives as “marginal others” in traditional media industry.

“Hate speech on new media” (2016) section of *General Evaluation on Current Internet Situation in Turkey 2015* which is collectively reported by some members of Alternative Informatics Association points out that our communicative action practices went down and hate and lynch campaigns replaced social and political debates. The quantity of hate speech spreading and reproducing discrimination against Kurdish citizens and political polarization is increasingly rising. Additionally, in parallel to politics aimed at making social life conservative, hate speech against lesbian, gay, bisexual, trans and intersex (LGBTI) people continues both on traditional and new media. The following example from the aforementioned report reveals how hate speech against LGBTI people is combined with racist discourse and ethnic separatism:

“Before the 7 June 2015 General Elections, when the parties declared their candidates, candidate representative of the HDP Eskisehir, Baris Sulu was mentioned most often because he was open about his sexual orientation.

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9 At this point, it would be appropriate to remind the penalties imposed by the RTUK (Radio and Television Supreme Council) and the public speeches of former Vice Prime Minister and government spokesperson Bulent Arinc on the character creation and the scripts of TV series which narrate different life style and choices.

Under the comment section of Akit Newspaper's article "Deviant candidate representative of HDP, Baris Sulu" dated 19 May 2015, being gay is defined as "sickening" and represented as something "unique to the United States and Europe". Therefore, all the LGBTI citizens in Turkey are ignored. Additionally, it is said that 'they are Armenian offspring'. It is seen that ethnic discrimination is also added to this hate discourse. Indeed, these statements indicate that hate speech has imbricated gradually. On the other hand, due to his political party and ideology, the process Baris Sulu had gone through has repeatedly taken place on social media with an emphasis on his sexual orientation. Another example can be seen in the situation of a trans candidate from Kadikoy. Under the Twitter hashtag #HalkinUmuduHDP (HopeForHDP) there were comments calling "not to vote" for the party" (Alternative Informatics Association, 2016: 14).

Another example mentioned in the report is an article titled "LGBTI people are perverted" published on the website *Habervaktim* which has come right after the HDP and CHP showed their support to LGBTI associations Kaos GL and SPoD. This news both trivialises the support of political parties to LGBTI associations and label these identities as "perversion". Sexual orientation, gender identity and intersex conditions are similarly regarded as deviant by the conservative and standardising interpretation of Sunni Islam embraced by the AKP and a "realm of existence" is not created for these identities in the organization and regulation of social, political and economic spheres. Non-recognition of sexual orientation and gender identity in the hate crime regulation which has become a law in 2014 as part of the democratization package and Human Rights and Equality Institution Law enacted in 2016 is a typical example of the attitude towards LGBTI people. Interestingly, on a website, the enactment of hate crime regulation is published with the following subheading: "Controversial hate crime regulation from which Zionists and homosexuals benefit the most has become law after the discussion in the General Assembly of the Grand National Assembly of Turkey)"<sup>10</sup>.

Besides extreme, incorrect and defective representations on traditional media<sup>11</sup>, problems LGBTI individuals face on new media is beyond content

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10 See: [http://www.tv5haber.com/28155\\_Sessiz-sedasiz-Nefret-Sucu--Teklifi-Yasalasti.html](http://www.tv5haber.com/28155_Sessiz-sedasiz-Nefret-Sucu--Teklifi-Yasalasti.html)  
Date Accessed: 8.4.2016

11 While LGBTI people are mentioned as "victims" on traditional media news, their sexual orientation or gender identity are not contextualized. On the contrary, every news is made personal.

management and/or supervision. DNS or URL based censorship of LGBTI websites and social media accounts and filtered ISP software applications are some tools of internet governance mechanism that makes LGBTI existence invisible in new media ecosystem. Moreover, sometimes it even applies to algorithm structure of search engines on the web. This is not specific to Turkey: It is the result of moral panic policy of homophobic and heterosexist male regime present from Russia to Pakistan, Iran to China. As Laura de Nardis and Andrea M. Hackl point that even in Western world, national laws and technological design choices of private companies may restrict the LGBTI content and expressions (2016: 761).

Another danger is the possibility of matching LGBTI people's personal health data in the databases as a bio-power implementation. As Elif Kuzeci, in her speech at the National Congress of Personal Health Database, emphasized:

“Medical data is not the only type which falls into sensitive data category. Alongside this, other titles such as race, ethnicity, and sexual orientation are under the same umbrella. What's common between these categories is that in an environment where such information is not protected, gathered limitlessly, used, recorded and processed, they are more likely to face various dangers such as discrimination and if this happens, damage will be almost irrevocable. Apart from that, protection of medical data is directly related to right to life principle.” (Kuzeci, 2016: 15).

Protecting and maintaining the safety of personal data in every field is a fundamental human right (Ozer, 2016). One of the politics to leave LGBTI people speechless is through sharing personal data and violating private life. This type of violation is an often preferred power tool used by homophobic and heterosexist domination. Consequently, this implementation interferes with freedom of speech as a “supplementary damage” (de Nardis and Hackl, 2016: 762).

Traditional and new media are undoubtedly the most suitable tools of the policies to design bodies, cultural consumptions and opinion in public and private spaces. It would not be wrong to say that the most successful strategy of the AKP government in designing political-social-cultural and eco-

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Representation of LGBTI people on TV series scripts are, on the other hand, usually either deficient or exaggerated as side characters.

conomic spheres, and therefore, people's "habitus" is through "producing content". This is why, TRT TV channel, which lost its attribute as a public TV and turned into a government-run media organ, produces series like "Dirilis" (Resurrection) while on social media the existence of troll account organizations such as AKTroller and so on are supported<sup>12</sup> and via bot accounts it is tried to make them *trending topic*.

Mono structured "national will" in Turkey, that is aimed to be created in political life and economic sphere, creates a so called "stability" in public realm whereas all kinds of pluralism and difference are swept out of social, political, cultural and economic spheres. What lies behind this so called "stability" on the other hand is leaving people speechless and mute. In this "doomsday" we are going through, different political, cultural and social projects, life visions, sexual and gender identities and body politics must listen to each other, develop empathy and create rooms for multiple encounters of *speech-acts* in public space for peace.

We have to avoid incorrect or incomplete representations of love which is presented single-sided or intensified by popular texts such as industrially produced TV shows, whether it be news, floor shows or TV series. We need to keep a coldblooded and critical distance to ourselves, our inner and outer circles instead of getting caught by banal nationalist reactions, experienced/encountered cliché emotions, "single truth universe" - the creation of our *similar-liking* compartments, all of which are produced by new media users, meaning us. In this way, it would be possible to comprehend the political and cultural exclusion created by national will and social stability discourse, and "how exclusion brings muteness". We can take a step to constitute an *agonistic* political speech through which different thoughts clash by changing ourselves and close social environment. Only by doing this we can empower the ones who are muted by political, social and cultural discourse and bio-power tools defining their bodies. Some tactical actions we may take can be listed as follows: Empowering media which is alternative to traditional media; supporting the production process; requesting/designing different network architectures to prevent private companies from using us as content farm on new media; using decentralized and encrypted structures<sup>13</sup>;

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12 See for further information on Twitter "trolling": Binark, M et al. (2015) "Türkiye'de Twitter'da Trol Kültürü" (Trol Culture on Twitter in Turkey), *Toplum ve Bilim*, Is. 135, 124-157.

13 For further information on why encryption is necessary and how it is done, see: kemgozleresis.org.

disseminating information on the rights we (as citizens) have on new media; being active participants of national internet governance and policymaking progress.

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# Struggles Imposed by New Hierarchical Citizenship Regime on Marginalized Groups and LGBTI Movement

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Assoc. Prof. Aysen Candas

Turkey has entered a challenging *de-democratization* (Tilly, 2007) phase in which law has been suspended, fundamental rights and freedoms- including right to life- have been taken away in an environment where all the alternative news sources are censored, and the “dream” of a discriminatory and hierarchical society, not equality, is being popularized.

In such a context, human rights of lesbian, gay, bisexual, trans and intersex people are under a great existential threat. At the very time when LGBTI people have gained some visibility, won with difficulty their struggle to organize, gave a start to mainstreaming LGBTI rights in regards with rights, equality, anti-discrimination and social inclusion, they are forced to give up on the already limited gains they had, which re-marginalizes them. Considering and explaining the existing situation simply as a withdrawal of gains would be insufficient to analyze this instance because we are talking about an environment where “making society more religious” is the goal which public facilities are allocated for and social benefit and social policies are focused on, and inequality between men and women has been made a “norm”, and social engineering is implemented to combine a radical grassroots with this environment.

This environment and social engineering project correspond to a deeper and calamitous situation than the sole problem of how majority, which is and has always been “homophobic and transphobic”, can interfere with the struggle for LGBTI rights and equality. It is important for us to determine the factual content because only by visualizing the situation and risks the worst-case scenario contains if things go unchanged, we can have more constructive approaches to determine the most effective steps to annihilate, or at least minimize, those risks.

The LGBTI movement is such a movement that, only a few years ago, was able to communicate with ministries and higher levels of bureaucracy, and for example, managed to bring different parts of society for Istanbul Pride in a peaceful and festive way. It is the LGBTI movement that popularized its demand that gender identity, sexual orientation and intersex conditions be part of fundamental and prioritized LGBTI anti-discrimination. However, the environment to prioritize those former acts is swiftly losing ground. LGBTI movement is facing quite an ontological obstacle. Moreover, in an environment where there is no peace; rights to life and protection from torture are carried backwards due to the Domestic Security Law as well as different and wider groups -especially Kurds, Alawis and women- that had hoped to consolidate their position in the last decade are sacrificed, LGBTI rights are not a matter of concern at all, further marginalizing their visibility and demands.

It is also necessary to say a few words on the new methodology for marginalizing LGBTIs’ demand for equal rights and freedoms. This is not happening by declaration and statements. Their demands, on the contrary, are being ignored “mischievously and tentatively”. On my own behalf, I have reinforced this observation of mine as part of an initiative to prevent the authorities from banning Istanbul Pride in 2016 like they did in 2015. In a meeting where many consuls in Istanbul were invited and they attended on time and fully prepared, it was requested to talk and obtain a promise from the Governorship of Istanbul that the Pride would not be banned this year. Consuls, who were attending Istanbul Pride every year -as they do in their own countries, as well- also experienced firsthand the insidious banning of Istanbul Pride 2015. The reason I call the banning insidious? We were there as a crowded group of Bogazici University faculty members. From numerous experiences we were used to “establish a buffer zone” between our students and securi-

ty forces. Until the last minutes we stayed between the police and students and young activists and we insistently kept asking the police why they were not letting the group move or whether the parade was banned or not. Every single time they informed us that “they were waiting for everyone to gather, there was no ban, the parade was going to happen”. And there was a gas bomb just after everyone gathered... In short, if they had informed us that the parade was banned, I wouldn’t have called this gas bombing “insidious”. The very existence of intentional harm to a group that is about to start marching reveals a rather calamitous picture than an arbitrary disturbance of a fundamental right. In fact, we witnessed a play staged by government, now legitimizing itself by homophobes and their supporters who in guise of religion express their hatred violently and hubristically, to be applauded by a new audience via abusing thousands of people by making them a part of the “show”.

The initiative for Istanbul Pride 2016, which I witnessed, suffered the same fate. The Governorship which repeatedly promised to join the meeting didn’t even send a “tea maker”. There was only one young woman from the Ministry of Internal Affairs who claimed that she was “working with refugees” and that person was the only representative of the government. She caused lots of worry by recording everything on her phone and she left by saying she was going to “hand in” our demands. In this case, it is obvious that an attitude, which does not even bother to share plans regarding LGBTI people is being systematic in every level of bureaucracy. We can specify this attitude either as “taking no account of” or we may try to explain it in terms of legitimation grounds of the government which is given by their own radical supporters not by society as a whole. In any case, there is a worrying target and an worrying, insidious methodology.

“The new hierarchic citizenship regime” has been gradually putting into practice through acts such as the banning of the pride parade, ignoring meetings related to this topic and not even sending a representative; social policies, aiming for a religious society, and law regulations passed since 2011 which even contradict with the current constitution, falling behind it as well. This citizenship regime that institutionalized and imprinted itself in discourse and daily language does not allow any space for gender equality, gender identity and different gender diversity. Indeed, apart from certain interpretations of

Sunni Islam and Salafism, there is no place for freedom of conscience and religion. It is aimed to popularize a uniform “acceptable citizen” who is created by the Turkish-Islamic synthesis, pan-Islamist-nationalist and carrying a big hatred against women and LGBTI people. The “acceptable citizen” is expected to actively get involved in the “purification” politics, even if that requires hatred and violent acts. If we stay in this circle that we are in since 2011, it is likely that this “goal” is going to be achieved. The factual situation that we see in Turkey is this.

At this point, it is important to describe the factual situation outside Turkey. Until quite recently, Turkey held promise for becoming a pluralist, all-inclusive and fully democratic country recognizing human rights including LGBTI rights and was expected to become a role model to other Muslim-majority countries. If Turkey does not achieve this, no other country in culturally Muslim geography - maybe except Tunisia- can do. In a world where radical Islamic terror rules and terrorism becomes global, “the success of Turkey” is still wanted by everyone and it is indeed something which should be asked for more strongly. That’s why we witness in recent years that almost every institution working on human rights publishes a report about Turkey. Despite everything, Turkey is still a member of the NATO and European Council. Most of its trade is still with Europe and there are many European companies established in Turkey. And the current situation in which law is suspended; even capitalism which most of us criticize the effects of it, do not have power of sanction. Arbitrariness generated from legal loopholes creates uncertainty and insecurity that lead to disinvestment. Consequently, centralized and monopolistic decision making procedure takes place of competitive rivalry, resulting in an inoperable economic situation. Briefly, because of all these reasons Turkey is still exceedingly important for the rest of the world. Moreover, the perception of Turkey in the rest of the world increasingly differs from Turkey’s self-concept in a magnifying mirror. The situation gets ever more unsustainable due to all these reasons. On top of it all, the uniform citizenship regime, which is aimed and “under construction”, outcasts and marginalizes not only LGBTI people but also various sections of society at large. Hence, fault lines cause more and more fractures and the current situation transforms into an unsustainable point where keeping the society together and managing it become more difficult.

LGBTI citizens just like all other marginalized groups have to keep fighting and stand together with those groups. In the history of societies, there are periods that democratic gains are demolished and such crisis gives rise to progressive movements again through which new democratic periods are established. LGBTI movement in Turkey, even though it is organized recently, has an incredibly rich gain over a very short period. They have formed international relationships with any kind of organization and movement working on human rights, freedoms and anti-discrimination. LGBTI movement, especially until it gets through this period of crisis, should fight together with all groups that are excluded from the regime of the privileged and marginalized within the country and any international movement, organization and institution working for a similar cause.

Turkey, as a country that becomes more and more Salafi, transforms underprivileged groups -first of all, LGBTI people- into “potential political refugees”. Under these circumstances it is inevitable that differences emerge between LGBTI people. Conditions for the ones who are “more visible” in small and conservative cities and the ones in the big cities who live in “relatively safeguarded environments” differ more and more. It might be necessary to take action with the help of solidarity networks to place the individuals who are under life-threatening danger in bigger and relatively safer cities. Existing solidarity networks should immediately take action in situations that can be improved by moving to another city and make it possible to collaborate with international networks that can be supportive to that end.

In all networks organized for rights and legislation, LGBTI people’s needs and demands should be represented, every rights group should include people from LGBTI organizations. Especially in this period, strong collaboration with women’s movement should be planned and ongoing projects should be continued. Together with women’s movement, projects and activities should be planned to create awareness on gender inequality and to protect existing rights.

It is understood that in the current period, there will be more attempts for a new constitution. Platforms concerned must be careful about being equal in terms of representativeness and people from LGBTI organizations must be included. Ignorance and negligence of LGBTI people and the LGBTI movement should not be allowed.

In this de-democratization period, it is not quite possible to mainstream LGBTI rights in government politics, however, platforms fighting for democracy, equality and legal rights should aim for this. Action must be taken to make this goal realized.

LGBTI movement must keep in mind that, in near future, they will be strong again in the fight for law and equality fight. Because of that, works on recording and reporting every kind of infringement and violation must continue. Activities which make the LGBTI movement visible in an international level must be maintained actively.

The only long-term assurance to keep a society in peace depends on the fight for human rights, equal freedoms and equal citizenship. Discrimination against LGBTI people, which in some way might be considered a type of racism, is one of the least emphasized type of violation of human rights and must be prioritized. It is necessary for Turkey to embrace *diversity as a social fact* (Rawls, 1994) to become a democratic country in universal standards. If LGBTI rights are prioritized by the government itself and protected by governmental bodies to prevent the common violations in public services, this is going to be a milestone in democratization process of Turkey. Even though we struggle a lot in this conjuncture in terms of achieving our goals, there are still myriad things we can do. Similarly, the LGBTI movement must give precedence to solidarity with groups treated as “second class citizens” and make itself a visible and equal shareholder in various solidarity networks with such groups.

“The owl of Minerva spreads its wings only with the falling of the dusk.”  
Hegel





BİSEKSOELLER VARDIR

ALİŞİN BURADAYIZ

BİSEKSOELLER VARDIR

GENEL AHLAKSIZIM

KADIN KADIN

VELEV Kİ İBNEYİZ

YAŞASIN EŞCİNSEL AŞKI!

YASASIN EŞCİNSEL AŞKI!

ANAYASADA CİNSİYET Biji evîna hevzayendi

YAŞASIN EŞCİNSEL AŞKI!

ALİŞİN BURADAYIZ

# Recognition of Sexual and Gender Identities and Discrimination in Turkey

Assis. Prof. Dr. Kerem Altıparmak

## Single Identity Politics

One of the most common problems in Turkey, in terms of human rights and especially discrimination, is to ensure “the invisibility of different groups”. Unless there is a visible difference, then it means there is no discrimination at all. For instance, government discourse which declares “being Kurdish or Alawite” is not a ground of discrimination also claims “Kurds are able to hold any position in Turkey”, actually for that matter, “they might even become a president”. On paper this is correct. Indeed, a Kurd might become a president as long as they present their Kurdish background as a folkloric entity not as an identity.

It is hard to say this for Alawites. Excluding the era when CHP/SHP political wing was the part of the power domain, Alawites have not been able to allocate decision making positions neither in politics or bureaucracy. Per se, the main allegation is if an Alawite has a position in civil service on account of this identity, it will not be appropriate to meritocratic system. Government, hence, should remain insensitive to this identity to treat all citizens equally. Doubtlessly, in practical terms this endeavour results in under-representation or total negligence of minorities.

A natural aspect of this approach is the supposition that regardless of their identity traits, all citizens are equal. Moreover, the legitimacy of denying the demands of minorities and self-claimed groups is rooted from this equality understanding. Just like the majority does not have privileges in regards with their difference, minorities shouldn't have either. Otherwise, that would be contrary to equality, the assumption goes.

As a matter of fact, this issue is much more prominent in terms of lesbian, gay, bisexual, trans and intersex (LGBTI) rights. The government and authorities indeed ignore sexual and gender diversity by declaring there is no discrimination based on sexual orientation, gender identity and intersex conditions. As a result, it is not possible to see any rules legally protecting aforementioned differences. Not only the legal recognition, but also law arrangements related to personal assault and loss of rights due to sexual and gender identities is out of question. For example, when an act of violence against a trans person results in death of that person, this is processed as an act of simple killing because motive behind the crime is not taken in consideration. Additionally, in most cases, the crime is justified with claims such as "perpetrator is provoked unjustly" due to the denial of his heterosexual identity, causing conviction to be reduced.

### **Mandatory Result of Single Identity Politics: Protection of Majority**

Concomitant of legal regulations in question, anti-discrimination rules paradoxically secure the majority instead of minor groups. The Penal Code number 765 on "provoking people to resentment and hostility, and humiliation", which is indeed a hate speech rule, for instance, has been used to sentence a large number of Kurdish people. Consequently, this legislation has been rejected several times by the ECtHR<sup>14</sup> and transformed into a broader extent to ensure freedom of speech. Of course, another law regulation has taken over the space left by the former. Even though it seems like the offence of provoking people to resentment and hostility would be handled equally by law for every group, in reality, this law regulation serves unilaterally. Article no. 301 under the Turkish Penal Code number 5237 represents this legal discrimination clearly. During the process resulted in Hrant Dink's murder, Article no. 301 had been used to punish the so-called crime of denigration of "Turkishness", which was later defined as denigration of the Turkish nation.

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14 See, among many examples; Surek and Ozdemir/Turkey, No. 23927/94, 08.07.1999.

Similar to ethnicity, religion could be a subject of discrimination as well. Clause no. 3 under Article no. 216 which is the new counterpart of old Article no. 312 has the following statement: “A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.”. As it can be understood, this objectively written law transforms into a regulation which protects Sunni Islamic practice. It is obvious that practitioners try to make the impression that they are being equal to every domain, even when they are not. This provision of article which has been applied more than ever in recent years<sup>15</sup> to protect Islam is designed in a way to make the impression as if it has the same distance to any religion. Legal decision of well-known Fazıl Say case as following is a good example: “The notions considered holy in Islam, Christianity and Judaism such as heaven, hell, dying for God, houri are included in the stated message entries. It is understood that these religious terms are humiliated and undervalued by questioning the existence of alcoholic beverages such as raki and Chivas Regal in heaven and hell”.<sup>16</sup>

### **Most Typical Appearance of Ordinary: Heterosexuality**

Violations against LGBTI citizens reveal itself in two types of discrimination. LGBTI citizens face discrimination as their identity is not recognized by law and they are considered to be violators by the claim that their very existence disturbs “public morality”. Even the anti-discrimination regulations forced by the European Union do not include legal protection based on sexual orientation, gender identity and intersex conditions.

For example, a recently added regulation in the Turkish Penal Code covering hate and discrimination crimes includes hate crimes based on “differences of language, race, nationality, colour, gender, disability, political opinion, philosophical belief, religion or sect”, however, sexual orientation, gender identity and intersex conditions are not involved. As it is well known, this issue has not been ignored totally. Indeed, it is kept out of scope intentionally as a form of discrimination. Additionally, it should not be thought that this formulation enhanced the ethnic and religious situation. The new regulation

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15 In 2011 only 8 lawsuits were filed based on this article. However, in 2012 and 2013 the number went up to 66 and 107, respectively.

16 Later this decision was rejected by the Supreme Court.

has not contributed to the protection of minorities under any circumstances. The law regulation “Institution of Human Rights and Equality in Turkey” passed on 7<sup>th</sup> April 2016 by the parliament doesn’t include any article related to sexual orientation, gender identity and intersex conditions despite strong demands by human rights organizations.

It still requires an explanation, however, why sexual orientation and gender identity are not listed unlike other grounds of discrimination. What is the difference between them? Firstly, beyond any doubt, identities other than heterosexuality are unacceptable to a conservative government. Minister of Justice, Bekir Bozdag expressed this phobic attitude clearly. He said: “As the government we won’t add sexual orientation to the legislation. This is our political approach. We are a conservative democrat party. The HDP or CHP will add it if they come to power.”<sup>17</sup> It is not a common to see a minister from a European Council member country to make a statement so contradictory with the principles of the organization. The only explanation of this difference is not that LGBTI identities are more intolerable than any other category. Anti-discrimination based on sexual and gender identities is not a convenient category for legal abuse. The people it protects is very clear. On the other hand, anti-discrimination based on religion and sects can be easily situated in law regulations since international conventions mention them and more importantly, they are potentially open to abuse. Indeed, it might be propounded that a Sunni Muslim is discriminated within the scope of this regulation. This example is highly recognizable especially if someone’s identity is visible, for example, through clothing. In this case, law regulations such these can be easily used in favour of majority. Only such acts of discrimination against Sunni Muslim Turks shall be penalized within the context of this law entry. Inarguably, groups who form the majority in a country might be local minorities. And in this case, there is a possibility that they can also face inequality and discrimination. This cannot be justified or tolerated, either. However, it is unacceptable when this law regulation is applied unilaterally and even to suppress diversity.

Anti-discrimination based on sexual and gender identities is not suitable to such abuse because of those reasons. There isn’t any existing example of a heterosexual who is subjected to discrimination based on sexual orientation by public institutions or private persons. Sexual orientation and gender iden-

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<sup>17</sup> <http://www.kaosgl.org/page.php?id=21474>

tity are very clear identity definitions. As long as these identities are legally accepted, it becomes impossible to explain or justify the reason why they are not employed in merit based institutions and establishments. Therefore, it is possible to maintain single identity politics while accepting other discrimination types. On the other hand, in case of recognition of discrimination based on sexual and gender identities, single identity politics cannot be pursued successfully.

The law regulation for the “Institution of Human Rights and Equality in Turkey”, which was passed in the previous days, does not mention discrimination based on sexual orientation, gender identity or intersex conditions. Legislators have turned a deaf ear to criticism of the United Nations, European Council, European Union and civil society as well as opposition parties. Hereby, while as the requirement of universal declaration of human rights, discrimination is prohibited theoretically, however, LGBTI people who face the highest level of discrimination in the country are excluded from the legal protection.

### **Another Consequence of Non-Recognition of Identity: Freedom to Hate**

Being unprotected or denial of identity, however, are not the sole problems within the broader scope of civil and political rights. Considering that the government is obliged to be respectful to people, sexual and gender identities are being used as an excuse in failing to carry this responsibility. This excuses often focuses only on the sexual aspect of sexual and gender identities and label them as “contrary to public morality” under certain sanctions. In other words, this perspective claims that unlike heterosexuality, sexuality of LGBTI people is “commercial” and it is “qualified as prostitution”. Hence, “to protect heterosexuals, this sexuality/sexual and gender identities must be forbidden”.

A recent case is a good example to summarize the government’s approach to this problem. After a heterosexual person has notified the office of the attorney general that his name was on a website without his permission, prosecutor of the case has applied to the peace court of criminal jurisdiction demanding restricted access to the gay dating site Grindr.com. Without any hesitation, court immediately blocked the access to Grindr.com. The reason behind the censorship is explained as the website’s content promotes obscenity and prostitution. Objection to this decision has been denied without

any justification, as usual, by the justification that the decision is “in accordance with the law”. The case has been referred to the Constitutional Court.

Grindr is a dating website with more than eight million active users in 192 countries. The site gets 10.000 new members daily. Similar to other social networking services, this website has a terms of condition policy to protect member’s personal rights. When the conditions of membership is analysed, it can be clearly seen that, under any circumstances, it is not allowed to create an account which violates the right of privacy. By the terms of condition, every member agrees in the first place that they cannot create a profile involving prohibited content.

Grindr case, in point of fact, is highly striking because it reveals the fact that homosexuality is not only made invisible in Turkey but also criminalized. According to both administrative tribunals and judicial authorities “gay are involved in prostitution, prostitution is immoral, therefore it should be banned”. This attitude, along with the violation of other rights, is an assault to gays’ dignity because it ignores their existence or punish them for their identity.

As it is understood, when individuals are attacked because of their sexual orientation and gender identity, the motive of the crime is ignored. However, when a “heterosexual” person’s name is seen on a gay dating site, it is considered as such a heavy violation that the result is the over-all restriction of access to the website. In this situation it can be determined that it is not illegal to hate, target or physically attack gays. When it comes to physical attack, the illegal part is the attack itself, not the fact that it is a hate crime. Moreover, if someone hates gays, the person may demand that this “hate” should be legally recognized. In accordance with “homosexuality= prostitution= immorality” formula, even this hate might be legally protected.

What differs a gay dating site from heterosexual ones? The fundamental difference can be explained with the fact that anti-discrimination regulations and equality principle do not cover LGBTI people. Indeed, one way of not recognizing an identity is to make people being discriminated invisible by not defining them in the laws and the other way is to see their difference is a trait to be punished. That’s why, it is out of question to evaluate jurisdiction independent from the attitude of legislative branch.

Equality discussions such as same-sex marriage and right to adopt or have children must be considered in this context. These rights should not be con-

sidered as if they can be demanded after reaching a certain level. Political answer to demand these rights is not independent from the current situation mentioned before. The reason why these demands have never been considered or argued seriously is not resulted from the pragmatist analysis of the consequences. For instance, in Turkey, even the possible benefits or rights of the child who might be adopted by same-sex partners are not considered an issue to be discussed. In some countries, the adoption of children by gay or lesbian couples is antagonised. This objection is justified in terms of “the best interest of the child”. In Turkey, however, the situation is not even this. Since sexual orientation is not protected by laws, it doesn’t exist. Hence, it cannot be accepted for a non-existent identity category to have the civil and political rights that other people enjoy.

Heterosexuality, from this point of view, is the most prominent and dominant element of single identity ideology which is protected legally by the constitution. Besides heterosexual identity, there isn’t any other sexual and gender identity which is protected or recognised. Some consequences of the situation summarized above are listed as following:

1. Sexual and gender identities are vulnerable to any kind of discrimination act. Discrimination of such kind is legitimized legally and politically.
2. Any kind of expression of hate towards sexual orientation and gender identity is legitimate. Physical assault related to this reason is not punished independently and it may even be a reason to reduce the punishment.
3. Demand of rights concerning sexual and gender identities is not possible.
4. Demands concerning the prohibition of sexual and gender identities are legally protected because sexual and gender identities are “und detachably connected to prostitution”.

These four factors are all related to each other. Defining sexual orientation, gender identity and intersex conditions as grounds of discrimination means recognizing these identities. This recognition makes it mandatory to change the definitions of the other three components mentioned above. Demanding the recognition of discrimination based on sexual and gender identities is a demand for recognition of identity, therefore, it is demand for radical but mandatory demand for the revision of the constitution.



# Legislation Process, Commissions and LGBTIs: Determinations and Suggestions

Dr. Salih Şahin

## Introduction

International human rights law stresses that legal-institutional guarantees must be formed to ensure that lesbian, gay, bisexual, trans and intersex (LGBTI) people enjoy their rights and freedoms equally with everyone else and without being exposed to discrimination.<sup>18</sup> According to Article 90 of the Turkish Constitution, it has been accepted that international agreement articles are to be based on in case of a disagreement that might occur as a result of that international agreements in force and national legislation have different clauses on the same topic regarding basic rights and freedoms. According to international legal documents which have an important position on norms hierarchy, States are in charge of guaranteeing LGBTI people's rights and freedom. The extent of legal obligations is clearly stated in agreements signed at the United Nations (UN) and European Council (EC) as well as in decisions and recommendations published by human rights mechanisms, of which number and scope are gradually increasing.

18 United Nation International Covenant on Civil and Political Rights, UN International Covenant on Economic, Social and Cultural Rights, European Council Istanbul Agreement, European Council Ministers Commission decisions, ECtHR verdicts et. al.

Within this frame, the Turkish Grand National Assembly (TBMM), namely, the legislative body and law-makers have a big role and responsibility in term of fulfilling State's obligations.

The TBMM's functions of legislation and inspection can strongly affect public policies from the perspectives of equality and anti-discrimination principles. Undoubtedly, the revelation of such potential is depended on the adaptation of some institutional and functional approaches-mechanisms in the existing working process. In this article, legislation process regarding such context as well as a limited number of determinations and suggestions will be put forward. Suggestions over the TBMM will be summarized under four titles:

1. Legal regulations aiming social inclusion
2. Participatory legislation process
3. Effective monitoring of law practices
4. Strengthening the capacity of the TBMM's Administrative Organization

### **Legal regulations aiming social inclusion**

One of the most important problems faced in legislation processes is to identify the definition and scope of "right subjects" (insured, worker, civil servant etc.) in a narrow and standardizing way. Today, in Turkey, it is seen that exclusion processes that ignore and not recognize LGBTI citizens are put into practice instead of legal regulations that include discrimination and inequality clearly and directly towards right-holder LGBTIs .

It is possible to say that LGBTIs' life realities and needs are almost fully ignored when we look at the norms of civil law, labour law and social security law. For instance, LGBTI workers face many human rights violations such as isolation, alienation, dismissal, not being employed, not getting promoted, mobbing, abuse, humiliation and stigmatization in their professional lives because of their sexual orientation, gender identity or intersex conditions.<sup>19</sup>

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<sup>19</sup> Kaos GL (2009), *LGB Çalışanların İş Yaşamı Raporu*, Çalışma Hayatında Lezbiyen, Gey, Biseksüel Çalışanların Yaşadığı Sorunlar – Tanıklıklar (LGB Workers' Work Life Report, Problems Lesbian, Gay, Bisexual Workers Face in Work Life- Testimonies

They are exposed to many obstacles during their access to employment and work life.<sup>20</sup> The deprivation of LGBTI citizens from social security is a widespread and bitter problem depending on the aforementioned conditions in work life.

The condition of being actively insured on social insurance system in Turkey is based on official/registered employment and professional status.<sup>21</sup> Discrimination to which LGBTI people are subjected most of the time obstructs their status of being insured or causes them to earn less than what they deserve. That they are involved in transitory work relationships because of high rate informal working and discriminations leads them to stay out of social insurance system or cuts their insurance payment. As a result of this, LGBTIs subjected to discrimination gets deprived of income and care guarantee that social insurance system provides.

Beside the absence of positive regulations that are focusing on social inclusion and sensitive to differences, sexual orientation, gender identity and intersex conditions are not counted as discrimination grounds despite clear international norms of which Turkey is a part. From this aspect, an equality and anti-discrimination legislation including a clear protection on the aforementioned grounds and in line with developed and international criteria must be adopted quickly. Together with this, legal regulations to watch out LGBTI citizens' and refugees' equality in civil law, labour law, health law etc. must be done as soon as possible.

### **Participatory legislation process**

In terms of legislation process, adopting pluralist and participatory working methods have an important role on both grasping problems LGBTIs face in their lives and benefiting from possibilities of comparative law. Particularly “the commission stage” forms a very important ground for interaction, dialog and cooperation. But, the TBMM internal regulations in force do not ensure institutional and procedural guarantees regarding non-governmental organizations' participation in legislation process.

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20 Kaos GL (2015), Türkiye’de Özel Sektör Çalışanı LGBTİ’lerin Durumu: <http://www.kaosgl-derneği.org/yayindetay.php?id=129> – The Situation of LGBTI Workers in Private Sector in Turkey

21 Social Security and General Health Insurance Law no. 5510 dated 31/5/2006

According to Articles 26 and 30 of the TBMM internal regulations, NGO participation in commission work is under the authorization of the Assembly Presidency. This procedure can lead into inequality among NGOs due to lack of strong legal support regarding participation. It is seen that organizations closer to state or dominant political understanding are given more chances of participation. In spite of this, another important problem is seen as the institutional incapacity of NGOs in terms of advocacy. There are striking deficiencies in formulations regarding agenda article of demands and in stages of scrutinizing laws or draft laws.<sup>22</sup> Considering the limited working hours in the Assembly, speaking out simplified and effective opinions to the point will increase the efficiency of legislation process.

### **Effective monitoring of law practices**

Problems obstructing LGBTI citizens' access to their rights and freedom arise not only from legal provisions or regulation gaps, but also from serious differences between legal regulations and practices.

For instance, basic regulations regarding using the right to organize meetings and demonstrations exist in Laws on Meetings and Demonstrations no. 2911 number and dated 6/10/1983. Everyone has the right to organize unarmed and peaceful meetings and demonstrations with certain purposes, that are not illegal, without getting permission beforehand according to this act (Article 3). Open or closed venue meetings or marches can be organized by real or legal entity to make a topic adopted through creating public opinion and enlightening society on some issues. In spite of this, LGBTI organizations' freedom to meeting can be obstructed by authorities. Particularly, yearly marches dedicated to May 17 International Day Against Homophobia and Transphobia as well as pride parade, which are organized in many cities around the world including Istanbul and other cities in Turkey were obstructed and/or police used violence against people that gathered. In addition, private parties can also attack such events. It can be seen that police do not take necessary measures, that the risk of attack is presented as an excuse to

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22 İ., Neziroglu, (2010), Sivil toplumun Türkiye Büyük Millet Meclisinde kanun yapım sürecine katılımına ilişkin fırsatlar - STK'lar ve Kanun Yapım Sürecini Etkileme", *Savunuculuk ve Politikaları Etkileme*, Bilgi Üniversite Yayınları. "Opportunities regarding Civil Society's Participation in Legislation Process in Turkish Grand National Assembly- NGOs and Effecting Legislation Process", within, *Advocacy and Effecting Policies*, Bilgi University Publishing.

ban the events and that serious omissions can be experienced in investigation and prosecution processes.

It is necessary to form plural and participatory mechanisms determining, watching and evaluating problems and obstructions regarding the implementing processes of laws. Such mechanisms of interaction will make ties to be established with civil society, namely ties between law and life, stronger by going beyond the frame of administrative law's duty, authority and responsibility or deterrent penal sanctions. In addition, these mechanisms' regular and effective communication and cooperation with the TBMM, particularly with relevant expertise commission, must be ensured. In terms of struggle against inequality and discriminations, the dialog with NGOs advocating for the rights and freedoms of lesbian, gay, bisexual, trans and intersex citizens as well as refugees is essential. Research must be conducted with the aim of making the aforementioned mechanisms work and monitoring the effect of legal and other measures put in force effectively and regularly. Laws and practices in force must be reviewed and improved continuously based on such research.

Undoubtedly, the TBMM can make inspection tools regarding implementing laws functional. In this context, it can be said that parliamentary question and parliamentary research are more effective and relevant methods compared to parliamentary inquiry and interpellation. Unfortunately, there isn't any development so far apart from bringing up various written questionnaires and no parliamentary research commission could be set up against inequalities, discrimination and violence LGBTI citizens face.

On the other hand, despite most of commission are only interested in making law, some commissions have some special authority and duties beside this duty. Some others do not negotiate law draft and proposal but fulfils their duties imposed on them by law of establishment. Individual applications can be made to the Human Rights Investigation Commission<sup>23</sup>, Petition Commission<sup>24</sup> and Commission on Equality of Opportunity for Women and Men and problems regarding implementation of laws can be taken to the Assembly in this way. In order to ensure LGBTI citizens' rights and investigate complaints, crime and abuse claims, the Commission's existing procedures

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23 Human Rights Investigation Commission Law, no. 3686 and dated 5/12/1990

24 Law on Use of Right to Petition, no. 3071 and dated 1/11/1984

should have been made effective and accessible and special measures must be taken when necessary. Together with this, all information about these procedures which LGBTIs might need must be provided to them.

In terms of participating to legislation process, the stage of commission has a special importance. However, historically in Turkey, the Assembly's ability to make distinct amendments in drafts or bills despite governments formed by majority party or parties is very limited. This situation works as a dynamic that decreases the effectiveness of civil society's participation to legislation process. The fact that there are only a few MPs who have civil society background or experience of having worked with civil society consolidates this limitedness.

### **Strengthening the capacity of the TBMM's Administrative Organization**

Considering that the TBMM's Administrative Organization provides all kind of information and administrative support to commissions and MPs<sup>25</sup>, strengthening the institution's capacity under the context of struggle against discrimination and inequalities against LGBTIs is crucial.

In this frame, in-service training programs have a key role in developing respect and understanding in the TBMM's Administrative Organization towards LGBTIs' human rights, putting the principles of equal citizenship and anti-discrimination ban into service processes and strengthen them, and creating awareness and sensitivity. The knowledge and awareness levels of the TBMM personnel regarding prejudices, discrimination and other problems LGBTIs face should be increased through in-service training programs, either by designing new ones or opening new modules within existing programs.

Various experiences of parliaments around the world and international institutions regarding adapting the principles of equality and anti-discrimination in legislation, inspection and service processes should be benefited, good examples of practice should be collected and they should be used in in-service trainings of the Assembly.

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25 Turkish Grand National Assembly Presidency Administrative Organisation Law, no 6253 and dated 1/12/2011