

HUMAN RIGHTS OF LGBTI+ PEOPLE IN TURKEY:

2019 REPORT

PREPARED BY
ATTORNEY YASEMİN ÖZ



HUMAN RIGHTS OF LGBTI+ PEOPLE IN TURKEY: 2019 REPORT

Prepared by
Attorney Yasemin Öz

Published by
Kaos GL Kültürel Araştırmalar ve Dayanışma Derneği

First Edition
May 2020, Ankara

Kaos GL Associaton
PK 12 Tunus PTT Kavaklıdere Çankaya - Ankara
Phone: +90 312 230 0358
Fax: +90 312 230 6277
E-mail: bilgi@kaosgldernegi.org
www.kaosgl.org
www.kaosgldernegi.org

Design
Ceket Medya



This report is published by the support of the Swedish International Development and Cooperation Agency (SIDA). This does not mean the content of the report reflects SIDA's official views.

INDEX

Introduction.....	5
Right to Life and Hate Murders Against LGBTI+ People.....	8
Hate Crimes.....	11
Hate Speech	22
Gender-Based Violence	24
Ban on Torture and Maltreatment	25
Personal Liberty and Security.....	26
Freedom of Speech.....	29
Right to Assembly and Demonstration.....	32
Right to Work	37
Right to Education	55
Right to Health	57
Freedom of Residence and Travel – Right to Property	59
Access to Goods and Services.....	62
Right to Reproduce – Legal Status for Intersex People.....	63
Right to Marry and Found a Family	64
Right to Social Security	65
Rights of Prisoners.....	66
Rights of Foreigners, Refugees and Migrants.....	68
Right to Political Participation.....	71
Right to Benefit from Scientific Progress.....	73
Right to Information	74
Compulsory Military Service.....	76
Human Rights and Equality Institution of Turkey	77
The Ombudsman	81
Conclusion and Recommendations.....	82

INTRODUCTION

While preparing the Human Rights Report of LGBTI+ People in Turkey for 2019, as Kaos GL Association, we have chosen an approach aiming to address the categories of rights and freedoms under different headings and to address general profile of positive and negative incidents about the related right-freedom that occurred in 2019 or took place in prior years which still have a judicial process in 2019. In our 2018 report, we also addressed national and international legislation on the relevant right/ freedom categories. Detailed information about the applicable legislation can be obtained from our 2018 report.¹

In our 2019 report, unlike previous years, we preferred to examine the decisions and practices of the Turkish Human Rights and Equality Institution and the Ombudsman Institution in detail under separate headings. Although both institutions were established and assigned directly to monitor human rights violations, discrimination and unlawful public practices, we have seen that both institutions implemented discriminatory decisions and practices when it comes to LGBTI+s and that public institutions tasked with addressing rights violations could take LGBTI+ exclusionary approaches in practice.

The cases featured in the report were compiled within the framework of information brought to the judiciary authorities or the press or directly submitted to the Kaos GL Association. LGBTI+s, who are under severe pressure to conceal their identity, may not be able to initiate any process with the concern that their identity will be revealed even when their rights are violated. In this regard, it is clear that many violations were not featured in public or submitted to our association, and we were not able to access the knowledge of many breaches and incidents that occurred in 2019. Therefore, the report reflects only the violations and events that we could access.

Additionally, in categories where the number of violations such as hate speech is very high, we featured a limited number of violations in the report that could reflect the overall situation, while noting the total number of violations we identified numerically and cited the thematic reports we prepared in the relevant areas in 2019.

¹ http://www.kaosgldernegi.org/resim/yayin/dl/insan_haklari_raporu_2018_web.pdf

A total of 72 cases has been reviewed regarding the violations against LGBTI+ people's human rights to the extent of this report. In the report, the cases have arisen mostly in the form of violations, but cases that have ended up with positive judicial results have also been included. The report is not only limited to the right violations, but any advancements regarding LGBTI+ people's human rights in 2019 were tried to be included.

Since multiple human rights violations can occur in a single case, or multiple people's rights can be violated within the same case, it will be seen that the number of violations reflected in the report is much higher than the number of cases we have addressed.

In the context of the terminology used in the report, we prefer using "case" term when we directly reference the incident itself or if the event had started as a violation, but ended up with a positive result. On the other hand, we prefer using the "violation" term if the incident occurred as a human rights violation.

To look at the distribution of cases and violations according to their relevant categorization; there are five hate murders, thirteen hate crimes, six hate speech cases, two cases of sexual violence, ten cases of violation of the prohibition of torture and maltreatment, thirty-four on violations of human freedom and security, two cases regarding the violation of the right to private life, sixteen cases of violation of freedom of expression, thirteen cases of violation of the right to assembly and demonstration, five cases related to discrimination in working life, four discrimination in the field of education, thirteen in the field of freedom of residence and travel – the right to property, three cases of discrimination in the field of healthcare, four cases of discrimination related to access to goods and services, two cases of rights violations against the LGBTI+ prisoners, and a report on rights violations against refugees that are covered in the scope of this report. The total number of violations/cases addressed in the report is 134.

When the cases covered in the report are examined, it will be seen that in 2019, the intensity of rights violations against LGBTI+s was retained. Violations against LGBTI+s have become more visible and there was an increase in the legal actions against violations. Positive developments were still limited in 2019. There was an increase in violations that originated directly from authorities and law enforcement. Meanwhile, the number of violations from the public continued to intensify. However, while there have been significant improvements in the access of LGBTI+s whose rights were violated to justice and compensatory mechanisms, it is undisputed that they are far from the required level. One of the critical developments in this regard was the decisions made by the Administrative Courts for the indefinite ban on LGBTI+ activities imposed by the Governorship of Ankara.

However, the process still needs to be observed during its implementation. The number of positive decisions on preventing violations by the judiciary authorities has also been limited in 2019.

Again, another judicial decision that we may call as remarkable is the verdict of acquittal for the six persons who were charged with opposition to the Law on Meetings and Demonstration Marches because they participated in the Istanbul LGBTI+ Pride March in 2018. Still, it is impossible to say that the equity of the freedom of assembly and demonstrations is being protected with a mere justification of the verdict of acquittal.

We would like to say that the necessary information that we reflected within the content of the report is that rights violations against LGBTI+s systematically continued in 2019. When we compare with our previous reports, one of the most important issues we want to underline with our 2019 report is that the lack of public policies in the field of human rights of LGBTI+s continues to cause significant consequences and severe human rights violations. The need for legal reform to protect LGBTI+s corresponds to a need in that parallel. We wish that our recommendations, which we have developed within the framework of the reports and information we produce in the field of human rights of LGBTI+s, will be a guide for policymakers and practitioners.

RIGHT TO LIFE AND HATE MURDERS AGAINST LGBTI+ PEOPLE

As seen from cases in the report that took place or still under trial in 2019, it is possible to say that the lack of policy to prevent hatred and prejudice against LGBTI+s has almost normalized hate murders. It is impossible to say that significant progress has been made in conducting an effective investigation or for the arrest of perpetrators regarding some of the hate murders against LGBTI+s. The general situation shows that the lack of policy and attitude on hatred brings the state of impunity in practice and continues to have a negative impact on preventing violations against the right to life.

There is still no regulation on protection and prevention policy in the Turkish legal system regarding the hate murders against LGBTI+s. Data on the violation against right to life and related judicial processes suggest that there is no rapid path to prevent hate murders as long as policy deficiencies persist and necessary legal arrangements do not occur.

As Kaos GL Association, we tried to show the range of homophobia, biphobia, and transphobia in Turkey to some extent with the “2019 Report on Homophobia and Transphobia Based Hate Crimes in Turkey “ in which 150 cases of hate crimes against LGBTI+s reached through a survey study are analyzed according to various criteria and categorizations.

To effectively protect the right to life of LGBTI+s, we reiterate our recommendations to develop legal regulations, policies, practices, training for relevant public personnel, and community awareness campaigns to combat hate crimes against LGBTI+s.

According to the data we obtained from judicial authorities and press regarding the hate murders against LGBTI+s that took place or still under the judicial process in 2019, five cases of hate murders were committed², and a hate murder case from previous years was concluded in 2019³. Detailed information on a precedent violation is included below.

2 <https://www.dha.com.tr/son-dakika/afgan-genci-oldurup-parcaladigi-cesedini-valize-koyan-zanli-nehre-atacaktim/haber-1695089> (Date of Access:: 26.08.2019)
<https://t24.com.tr/haber/afyonkarahisar-da-yasayan-trans-kadin-defne-olduruldu,826663>
<https://kocatepegazetesi.com/transeksuel-cinayetini-muebbet-hapis/>
<https://odatv.com/trans-cinayetini-boyle-anlatti--1811956.html>

3 <https://www.kaosgl.org/haber/esra-ates-in-katili-29-yil-2-ay-hapis-cezasina-carptirildi>

VIOLATION SAMPLE FROM 2019:

Title and Subject of the Case Murder of Hande Şeker

Court 4th Heavy Penal Court of İzmir

Case Summary/ Stage of the case/ Outcome of the case While driving around the Alsancak area with his friend, V.H., a police officer who was not on duty at the time of the incident, talked to Buse, a sex worker, that he wanted to be with her. Buse, with her friends, did not want to get into the defendant's vehicle at first. Then, the defendant tried to take Buse in the car by threatening her, but he could not succeed. After some time, the car came back to Buse's location, and the defendant, who failed to achieve dealing with Buse by force in the previous attempt, came to an agreement regarding the payment. He finally took Buse and a friend of her into his car and went to Buse's house.

While Buse's friends were in the hall of the house, and V.H.'s friend A.T.K. was in a room of the house with another sex worker, Buse escaped from the room where she was with V.H. Meanwhile V.H. carrying a sidearm that he has because of his job – although he was not on duty at that time - shot behind Buse. While Buse was waiting at the hall with her friends, V.H. came and shot the gun aimed at Buse. Buse collapsed on the couch after getting shot in the chest. Meanwhile, VH prevented those in the hall from escape, but after a while, a few of the people in the hall managed to escape.

Buse was lying on the ground with serious injuries, and her friend N. stayed in the hall. The accused police officer raped N. while Buse was severely losing blood next to them. The defendant came closer to Buse upon hearing her unconscious murmur, aimed at her head and shot Buse. She collapsed permanently. Taking advantage of the confusion, N. escaped from the hall. When everyone left, he also raped Buse.

The prosecutor's office hastily issued an order of secrecy over the investigation, but the case was not qualified to be investigated in secret. In this way, the accused police official was protected from the public. Due to the decision of the closure, the trial proceedings continued in closed sessions for a long time.

The witness officers, who were the defendant's acquaintances, made statements in favor of the defendant while testifying at the

scene of the incident and during the trial. Any additional pleas of attorneys to take an additional statement from the defendant due to the act of first-degree murder were denied.

The order of secrecy has been lifted on the hearing dated 13.01.2020⁴. The trial could not take place on 31.03.2020 due to the COVID-19 situation. It has been postponed to 18.06.2020.

4 <https://www.kaosgl.org/haber/tepkiler-sonuc-verdi-hande-seker-davasinda-kapalilik-kari-kaldirildi>

HATE CRIMES

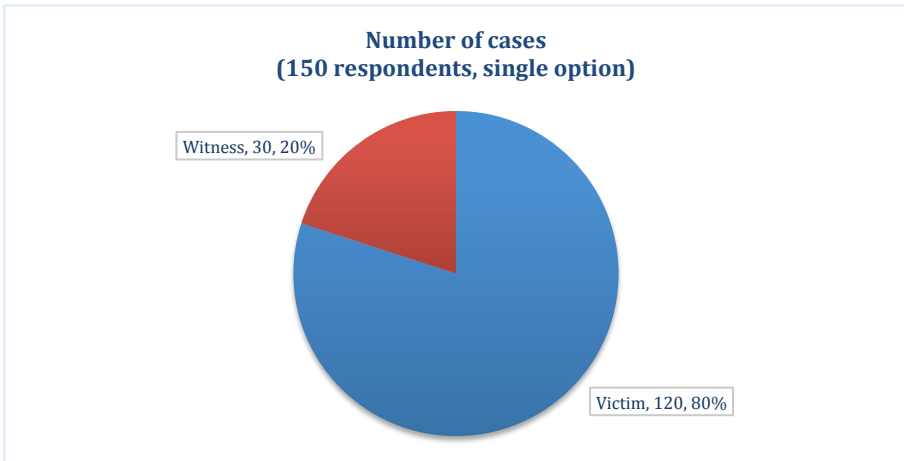
Even though the hate murders, hate crimes and hate speech against LGBTI+s are all fed from the same kind of homophobia, transphobia, and biphobia motivationally, due to their different practices of perpetration and different effects from the outcomes, we chose to address these three different violation categories under separate headlines.

We sorted out hate murders and hate crimes in terms of whether the action violated the right to life of the victim. We categorized hate speech based on whether the action was limited to the level of discourse.

There has been no progress in the judicial system of Turkey in 2019 regarding the legislation towards LGBTI+s or other disadvantaged groups concerning hate crimes. We reiterate our opinion that eliminating the policy gap on this subject is crucial, not just for the LGBTI+s, but for the other disadvantaged groups too.

In the thematic Homophobia and Transphobia Motivated Hate Crimes 2019 Report of Turkey that Kaos GL Association prepared, following facts and information were mentioned:

“While preparing the report, we benefitted from a communication network, including several cities of Turkey and web portals to reflect the realities about the current situation. In the preparation process, Kaos GL tried to benefit from its daily updated social media channels and web portal to reach survivors and witnesses of the cases. The survey questions were produced in coordination with ILGA Europe and in line with the Organization for Security and Co-operation in Europe (OSCE) criteria. Careful and sensitive filtering was applied to the responses from the survey participants based on the criteria for reliability, completeness, consistency, and sorting out duplicate notifications. Thus, the number of case reports that were found appropriate to be included in the report was determined to be 150. The number of participants in the research last year was 62.



A total of 150 hate crimes were reported by 120 victims and 30 witnesses in this report. Only testimony questionnaires filled out by people personally present at the scene during the incident were considered valid. According to the research of the previous year, the proximity to the victim/witness ratio stands out. In 2017, there were 62 total responses; 48 victims (77%) and 14 witnesses (23%). The survey was conducted between April 2, 2019, and January 23, 2020. The cases/ incidents included in the report were limited to the ones that occurred in 2019.

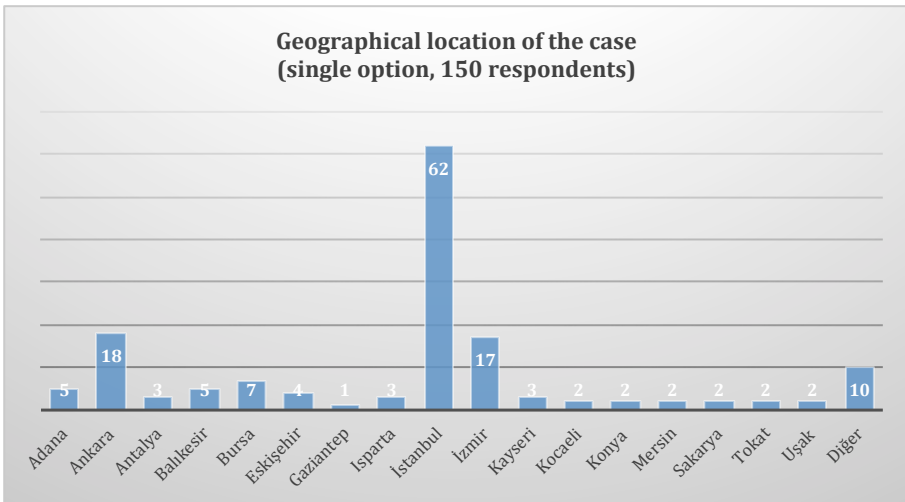
Here, it is essential to highlight that the Human Rights Watch Report of Kaos GL Association⁵ - you are reading now - is based on a different monitoring and documenting system. On the other hand, a separate monitoring method based on an online survey was used in the preparation of Homophobia and Transphobia Motivated Hate Crime Report of Kaos GL, and only hate crime cases reported by the survivors, or the witnesses were included in the report. Therefore, compared to the Human Rights Watch Report, more number and types of hate crime cases were documented and reported here. Some examples included in the Human Rights Watch Report may not be included in Hate Crime Report as well.

In Hate Crimes Survey, there were participants from 27 provinces in total. The geographical distribution of the reported cases is compatible with Turkey's general demographic structure and the fact that LGBTI+s are comparatively more visible in larger cities. Considering the distribution, we have to keep the internal

⁵ Kaos GL Derneği 2018 Yılı LGBTİ Hakları İzleme Raporu: <http://www.kaosgldernegi.org/yayindetay.php?id=259>

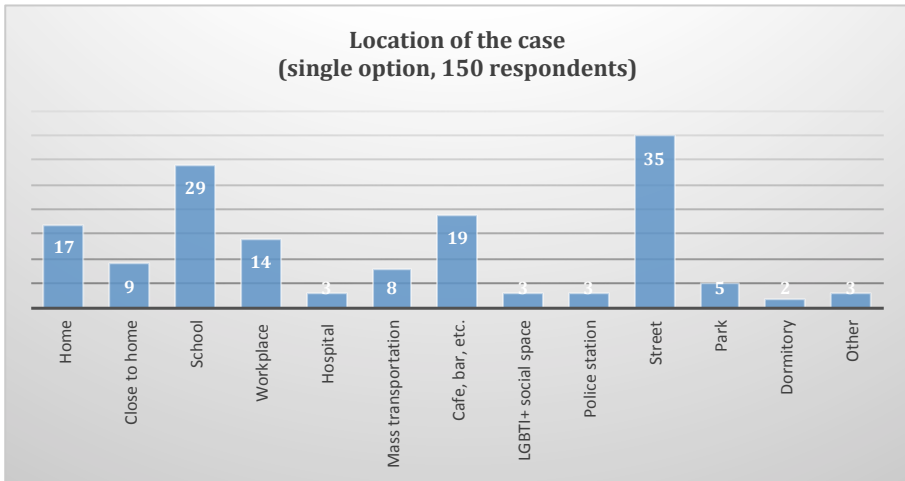
migration of LGBTI+s in mind. LGBTI+s moves from smaller towns to big cities, to the three metropolitans in particular. Therefore, while LGBTI+s in smaller cities remain hiding their SOGI, they could be “less hidden” and associated with each other more in big cities. Although they were not reported as a hate crime by LGBTI+s and not reflected in the report, (i) necessity to migrate bigger cities, (ii) violation of the right to live where they were raised, (iii) violation of the right to choose where to live can be considered as the violation of life security; and this is the issue of another research.

The situation of being more visible is a factor that might be effective on their level of “courage” or “rudeness.” There might be a correlation between the potential of being exposed to phobic attacks and their increased visibility in metropolitan cities and public places. There is a need for more research to find the reasons for urban differences and conditions of public-private spaces. Such detailed information may play a guiding role in the human rights and public policies of local governments.



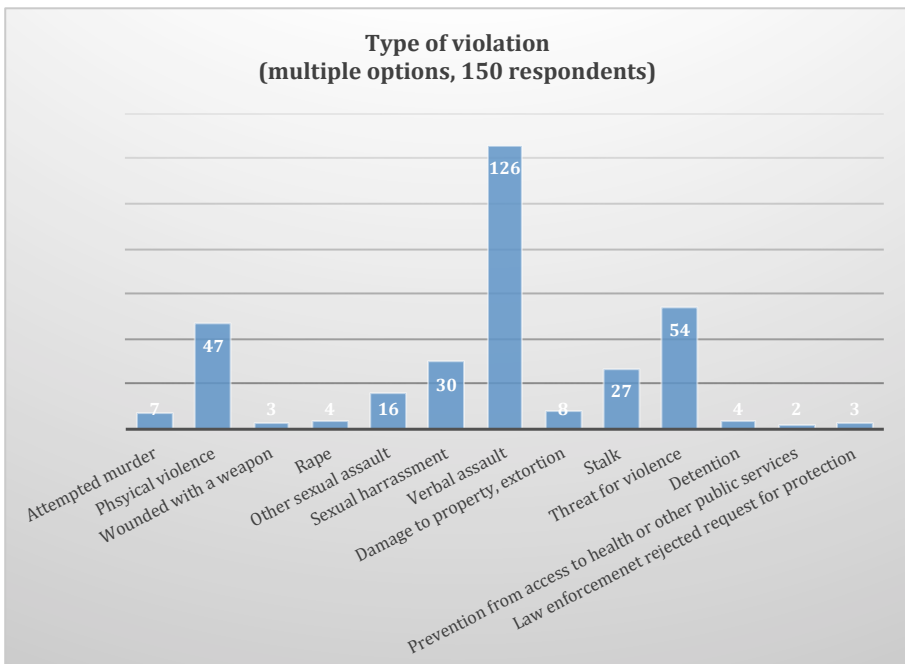
Other: Aydın, Balıkesir, Burdur, Çanakkale, Edirne, Hatay, Iğdır, Karabük, Tokat, Zonguldak.

As in previous years, most of the hate crimes based on homophobia or transphobia in 2019 were committed at school, at home, around the house, in public transport or at stops, cafes and bars, on the street or in other public places. It can be thought that the potential of hate crimes mostly in public spaces is related to the visibility of individuals.

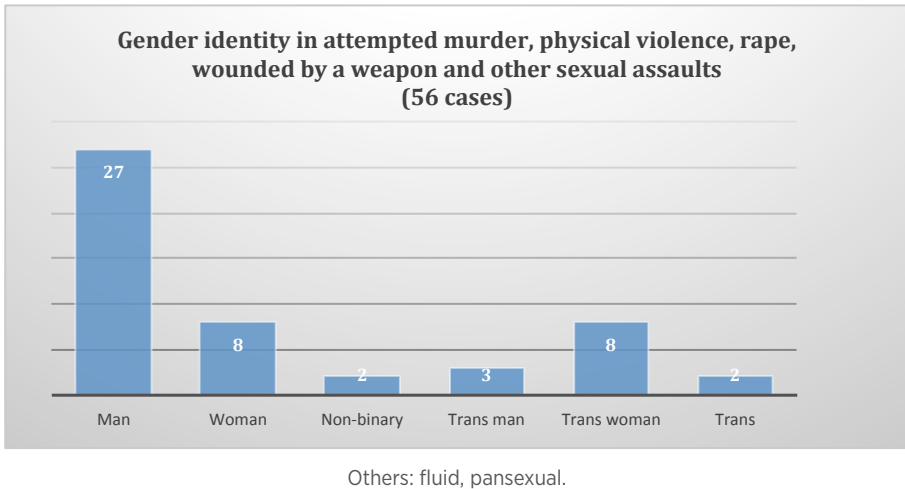


Other: shopping mall, social media, phone

Victims were subjected to, on average, more than two infringements per case: 150 respondents reported 328 violations. Often, hate speech based on sexual orientation and gender identity and the threat of violence accompanied “heavier” cases. Physical violence was ranked third.



56 out of 150 incidents were actual attacks against the individual, including attempted murder, physical violence, gunshot wounds, rape, or other sexual assaults. Only 20 cases out of these 56 were reported to the police, and only 6 out of 56 were brought to the court. According to survivor statements, in these 20 cases reported to the police, the police were ignorant in 11 of them and insulting in 6 of them. The gender identities and sexual orientations of the survivors of the acts listed above are presented in the following table.



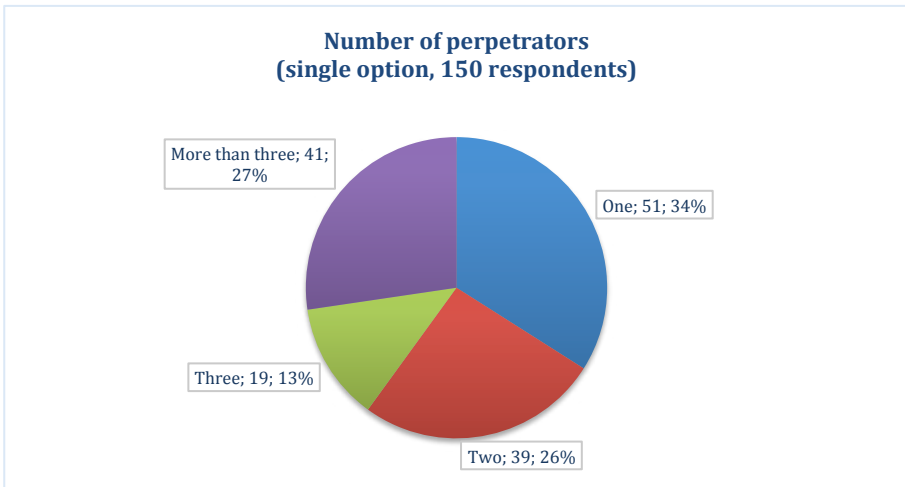
Most of the survivors were seriously afraid of their families and law enforcement officers. They did not trust courts or other state mechanisms. Therefore, very few incidents were reported to law enforcement or courts. Of the 150 cases, only 26 were reported to the police, while only 8 attended the court. In only 4 cases, the police consider it a hate crime.

In two-thirds of the cases, the perpetrators consisted of two or more people. In 41 of 150 cases, the perpetrators were more than three people, and the incidents occurred as lynch.

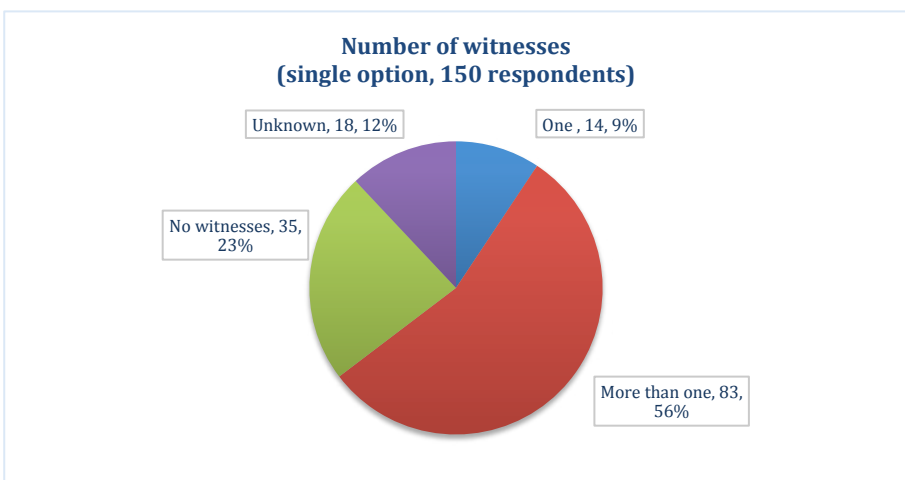
These results are consistent with the findings of previous studies and experiences of other countries. The fact that hate crimes against gays are at higher rates can be attributed to the ideology of heterosexist masculinity is more discriminatory against gays, while gay identity is more easily discernible. The work of Herek and his colleagues (1999) has also shown that victims of hate crimes are less likely to contact the security forces than other crimes: Regardless of the victim's gender and sexual orientation, hate crimes are reported to police much less than the crimes other than hate crimes. According to this study, 36% of

lesbians reported hate crimes to the police, while 68% reported other incidents that happened to them. 46% of gays reported hate crimes, while 72% reported other crimes; 35% of the bisexuals reported hate crimes, while 62% reported other crimes to the police.

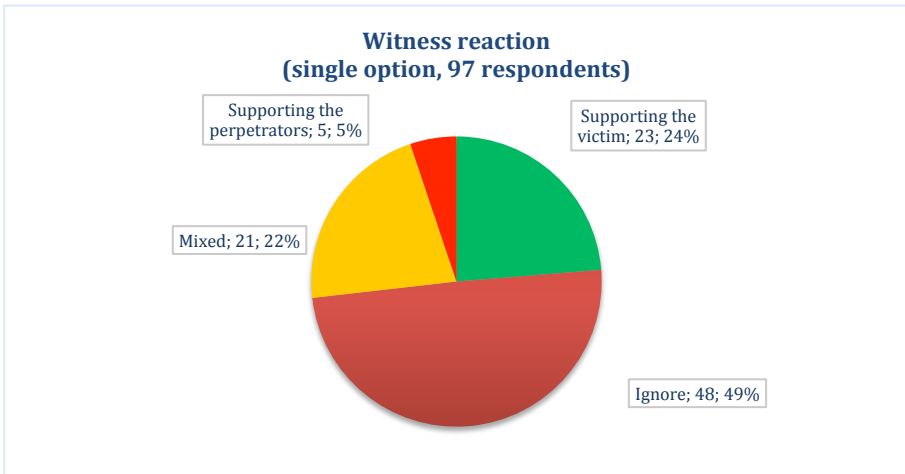
The finding that hate crime perpetrators are generally more than one person can be interpreted as the crimes becoming more legitimate as the responsibility of the action gets spread among them.



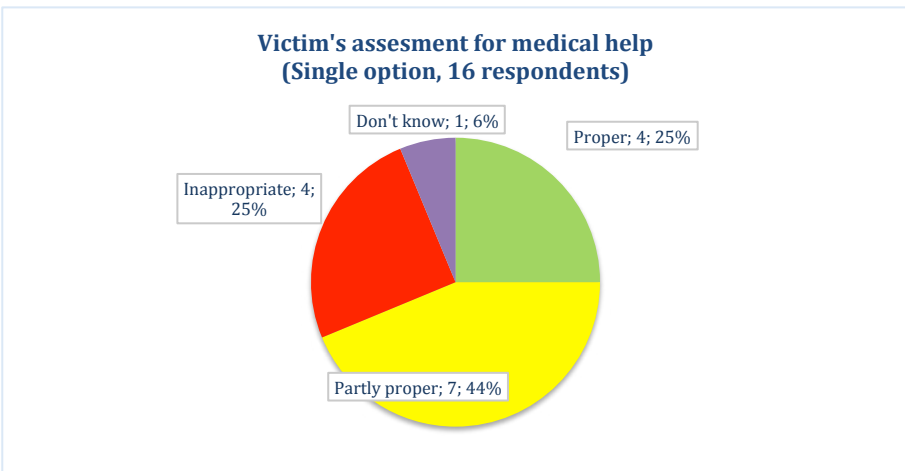
In more than half of the cases, the attacks were carried out in front of two or more witnesses.



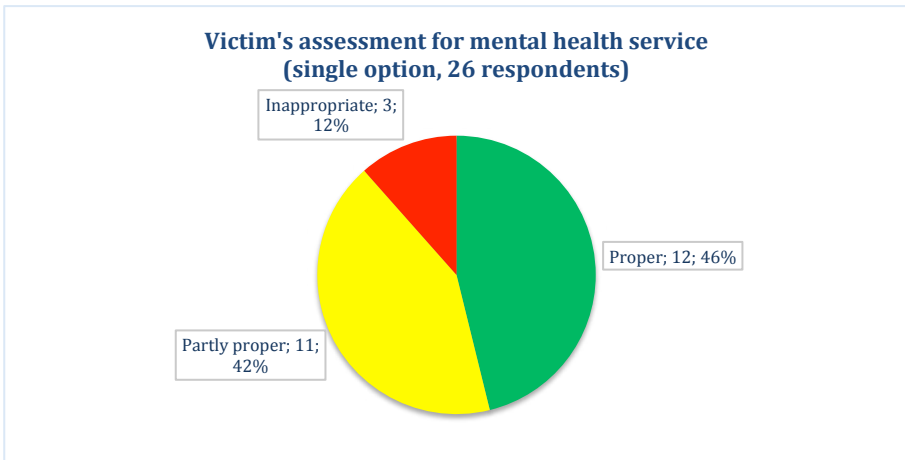
Nearly half (49%) of witnesses did not respond to the incidents. Twenty-four percent took a supportive stance on the victims. In 22 percent of cases, some witnesses supported the victims, while others stood by the perpetrators. The fact that witnesses are silent or taking a facilitating approach to hate crimes makes it easier to commit these crimes and calls for attention to the social background of ideologies that lead to hate crimes.



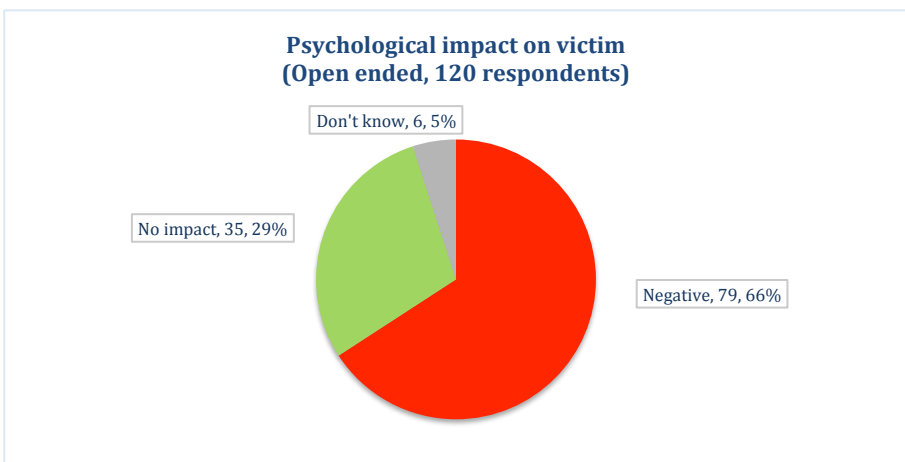
In 26 of the 150 cases, the victims were injured. Of those injured, 16 have applied for medical attention. The assessment based on the treatment and general approach that these 16 victims have received can be read from the following table.



Many of the victims suffered severe psychological damage after the incidents. This damage worsened the lives of the victims in many ways with long-term effects. Few (19 percent) victims received professional support (psychologist or psychiatrist support) to overcome serious problems caused by post-traumatic stress disorder, depression, anxiety, anger, or paranoia. Victims of the 38 percent of the cases received no support, including family or friend support, after the incident.



The psychological consequences expressed by the respondent victims (120 people) in the following section undoubtedly show lasting effects for long periods and point to the need for serious and sustained professional support.



The following narratives are selected from the participant's statements and are quoted as they were written.

"I was diagnosed with panic attack and anxiety disorder. I've received regular psychiatric support, and I'm still getting it. My disease advanced to agoraphobia." (verbal assault and violence, gay man)

"It caused anxiety disorder for me" (verbal assault and tailing, bisexual woman)

"I'm afraid to walk down the street alone. Besides, the fact that police, etc. law enforcement forces wanted to cover up the situation, makes me feel alone and afraid." (physical violence, gay man)

"It made me feel awful and threatened the whole night and the following days. I was more by the fact that one of the witnesses was a close friend of mine and reacted with a laugh." (threat of violence, gay man)

"I couldn't leave the house for days. I had tantrums and tears from time to time. I'm mad at myself for not standing up for my rights." (insult and verbal assault, trans woman)

"I felt insecure. More insecure than I've ever been." (insult and verbal assault, bisexual woman)

"I'm walking on the streets more anxiously than before. And I can't walk without talking on the phone while I'm alone." (physical violence, gay man)

"It made me hate people." (insult or verbal violence, pansexual trans)

"I couldn't go out on the streets for a long time. I became quieter even towards myself. It took me a while to get out of the house. I got more pessimistic and felt the fear of being exposed to a phobia at any time. I have been living on alert since then." (verbal assault and abduction, lesbian trans woman)

"I attempted suicide 5-6 times since then." (physical violence, heterosexual trans man)

"My trust in public institutions has disappeared." (physical violence, gay man)

"Every time I cross that street, I get tense if I will be harassed again." (sexual harassment, gay man)

"I couldn't get over the shock for days, I wasn't able to go to school." (verbal assault and tailing, heterosexual trans man)

"I just got sad. To people's intolerance." (insult or verbal assault, bisexual man)

"I was diagnosed with major depression. I still use drugs and receive therapy." (physical violence and sexual harassment, bisexual woman)

“Being disclosed and kicked out of the place that I was at made me not to be open in public.” (physical violence, lesbian)

“A constant sense of doubt and restlessness.” (verbal assault and threat of violence, gay man)

“Now, I have a psychological problem as I am under constant pressure.” (verbal assault, gay man)

“I felt helpless. I thought no one would help me.” (threat of violence, lesbian)

“I started to think I couldn’t fight anymore.” (physical violence and sexual harassment, gay man)

“I think several times before I get out of my home, I try to stay away from people as much as possible.” (physical violence, lesbian)

Seven cases of hate crimes⁶ against LGBTI+s in 2019 were covered in the report. In addition, five applicants reported being subjected to hate crimes to the Kaos GL Association.

VIOLATION SAMPLE FROM 2019:

Incident of violation	Homophobic attack on Biz Sexual Orientation and Gender Identity Research Association (BIZ) members
Case summary	<p>Two members of BIZ were subjected to homophobic verbal and physical violence in Antalya on October 13, 2019.</p> <p>In the statement that the association made after the homophobic violence, they told about the incident as: “Merih and Bilge, members of our association who were abused on the bus that they were riding in the evening were abused and threatened on the bus. They got off the bus due to that reason, but they were stopped on the way by the same persons and physically abused and threatened again.”</p>

6 <https://t24.com.tr/haber/kusadasi-nda-transfobik-saldiri,816396>
<https://www.kaosgl.org/haber/antepte-trans-kadinlar-saldiriya-ugradi-polis-kadinlari-gozalti-na-aldi>
<https://www.kaosgl.org/haber/polis-gece-kulubu-guvenliginin-transfobik-saldirisina-seyirci-kaldi>
<https://www.cnnturk.com/yerel-haberler/bursa/merkez/fuhus-icin-anlastigi-kisi-transseksuel-cikinca-bicakladi-1045098>
<https://www.kaosgl.org/haber/siddete-maruz-birakilan-translarin-sanik-koltugunda-yargilandi-gi-davanin-ilk-durusmasi-goruldu>
<https://www.gazeteduvar.com.tr/kadin/2019/12/28/ajda-ender-transfobik-siddet-yuzunden-7-aydir-evine-giremiyor/>

According to the association's statement, after the arrival of law enforcement officers at the scene of the attack, the perpetrators tried to legitimize their behavior by saying, "They are wearing earrings, these faggots, queers, they hit on us on the bus." After the incident, two members filed complaints about the perpetrators.

The association's statement points out that the homophobic attack targets the entire LGBTI+ community, not just their two members: "We stand with Merih and Bilge, who informed our friends and lawyers at the association after the incident, and we are monitoring the case by legal means. It is not just our friends who were attacked, and it is all of us, we are aware of that. We stand against discrimination, homophobia, and violence."⁷

⁷ <https://www.kaosgl.org/haber/antalya-da-biz-uyelerine-homofobik-saldiri>

HATE SPEECH

Hate speech is not classified as a crime within the legal system of Turkey. We observe that the judiciary handles hate speech within the scope of freedom of thought within the framework of the criterion brought by legal regulations, which require the emergence of an open and imminent danger as a prerequisite. Therefore, many hate speech cases met with impunity by the outcomes of the judicial processes regarding the violations in 2019.

As outlined in the general statement of the 2019 Media Monitoring Report of Kaos GL Association, LGBTI+ issues were mostly covered in the political news section in 2019. The ongoing LGBTI+ ban in Ankara at the time of the report's publication, the struggle for LGBTI+ equality in local government bodies, and hate speech of the politicians were on the pages of newspapers. When we think of the multi-layered nature of the struggle for LGBTI+ equality and freedom, the fact that politics is so prominent shows that LGBTI+ rights have become a part of the political debate. Thus, politicians have begun to react to LGBTI+ reality positively or negatively. Hate crimes, on the other hand, are essential for demonstrating the extent of discrimination against LGBTI+s. The data in the report can be read as a reflection of the recent increase in police and night watch guards pressure on sex worker trans women on the media. LGBTI+s were able to find very little room for themselves in the fundamental rights fields as education, health, and housing. Refugee LGBTI+s were not also visible in the news about refugees.

The second important headline is who the news is about. Although the phrase "LGBTI+" itself is perceived as a single identity, we separately focused on the extent to which lesbian, gay, bisexual, trans, and intersex diversity is represented in the printed press. The majority of content produced over a year used the expression of "LGBTI" or "LGBTI+" in general. Gays were the group that could find the largest room for themselves in the news. The most invisible groups in the LGBTI+ community were bisexuals, lesbians and intersex people.

On the other hand, excessive use of the word "homosexual" used as a medical definition for a disease before 1990 can be considered as an ideological choice. It also can be explained by the fact that press members are far from the concept

set of the LGBTI+ movement. This part of the report shows how constrained the diversity within the LGBTI+ community is reflected by the press. On the other hand, LGBTI+ can be utilized as a source by the LGBTI+ rights advocates to create a roadmap.

One of this year's highlights of the report is the increase in hate speech and discriminatory discourse. There has been a significant increase compared to the past years. You can find the proportional distribution of the rise in the report. When the materials that led to this increase were examined, it can be seen that the press outlets making smear campaigns against LGBTI+ rights and LGBTI+s as an editorial policy started to publish far more content and carry out systematic smear campaigns. On the contrary, the outlets trying to respect LGBTI+ rights are not utilizing a systematic LGBTI+ editorial policy. As the publishing of those institutions producing hate has been diversified, rights-respecting publishing stays where it is. 2019 has been a year in which LGBTI+ identity and existence were portrayed as a "crime" in the printed press. The discriminatory language was used very often in the printed media. Half of the articles were discriminative. In 2018, the ratio of discriminative language was 34 percent; in 2019, this rate increased to 50 percent. Unlike in 2018, many of the articles from 2019 violated the freedom of expression and assembly of LGBTI+s. While 341 articles violated these rights in 2018, this number climbed to 1077 in 2019. Systematic targeting to LGBTI+ events, making calls for banning the activities via the press, legitimizing activity bans can be seen as the reason for this increase. It is observed that the media reflected an approach affirming the prohibitions of Pride Week and Pride Marches in many cities across the country, so, in this way, the press violates the freedom of expression and assembly of LGBTI+s.⁸

Both of the two applications made by the Kaos GL Association to the Constitutional Court in 2019 regarding hate speech of Yeni Akit Newspaper have not been finalized yet. These applications have been covered in this report as a case in progress⁹, a case that concluded in 2019, and a case that was not reflected in the judiciary¹⁰. A violation that was not considered as a violation by the Constitutional Court is addressed in detail below. Since the number of breaches in hate speech is very abundant, the number of violations covered in the report is limited to five.

8 http://www.kaosgldernegi.org/resim/yayin/dl/medya_izleme_raporu_2019web.pdf

9 <https://www.kaosgl.org/haber/mersin-onur-haftasini-tehdide-beraat>

10 <https://www.kaosgl.org/haber/bogazici-rektorlugu-lgbti-lara-ayrimci-soylemi-etik-kurul-a-sevki-uygun-gormedi>

VIOLATION SAMPLE FROM 2019:

Case title and subject	Kaos GL-Takvim Newspaper verdict of the Constitutional Court
Court	Ankara Criminal Court of Peace
Case Summary	Many associations, including Kaos GL, which continues its activities in the field of LGBTI rights under the law, applied to the Ankara's Court of Peace to block access to the relevant hate publication of the Takvim Newspaper, including criminal accusations of the newspaper against the mentioned associations such as "destroying the national and sentimental values of society," "legitimizing immorality," "disrupting the family structure of the Turkish nation," and "directing young people to perversion."
Case outcome	The judge rejected the application upon determining that the content on the subject of the trial was freedom of expression, and is intended to inform. After the exhaustion of other remedies, Kaos GL applied to the Constitutional Court regarding the violation of private life. However, the Constitutional Court decided the application was unacceptable as the applicants could have applied for the blocking of access, as well as an order of retraction, but they have not. However, the order of retraction cannot be issued for digital publications.

GENDER-BASED VIOLENCE

Among the applications made to Kaos GL Association in 2018, a client asked for support by stating that they were sexually assaulted. Also, the case of Hande Şeker's murder, which we addressed in detail in the Hate Crimes section, also involved sexual violence.

BAN ON TORTURE AND MALTREATMENT

The violation of the ban on torture and mal-treatment continued extensively in 2019, especially against trans women. These violations occurred in various forms such as unjustified ID control in public areas, fines, detention, mal-treatment during the detention processes, non-interference in violations against LGBTI+s who have been abused and seeking support, disproportionate use of force, being treated as the suspect of the incidents of which trans women were victims, and being exposed to open mal-treatment and being prevented from enjoying their rights in prison. Ten cases of violations of the ban on torture and/or mal-treatment against LGBTI+s¹¹ are addressed in the report.

VIOLATION SAMPLE FROM 2019:

Incident of violation	Mal-treatment against the trans woman Işıl in Mersin
Case summary	Police assaulted the trans woman Işıl at Mersin. At 23.30, the police stopped Işıl and asked for identity cards while Işıl was returning home via GMK Boulevard. When she passed her identity card, the police told Işıl, “Shame on you. You’re a man, why are you dressed like a woman?” When Işıl wanted to record the transphobic expressions, the police officer attacked Işıl with pepper spray and assaulted her. Police took Işıl to the MTSO Stores Police Headquarters by beating her. Işıl’s statement was not filed for a long time at the station. ¹²

11 <https://www.kaosgl.org/haber/polis-gece-kulubu-guvenliginin-transfobik-saldirisina-seyirci-kaldi>
<https://www.kaosgl.org/haber/yildiz-idil-gozaltindayken-trans-kimliginden-dolayi-iskence-gordum>
<https://t24.com.tr/haber/antalyada-bekciler-trans-kadina-saldiridi,797040>
<http://bianet.org/kadin/lgbti/209622-polis-izmir-de-onur-yuruyusu-ne-mudahale-etti-en-az-15-go-zalti>
<https://www.evrensel.net/haber/379135/odtude-onur-yuruyusune-polis-saldirisi-22-gozalti-1-yarali>
<https://www.hurriyet.com.tr/gundem/yine-izin-cikmadi-41259967>
<https://www.kaosgl.org/haber/antepte-trans-kadınlar-saldiriya-ugradi-polis-kadınları-gozaltına-aldı>
<https://www.kaosgl.org/haber/2018-onur-yuruyusu-davasi-polis-gorevi-kotuye-kullandi-darp-etti-dava-hukuksuz>
<https://m.bianet.org/bianet/toplumsal-cinsiyet/213723-trans-mahpus-buse-meclis-gundeminde>
<https://www.kaosgl.org/haber/mahpus-esra-arikan-yeniden-aclik-grevinde>

12 <http://m.bianet.org/english/lgbti/207854-polis-mersin-de-trans-kadini-darp-etti>

PERSONAL LIBERTY AND SECURITY

When we look at the data we covered in the report in 2019 regarding violations of the right to personal liberty and security; it is observed that the practice of subjecting the various fines issued under the Misdemeanors Act and regulations under Highway Traffic Law is carried out to deter trans women from entering to the public domain, even though they do not carry out any actions against the law. In this context, another violation frequently conducted by law enforcement, especially against trans women, is the arbitrary detention. One of the most common violations against trans sex workers is being subjected to charges for “mediating and providing space for prostitution”, even though prostitution is not a crime. Another one is the unjustified detention of trans women, especially when they are in public.

Eight cases that took place in 2019 were addressed in the report in terms of violations of personal liberty and security of LGBTI+s.¹³ In addition, the following cases were identified among the information reached Kaos GL Association under the name of “prostitution operation” even though prostitution is not regulated as a crime;

- According to the Law on Misdemeanors, 12 people in Denizli were fined,
- Investigations launched against three trans women in Antalya and one in Samsun on the grounds of “providing space for prostitution.”
- Three trans sex workers in Kütahya and five trans sex workers in Kayseri were detained,

13 <http://m.bianet.org/english/lgbti/207854-polis-mersin-de-trans-kadini-darp-etti>
<https://www.kaosgl.org/haber/yildiz-idil-gozaltindayken-trans-kimligimden-dolayi-iskence-gordum>
<https://www.kaosgl.org/haber/birinci-yilinda-hande-buse-seker-cinayeti-ve-davasi>
<https://www.enkocaeli.com/haber/3056707/yine-izmit-yine-fuhus-operasyonu>
<https://www.imaret.com.tr/karaman-da-fuhusa-bir-darbe-daha/22440/><https://www.karman24.com/guncel/karaman-da-fuhus-operasyonu-h22422.html>
<http://gold.ajanspress.com.tr/linkpress/WRnmgnFQNOfXBz3-XFjXDQ2/?v=2&s=1829&b=236489&isH=1>
<https://www.kaosgl.org/haber/antepte-trans-kadinlar-saldiriya-ugradi-polis-kadinlari-gozaltina-aldi>

- Legal actions were taken against two trans sex workers in Kütahya after an operation.

Thus, the total number of violations was 34.

VIOLATION SAMPLE FROM 2019:

Title and subject of the incident	Night watch guards assaulted a trans woman in Antalya
Summary of the incident	<p>Night watch guards wanted to fine the trans woman while she was walking to her home, and forcibly tried to take her to the police station upon her rejection.</p> <p>It was stated that the trans woman passed out at the police station due to the blows she received to her head, and then she was taken to the hospital.</p> <p>According to the allegations published by Pink Life, the trans woman who was attacked got a battering report. She was on a video call on the phone with her friends, and the whole process of the attack was reflected on the camera. Her friends recorded the attack.¹⁴</p>

Privacy and Protection of Private Life

We showed in the 2018 Human Rights Watch Report that LGBTI+s often hide their LGBTI+ identity because of the fear of being exposed to violence due to their identity and SOGIESC based discrimination and that they are exposed to threats and blackmails of disclosing their identities against their own will.¹⁵

Two cases could be identified in 2019 regarding the violation of the right to privacy.¹⁶ In this area, the application made to Kaos GL Association in 2019 is examined in detail below.

¹⁴ <https://t24.com.tr/haber/antalyada-bekciler-trans-kadina-saldiridi,797040>

¹⁵ http://www.kaosglderneji.org/resim/yayin/dl/insan_haklari_raporu_2018_web.pdf

¹⁶ <https://www.dw.com/tr/ihra%C3%A7-edilen-polis-%C3%B6zel-hayat%C4%B1m-olamayacaksa-niye-ya%C5%9F%C4%B1yorum/a-47883571>

VIOLATION SAMPLE FROM 2019:

Incident of violation	Violation of privacy of the students residing in a dormitory in Muğla
Case summary	<p>Two female students living in a dormitory in Muğla were subjected to bullying of other students staying in the same dormitory. Dormitory administrators, who did not take any precautions to prevent verbal and psychological harassment, downloaded some of the students' photos from their protected social media accounts without consent and shared them with the authorities. The dorm officials also recorded the mentioned data on CDs.</p> <p>Dormitory management wanted to take students' statements on charges of "immoral and provocative behavior." The statements of the students were taken at the disciplinary board. The headmaster also made homophobic statements and threatened to send the images to the students' families.</p>

FREEDOM OF SPEECH

We have previously stated that while there is no protective regulation towards LGBTI+s in Turkey's legal system, in practice, limitations on the rights of LGBTI+s and discriminative actions against LGBTI+s can be imposed based on the framework of various rights-limitation criteria from the Constitution and various laws with statements such as "public morality" etc. Freedom of expression is one of the areas where the rights of LGBTI+s are restricted most intensely in line with the criteria set as "general morality," etc.

In addition, after attempting to prevent the LGBTI+ Pride March for the first time, announced to be held in Istanbul in 2014, through the decision of the Istanbul Governorate and, consequently, after the declaration of the state of emergency in 2016 any LGBTI+ events was banned by Ankara Governorate indefinitely. The right to assembly and freedom of expression are almost entirely restricted. In practice, in order to limit the mentioned rights, the criteria that was designated as the restriction criterion by the Constitution, international covenants and laws: "To protect public health, public morality, public order, public peace and security, personal invulnerability, the rights and freedoms of others, invoking hatred and enmity among public, emergence of close and clear danger to public peace, preventing crimes, protecting the integrity of the nation and the state, ensuring the continuity of public peace and public security, protection of the safety of citizens lives and properties, ensuring peace and order within the province borders and Law Of Provincial Administration No 5442, Article 17 of Law No. 2911 on Assembly and Demonstration Marches and Article 11/F of Law No. 2935 on State of Emergency" and as an addition to that, even in the absence of the prerequisites the criteria of "as a result of several social sensibilities there may occur provocations and reactions by several sections towards groups and individuals who want to attend intended event, to not to gather groups of opposite ideologies, to not to disturb the public safety, national security, public order, public health and public morality, to prevent possible violence and terrorist actions" have been utilized.

While the rights and freedoms are restricted, all of these criteria are used together and in almost every administrative order that brings the restriction, and no reference are being shown in sense of the relation between the specific features of the activity subject to the restricted right and the rights that are being limited, no intelligence documents regarding the provocation possibilities mentioned in

the restriction orders were presented even though they had been requested during the trials; not submitting which criteria of the law that require the restriction are endangered in which way; these administrative decisions, which are constituted by the principle that are not related to each other, in a successive order and of which concrete justification cannot be submitted to the courts even in the judicial processes, have shown that these administrative decisions are not legal and even judicial authorities have determined that the orders concerning the prohibition needs to be explained.

In this way, it is clear that the administrative decisions that manifest themselves in the form of prohibitions are arbitrary, unjust, and illegitimate. This is a concrete indication that a policy to prevent LGBTI+s from using their fundamental rights and freedoms is being conducted. It is inevitable for a group, which tried to be blocked even from the basic rights and freedoms, to be discriminated. Developing systematic state policies to prevent LGBTI+ rights and liberties will also lead to the risk of normalization of this issue, rather than ending the social exclusion and violence that are vital to LGBTI+s. While the necessity of creating policies and laws to guarantee the fundamental rights and freedoms of LGBTI+s, in this sense, is vital, there is a political choice and atmosphere that usurped the current rights and freedoms of LGBTI+s.

Fifteen cases regarding the violation of LGBTI+s' freedom of expression that we were able to identify in 2019 are addressed in the report.¹⁷ In 2019, one more case in the field of freedom of speech was identified as part of the information submitted to the Kaos GL Association.

17 <https://www.kaosgl.org/haber/antep-valiligi-basin-aciklamasini-uygun-gormedi>
<https://twitter.com/odtulgbti/status/1110249188518973440>
<https://www.birgun.net/haber/rtuk-ten-fox-life-a-escinsel-iliski-cezasi-ahlaki-degerler-yozlasi-yor-258703>
<https://t24.com.tr/haber/faruk-bildirici-rtuk-un-fox-life-a-verdigi-durdurma-cezasina-serh-dustu-bu-ayrimciliktir-suctur,840752>
<https://www.rtuk.gov.tr/ust-kurul-kararlari/6112-sayili-kanunun-8inci-maddesinin-birinci-fikrasinin-f-bendinin-ihlali-nedeniyle-kanunun-32nci-m/26918?Aciklama=e%C5%9Fcinsel>
<https://www.rtuk.gov.tr/ust-kurul-kararlari/6112-sayili-kanunun-8inci-maddesinin-birinci-fikrasinin-f-bendinin-ihlali-nedeniyle-kanunun-32nci-m/26608?Aciklama=e%C5%9Fcinsel>
<https://www.kaosgl.org/haber/hacettepe-universitesi-nden-ayrimci-uygulama>
<https://www.rtuk.gov.tr/ust-kurul-kararlari/6112-sayili-kanunun-8inci-maddesinin-birinci-fikrasinin-f-bendinin-ihlali-nedeniyle-kanunun-32nci-maddesinin-birinci-fikrasi-uyarinca-idari-pa-ra-cezasi-foxfile-fox-life-medya-hizmetleri-a-s/26656?Aciklama=e%C5%9Fcinsel>
<https://www.kaosgl.org/haber/polis-odtu-onur-yuruyusu-davasi-basin-aciklamasini-engelledi>
<https://www.kaosgl.org/haber/zabita-kusadasi-nda-1-aralik-icin-brosur-dagitanlara-ceza-kesti>
<https://www.kaosgl.org/haber/hacettepe-universitesi-nden-ayrimci-uygulama>
<https://www.kaosgl.org/haber/toplumsal-hassasiyetleri-onceleyecegiz-programi-yayindan-kaldirdik>
<https://www.kaosgl.org/haber/tunceli-valiligi-lgbti-etkinligini-ve-cumartesi-anneleri-belgeselini-yasakladi>
<https://t24.com.tr/haber/4-cocuk-kitabi-muzir-ilan-edildi,841782>

VIOLATION SAMPLE FROM 2019:

Incident of violation	Police intervention against the press release of Ankara Bar Association LGBTIQ+ Rights Center
Case summary	<p>Ankara Bar Association LGBTIQ + Rights Center wanted to make a press statement in front of the education center of the association (ABEM) on May 17, International Day Against Homophobia, Biphobia, and Transphobia.</p> <p>When the lawyers gathered in front of ABEM and started to read the press release, the police prevented it from being read by making a “Disperse” announcement. While half of the statement was read, the police pushed the lawyers into the ABEM building by using physical force.</p> <p>The police said to the lawyers: “You are provoking us. You cannot make a press statement.” Lawyers protested this attitude of the police with the slogan “Where are you, my love, I’m your lawyer, my love.”</p> <p>The Ankara Bar Association wanted to make a press statement in front of the Ankara Courthouse, and the Governor’s Office did not allow the Bar’s statement in front of the courthouse.¹⁸</p>

¹⁸ <http://susma24.com/ankara-barosunun-17-mayis-aciklamasina-polis-engeli/>

RIGHT TO ASSEMBLY AND DEMONSTRATION

The ban on LGBTI+ Pride Marches, which was partially enacted by the intervention of the police in 2014 and banned since 2015, continued in the same way in 2019. As a result of the negotiations carried out with law enforcement, a limited number of people were allowed to make a press statement, but at the end of the press release, police intervention was carried out, and the detentions on the grounds that the group did not disband took place. In the lawsuit filed against the six people that were detained on the grounds of their participation in the march, although a verdict of acquittal was made to their charges, which are based on the violation of the Law on Meetings and Demonstrations, one person was imprisoned for “endangering traffic safety” and another person for “resisting the police”. The announcement of the verdict on the penalties was deferred.¹⁹

In addition, before the March, representatives of Istanbul LGBTI+ Pride Week Committee met with Istanbul Deputy Governor Mehmet Ali Özyiğit. Deputy Governor Özyiğit said: “Taksim is not a marching and demonstration area, and no demonstrations are allowed in Taksim, so LGBTI+s will not be allowed too.”

Consequently, the Pride Week Committee conveyed its requests for a march in one of the meeting, demonstration and march areas announced annually by the Governor’s Office of Istanbul. The deputy governor, on the other hand, claimed that LGBTI+s were “creating reservations for the society” for all open space actions that will take place not only in Taksim but in Istanbul as a whole. He stated that they would not lean towards this demand. The governor of Istanbul rejected the written application made by the committee to hold a rally in Bakırköy Square, which is one of the areas where meetings and demonstrations will be held later, on the grounds of “in order to protect the peace and security of the people, invulnerability of persons, public health and public morality, protection of the rights and freedoms of others, prevention of possible violence and terrorism.” Social Policies, Gender Identity and Sexual Orientation Studies Association (SPoD) appealed against the rejection of the application verdict against Istanbul Governorate at the 9th Administrative Court with file number E: 2019/1382, but

¹⁹ <https://www.independentturkish.com/node/77476/haber/2018teki-onur-y%C3%BCr%C3%B-Cy%C3%BC%C5%9F%C3%BC-ile-ilgili-davada-iki-ki%C5%9Fiye-hapis-cezas%C4%B1>

the court dismissed the case with the decision no: 2019/2489 dated 27.11.2019. The appeal was filed against the decision before the Istanbul Regional Administrative Court.²⁰

Pride Week events scheduled to take place in Mersin in 2019 were also banned by the governorate²¹, while the appeal for the cancellation of the ban decision was rejected this report was being prepared for publication.²²

There have also been positive developments in 2019. As a result of the lawsuit for the suspension of execution against the Ankara Governorate's order of indefinite ban against all LGBTI+ activities in Ankara, which showed the state of emergency as its justification and was declared on November 18, 2017; the mentioned order of indefinite ban was annulled by the Ankara District Administrative Court's 12th Administrative Cases Division's verdict no E: 2019/93, K: 2019/306 on 21.02.2019.²³ After the end of the state of emergency, the lawsuit on the second indefinite ban order of activities which was declared on 3 October 2018 continued in 2019, and while the report on the Year 2019 was being prepared in 2020, the second-order of activity ban was also annulled by the Administrative Court.²⁴ Although these judicial decisions are considered as positive developments, the practice has not yet been clarified as of the date of the report.

In 2019, while LGBTI+ people's rights to assembly and demonstration were violated in a general sense, those rights were also massively violated by prohibitions imposed within universities. While the Rectorates of METU²⁵ and Hacettepe University²⁶ in Ankara prohibited LGBTI+ events, meetings and demonstrations were planned to be held within the university. These prohibitions were based on the decision of the Ankara governorship to ban LGBTI+ events within the province. The practice of prohibiting LGBTI+ events, meetings and demonstrations spread to many cities in 2019, thirteen cases²⁷ regarding the violation of the right

20 <https://www.kaosgl.org/haber/istanbul-onur-yuruyusu-yasagina-acilan-dava-reddedildi>

21 <http://www.diken.com.tr/mersinde-onur-haftasi-etkinlikleri-genel-ahlak-gerekesiyle-yasaklandi/>

22 <https://www.kaosgl.org/haber/mersin-onur-haftasi-yasagi-davasina-red-teror-orgutleri-tepki-gosterebilir>

23 <https://www.kaosgl.org/haber/mahkeme-ohalde-ilan-edilen-ankara-lgbti-etkinlik-yasagini-kaldirdi>

24 <https://www.kaosgl.org/haber/ankara-daki-ikinci-lgbti-etkinlik-yasagi-da-kaldirildi>

25 <https://www.frontlinedefenders.org/tr/case/metu-university-rectorate-unlawfully-bans-lgbti-march>

26 <https://www.kaosgl.org/haber/hacettepe-universitesi-nden-ayrimci-uygulama>

27 <http://susma24.com/odtude-lgbti-etkinligine-yasak/>
<https://www.kaosgl.org/haber/7-izmir-lgbti-onur-yuruyusu-ne-katildiklari-iddiasıyla-uc-cocu-ga-kamu-davasi>
<https://www.kaosgl.org/haber/odtu-onur-yuruyusu-davasi-ertelendi-onur-yasaklanamaz>

to assembly from 2019, and two cases that still are under judicial processes or finalized the process with a verdict have been addressed in the report.

In addition, the organizations that received funding from the Open Society Foundation, which distributed funds within the framework of permits issued by the related public institutions and ceased its activities in Turkey in 2019, underwent an intensive audit process in April 2019, and Kaos GL and SPoD associations have also been audited by tax auditors due to the funds they have received from the Open Society Foundation in the past.

Again, Kaos GL Association was subjected to an audit process in June 2019, citing anonymous complaints submitted to the Presidency Hotline (CİMER). These audit processes forced the associations to assign their capacities to the preparation of documents and to be stationary within the offices or welcoming public officials at the association centers. While there is no record of any homophobic insult or abuse of authority by the public personnel in the audits, it is possible to say that the process has caused state pressure on civil society at a time when the civil space is shrinking, and the LGBTI+ movement is being criminalized.

VIOLATION SAMPLE FROM 2019:

Case title and subject	Case for cancellation of Ban on LGBTI+ activities in Ankara during the state of emergency
Court and number	4th Administrative Court of Ankara Date 15.11.2018, E. No: 2017/3255, K No: 2018/2623 Constitutional Court Application No: 2018/10351 ECHR Application No: 32261/18 Ankara District Administrative Court, 12th Administrative Case Division's decision, Date 21.02.2019, E. No: 2019/93, K. No: 2019/306
Case Summary/ Stage of the Case	Kaos GL Association filed a lawsuit against the Governorate of Ankara's November 18, 2017, dated order of indef-

<https://yesilgazete.org/blog/2019/06/17/antalya-ve-izmir-valiliklerinden-onur-haftasina-yasak-genel-ahlaka-aykiri/>
<https://gazetekarınca.com/2019/04/senlikler-iptal-edilmisti-odtu-rektoru-sucu-lgbt-mark-sist-ve-hdpli-gruplara-atti/>
<https://twitter.com/odtulgbti/status/1110249188518973440>
<https://www.kaosgl.org/haber/emniyet-mudurlugu-istedi-kadikoy-kaymakamligi-queer-olym-pix-i-yasakladi>
<https://www.kaosgl.org/haber/tunceli-valiligi-lgbti-etkinligini-ve-cumartesi-anneleri-belge-selini-yasakladi>

inite ban on LGBTI activities, for the annulment of the proceeding and suspension of its execution.

It was stated that the order of the ban was not based on concrete and legal reasons and that the ban should be annulled and its execution must be suspended as soon as possible because the order of the ban would cause irreparable consequences.

After the 4th Administrative court rejected the request of suspension of the execution, Kaos GL Association appealed to the Constitutional Court, stating that the ban violated the right to freedom of expression, the right to form an association and the freedom of assembly, stressed that the ban was a crime of discrimination and Administrative Court has violated the association's right to a fair trial with the rejection of the request of suspension of execution.

The association requested the Constitutional Court to suspend the Governor's order by issuing a temporary injunction for the suspension of execution because of the "irreparable effect of the violation, causing obvious harm, and being a grave violation of rights."

Kaos GL Association took the ban to the European Court of Human Rights (ECHR) after the Constitutional Court has rejected their request for suspension of execution for the Governorate's decision. However, the application was put on hold because domestic remedies were not exhausted. The appeal to the Constitutional Court was found unacceptable because domestic remedies were not exhausted.

Case Outcome As a result of the trials, 4th Administrative Court of Ankara rejected the case, citing, "The State of Emergency was active during the declaration of the order, so fundamental rights and freedoms can be restricted under the criteria stated in the 15th article of our Constitution, while the order for an indefinite ban also can be issued as in the subject of this case, and it is clear that the case will become void due to the termination of the State of Emergency as the subjected proceeding was declared based on the Emergency State Law no. 2935.

As a result of the appeal against the court's refusal, with the Ankara District Administrative Court 12th Administrative Case Division's dated 21.02.2019 and E No: 2019/93, K No: 2019/306; the ban order has been lifted with the annulment of the verdict of the first degree court on the grounds of, "Although it is possible to ban certain meetings and demonstration marches to protect general security

and public order, prevent the spread of violence, and close and imminent danger of committing a crime, the right to hold peaceful meetings and demonstration marches should be protected as one of the indispensable rights of a democratic society as one of the methods of explaining the expression, The State must strike a measured balance between public safety and the use of freedom of meetings and demonstrations, and the State is obliged to take the necessary measures to ensure the use of freedom of assembly, although it is suggested that the activities organized by the administration will cause provocation, attacks or reactions that may disturb some sections of society, public order can be protected by not by banning such events and meetings, but by taking the necessary law enforcement measures, instead of banning cinema, cinevision, theatre, panel, discussion, exhibition, etc. all actions/activities indefinitely on the grounds of they can be reacted by some sections of the society and can cause provocations, limitations to the extents of time/place or activity can be imposed provided the necessary law enforcement measures could be taken, thusly, the subject proceeding that results in the unconditional, ambiguous and unmeasurable restriction of fundamental rights and freedoms is not found in accordance with the law in this aspect, and the subject court decision is not found legally accurate.”

RIGHT TO WORK

The following findings have been presented by the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex Employees in the Private Sector in Turkey 2019 Research of Kaos GL Association²⁸.

This year's research had 772 participants who declared they were LGBTI+ and who worked in the private sector. The survey was online and conducted via SurveyMonkey Pro. This year our sample consisted mainly of young people who possessed a high school education or higher and who are in the labor force for a relatively short time. Eighty-six percent were between 18-35 years of age, 82% are university graduates or higher. 86,6% of the participants work in their current workplace for less than six years.

In 2019, 62% of our participants declared their gender identity as male, and 57% identified themselves as gay. These figures reveal that more than half of our sample are non-trans gay men. Compared to the results of last year, we saw an increase in the number of "trans men," "trans" and "other" categories. Therefore, despite the majority of non-trans gay male participants, we have a higher representation of individuals who define themselves as trans or with terms other than those of the binary system of gender and sexuality.

Another interesting change this year is the decrease in the number of participants identifying themselves women and trans women. This ratio was 38% (85 participants) in 2016, 45% (166 participants) in 2017 and 36,3% in (198 participants) in 2018. In 2019, the number is as low as 29,3%. However, we do not have enough data to explain why the number of participants overall has increased, but the ratio of women in the sample decreased. However, when we consider that according to TUIK (Turkish Statistical Institution) in 2018, the ratio of female employees in the registered labor force is 29,4%, with the increase in our number of participants, we can say that the number in the sample is closer to our research universe.

Statistics show us that in Turkey, women have a low access rate to labor and work also as unregistered labor. According to the DİSK (Confederation of Pro-

28 http://www.kaosgldernegi.org/resim/yayin/dl/ozel_sektoreng2019.pdf

gressive Trade Unions of Turkey) report on March 2019 titled “Women’s Labor Report in Turkey only 3 out of every 10 women are employed. For those who are employed, the biggest issue is insecurity. According to 2018 data, unregistered labor comprises 41% of the total employment for women. In addition, many documents, views and decisions on the subject state that in countries where there are no empowering policies regarding transition periods or gender identity in general, trans individuals have a very high percentage of unemployment. The lack of proper employment creates unregistered and insecure labor conditions, especially for trans women, and creates additional problems like involuntary sex work. Some issues need to be scrutinized in terms of discrimination.

When we look at different sectors of our participants, similarly to previous years, education is the most populous sector, followed by health, food, retail and tourism. These sectors add up to 42% of the sample. On the other hand, the example shows us that almost every sector is represented in the study. When we look at the grades given by the participants to their workplaces regarding LGBTI+ sensitivity, NGOs have the highest points with 2,78/4. The energy sector has the lowest score. Foreign origin companies seem to create more satisfaction compared to the companies that have a Turkish origin. Among foreign origin companies, 82% are US and European based companies, and their average is 2,1/4. For companies based in Turkey, the same grade is 1,7/4. In line with this finding, 20% of the participants working in foreign-based companies state that there are mechanisms to prevent discrimination based on gender identity, sexual orientation and gender qualities. In Turkey-based companies, the same ratio is 8%. Again, in foreign-based companies, the ration of being disclosed in terms of gender and sexuality is higher (20%) than the average (17,4%). Among participants, 68% work in small and medium-size companies. Data shows us that as the number of employees increases, the ratio of disclosed LGBTI+ and the grade given by those employees is lower. The disclosure ratio is also lower among employees of higher ranks. Only 4,8% of the participants are in executive positions, and 70% of those high-level executives are completely closeted in their workplaces. In the sample, this ratio is 32,9%.

Those who declare they are completely open in the workplace are 17,4% of the sample this year. The same ration is 4,4% in the public sector research that was conducted simultaneously. According to last year’s findings, the disclosure ratio was 22% in the private sector and 7% in the public sector. This decline can be explained by the increase in the number of participants and the number of sectors included in the sample. This way, our sample is closer to our research universe, but we should see the results of years ahead to prove it right.

The ratio of disclosure between private sector participants during hiring processes is quite low. Only 15,9% of the individuals were open during this process. In the public sector, the same percentage drops to 2,1. As in previous years, the 2019 research reveals that discrimination based on gender identity, sexual orientation and sex characteristics is a severe obstacle in the way to access employment. LGBTI+ employees are closeted as a strategy to prevent the risk of unemployment. Since the risk of discrimination continues after employment, the same strategy often determines the rest of their lives. The fact that the ratio of those who are completely or partially open at the workplace is relatively higher than those who are open during the hiring processes and that the ratio of total closure drops after the employment proves that LGBTI+ employees can be more open about their identities if they have a safe environment depending on the conditions at the workplace, on the attitude of their colleagues and superiors. Personal statements included in the survey answers are also in line with these findings.

In 2019 only 5,2% of the participants declared that they experienced discriminatory attitudes, discourses, behaviors or practices during hiring processes. The percentage of those who did not have such an experience was 44,4. Nevertheless, 50,4% of the participants believe that they did not experience discrimination simply because their gender identity, sexual orientation or intersex situation is either hidden or not visible. At the same time, 7,6% of the participants experienced discrimination in their workplaces, and 42,3% say they did not face discrimination because of their hidden or not visible gender identity, sexual orientation or intersex situation. Furthermore, 50,1 % of the participants did not experience discrimination, and they did not state a reason why.

The ratio of those who experienced discrimination during or after the hiring process seems quite low. But, like last year, we should consider these numbers together with other data. First of all, it is essential to underline that one out of every two LGBTI+ employees either experienced discrimination before or after the employment process, or they did not experience any discrimination because their gender identity, sexual orientation or intersex situation was hidden and they were taken for a heterosexual non-trans individual. We should also examine the ratio

of those who did not face discrimination together with the proportion of those who were open about their identity during the hiring processes or in the workplace. We should remember that only 15,9% were open during the hiring and 17,4% while at work. The ratio of those who witnessed discrimination towards another LGBTI+ employee (15,3%) should also be taken into consideration in that framework.

The European Union Human Rights Commission issued a report in 2011 on discrimination based on gender identity and sexual orientation. According to that report, the strategy of not disclosing oneself that has been developed by the LGBTI+ individuals against discrimination and harassment makes it more challenging to analyze the real level of homophobia and transphobia in the area of labor. This statement is based on different research in different countries, and according to our findings, it is also applicable to Turkey. It is also true that the minute this strategy is changed or does not work, the risks become real. Therefore LGBTI+ individuals in Turkey are closeted from the beginning of the hiring process to decrease the risk of discrimination and harassment.

Parallel to the findings of the research in 2018, the private sector research of 2019 reveals that LGBTI+ individuals use peer advice or examination of company profiles through career websites as their primary tool for job search and application. We believe that individuals not only want to know if they fit into a particular position but also are in need of information regarding what kind of a workplace they would be working. Despite all these measures beginning with the job search, the ratio of those closed or partially open individuals in their workplaces is high. This shows that there are many obstacles in Turkey in the way to LGBTI+ visibility in the private sector, and that very few company implement inclusive policies effectively. As we can understand from shared experiences, inclusive and anti-discriminatory policies are not reflected in job postings or hiring processes. Heteronormative and cisnormative norms and roles created by the binary system are in effect and have a negative impact on LGBTI+ individuals even before employment, forcing them to stay closed as a strategy.

To understand the conditions that force LGBTI+ employees to maintain that strategy throughout their work life, this year, we added a question regarding hate speech. Among participants, 34% stated they witnessed hate speech towards LGBTI+. This finding proves some conditions force LGBTI+ individuals to stay closed. The same ratio is double among public sector employees, which explains why we have a lower rate of disclosure in the public sector.

Another fact that shows us the real dimensions of homophobia, transphobia and discrimination in Turkey is the low number of cases of discrimination that are reported through various mechanisms. Again, in line with the previous year, the 2019 private-sector report reveals that LGBTI+ employees rarely make any official complaint in cases of discrimination. Out of 59 participants who experienced direct discrimination based on gender identity, sexual orientation or sex characteristics, only 11,9% officially reported the case to the authorities, 37% never reported, and the rest reported verbally, reacted directly to the person in

question or shared it with people around them. Only 1 person reported to the Human Rights and Equality Institution of Turkey, and 2 people made a complaint to an NGO. Not even one individual took the case of discrimination to the court. None of the participants choose to report the case to their union or professional organization. From shared experiences, we understand that LGBTI+ employees do not believe that official channels would yield results. On the contrary, they are afraid of being even more victimized during the process, losing their jobs, experiencing hate speech, prejudice and being outed against their will.

The situation proves that LGBTI+ employees in Turkey need empowering mechanisms both to access labor and during work. But our study tells us that in the private sector, these mechanisms are either non-existent or ineffective. In a few positive instances, these mechanisms are effective in protecting LGBTI+ employees against discrimination and hate speech and provide them with job satisfaction and productivity.

The percentage of those workplaces that have rules and commissions to prevent gender identity, sexual orientation and gender equality based discrimination in their companies is 10,8. These mechanisms increase the ratio of disclosure among LGBTI+ employees if used effectively. Of those who work in such a company, 54% stated they are completely open at work. We should remember this ratio is 17,4% in our sample. Shared experiences also suggest that even when a company lacks written rules, an unwritten understanding and existence of a corporate culture that is sensitive to LGBTI+ rights creates positive results.

Similarly, only 10,6% of the participants mention LGBTI+ inclusive practices in company functions or social events. 57,2% of the employees working in more friendly companies stated they were completely open at the workplace. Those who work in LGBTI+ sensitive companies in terms of social help and medical/psychological support constitute only 7,9% of the sample, and 54% of these are completely open at their workplaces. As you can see, private sector companies where there are effectively functioning mechanisms that empower LGBTI+ employees are quite rare. But our findings suggest that these mechanisms are essential to fight gender identity and sexual orientation-based discrimination and to empower LGBTI+ individuals.

When we talk about such mechanisms, the first thing that comes to mind is the existence of unions and professional organizations. Our research suggests that in the private sector, the rate of membership to a union or professional organization is low. Those who are members do not necessarily see these organizations as the locus for the fight against discrimination. Only 5,6% of our participants are members of a union, which is quite low compared to the general level of un-

ionization in Turkey. According to the DISK-AR report on unionization in February 2019, 11% of the workers in Turkey have a union. Similarly, 11,3% of our sample are members of a professional organization or union.

According to our data, out of 59 participants who suffered discrimination, only 7 are members of a union or organization. Still, as we mentioned, none of them reported the case to those organizations. In addition to the question regarding measures to prevent discrimination against LGBTI+ individuals, only 22% indicated organized resistance and solidarity networks. These findings prove that unions and professional organizations have a central role in preventing discrimination towards LGBTI+ persons and empowering employees. These organizations should prioritize the development of policies regarding LGBTI+ members. Unfortunately, in 2016 the International Labor Organization (ILO) published the findings of its Pride Project where they note that economic and social rights of the LGBTI+ are not a priority for unions. This includes unions in Turkey.

The same note also indicates that LGBTI+ are the major group to experience discrimination and harassment. LGBTI+s are closed about their gender identity, sexual orientation or intersex situation as a strategy, and that continues during the employment. The ILO study also shows that open LGBTI+ employees suffer less from anxiety, depression and burnout syndrome. Workplaces should implement supportive and inclusive policies to provide these working conditions.

All these conclusions are in line with the findings of our research. According to our participants, LGBTI+ employees use a lack of disclosure as a strategy to avoid risks of discrimination and hate speech, which in turn prevents them from building close relationships with their colleagues, creates feelings of hopelessness, sadness, anxiety and anger. They have trouble developing any sense of belonging. They underperform due to a lack of motivation, but they also experience burn out and depression because of the psychological and physical stress they experience every day. Their productivity and job satisfaction drops drastically. Since in modern society we spend most of our days in our workplaces, the impact of such conditions is even more evident.

Even though being closed provides some protection, many LGBTI+s feel that being forced to stay closeted is a violation of their rights. Generally, all LGBTI+ employees are certain that they will be discriminated. Therefore they take measures from the beginning and hide their identity. They only share it with close colleagues or other LGBTI+ employees. This way, they create clear boundaries between their private and work lives. In some cases, they enter a different role in terms of the way they talk, their body language or the expression of gender.

This constant state of cautiousness becomes a kind of permanent discrimination itself and has a heavy psychological and sometimes physical impact on the individual.

Our findings suggest that the conditions are even more oppressive when it comes to women. For example, the percentage of those with university and graduate education among trans women is 53, whereas in our sample, the number is 82,4%. In terms of being open during the hiring processes, the ration drops from 9,6% to 2,7% and the disclosure at the workplace from 17,4% to 2,7%. Most of these trans women work in small scale, probably non-corporate companies. Differently from the rest of the sample, most of these trans women work in the entertainment sector. There were no high-level executives among trans women; most of them are workers or service personnel. Even though the ratio of disclosure during and after hiring is lower than in general, their percentage of experiencing discriminatory behavior or application is higher than the sample. During the hiring processes, the percentages are 5,2% for trans women to 13,3% for the sample, and after the employment 7,6% to 26,7% respectively. The fact that discrimination is so common among trans women despite their low ratio of openness makes us think that the strategy of closure is ineffective for them. It also seems like workplaces, where trans women work are generally places with fewer cases of positive practices regarding discrimination. In fact, regarding the impact of discrimination on productivity and job satisfaction, 40% of trans women responded negatively. In the sample, this ratio is 29%. Where in the sample, 42,5% graded their workplaces 0/4 and ¼, among trans women, this ratio is 60%.

When we compare answers given to different questions with the ratio of those who chose women as their gender and non-heterosexual as their sexual orientation, we have interesting outcomes. The ratio of being completely open during hiring processes drops from 15,9% to 5,7%, and that of being completely closed increases to 71% from 60%. The ratio of being completely open at work decreases from 17,4% to 10,9%, and that of being completely closed jumps to 42,7% from 32,9%. The percentage of experiencing discrimination during or after hiring processes is relatively lower in this group. Nevertheless, the increase in the number of those who are closed and those who believe their identity does not show, suggest that non-trans women participants use the strategy of closedness more often against the risk of discrimination and hate speech. Another interesting finding is that the ratio of mid and high-level executives is lower in this group than the rest of the sample. In high level it is 4,8% to 1,9% and in mid-level 14,8% to 3,8%.

Open-ended questions reveal that the biggest issue for LGBTI+ employees is freedom and visibility. According to our participants, the condition for that is social awareness, transformation of the heteronormative and cisnormative binary gender system, and transformation of the society through education. Even though legal security is the main concern in general and for the labor area, there is a general understanding that social transformation cannot be acquired through legal means only. In that respect, LGBTI+ employees have demands not only from governments and political leaders but also from universities, professional organizations and unions.

In conclusion, there are measures to be taken to prevent discrimination based on gender identity and sexual orientation, to transform the disadvantages of LGBTI+ employees to access employment and to establish equality in terms of social and economic rights. There are discussions to be made to create legal policies, institutional policies and strategies for the NGOs. Besides, our research suggests that since LGBTI+ employees are not homogeneous groups, it is necessary to take gender and gender identity-based differences of conditions and needs to be taken into consideration. We hope this study will contribute to the policies and developments to empower LGBTI+ employees and to prevent discrimination.

Following findings have been presented by the Situation of Lesbian, Gay, Bisexual, Transgender and Intersex Employees in Public Sector in Turkey 2019 Research of Kaos GL Association²⁹;

This is the 5th year that the Kaos GL Association researched the situation of private sector LGBTI+ employees in Turkey. As Kadir Has University Gender and Women's Studies Research Center, we are proud to be a part of this project for the past two years. We hope that this annual research will contribute to this academic area by creating a massive data pool, increasing both the quantity of research and its diversity. It will also help us generate new policies in terms of advocacy and the struggle for rights. We give importance to the empowering effect created by the cooperation between academy and activism. We especially consider academia's role as one of the pillars of a democratic society and responsibility regarding the fight against discrimination.

This year's research had 228 participants who declared they are LGBTI+ and who work in a public institution. The survey was online and conducted using SurveyMonkey Pro. This year our sample consisted mainly of young people who possessed a high school education or higher and who are in the labor force for

29 <http://www.kaosgldernegi.org/yayindetay.php?id=275>

a relatively short time. Eighty-one percent were between the ages of 18-35, and 90% were university graduates or higher. Among the participants, 65,8% have worked in their current workplace for less than 6 years. Similar to last year's research results, participants come from mostly education, academy and health sectors, but our data also suggests that we have participants from other professions as well.

Among the participants, 62% declared their gender identity as male, and 57% identified themselves as gay. These figures reveal that more than half of our sample are non-trans gay males. Compared to results from last year, there has been an increase in the number of those selecting the categories of "trans man," "trans." Those who chose "other" for gender identity has also increased from 2,3% to 5,7%. Those who chose "other" for their sexual orientation increased from 2,3% to 7,5%. Therefore, despite the majority of non-trans gay male participants, there is a higher representation of individuals who define themselves with terms other than those of the binary system of gender and sexuality.

An interesting finding in the last two years of our research is that the total percentage of women and trans women in terms of gender identity is lower than the total percentage of women employed in the State Personnel Administration. In 2018 31,5%, in 2019, 35% of participants in the survey were women. According to the State Personnel Administration, in 2018, 38,5% of public employees were women. We can talk about the possible significance of these numbers when we conduct our analyses in the coming years.

Those who declared that they are completely open, regarding their identity, in the workplace were 4,4% of the sample this year. The same ratio was 17,4% in the private sector research that we conducted simultaneously. According to last year's findings, the disclosure ratio was 22% in the private sector and 7% in the public sector. This decline can be explained by the increase in the number of participants and the number of sectors. In this way, our sample is closer to our research universe, but we should see the results in the years ahead to confirm this.

Also, the fact that the ratio of disclosure in terms of gender identity, sexual orientation or intersex situation is lower in the public sector relative to the private sector makes us think that LGBTI+ employees are at a higher risk for discrimination and hate speech.

According to the 2019 research, 95,6% of the LGBTI+ employees in the public sector are not completely open about their identity. Even so, out of the 96 who were completely closeted, 3 experienced discriminatory attitudes or practices

during the hiring process and 4 in the workplace. Among participants, 67% witnessed hate speech towards LGBTI+. As far as we can see, the public sector is far worse than the private sector when it comes to the reproduction of discrimination and hate speech.

Our study suggests that the rate of disclosure is even lower when it comes to hiring processes. Only 2,1% were completely open during this phase. Similar to last year, discrimination is the main obstacle for LGBTI+ employees in accessing employment in the public sector. They are forced to stay closeted to prevent the risk of unemployment. Since discrimination continues after employment, the same strategy determines the rest of their work life. The closure is even more evident in the public sector compared to private companies. The fact that the ratio of those who are completely or partially open at the workplace is higher than those who are open during the hiring processes and that the ratio of total closure drops after the employment demonstrates that LGBTI+ employees can be more open about their identities if they have a safe environment depending on the conditions in the workplace, on the attitude of their colleagues and superiors. But, this is rarely the case in the public sector.

In 2019 only 3,6% of the participants declared that they experienced discriminatory attitudes, discourse, behavior or practices during the hiring processes. Nevertheless, 64,4% of the participants believe that they did not experience discrimination simply because their gender identity, sexual orientation or intersex situation is either hidden or not visible. At the same time, 11,8% of the participants experienced discrimination in their workplaces, and 61,4% say they did not face discrimination because of their hidden or not visible gender identity, sexual orientation or intersex situation.

Taking these data into consideration, the ratio of experiencing discriminatory attitudes or practices during or after the hiring process is higher than the rate of disclosure during hiring or employment. Therefore, the forced strategy of closure does not always prevent discrimination in the public sector. Secondly, even though the rates of experiencing discrimination are low, we should keep in mind that out of every 2 out of 3 LGBTI+ employees applying for a job either experienced discrimination before and 3 out of 4 after the employment process. If they did not experience any discrimination in many cases, it is because their gender identity, sexual orientation or intersex situation was hidden, and they were taken for a heterosexual non-trans individual. We should also examine the ratio of those who did not face discrimination together with the ratio of those who were disclosed during the hiring processes or at the workplace. We should remember that only 2,1% were open during the hiring and 4,4% while at work.

In 2011, the European Union Human Rights Commission issued a report on discrimination based on gender identity and sexual orientation. According to that report, the strategy of remaining undisclosed that was developed by the LGBTI+ individuals against discrimination and harassment makes it more difficult to analyze the real level of homophobia and transphobia in the area of labor.¹ This statement is based on different research in different countries. According to our findings, it is also applicable to Turkey. It is also true that the minute this strategy is changed or no longer works, the risks become a reality. Therefore, LGBTI+ individuals in Turkey are closed from the beginning of the hiring process to decrease the risk of discrimination and harassment

Our research indicates that LGBTI+ employees working in the public sector cannot be disclosed in terms of gender identity, sexual orientation or gender qualities unless there is no risk of discrimination. In 2019, 5% of the participants declared they were partially or entirely open during the hiring process, and 4% experienced discriminatory acts and attitudes. These ratios go up to 23% and 12% respectively once the employee starts working. Looking only at these numbers, one might think that the fact that they are closed is a reason for the LGBTI+ employees to experience discrimination. But when we examine the answers of those who are open or partially open, their ratio of experiencing discrimination is far lower than the general ratios of the sample. Taking into consideration the answers to the open-ended questions, we can conclude that public-sector LGBTI+ employees continue with the strategy of being closeted unless there is no risk of discrimination. When binary systems of heteronormative and cisnormative gender perceptions are strong, this strategy might not work because any kind of behavior, attitude or wording outside these gender roles might cause that person to be discriminated against.

Another fact that shows us the real dimensions of homophobia, transphobia and discrimination in Turkey is the low number of cases of discrimination that are reported through various legal mechanisms. Again, in line with the previous year, the 2019 public sector report reveals that LGBTI+ employees rarely make any official complaint in cases of discrimination. Out of 27 participants who experienced direct discrimination based on gender identity, sexual orientation or sex characteristics, 13 never reported it, 8 reacted directly to the person in question or shared it with people around them. In contrast, only 3 people reported to the institution verbally. One employee made a complaint to an NGO and 1 to a union or professional organization. Not even one individual took a case of discrimination to court. From the shared experiences, we understand that LGBTI+ employees do not believe that they would get a result through

official channels. On the contrary, they are afraid of being even more victimized during the process, losing their jobs, experiencing hate speech and prejudices, and being disclosed beyond their will.

The situation proves that LGBTI+ employees in Turkey need empowerment mechanisms both to access labor and during work. But our study tells us that in the public sector, these mechanisms are either nonexistent or ineffective.

The percentage of those institutions that have rules and commissions to prevent discrimination based on gender identity, sexual orientation and sex characteristics in their workplaces is 3,5%, and 12,3% declared that these rules and commissions exist, but they are not effectively run. When it comes to discriminatory regulations and practices, LGBTI+ employees gave us different examples. They are not able to benefit from the social rights that accompany marriage and family, as it is the case within the heteronormative interpretations. Some aspects of Law no: 657 regarding public officials can be interpreted in a discriminatory manner. Public sector employees also mentioned transfers and blocking promotions that can be interpreted as a kind of exile.

Our research indicates that the closedness strategy that LGBTI+ employees are forced to employ prevents them from building communication and solidarity networks within the community. Only 7% mentioned these kinds of networks, and 4,8% are aware of these networks, but they are not part of it. Only 9% of these individuals are completely open in the workplace. Public employee LGBTI+ are rarely members of a union or professional organization, and even when they are members, they do not see these organizations as the locus for the fight against discrimination. Only 33,8% of our participants are members of a union, which is lower than the rate of membership for all public employees. Besides, only 10% are members of a professional organization. Even though the ratio of being closed in the organization is higher than the one in the workplace, it is still below 12%. As mentioned above, only 1 of those who experienced discrimination reported the case to a union or a professional organization. In addition, to the question regarding measures to prevent discrimination against LGBTI+, only 22% mentioned organized resistance and solidarity networks. These findings prove that unions and professional organizations have a central role in preventing discrimination towards LGBTI+ and empowering employees. These organizations should prioritize the development of policies regarding LGBTI+ members. Unfortunately, in 2016 the International Labor Organization (ILO) published findings of its Pride Project where they note that the economic and social rights of the LGBTI+s are no priority for unions. Turkey is no exception.

The same report also indicates that LGBTI+ are the major group to experience discrimination and harassment, that job seeking LGBTI+ are closed about their gender identity, sexual orientation or intersex situation as a strategy which continues during the employment. According to the ILO study, disclosed LGBTI+ employees suffer less from anxiety, depression and burnout syndrome, and in order to provide these working conditions, workplaces should implement supportive and inclusive policies.

All these conclusions are in line with the findings of our research. According to our participants, LGBTI+ employees use closedness as a strategy to avoid risks of discrimination and hate speech, which in turn prevents them from building close relationships with their colleagues, generates feelings of hopelessness, sadness, anxiety and anger. These employees often have trouble with a sense of belonging, they underperform due to a lack of motivation, but they also experience burn out and depression because of psychological and physical stress they experience every day. Their productivity and job satisfaction drop drastically. Since in modern society, we spend most of our days in our workplaces, the impact of such conditions are even more evident.

Even though being closed provides some protection, many LGBTI+ feel that being forced to stay closed is a violation of their rights. Generally, all LGBTI+ employees are certain that they will be discriminated, therefore they take measures from the beginning and hide their identity or only share it with close colleagues or other LGBTI+. This way they create clear boundaries between their private and work lives and in some cases, they enter a different role in terms of the way they talk, their body language or expressions of gender. This constant state of cautiousness becomes a permanent kind of discrimination in and of itself and has heavy psychological and sometimes physical effects on the individual.

Four cases from 2019 regarding the discrimination in the working life of LGBTI+s were addressed in the report.³⁰ It's identified from the information submitted to Kaos GL Association that a person has been fired from their job due to being HIV+.

30 <http://www.detaykibris.com/meslekten-kovulan-escinsel-polis-osman-anlatiyor-lutuf-de-gil-hakkimi-istiyor-183528h.htm>
<https://www.haberturk.com/kayseri-haberleri/71802841-kayseride-fuhus-operasyonu-9-gozalti>
<https://www.kaosgl.org/haber/istanbul-buyuksehir-belediyesi-nde-escinsel-calisan-isten-cikarildi>

VIOLATION SAMPLE FROM 2019:

Case Title and Subject	Getting fired due to gender reassignment process
Summary of the Incident	<p>K. is 32 years old and is an information systems engineer. K., who was fired from the company, one of the independent data centers of Turkey where they worked as a digital marketing specialist, told kaosGL.org about the mobbing and discrimination they experienced in the process.</p> <p>“It’s not easy to open up, I opened myself up, I’ve faced discrimination rather than support after I shared my process with them,” says K., and says that they are continuing to put on the legal struggle to spare other transgender people from discrimination.</p> <p>When did you start to work?</p> <p>“I was starting on a new job. That’s when R. Data Center reached out to my resume through career sites and called me. We had a preliminary interview, and they suggested I start work right away. I accepted their offer because I thought it would contribute to my career and started on December 27, 2017.”</p> <p>In what stage were you at, at the gender reassignment process when you started the job?</p> <p>“I was able to start in September 2017. I wanted to start this process before, but it was not possible because of family and economic problems. A period of financial hardship had begun as soon as I graduated. I wanted to get to a certain point in my career. All I wanted to do was to get a good career and stand on my own two feet. At a certain level, I’ve decided to start the process. And I started my gender reassignment process.”</p> <p>“I thought it would take years, but it never happened. I was already psychologically ready and physically, since I didn’t have any health problems, I was referred to endocrine service immediately after the psychological process follow-up.”</p> <p>Have you encountered discrimination against your gender identity in the job interview?</p> <p>“When I went to a job interview, I had a masculine appearance, but I hadn’t started hormones yet. My job, being a digital marketing specialist, requires constant work at the computer. They had realized my masculinity in the workplace, and didn’t ask any questions about it.”</p>

“When I asked them if I would have a problem with the outfit, they said I wouldn’t have any problems and said that everyone is wearing casual outfits.”

“My reason for being laid off was stated as ‘unpredictable health problems’”

Did you talk to the office when you started the hormone therapy?

“When I got approved to start hormones as a result of my endocrine tests at Cerrahpasa Research Hospital, I shared this situation with a friend who I was close at work first and tried to gather the courage to talk to our manager.”

“My friend said he could talk to our manager beforehand, so I agreed. My friend talked with our sales director, i.e., our manager, and said that there is no problem, that our manager that we are attached to welcome this situation as a natural phenomenon. So I tried to go and convey with detailed information that I am a trans individual, that I am in a gender reassignment process on the recommendation of specialist physicians, that I will go to a doctor’s check-in in 3 months and start my hormone therapy and that this process will not affect my work.”

How did the manager react?

“My manager listened to me and said, “I must share this situation with the board.” So I told him that sharing this information would be ok for me.”

Then?

“Then I waited for a month. I haven’t been given any feedback for that month. At the end of the month, the company’s Human Resources Manager called me and said, “Why didn’t you tell me first?” So I answered the question, “I followed the hierarchy at work, that I knew it would be more accurate to give information to my superior officer.” I was surprised when the Human Resources Manager said, “The Board of Directors has decided to fire you.” It was as if boiling water poured down my head.”

“What did they cite as your reason for your dismissal?

They put a piece of paper in front of me to sign it. The document they brought in said, “Unforeseen health problems” as the reason for which I was fired. I needed to remind over and over again that I’m not sick and that my reassignment process doesn’t affect and won’t affect my work.”

“All of a sudden, my dismissal would negatively impact my family along with me, because I had financial responsibilities, as did everyone else. I told them about it. I asked them if I could get unemployment benefits when I was fired.”

“When we sat down with the Human Resources Manager and calculated, we determined that if I worked 25 more working days, I could qualify for unemployment benefits. So I asked them to let me work for another 25 days so financially I wouldn’t get any worse.”

Did they accept it?

“They did, but here’s the way it is. I learned another truth there. They’ve taken a new one into my position in the month that they didn’t say anything. So their silence wasn’t a sign of good. I couldn’t understand when they interviewed the candidates, when did they propose, and hired. They’ve already crossed over my name when I announced that I’m starting the reassignment process. They said that my 25-day work request for unemployment benefits would be possible provided that I would educate the newcomers and accept the minimum wage during that time.”

“I had to accept because I needed that unemployment benefits.”

Then what happened? Were you able to work for 25 days?

“I went to work. The Sales Marketing Director, who was our manager, came to the area where we socialize (we have breakfast with all our teammates in that environment in the morning), and said, “Go and train your friend.” I wasn’t introduced to the newcomer, and I wasn’t given any information about when they were going to start. So I was surprised by this reaction. There was no action like giving notice or an introduction, I got tears in my eyes with a mixed feeling with the sadness of being excluded, being despised and unemployed, and I walked away from there so as not to cry in public.”

“Our director then called me to their room, so I went, and they said, “If you’re going to make things harder from day one, I’m going to fire you immediately.” Then added, “A lot of employees got pregnant, and their psychology has also changed, but we can’t handle your situation.” And When I asked, “Would you fire me if I were pregnant?” They said, “You’re not pregnant, do not try to say things that do not exist” I couldn’t help it and started to cry. Human Resources Manager said, “Take the day off, you can’t work like this. Come tomorrow.”

"I felt terrible when I got out of there. I went to talk to my psychologist, diagnosed with "severe depression" and started antidepressants."

The next day?

"When I left the next day, they terminated my contract. They wanted my computer and my institution card. I delivered it."

How did you decide to sue them?

"I realized I was being bullied. My pride got hurt. I knew that the person who worked in the same position before me died of cancer, and I also knew that even when the previous employee reached the inpatient therapy phase, the company continued to pay the employee's insurance and salary."

"Me, on the other hand, had no problem with my well being, the hormone process didn't affect my work, my performance... They fired me, though. What's this if it's not discrimination? For these reasons, I've decided to seek my rights by legal means."

How is the lawsuit going?

"We filed the case on the grounds of violating the principle of equality, the pressure to secure resignation without being covered by job security, and unfair dismissal as an outcome of discrimination, mobbing, and mistreatment, and we also requested financial and moral compensation."

"Before the trial process, applying the mediation agency was mandatory through the Employment Tribunals. That's when I tried to get my finances up for the case. I've been laid off, and I've been in debt for nearly 50,000 Turkish Liras."

How did the mediation service go?

"The mediators listened to both sides with an impartial approach and learned all the details of the matter. But I've never experienced discrimination in the process due to being a trans man. Of course, we couldn't solve the discrimination I experienced with the workplace through the mediator. And the moment I got the money for the court costs, we opened the case."

Have the trials begun?

"Yes, the first trial was this year at the 27th Labour Court of Istanbul on July 16th. The preliminary examination was carried out at this hearing. The second hearing is the "investigative phase," i.e.,

the evidence will be collected and evaluated, witnesses will be listened to, and expert reports will be issued if necessary.”

“Unfortunately, my colleagues, who supported me in the process and expressed that they would be with me in all my needs and litigation process if necessary, stopped testifying due fear of getting fired or their careers would be badly affected.”

“However, I was severely depressed because of my discrimination, and we submitted my psychologist’s report to the court.”

Are you hopeful about this legal process?

“I’m hopeful. Before this event happened, I was attending the Trans Therapy meetings organized by the Social Policies Gender Identity and Sexual Orientation Studies Association (SPoD).”

“I’ve consulted the mental health experts I met there before I opened up to work as a trans male and informed them of the process. They supported my coming out process because it was one of the largest independent data centers in Turkey and nothing about my masculinity came up during my job interview.”

“It’s not easy to open up. It feels terrible to face discrimination after you came out. While this process is actually based on one’s self-discovery, trans individuals are psychologically tired of such discrimination. When you go through the gender reassignment process, you get happy, but the phobic behavior around you really makes the process worse.”

“The reason that I’m struggling through this legal challenge is that I don’t want other transgenders to be discriminated against. In fact, I wish the court would require all the companies to employ 1 LGBTI+ person every year. So they have the opportunity to understand LGBTI+’s and I think they can grasp how unnecessary discrimination is.”

How are you now?

“I’m better. There is a huge amount of debt that piled up during this process, so I’m trying to pay them up. I’m nearly at the end of my process.”

Are you employed right now?

“Yes, I’m. I’m very cautious after they fired me. No one knows my process except my boss at the company I’m working on right now.”³¹

31 <http://umutsen.org/index.php/trans-gecis-sureci-calismami-engellemiyordu-ona-ragmen-be-ni-isten-cikardilar-asli-alpar/>

RIGHT TO EDUCATION

In Turkish law, practices against LGBTI+’s are experienced through articles with unspecified, interpretation-open criteria such as behavior contrary to the common moral values, in the regulations of dormitories of various universities and special laws governing the primary and secondary education and university education.

Three cases of discrimination in the education life of LGBTI+’s that took place in 2019 were addressed in the report.³² Besides, in 2019, regarding the violations in the field of education; In the presentations held within the framework of the training program “Bullying in the Educational Environment based on Sexism and Sexual Orientation” on peer bullying and sexual orientation and gender identity-based discrimination was carried out in Hatay within the framework of the training program for three days between January 7-9, 2019. After the press has covered the program, an administrative investigation against the instructors was initiated, and a smear campaign against them was launched via the media, mentioned violation was recorded by Kaos GL Association.

VIOLATION SAMPLE FROM 2019:

Incident of Violation	Loans and Dormitories Institution (KYK), has cut the scholarships and credits of the students that were detained on the METU LGBTI+ Pride March
Case Summary	<p>The Credit and Dorms Institutions (KYK), upon receiving a letter from the Ankara Security Office, have cut the scholarships and credits of those arrested during the METU LGBTI+ Pride March.</p> <p>The Youth and Sports Ministry’s Credit and Dormitory Institution (KYK) cut the scholarships and credits of those students arrested at the METU Pride March on May 10th.</p> <p>According to the report of Yıldız Tar from Kaos GL, the Students who were arrested were informed by mail of KYK’s decision to cut</p>

32 <https://www.kaosgl.org/haber/fazlasini-degil-hakkim-olani-istiyorurum>
<https://www.kaosgl.org/haber/yok-toplumsal-cinsiyet-esitligi-projesini-durdurdu>

the students' funding upon receiving a letter from the Ankara Provincial Security Office. Furthermore, KYK also demanded the payment of any institution loans from any of the affected students.

The KYK showed the 'Higher Education Credit and Dormitory Institution Credit Directorate's 'Circumstances for Not Giving Scholarship/Credit' clause as justification for their decision. This clause states that:

"Any student or students in an educational institution or a dormitory found to be, either individually or as part of a group, supporting terrorism or anarchy, violating or attempting to violate academic freedom (for example resistance, boycott, occupation, writing letters, painting, or shouting slogans, or any other such act), or using firearms, explosives, knives, or any other similar devices which cut, pierce, burn, suffocate, crush, or otherwise harm someone cannot be given funding.³³"

33 <https://www.birgun.net/haber/kyk-odtu-onur-yuruyusu-nde-gozaltina-alinanlar-in-kredi-ve-burslarini-kesti-260515>

RIGHT TO HEALTH

Although there is no general regulation that identifies LGBTI+ identities as disease, LGBTI+ identities can be widely seen as diseases in society. In practice, it is observed that LGBTI+'s face prejudice, discrimination, and obstruction in access to the right to healthcare.

Besides, the Turkish Armed Forces Health Capability Regulation, which regulates the health status of both military personnel and mandatory soldiers, defining LGBTI+ identities as diseases with the 17th article of the List of Diseases and Defects as, "Sexual identity and behavioral disorder- Sexual attitudes and behaviors in the military environment that creates or considered as a source of problems of compliance and functionality" is still in force in 2019.

Three cases of discrimination against LGBTI+'s took place in 2019 in the field of healthcare was addressed in the report.³⁴

VIOLATION SAMPLE FROM 2019:

Title and Subject Prevention of Trans Prisoner Buse's Gender Reassignment Surgery of the Violation

Summary of the Incident Trans prisoner Buse began a 38-day hunger strike in July 2018 to get her gender reassignment operation.

She adjourned the death fast after the court's "can undertake the surgery" decision. However, the surgery did not take place. Buse then began to her death fast again on January 31, 2019.

The Istanbul branch of the Human Rights Association sent a letter to the United Nations explaining her condition on February 20, 2019, on the 20th day of Buse's death fast.

The letter states that the prevention of surgery from taking place

34 <https://t24.com.tr/haber/valilik-homofobik-doktor-hakkinda-sorusturma-izni-verdi,807148>
<https://gazetekarınca.com/2019/05/hastasina-homofobik-ifadeler-kullanip-adresini-paylasan-doktora-tabip-odasindan-uyari-ve-para-cezasi/>
<https://www.kaosgl.org/haber/zabita-kusadasi-nda-1-aralik-icin-brosur-dagitanlara-ceza-kesti>

by the Ministry of Justice is contrary to Articles 8 and 14 of the European Convention on Human Rights.

Buse, who was in prison, cut her genitals and was hospitalized on July 27, 2019, as a response to the Ministry of Justice's usurping of the right to access surgery arbitrarily so that the surgical process would not be interrupted again and she would not be dragged to death.³⁵

35 <https://m.bianet.org/bianet/lgbti/212022-trans-gecis-operasyonu-engellenen-mahpus-buse-cinsel-organini-kesti>
<https://m.bianet.org/bianet/toplumsal-cinsiyet/213723-trans-mahpus-buse-meclis-gunde-minde>

FREEDOM OF RESIDENCE AND TRAVEL – RIGHT TO PROPERTY

LGBTI+s, especially transgender women, are forced to live together in the same areas in the big cities. We have covered the systematical attacks against transgender people to make them move away from the areas that they lived together in our previous reports. Violations against the freedoms of travel and settlement and property rights of LGBTI+'s, and especially against trans women, continued to take place in 2019, in various forms such as demanding abnormal prices and practically limiting or obstructing their access to their mentioned rights during obtaining and renting a property, sealing the residences of trans women by law enforcement on the grounds of sex work, fining them in public spaces without justification to force them out from the public places.

No progress could be achieved regarding the ability of LGBTI+'s to bequeath their possessions to their partners as LGBTI+ couples are not recognized by law.

The case that took place in 2019 regarding the discrimination faced by LGBTI+'s in terms of violation of freedom of travel and settlement and property rights was addressed within the scope of the report.³⁶ Besides, from the information received by the Kaos GL Association;

It was determined that the house of a trans sex worker was sealed under the name of "prostitution operation" in Kocaeli in March, and homes of two transgender people living in the same neighborhood were raided. The number of violations addressed in the report was thirteen.

In addition, the Izmir Young LGBTI + Association carried out the "LGBTI+ Friendly Student Dormitories" project last year to make the experiences of LGBTI+s that live in student dormitories visible. Outputs of the project consisted of; "What do LGBTI + Young People Want from Student Dormitories?" brochure

36 <https://www.haberler.com/karaman-da-fuhus-operasyonu-11689710-haberi/>
<https://www.enkocaeli.com/haber/3056707/yine-izmit-yine-fuhus-operasyonu>
<https://www.gazeteduvar.com.tr/kadin/2019/12/28/ajda-ender-transfobik-siddet-yuzu-nden-7-aydir-evine-giremiyor>
<https://www.imaret.com.tr/karaman-da-fuhusa-bir-darbe-daha/22440/>

that addressed the students' problems and solutions, and the book titled "LGBTI+ Dormitory Experiences" that covered LGBTI + dormitory experiences written by students.³⁷

VIOLATION SAMPLE FROM 2019:

Title and Subject Transphobic Practice of KYK
of the Violation

Summary of the Incident Staying at Ataşehir Higher Education Credit and Dormitories Institution (KYK) Girls' Dormitory, Şafak went to meet with the dormitory administration after his friends become aware of the operation that Şafak underwent. The dormitory administration said that they would call the disciplinary board for a meeting if he won't sign the deregistration paper, giving Şafak 3 hours to leave the dormitory. The management then threatened that they would "punish more heavily" if Şafak were to initiate legal action.

Şafak told about the discrimination that he faced as follows:

"I told them about this situation without any complaint about me 'being transsexual' was sent to the administration. But the answer to my honesty resulted in the administration's self-degradation. They wanted me to sign my exit papers and leave the dormitory the other day. I also stated that I had no financial situation to go home and that I did not receive support from my family. At least I asked them to give one month until I could find a job and set up a house. However, regardless of my psychological situation and the existence of my report that says "It is imperative to change gender in terms of mental health," they said things about me going through a transformation in the sense of my gender identity, psychology and body as it was an arbitrary thing for me; 'You had to think about it beforehand, have you ever asked us about it?'"

"I conveyed the situation to a lawyer who reached me. They came to the dormitory. Although I stated that I had the right to defend myself, the request for a meeting was refused. "If the lawyer is helping you voluntarily, let them fix you a house," they said. I replied, 'Why should I need others when the state gave me the right

37 <https://gencigbti.files.wordpress.com/2018/09/lgbti-genc3a7ler-c3b6c49frenci-yurtlar4b1ndan-ne-istiyor.pdf>
<https://gencigbti.files.wordpress.com/2018/09/lgbti-kapsayc4b1cc4b1-yurtlar-istiyoruz.pdf>
<https://gencigbti.files.wordpress.com/2018/10/lgbti-yurt-deneyimleri.pdf>

to stay in the dormitory?’ and they said, ‘You have no right to stay here.’ I have been exposed to many such discourses, and despite all this, they argued that they had good intentions. Their good plans were that they would give me a day to get out. When I said ‘I don’t think you helped me,’ they reduced the one day to 3 hours and said that they would convene the disciplinary committee if I did not sign the deregistration paper. At the same time, they made it clear that they would punish me more severely if I initiated legal action, and they have officially threatened me.”

“As a result, just two weeks after my surgery, when I had no income to find myself home, at a time that I knew what would happen to me if my family had learned about me getting fired from the dormitory, I had expelled from the dormitory just because I am transsexual. I’m asking now; How can they take away my right to shelter and defend myself? Not only me, but other transsexuals are expelled from the dorms without any reason. We cannot stay in the men’s dormitory, and we are expelled from the women’s dormitory. How much more discrimination will we be exposed to just because we are transsexual? Don’t we have a right to live? Maybe if someone else were in my place, they would commit suicide because their right to live was stripped away from them. But I will live and fight. I want what I deserve, nothing more.”

Şafak stated that he would take legal action and fight against the Ataşehir KYK Girls Dormitory administration’s discriminative attitude and for his right to shelter that is recognized by the law.³⁸

38 <https://www.kaosgl.org/haber/fazlasini-degil-hakkim-olani-istiyorurum>

ACCESS TO GOODS AND SERVICES

There has been no legal development or policy change in 2019 regarding the prevention of discrimination faced by LGBTI+s, who are being discriminated against in almost every field in terms of violation of the right to access to goods and services. Four cases related to discrimination in access to goods and services in 2019 were covered within the scope of the report.³⁹

VIOLATION SAMPLE FROM 2019:

Title and Subject of Violation Discriminatory Attitude Against the Lesbian Couple at Sensus Wine House, İstanbul

Summary of the Incident Sensus Galata Wine Boutique asked a lesbian couple to leave the place by saying, “our customers are disturbed by you.” Lara and Sumru, who wrote an article about the homophobic attitude in 5Harfliler, called for a boycott campaign against the place.

The couple stated that while sitting at the venue, the manager came and put the pos device on the table saying, “We will not be able to serve you more because our customers are disturbed.” The couple said, “What were you bothered about? Who was bothered?”. The operator pointed out to the waiter, saying, “I can’t tell.” The couple who asked what they were doing differently from them as showing the customers around, and who said that their attitude was homophobic, was expelled from the place by the owner, who said: “No, I respect you, but this is a business, please I’m telling you kindly, calmly make your payment and get out.”

The couple, supported by other customers who said “This place is discriminatory,” called for a boycott for Sensus Galata Wine Boutique with the article they wrote after leaving the place. A group of 20 lesbian/bisexual/feminist women who made a reservation at the venue held a boycott action.⁴⁰

39 <https://www.kaosgl.org/haber/antepte-trans-kadinlar-saldiriya-ugradi-polis-kadinlari-gozaltina-aldi>
<https://www.kaosgl.org/haber/polis-gece-kulubu-guvenliginin-transfobik-saldirisina-seyirci-kaldi>
<https://www.kaosgl.org/haber/balikesir-yemen-kahvesi-nden-transfobik-ayrimci-uygulama>

40 <https://t24.com.tr/haber/istanbul-daki-sensus-sarap-evi-lezbiyen-kadinlari-mekandan-kovdu,812344>

RIGHT TO REPRODUCE — LEGAL STATUS FOR INTERSEX PEOPLE

Gender reassignment surgeries regulated by Article 40 of the Turkish Civil Code were subject to the condition of reproductive deprivation before the annulment decision of the Constitutional Court. Transgender people who wanted to undergo gender reassignment surgery had to undergo a separate operation to be deprived of reproduction capabilities before the annulment. The Constitutional Court accurately canceled the reproductive withdrawal criterion, which was made mandatory for sex transition surgery even it wasn't a prerequisite for a gender reassignment operation.

Turkey has adopted a legal approach that mandates every intersex person to be assigned to a gender. Also, intersex individuals are subjected to gender assignment operations at early age without their consent. Intersex people are generally assigned to genders by surgical interventions with the consent of the family members before the age of consent. The 40th article of the Civil Code is shown as the legal basis of these surgical interventions. There has been no change in 2019 regarding this practice.

The Kaos GL Association held a workshop in 2019 regarding the gender reassignment process.⁴¹

<https://m.bianet.org/bianet/toplumsal-cinsiyet/206899-kadinlar-lezbiyen-cifti-kovan-sensus-sarap-evi-ni-protesto-etti>

41 <https://www.kaosgl.org/haber/gecis-sureci-calistayi-nasil-gecti>

RIGHT TO MARRY AND FOUND A FAMILY

Both in the Constitution and in articles 132-134-136 of the Turkish Civil Code, right to marry and found a family is a right granted to heterosexual couples only. As a result, LGBTI+ partnerships also lack some rights acquired through marriage and family such as inheritance, adoption, social security benefits. There has been no change of policy and legislation regarding LGBTI+ couples in 2019. Therefore, it is possible to say that the tendency of LGBTI+s to settle in countries where these rights are protected continues.

As we stated in our report last year, since one of the conditions of gender reassignment surgery is being single, this obligation constitutes a violation of the rights of married persons who want to have gender reassignment surgery.

Again, as we stated in our report last year, LGBTI+ partnerships have no legal status in Turkey. LGBTI+ marriages performed legally abroad do not have any of the legal status or the benefits that come with the legal marriages within Turkey.

RIGHT TO SOCIAL SECURITY

As we mentioned above in the section on the family establishment and accompanying rights, the result of LGBTI+s not being legally recognized is that LGBTI+s cannot benefit from each other's right to social security.

Besides, as the calculations for the age, the working time and subsidiary days are calculated differently by gender, the number of premium days, trans women who are registered as "men" in their identity records, are facing inequalities as their retirement process, wages and subsidiary days are calculated differently than the women whose gender identity match with the gender appointed at birth.

Besides, LGBTI+s, especially trans people, are unable to find jobs. Thus they are exposed to situations such as being pushed into unregistered and precarious sex work or being employed at low wages. They either can't benefit from social security rights at all or benefit insufficiently. In 2019, no policy changes or legal protection were introduced to secure these rights of LGBTI+s.

RIGHTS OF PRISONERS

It is possible to group the main problems faced by LGBTI+s in prison, especially trans prisoners, in 2019 as follows.

- Since prisons are separated by gender and trans prisoners and convicts are placed in prison on the basis of their state identification records, they are placed in prisons that do not comply with their gender identity if their official identification records and gender identity are not the same,
- The demands of trans people who want to have a gender reassignment surgery while in prison are not accepted claiming that these operations are not urgent,
- Trans people who are not placed in prisons that are compatible with their gender identities, or even the ones that placed in prisons that comply with their gender identities, are not placed in the same wards with other prisoners for security reasons, and kept in isolation in one-person wards,
- Preventing the access to goods and services they need based on their gender identity in prisons,

Two cases regarding the right violations against the LGBTI+’s in prison in 2019 have been addressed in the scope of this report.⁴²

VIOLATION SAMPLE FROM 2019:

Title and Subject Trans woman prisoner Esra Arıkan on hunger strike again of the Violation	
Summary of the Incident	Esra Arıkan, a trans woman prisoner, held in İstanbul Bakırköy Women’s Prison, started a hunger strike on October 21, 2019. The yard time of Esra Arıkan has been shortened recently by the prison administration. In addition to the blocking Arıkan’s petitions

42 <https://m.bianet.org/bianet/toplumsal-cinsiyet/213723-trans-mahpus-buse-meclis-gunde-minde>

to the Execution Judge on the subject, the appeals about her laser epilation request were not taken into consideration by the administration.

Announcing that she has started a hunger strike, Arıkan said she would continue her hunger strike until the injustice ends and her petitions are processed.⁴³

43 <https://www.kaosgl.org/haber/mahpus-esra-arikan-yeniden-aclik-grevinde>

RIGHTS OF FOREIGNERS, REFUGEES AND MIGRANTS

Turkey is a party to the Geneva Convention on the Legal Status of Refugees of 1951 and the New York Protocol of 1967. With the authority that this protocol has granted to the parties, Turkey has chosen to implement “geographical limitations.” Turkey sets International Protection status according to this geographical limitation.

LGBTI+ refugees who leave their countries due to discrimination and persecution based on SOGIIS (sexual orientation, gender identity, intersex status); face xenophobia in addition to discrimination against their SOGIIS and gender expressions in Turkey. Fueled by xenophobia and racism in parallel with homophobia and transphobia, the mentioned violence makes the lives of LGBTI+ refugees even more vulnerable and fragile during their stay in Turkey. The perpetrator of this violence may be official institutions and local communities, as well as other refugee networks, which can push LGBTI+ refugees out of the refugee unit with similar discriminatory and exclusionary practices.

LGBTI+ refugees can be subjected to verbal and physical violence and harassment in everyday life, especially by the local people and representatives of different institutions. Although LGBTI+ refugees come from countries of origin due to discrimination and persecution because of their sexual orientation and gender identity, they also have to hide their sexual orientation and/or gender identity in order to avoid violence in the country of asylum. In this respect, Turkey is no different from countries of origin, but they also have to face the exclusion of being a refugee in Turkey. However, what should be emphasized here is that “the ability to hide” may not be equally possible for every identity when it comes to sexual orientation and gender identity. At the point where gender expression does not match social norms, mainly the trans women are targeted by different types of violence due to their visibility in all kinds of venues, from the street to the hospital to the place where they take shelter.

After an incident, relations with law enforcement are shaped by sexual orientation and gender identity as well as being refugees, and even in cases of violence and open threats, the police may not process the complaint on various grounds.

Refugee LGBTI+s often have negative experiences in encounters with homeowners, real estate agents and neighbors in the process of renting a house and during their stay, related to both of their identities as a refugee and an LGBTI+. Neighbors and homeowners' attitude towards refugees is often xenophobic, so they can't find a rental house at all or rent an apartment at high prices. Even if they can rent, LGBTI+ refugees can be interfered with their private lives during their stay, because of their sexual orientation and gender identity. The landlord can force them out of the house, and there may be illegal outcomes such as not returning the deposit payment when leaving the house. LGBTI+ refugees often have to change homes due to these problems with homeowners and homes.

Job opportunities in the city of the refugees are registered to plays a significant role in accessing the right to work. Even if there are employment opportunities in the city, employers may not give or dismiss them from the position if they understand the person's sexual orientation or gender identity. Besides, the employer's failure to pay wages in addition to long working hours in severe conditions are the most intense problems related to working life. For LGBTI+ refugees working mainly in restaurant/cafes, textile, industry, construction and furniture industries, homophobic/transphobic and xenophobic attitudes they see from employers and colleagues is another factor of a challenge for LGBTI+ refugees. Especially lesbian refugees say they are harassed by employers and colleagues at work, which often leads to quitting the job.

One of the most common problems expressed by LGBTI+ refugees in accessing the right to healthcare is the lack of access to treatment due to language disabilities and the lack of treatment opportunities in the city of residence. Inadequate communication with the doctor due to language disabilities causes mistreatment from time to time. Most of the time, the hospital and appointment procedure is not known, so serious health problems cannot be treated. The lack of treatment facilities in the city and the lack of specialist doctors pose vital risks, especially when it comes to chronic/infectious diseases and complications during the gender reassignment process.

Right to the healthcare of the refugees have been obstructed with the amendment made to the Law on Foreigners and International Protection on 6.12.2019. "Those who do not have any health insurance and who are not able to cover the costs are subject to the provisions of the Social Insurance and General Health Insurance Law No: 5510, dated 31/5/2006 for a period of one year from the international protection application registration. One-year time limit is not sought for those with special needs and those who are considered acceptable to have the continuation of the insurance. For paying the premiums for the people, a

General Directorate budget is allocated. Those whose premiums are paid by the General Directorate are requested to pay the premium payments in whole or partially, according to their financial status. Foreigners who have been evaluated negatively by the administration are excluded from the scope of general health insurance”. According to this regulation, there is no clarity on what kind of an assessment will be held to determine the people that will benefit from health insurance, and what kind of measures will be taken to prevent discrimination during this evaluation.

In addition to the violence, harassment, rape, torture, and threat in the country of origin, the need for psychological support due to the psychological destruction that caused by facing exclusion, discrimination, and violence on a daily basis in Turkey against the LGBTI+ refugees is one of the most widely expressed points by refugees in terms of accessing the right to health.

For detailed information about the status of LGBTI+ refugees in Turkey, we refer to the “Turkey’s Challenge with LGBTI Refugees Report” published by Kaos GL Association in 2019.⁴⁴

44 <https://tr.boell.org/tr/2019/09/18/turkiyenin-multeci-lgbtilarla-imtihani-irkcilik>

RIGHT TO POLITICAL PARTICIPATION

2019 was the year of local elections in Turkey. While there was only one visible LGBTI+ candidate in local elections, an LGBTI+ organization, SPOD, has organized the expectations of LGBTI+'s from the local governments into a policy framework.

Since 2014, the Association for Social Policies, Gender Identity and Sexual Orientation Studies Association(SPoD) have been meeting with candidates to create a political approach that takes care of LGBTI+ rights before local elections. The "Demands of LGBTI+ People from Local Governments" statement prepared after SPoD's "School of Local Government Politics" in 2013 that held with LGBTI+ activists has recently become the "LGBTI+ Friendly Municipal Protocol."

The protocol, first submitted to the mayoral candidates before the 2014 local elections, was signed by 40 candidates in 2014. With the election of the candidates who signed the protocol in 2014, The municipalities of Şişli, Beşiktaş, Kadıköy, and Akdeniz district in Mersin and Nilüfer district municipalities in Bursa in 2014 became the first local governments to promise to work on providing local services with an egalitarian approach to LGBTI+.

Demands such as developing policies to give LGBTI+ employees equal opportunities in recruitment and promotion processes at municipal units, introducing LGBTI+ quotas in the employment of municipal employees, organizing vocational training courses in a structure that promotes LGBTI+ participation, making social service policies favorable for LGBTI+s of all ages have been among the topics that civil society organizations working in the field of LGBTI+ rights raise their expectations from local governments.

Lgbti+ activist Sedef Çakmak, who is a Member of the Municipality Assembly of Beşiktaş, has also been nominated for the city council in the 2019 local elections.

Kaos GL Association, in particular, emphasized that local governments are of great importance in countries where the central government does not take steps for LGBTI+ rights, that it will be useful for municipalities to deploy units or personnel to engage in dialogue with non-governmental organizations working on issues of sexual orientation and gender identity, that the participation of

LGBTI+s and LGBTI+ organizations should be encouraged to attend municipal councils and city council meetings, the discriminatory legislation, and practices at the local government level policies must be ended, and the strategies that will be enacted must be inclusive.⁴⁵

The “LGBTI+ Friendly Municipalities Protocol Text”, prepared by SPoD and the Young Lesbian Gay Bisexual Trans Intersex Youth Studies and Solidarity Association (Genç LGBTI+) to remind the mayoral candidates who will compete in local elections on March 31st regarding the implementation of LGBTI+ rights, has been signed by 27 mayoral candidates from 10 cities. The four candidates among the signatories were elected as mayors in the March 31 local elections.

The list of mayors who signed the protocol is as follows:

- Izmir Metropolitan Mayor Tunç Soyer,
- Tunceli Municipality Mayor Fatih Mehmet Maçoğlu,
- Istanbul Şişli Mayor Muammer Keskin,
- Tunceli Mazgirt Akpazar Mayor Orhan Çelebi.

Local election declarations of The Republican People’s Party (CHP), which mayors Tunç Soyer and Muammer Keskin are the candidates of, the Communist Party of Turkey (TKP) which Fatih Mehmet Maçoğlu is the candidate of and, Peoples’ Democratic Party (HDP), which Orhan Çelebi is the candidate of, did not include the phrases “LGBTI+,” “sexual orientation” and “gender identity.”⁴⁶

In addition, many municipalities from the Republican People’s Party celebrated The Pride Week with messages issued prior to the Istanbul Pride Week march, which was scheduled for the 27th in 2019 but was banned by the decision of the Governor’s Office.⁴⁷

45 <https://www.dw.com/tr/yerel-se%C3%A7imler-yakla%C5%9F%C4%B1yor-lgbtiler-f%C4%B1rsat-e%C5%9Fitil%C4%9Fi-istiyor/a-47907849>

46 <https://t24.com.tr/haber/lgbti-dostu-belediyecilik-protokolu-imzacisi-belediye-baskanlari,815755>

47 <https://www.gazeteduvar.com.tr/kadin/2019/06/30/belediyelerin-onur-haftasi-paylasimlari-sevgi-kazanacak/>

RIGHT TO BENEFIT FROM SCIENTIFIC PROGRESS

The practice of not complying with the regulations and practices developed around the world regarding the LGBTI+, especially in the field of mental health, continued in 2019 too. The situation continues even though transgenerness was removed from the list of diseases by the World Health Organization⁴⁸ in 2018, which removed homosexuality from the disease list on May 17, 1990.⁴⁹ It is observed that scientific advances regarding the LGBTI+'s did not reflect on public policies in 2019. Lack of scientific advances to the public policies towards LGBTI+'s may result in seeing the SOGI's of LGBTI+'s as "illnesses" and prevents them from benefiting from the scientific advances.

Similarly, not developing policies regarding the adoption of new scientific approaches to intersex, the spread of new scientific information about HIV + and prophylaxis-like practices, and to benefit from reproductive techniques also lead to violation of the right.

48 <https://www.evrensel.net/haber/379624/17-mayis-uluslararasi-homofobi-bifobi-ve-transfobi-karsiti-gun>

49 <https://www.gazetepatika8.com/dunya-saglik-orgutu-trans-kimlikler-hastalik-degildir-20235.html>

RIGHT TO INFORMATION

Within the scope of the right to information, five applications were made to various institutions by the Kaos GL Association in 2019. The application topics and the responses to these applications are as follows;

- The question was, “What is the number of administrative sanctions that were executed by the Law of Misdemeanors for the years 2013, 2014, 2015, 2016, 2017, 2018?” It was directed to the Pınarbaşı Police Station Directorate in İzmir, Bornova district. The answer was, “Your application has been examined within the scope of the Law on the Application of the Right to Petition No. 3071, ‘Clause 6/a and b and according to that: ‘Those subjects which do not contain a particular subject and those related to the issues within the authority of the jurisdiction cannot be examined.”
- The inquiry was sent to the Presidency of the Council of Higher Education (YÖK): “Is there a restriction towards registering the name change to the diplomas after a person changes their name by the verdict issued by the court and this name gets registered into the population registries?” The answer, “Name-surname information on the diploma does not change after its registration. Whichever surname you graduated with will be valid afterward,” was given by the Higher Education Information Center. Also, the answer, “If the court decision on this matter is examined by your university, the name of the relevant person should be changed, and a 2nd version of the diploma should be issued if person requests, if the name changes, also the e-government records should be changed with the new name,” was given to the same question by the YÖK Horizontal Transfer Unit,
- Against the question of “Whether the cinema, cinevision, theater, panel, exhibition, press release, meeting, demonstration march, etc. activities of the LGBT-LGBTI’s within the province borders have been banned by the Governorship of Ankara or not” sent to the Presidency Hotline, the Ministry of Interior Legal Affairs Department have issued the following response; “In the examination made on the subject; each application is evaluated within itself ”,
- To the question that has been filed to the Presidency Hotline as, “How many gender change lawsuits have been filed in the years 2014, 2015, 2016, 2017,

2018, in the Republic of Turkey in accordance with the Article 40 of the Turkish Civil Code, and how many of these cases have been accepted and how many of these cases have been rejected”, the following response has been issued by the Ministry of Justice Statistics Department; “The criminal statistics being held in our General Directorate cover the crimes reflected in the Public Prosecutor’s Offices and criminal courts and on the basis of the article and paragraph in the Turkish Penal Code and special laws on the basis of the defendant and the crime; legal statistics are produced according to the type of case; Statistics of the executive directorates are compiled annually from UYAP records within the framework of the Official Statistics Program according to the file type and number. As it is known, in the second paragraph of Article 7 of the Right to Information Act no. 4982, ‘Institutions and organizations may respond negatively to applications for such information or documents that can be created as a result of separate or private studies, research, review or analysis.’ On the other hand, in the second paragraph of Article 12 of the Regulation on the Principles and Procedures for the Implementation of the Right to Information Act the following statement is included; ‘Institutions and organizations; can negatively answer to applications for information or documentation that can only be produced by a separate or specific study, research, review or analysis and applications for a document or information regarding a proceeding that has not yet implemented’. As such, the desired detailed information regarding the question in your application and which is assessed as entering the field of duty of our General Directorate; Statistical information cannot be presented because it is intended for the type of information that can be created as a result of a separate or particular study, research, review and analysis, but the current data of the justice statistics compiled and evaluated from UYAP records on an annual basis are published on our website with <http://www.adlisicil.adalet.gov.tr> address.”

COMPULSORY MILITARY SERVICE

No policy changes were observed in 2019 regarding the continuation of compulsory military service and the lack of recognition of the right to conscientious objection. The practice of GBTI+ identities on the list of diseases in military regulations persists.

As mentioned in the right to healthcare section, no change has been introduced to the 17th Article of the List of Diseases and Faults of the Turkish Armed Forces Health Capability Regulation, “Sexual identity and behavioral disorder- Cases in which sexual attitudes and behaviors that create or possible to create problems of compliance and functionality in the military environment.” GBTI+ military personnel can still be subjected to sanctions leading to expulsion from the military.

The discriminatory practices and experiences experienced by the GBTI+’s in the process of receiving medical reports in the form of “not eligible for military service” to be exempt from compulsory military service continue to exist in the same way.

HUMAN RIGHTS AND EQUALITY INSTITUTION OF TURKEY

We have seen it necessary to include the topics that were not included in LGBTI+'s Human Rights Reports of the previous years due to observing practices of severe discrimination in the related fields. One of the institutions that we wanted to address in a separate headline this year was the Turkish Human Rights and Equality Institution of Turkey (TİHEK) because of its discriminatory decisions against LGBTI+'s.

TİHEK was founded On 20.04.2016, through Law No. 6701, dated 06.04.2016, to “protect and develop human rights based on human dignity, guarantee the rights of people to be treated equally, to operate by these principles, to combat with torture and mistreatment effectively, and to be the national prevention mechanism in this regard.”

SOGI-based discrimination was not included among the types of discrimination defined as unlawful in the law.

The duties of the institution are listed as:

- “a) To work towards the protection and development of human rights, prevention of discrimination, and the elimination of violations.
- b) To improve public awareness through information and education by using mass communication tools on issues of human rights and the combat against discrimination.
- c) To contribute to the preparation of sections related to human rights and the ban on discrimination in the national education curriculum.
- d) To engage in activities with universities to protect human rights, to eliminate discrimination and to develop the understanding of equality in society, To contribute to the establishment of human rights and equality departments in universities in coordination with the Higher Education Council and to determine the curriculum for teaching human rights and equality.

- e) To contribute to the determination and execution of the principles of pre-vocational and professional human rights and equality education programs of public institutions.
- f) To monitor, evaluate, and inform the relevant authorities about its opinion and suggestions regarding the legislative work related to the field of duty.
- g) To examine, investigate, make decisions about, and monitor the consequences of human rights violations.
- h) To review, investigate, make decisions, and monitor the consequences of violations against the ban on discrimination ex officio or on application.
- i) To guide applicants through administrative and legal processes for elimination of grievances due to incidents of discrimination and to guide to monitor applications.
- j) To combat torture and mistreatment and to develop policies regarding these issues.
- k) To act as a national prevention mechanism under the provisions of the United Nations Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- l) Under the national prevention mechanism, to examine, investigate, make decisions about, and track the consequences of the applications of people who are deprived of their freedom.
- m) To make regular visits to the places that house the people deprived of their freedom or people under protection with or without prior notification, to submit reports regarding these visits to the relevant institutions, to disclose the violations to the public if deemed necessary by the Board, to examine and evaluate reports on visits carried out by criminal authorities and detention centers, provincial and county human rights boards and other persons, institutions and organizations.
- n) To prepare annual reports to be presented to the Presidency and the Presidency of the Grand National Assembly of Turkey, on the protection and development of human rights, combating torture and mistreatment, and combating discrimination.
- o) To inform the public, to publish special reports about the task area when necessary, except the regular annual reports.

- p) To monitor and evaluate international developments in the field of human rights and combating discrimination, and to cooperate with related international organizations in the field within the legislation.
- q) To cooperate with public institutions, non-governmental organizations, professional organizations, and universities that operate within the scope of the protection of human rights and combating discrimination.
- r) To support the activities of other institutions in the prevention of discrimination.
- s) To monitor the implementation of international human rights agreements that Turkey is a part of, to present opinions for the reports that the State is obliged to submit to the inspection, monitoring and supervision mechanisms established in accordance with these agreements, and to participate in the international meetings where these reports will be presented by sending representatives.
- t) Performing other duties mandated by law.”

TİHEK n 2019;

- Rejected the application regarding the violation of the prohibition of discrimination in access to goods and services due to incident of the two trans women who were not admitted to a hotel, on the grounds of “Sexual identity is not considered as a basis of discrimination,”⁵⁰
- Made a hostile statement against LGBTI+ rights at the “Symposium on the Right to The Protection of the Family” and in the final declaration of the symposium.

The statement as; “National and International Norms With Negative Impacts on Family Institution Should Be Reviewed, Policies of International Norms or Supervisory Mechanisms On The Exportation Of Family Structures Should Be Avoided From” was made in the Article nine of the symposium’s final declaration.

“The partner life of the fellow genders is never an alternative to the family. The foundation of a healthy society is the family founded by men and women through legitimate marriage. In addition, the expressions of ‘togetherness,’ ‘partnership,’ ‘relationship’, etc. imposed on societies by today’s lifestyle, which is tried to be substituted instead of the concept of family, and also harms the family institution. Moreover, since the ‘partner life’ of the fellow genders are not

50 <https://www.kaosgl.org/haber/tihek-cinsel-kimlik-ayrimcilik-temeli-sayilamaz>

able to reproduce new generations, such associations are never an alternative to the family” was said in the final declaration.

The statement also included the following statements: “The certain circles’ attempts to legitimize deviant relationships contrary to human nature deliberately is among the main threats to the family institution.”

TİHEK also targeted the Istanbul Convention and called for a non-compliance with the convention in the mentioned symposium declaration;

“In this context, national and international norms with negative effects on family institutions should be reviewed. The UN Universal Declaration on Human Rights must be accepted essential for the protection of the family. The meaning of this declaration must be maintained, the provisions that constitute the secluded provisions in subsequent international conventions should be reviewed, amended, and treaties clashing with the international ordering law norm should be considered to be superstitious, and if necessary, terminated. The fact that even the member states of the Council of Europe who signed the 2011 Istanbul Convention do not ratify the agreement in the prior period and do not remove the reservations put in place by the countries that have withdrawn from the contract reveals that there are serious problems with the agreement. The Istanbul Convention only prioritizes women as it is based on misogyny and domestic violence, does not take family life, which differs by culture, and other individuals into account contradict other international basic documents and regulations and lead to very serious problems in practice in countries such as Turkey that approve and implement the agreement.”⁵¹

51 <https://www.kaosgl.org/haber/tihek-cinsel-kimlik-ayrimcilik-temeli-sayilamaz-yasami-ailenin-alternatifi-degidir>

THE OMBUDSMAN

The other institution that we wanted to address in this year's report is the Ombudsman Institution of Turkey because of its discriminatory attitude against LGBTI+'s, even though we have not included it in our previous reports.

Ombudsman Institution has been established with the adoption of the Act numbered 6328 and published at Official Gazette on 29/6/2012 at number 28338. The purpose of the Institution is "to establish an independent and efficient complaint mechanism regarding the delivery of public services and investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviors of the administration with law and fairness under the respect for human rights."

The task of the institution has been designated as; "investigate, research and make recommendations about the conformity of all kinds of actions, acts, attitudes and behaviors of the administration with law and fairness under the respect for human rights".

Speaking to the Türkiye Newspaper in late 2019, Onur Malkoç, chief auditor of the Ombudsman Institution (KDK), said: "I was talked a lot but we didn't receive any applications about it" and "We must reevaluate the subject of the family" regarding the campaign that demanded the cancellation of the "The Council of Europe Convention on preventing and combating violence against women and domestic violence", which is also known as the Istanbul Convention and which continues to constitute the only legal basis for the rights of LGBTI+'s. "It affects the family, children, I mean millions of people," said Chief Auditor Malkoç and commented against the rights that were guaranteed by the convention by saying, "Istanbul Convention is a contract after all", and he said, "If we receive 50-100 complaints about it, we will organize the necessary workshops" regarding the campaigners for the cancellation of the convention.⁵²

52 <https://www.kaosgl.org/haber/istanbul-sozlesmesi-netice-itibariyla-bir-sozlesmedir>

CONCLUSION AND RECOMMENDATIONS

As mentioned in previous reports on monitoring the human rights of LGBTI+s, there is no regulation in the Turkish legal system that protects LGBTI+s, and no public policy has been established in this field. Policy-makers and practitioners themselves might become the perpetrators of the violations at an increasing rate. The approaches of authorities using discriminatory rhetoric are being reflected in public policies in the form of an increase in unfair practices against LGBTI+s.⁵³

When we compare the violations that took place in 2019 and 2018, we observe;

- Similar numbers of violations regarding the fields of Hate Murders, Hate Crimes, Hate Speech, Sexual Violence Crimes, Violation of Privacy, Working Life, Education, Healthcare, Access to Goods and Services, Refugees and the state of LGBTI+s in prison,
- The number of violations in the areas of Torture and Mal-Treatment, Freedom of Speech, Meeting and Demonstration Marches and Freedom of Residence and Movement-Right to Property has increased,
- The number of violations in the field of Personal Liberty and Security has increased dramatically.

We reiterate our recommendations for special legal regulations and policies to prevent SOGIIS-based discrimination, awareness-raising trainings for relevant public personnel, and awareness-raising campaigns to enable social transformation, as well as to implement regulations on domestic law for LGBTI+ within the framework of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention/Law No. 6251).

However, LGBTI+s of Turkey, who has undergone a period of intense pressure and prohibition by the public authorities, still do not give up the fight to develop

53 <https://www.evrensel.net/haber/386024/suleyman-soyludan-lgbti-ler-hakkinda-ne-fret-soylemi-neyle-karsi-karsiya-kaldik>
<https://tr.sputniknews.com/turkiye/201906161039384958-soylu-imamoglundun-beylikduzunde-ilk-yaptigi-islerden-birisi-belediyenin-logosunu-lgbt-logosuna/>

their areas of existence with the influence of global gains and advances in communication and expression. They maintain their belief in survival and achieving their rights by developing creative solutions even in the most oppressive periods. So our hope blossoms for a more democratic and egalitarian society that everyone will be liberated, along with LGBTI+s.⁵⁴

Although the information about LGBTI+s is tried to be left in the shadows in Turkey's official history, this country also has a history in which LGBTI+s have established and expressed themselves and adopted by its people.⁵⁵ Every bit of information we're trying to produce regarding the LGBTI+s are also the bits that we are trying to protect from getting blackened out. In a Turkey where LGBTI+ identities are no longer denied, the LGBTI+s who founded today, are a democracy, equality, and road story for all the victims of discrimination.

54 <https://m.bianet.org/bianet/lgbti/176231-26-haziran-da-yurumuyoruz-istiklal-cadde-si-nin-her-kosesine-dagiliyoruz>

<https://www.kaosgl.org/haber/yalniz-guzel-dagildik8230>

55 <https://edebiyatvesanatakademisi.com/kitap-ozetleri-ve-elestirileri/elegimsigma-konusu-ozeti-metni-ve-omer-seyfetin/66702>

https://tr.wikipedia.org/wiki/Osmanl%C4%B1_%C4%B0mparatorlu%C4%9Fu'nda_e%C5%9Fcinsellik

<https://t24.com.tr/haber/osmanlida-escinsellik-elinde-tesbih-evinde-oglan-dudaginda-dua,243678>

<https://www.hurriyet.com.tr/gay-ler-eskiden-esnaftan-sayilir-ve-padisahin-huzurunda-yapilan-resmigecitlere-bile-katilirlardi-4985167>

