



# **Towards December 1st: End to Discrimination and Stigmatization!**

## **Outcome Report of the HIV and LGBTI+ Rights Workshop**

**November 11, 2020**

### **Prepared by: Defne Güzel**

The HIV and LGBTI + Rights Workshop organized by Kaos GL Association was held for the second time on November 11, 2020. In the first workshop held in February 2020, studies on obstacles that restrict access to healthcare for people living with HIV, prevention studies and combating discrimination were carried out. As a result of these studies, a series of subtopics such as discrimination in the media, prevention of access to healthcare for refugees living with HIV, consultancy capacities of associations, discriminatory articles in the law and legislation were examined and solution suggestions were determined.

In the workshop held online on November 11, 2020; the impact of the Covid-19 Pandemic, which is affecting people living with HIV, GDTMs (Voluntary Consultancy and Test Centers), testing, diagnosis and access to treatment processes were discussed. In addition, the negative affect of the President of Religious Affairs, Ali Erbaş's Friday khutbah; "People! Islam accepts adultery as one of the greatest harams. It curses the people of Lot, the homosexuality. What is the wisdom of this? The wisdom here is that it brings diseases and degenerates the generation. Hundreds of thousands of people a year are exposed to the HIV virus caused by this great haram, which passes as adultery

in the Islamic Literature. Let's come and fight together to protect people from this kind of evil." on people living with HIV and LGBTI+'s, how this statement increased the intensity of discrimination and violence against disadvantaged groups were emphasized once more.

### **Reports on Human Rights Violations**

Within the scope of the workshop held for the second time, the '2018-2019 Rights Violations and Legal Solutions Report' prepared by Pozitif-iz Association, three separate violation reports of the Positive Living Association covering rights violations from November 2019 to July 2020 and The Report on the Human Rights of LGBTI+ Persons Living With HIV, prepared by the May 17 Association and Kaos GL Association, were presented by the representatives of the relevant associations. The content of the reports in the order of presentations is as follows.

#### **The Report on the Human Rights of LGBTI+ Persons Living With HIV:**

The report prepared by Kaos GL and May 17 Associations is a first in Turkey in sense of its qualitative content. In-depth interviews were conducted with 10 LGBTI+ people living with HIV within the scope of the report, which was prepared to make the human rights violations suffered by LGBTI+ people living with HIV visible and to create a space where subjects can tell their own stories. Within the scope of the report, many topics such as the discrimination that subjects are exposed to in access to healthcare and employment, their coming out experiences, their perspectives on organizations and daily-life practices were discussed. The facts that LGBTI+'s living with HIV do not trust institutions and authorities; that they are being subjected to systematic discrimination by their close circles and partners; and discrimination is what makes their lives difficult, not HIV can be listed among the outcomes of the report. Immediate need to end the discrimination that people living with HIV is exposed to in access to healthcare, creating convenient spaces for people

living with HIV to tell their own stories, and developing policies where LGBTI+ people living with HIV are centered should be put into practice, are among the recommendations of the report.

**2018-2019 Rights Violations and Legal Solutions Report:** By the report that was prepared to fill the deficiency of having no report regarding the rights violations that took place between 2009 till the end of 2019 by reporting the data of two years, the Pozitif-iz Association aimed to see and show the response of Turkey to HIV. Common cases such as getting fired, denial of treatment, being disturbed by homeowners were re-included in the report to show that awareness on the issue was not developed. The fact that the Biomedicine Convention, which Turkey has also signed, is being breached frequently by the healthcare professionals and the right to healthcare is denied to subjects are among the emphasized points. ILO code of conduct is being violated in all sectors when it comes to people living with HIV in every process of their business life such as job interviews, recruitment, and dismissal. Legal gaps in the legislation are filled with practices against people living with HIV.

**November 2019 - July 2020 Rights Violations Report:** Positive Living Association has published three separate reports regarding the time between these dates. The report draws attention to intersectional violations of rights. For example, subjects are exposed to violations against their right to access to healthcare while at the same time being subjected to violations of privacy and prohibition of discrimination. When the reports are compared with each other, the increase in violation of the right to work during the pandemic is noteworthy. The death of a person due to the violation of right to access to treatment is a first in terms of violation of right to life. The "postponement of elective work and other measures" circular issued by the Ministry of Health due to the pandemic created an excuse for physicians to not to treat HIV-infected people. An example of this discriminatory situation is the

postponement of the surgery by showing this circular as an excuse and telling this to the patient after keeping them for 7-8 hours. The report also discusses the issue of discrimination compensation. The association has filed three separate pilot cases in this context.

### **Voluntary Consultancy and Test Centers**

One of the important topics of the workshop, which continued in the form of a forum after the presentations, was Voluntary Consultancy and Test Centers. Voluntary Consultancy and Test Centers are centers opened by local governments, where people can have HIV tests and receive counseling, free of charge and without identification. These centers, which were operating within the municipalities, temporarily suspended their services at the beginning of the Covid-19 pandemic. One of the underlying reasons for the interruption of service is the fact that the counseling service was being carried out face-to-face and this situation may pose a risk to Covid-19 between the consultees and consultants.

Voluntary Consultancy and Test Centers operate under the municipal health directorates. Therefore, health affairs directorates concentrated their activities on chronic diseases due to the pandemic and the workforce was divided due to the pandemic. With the normalization process, the centers have returned to their activities with measures such as continuing to provide testing services at certain time intervals but suspending the consultancy services. The increase in applications to the centers in this process is striking.

Failure to inform the subjects regarding the time and service changes in test centers during the pandemic process stands out as an important problem. One of the reasons that prevent this shortcoming is the desire of local governments to prevent the possibility of being targeted through Voluntary Consultancy and Test Centers. Alternative solutions include non-governmental organizations

providing consultancy services over the phone, establishing closer communication with certain groups and non-governmental organizations.

### **90-90-90+90 Target and PReP/PeP**

In this process of relabeling health as a social notion instead of a biomedical one, Turkey continues to approach it as a biomedical problem. For this reason, expenses are focused on treatment. At this point, it is known that there is no need to allocate a budget for viral load control every three or six months, and if this budget is allocated to campaigns, the efforts of testing, diagnosis, treatment and prevention will accelerate. In addition to this, there is still no study conducted by the Ministry of Health for PReP and PeP, which are known for their preventive effects before or after contact. Although PReP and PeP are human rights and compared to HIV drugs used for life, PReP and PeP will have a restorative effect on the state budget due to their preventive effect before or after contact, the dominant rightwing conservative approach in the country does not favor PReP and PeP services.

In addition to these, a fourth ninety has been added to the "90-90-90 Global Target" formula that the United Nations HIV/AIDS Joint Program (UNAIDS) aims to achieve by 2030. These formula aims to; diagnose 90% of all HIV-positive people, provide antiretroviral therapy (ART) for 90% of those diagnosed and achieve viral suppression for 90% of those treated. The fourth 90 added next to these three 90s is about how many of the people that received treatment and reached U=U levels are continuing their lives in humane conditions.

Developments in Turkey cannot be monitored through UNAIDS' 90-90-90+90 targets. This situation shows that the state is not aware of the achievability of these targets. In addition, since there are no resources available, existing projects and studies are hampered.

## Multiple Discrimination and HIV Board

We face the state in forms of teachers, judges, policemen, guards, doctors, etc. in our daily lives. This is how we deal with the state in our daily lives. When disadvantaged groups come face to face with the state, they face a wall. At this point, for example, when LGBTI+ identity is added to living with HIV, the dimension of discrimination deepens and its severity increases. Disadvantaged groups are therefore subjected to multiple discrimination. At this point, the state does not show any way to combat discrimination and does not teach methods of coping. Non-governmental organizations are the places that can show the methods of struggle to disadvantaged groups. Increasing peer education for people living with HIV is an exemplar method for this.

Within the scope of combating discrimination, having institutions that will work on the issue of multiple discrimination is important. Legislating a law that focuses on HIV issue and forming a board, which will work with its own budget will greatly reduce the risk of discrimination against LGBTI+'s, refugees, people with disabilities, the elderly, sex workers, and many more who are living with HIV. While there are boards with members from state officials and NGO representatives that have started to work and laws focusing on HIV are established abroad, Turkey has not taken any steps towards a solution. These structures will also be able to contribute to the justice system in terms of restorative justice. As a matter of fact, people living with HIV are not accepted to nursing homes due to the statement of "infectious diseases such as HIV" in the hospice regulation. Transformative policies are needed regarding this situation.

In addition to the HIV board, the idea of the councils formed by people living with HIV seems constructive. There are also suggestions that these councils should produce policies beyond the associations and send the policies they

produce to the associations and monitor the compliance with the policies. Such a council idea will also guide HIV policies.

The demand for an HIV board, HIV council or law on HIV is important due to multiple discrimination. For example; sex workers living with HIV are disclosed of their identity, trans' living with HIV cannot advance through their adaptation process, disabled people living with HIV cannot access healthcare institutions due to the inadequacy of the physical characteristics of these institutions, women living with HIV are exposed to discrimination during gynecologist examinations, and prisoners are being isolated for this reason. On the other hand, immigrants and refugees have difficulties in accessing their medicines due to the variable circulars of the social security system of Turkey.

### **Medula System and Security of People Living with HIV**

The "Medula system" is a system defined as a "prescription approval system/prescription provision system" where all pharmacists and physicians can access all drug history through ID numbers. The fact that all physicians and pharmacists can see these data at any given time is a serious violation in terms of the Protection of Personal Data and causes violations of rights in many other areas for people living with HIV. For example, HIV does not affect professional life, but the workplace physicians can learn the HIV status of people through the Medula system and this information can be disclosed in the workplace against the person's will and even work contracts can be terminated.

In addition to the Medula system, a plan on how people living with HIV can ensure their safety in case of a disaster was also discussed at the workshop. Apart from the troubles experienced due to the pandemic, it is striking that people living with HIV couldn't access their medicines after the İzmir

earthquake and did not know what can be done in such a situation. Informative texts on similar situations need to be prepared and published.

Non-governmental organizations should put more subject-based policies on their agenda. Concerns about privacy also continue. For this reason, the professionalism of the consultancy services should be underlined again and again. In addition, the meeting of LGBTI+ organizations and HIV organizations empowers LGBTI+ people living with HIV. Again, the mixed reports to be created by these associations will open up space for LGBTI+ people living with HIV to be heard.

Organizing the HIV workshop on three-month intervals to evaluate, strengthen and transform existing policies and services will have an empowering effect on the movement.