

HUMAN RIGHTS VIOLATIONS OF LGBTI+ PRISONERS IN TURKISH PENAL INSTITUTIONS: SYSTEMIC DISCRIMINATION AND DE FACTO ISOLATION

INTRODUCTION AND BACKGROUND

The Republic of Türkiye, in accordance with the international conventions to which it is a party (European Convention on Human Rights (ECHR), International Covenant on Civil and Political Rights (ICCPR)) and its domestic law, is committed to ensuring that all persons deprived of their liberty are treated with dignity and are not subjected to discrimination. In particular, the European Prison Rules (EPR) emphasize that prisoners retain all their rights that are not legally violated and that restrictions should be minimized (Rules 2, 3). Furthermore, these rules explicitly prohibit discrimination on the basis of gender, race, sexual orientation, or other status (Rule 13).

This demonstrates that the Turkish penal system, built upon a binary gender system based on heterosexual, cisgender men, subjects LGBTI+ prisoners to systematic discrimination, violence, and inhumane treatment.

DATA AND STRUCTURAL PROBLEMS REGARDING LGBTI+ PRISONERS

In Türkiye, access to transparent and up-to-date statistical data on the number and conditions of LGBTI+ prisoners within the general population is blocked by the Ministry of Justice (CTE). The institution shares data based on a binary gender system and leaves requests for information unanswered on the grounds that it is "internal information not of public interest."

In Türkiye, the Ministry of Justice continues to obstruct access to transparent and up-to-date statistical data on the number and conditions of LGBTI+ prisoners.

The Ministry shares data based on a binary gender system, and its official records do not include the number of LGBTI+ prisoners or their distribution by province and district.

According to unofficial records from civil society organizations (CISSST), the number of LGBTI+ prisoners contacted since 2014 is 293. While official reports state that the number of convicts and detainees identified as having a different sexual orientation was 164 as of 2020 or 255 as of 2022, concrete information regarding the methodology used to collect this data is lacking. It is estimated that the actual number is much higher due to LGBTI+ prisoners concealing their identities to protect themselves from discrimination.

This lack of transparency even prevents civil society organizations from exercising their right to access information. A request for information by the Pink Life LGBTI+ Solidarity Association regarding the living conditions of LGBT+ prisoners in prisons was rejected by CİMER (the Presidential Communication Center) on the grounds that it falls under "internal institutional regulations".

Due to the absence of explicit legal provisions for LGBTI+ prisoners, these inmates are often forced to live in solitary confinement against their will.

FUNDAMENTAL HUMAN RIGHTS VIOLATIONS

1. De facto isolation and segregation

Prisons, in an effort to protect LGBTI+ prisoners from potential violence, harassment, and rape by other inmates, often place them in solitary confinement or special wards, resulting in de facto isolation. **According to CISST's 2023 data, 80% of LGBTI+ prisoners are held in solitary confinement and deprived of many social rights.** Isolation practices restrict prisoners' access to social activities (sports, library, workshops) and condemn them to an antisocial life. This practice severely damages the psychological health of prisoners, condemns them to loneliness, and increases suicidal tendencies. One prisoner stated that they would rather die than remain in these conditions.

Violation of the Law: Prisoners are held in solitary confinement solely because of their sexual identity/orientation, without any grounds for disciplinary action or aggravated life imprisonment.

Violation of ECHR Ruling: In 2009, the European Court of Human Rights (ECHR) ruled that the prohibition of torture (Article 3 of the ECHR) and the prohibition of discrimination (Article 14 of the ECHR) were violated due to a gay prisoner being held in solitary confinement for more than eight months. Despite this ruling, the practice of solitary confinement continues.

Condemnation to an antisocial life: Solitary confinement prevents LGBTI+ prisoners from accessing social activities such as sports, libraries, workshops, and education that other prisoners enjoy, while also restricting their opportunities to earn money and socially integrate.

Current Example from Aksaray T-Type Prison: Six LGBTI+ prisoners held in Aksaray T-Type Prison have faced systematic discrimination, ill-treatment, and unlawful practices, and have been held in solitary confinement for a long time. While other prisoners have access to fresh air for six hours a day, these prisoners are only allowed outside for one hour. One of the prisoners, EK, has begun a hunger strike in protest against this isolation. The lawyer for GY, another prisoner held in solitary confinement in Aksaray, stated that these conditions are not in accordance with the execution of sentences law and that these individuals, whose sentences have not yet been finalized, are being subjected to conditions equivalent to aggravated life imprisonment. Furthermore, as trans prisoner Ayşe also pointed out, systematic problems include the refusal to transfer trans prisoners to open prisons and the continuation of solitary confinement-like isolation practices.

Suspicious Death Case in Sincan Prison (Trans Prisoner

Poyraz): The most tragic and current example of de facto isolation and systematic discrimination is the suspicious death of trans male prisoner Poyraz in Sincan Prison on December 1, 2025. Poyraz's death has been described by civil society organizations and human rights advocates not as an isolated suicide, but as a "trans murder" resulting from isolation and the transphobic prison regime.

It has been reported that homophobic and transphobic practices have intensified at Sincan Prison following the appointment of a new director.

Trans and LGBTI+ prisoners are being forcibly placed in G-3 cells, which they call the "groom's ward," and isolated after being made to sign dubious papers.

There are suspicious details surrounding Poyraz's death:

- It has been alleged that while the other four transgender prisoners in the ward were taken to the psychiatric ward en masse on the day of the incident, Poyraz, who had not previously stayed in the ward, was placed there.
- When the prisoners returned to their cell, they found Poyraz hanging from the bunk bed.
- Prisoners reported that Poyraz's hair had been shaved off and that he was much thinner than usual.
- According to the prisoners' accounts, the rope by which Poyraz was hanged was not a rope found in the room, and it is unknown how it was brought there.
- It was reported that although the emergency button was pressed and guards arrived after the incident, the medical team did not arrive for a long time.
- The prosecutor's office and crime scene investigation teams only arrived at the prison two days after the death, and they did not take statements from the prisoner witnesses who first saw Poyraz.
- Subsequently, a disciplinary investigation was launched against the inmates of the ward who were to be held responsible for the death of the person they had hanged.

2. Violence, Ill-treatment, and Sexual Abuse

LGBTI+ prisoners are subjected to intense violence, ill-treatment, and discrimination through hate speech by other prisoners and prison staff (prison guards, gendarmerie). Following the appointment of a new director at Sincan Prison, it has been reported that staff members allegedly made statements such as, "They already had problems."

Verbal Abuse and Harassment: Prisoners are constantly subjected to homophobic and transphobic insults such as "faggot," "queer," and "soft," and hear threats like "I'll soften you up." Trans prisoners are addressed as "gentlemen" and their male identity is imposed upon them.

Sexual Violence: Cases of sexual abuse and assault (including rape) occur both at the hands of other inmates and prison staff. For example, transgender inmate Avşa Erkuş was repeatedly transferred to other locations on grounds of safety, despite taking her complaint to court after being sexually abused by a prison guard. Inmates who file complaints face the danger of retaliation, such as further violence, pressure, or being placed in the same cell as their rivals.

Arbitrary Practices and Torture: Prisoners may be subjected to torture methods such as being handcuffed behind their backs and thrown into padded cells even for the slightest request. Observed arbitrary practices include illegal strip searches .

3. Violations of Health and Identity Rights

Transgender prisoners face obstacles in accessing hormone therapy and gender reassignment surgery. The issue of serious discrimination in accessing healthcare for gay and transgender prisoners at Metris No. 2 Closed Penitentiary, where a prisoner with high blood pressure was denied access to the infirmary doctor and some prisoners were denied their medication, has been brought to the attention of Parliament. There have been cases where prisoners were not even taken to the infirmary under the pretext of disciplinary punishments (including a cancer patient, RD, at Aksaray T-Type Prison).

A transgender inmate (Ayşe) in Ankara Prison stated that the practices in Ankara were more positive, that she was able to continue her hormone therapy regularly, and that being transferred to specific correctional facilities to complete her gender transition process was a significant achievement. However, it has been reported that as a result of discriminatory treatment in Sincan Prison, even having short hair became grounds for transfer to separate wards for some transgender inmates, leading them to abandon their gender transition processes. **It has also been reported that inmates in Sincan were forced to sign a document stating, "I want to be kept separate because of my gender identity," which prevented them from accessing hormone therapy and hospitals without being allowed to read it.**

Pink Life has raised concerns about the lack of transparency and the need for proper procedures regarding transgender prisoners' regular access to hormone replacement therapy, gender transition processes, and whether there is a standard procedure for accessing such healthcare services, by submitting a request for information to the Ministry of Justice.

Denial of Gender Identity: Prisons do not recognize the gender identity of trans women inmates, and often place trans women who have not completed the formal transition process in male-dominated prisons, despite the risk of violence. Refusal to provide women's clothing, denial of access to personal care items such as tweezers and cosmetics, and forced haircuts constitute a denial of gender identity.

Limited Access to Healthcare: Transgender prisoners face obstacles in accessing hormone therapies and gender reassignment surgery. In practice, processes are hampered by discriminatory attitudes on the part of the administration or delays in referrals. Prisoners may refuse treatment due to fear of harassment by other prisoners during hospital transfers.

4. The Situation of Foreign National LGBTI+ Prisoners

Foreign LGBTI+ prisoners face compounded risks due to both their sexual identity and their foreign status. In 2015, at Maltepe Prison, foreign trans women prisoners (mostly Brazilian) who were in solidarity with Turkish trans women prisoners were separated from their Turkish counterparts and placed in solitary confinement. This decision severed their financial and emotional support and led them to begin a hunger strike. International standards require that foreign prisoners be granted the right to communicate with their families, consulates, and the outside world (Nelson Mandela Rule 62, EPR Rule 37).

INADEQUACY OF NATIONAL MECHANISMS

The legal processes for LGBTI+ prisoners often end without result. Complaints and petitions are blocked or dismissed as "unfounded allegations".

The fact that the Pink Life Association's requests for information regarding restrictions on accommodation and deliveries in prisons were rejected by the administration on the grounds of "internal regulations" demonstrates that the state is failing to fulfill its obligations of transparency and accountability and is making human rights violations invisible.

The Role of the Turkish Human Rights and Equality Institution (TİHEK):

The Turkish Human Rights and Equality Institution (TİHEK) does not, in principle, investigate or rejects allegations of discrimination based on LGBTI+ issues. By not considering the confinement of prisoners in solitary confinement (isolation) as a human rights violation on grounds of security, TİHEK prioritizes institutional security over the rights and psychological well-being of prisoners.

The Turkish Human Rights and Equality Commission (TİHEK) found the application of an LGBTI+ prisoner (CK) in İskenderun T Type Prison, who claimed to have been sexually abused by a prison guard, to be "false" based on the institution's interview minutes, and decided that the application was "inadmissible," suggesting that the prisoner made the claim in order to request a transfer .

INTERNATIONAL LEGAL OBLIGATIONS

Turkey has an absolute obligation to protect the human rights of prisoners. Violations directly violate the following international norms:

Prohibition of Torture and Ill-Treatment: Solitary confinement, arbitrary violence, strip searches, and hate speech are clear violations of Article 3 of the ECHR and Articles 1 and 43 of the Nelson Mandela Rules, which prohibit torture and inhuman/degrading treatment.

Prohibition of Discrimination: Restrictions on social activities, employment, healthcare, and communication rights based on LGBTI+ identity are contrary to Article 14 of the ECHR and Article 2 of the Nelson Mandela Rules.

Right to Health: Preventing transgender prisoners from undergoing gender transition processes and hormone therapy violates the principle of equal access to health services guaranteed in Articles 24 and 30 of the Nelson Mandela Rules.

REQUESTS AND SUGGESTIONS

In order to improve the human rights of LGBTI+ prisoners in Türkiye, to resolve structural problems, and to comply with international standards, the following steps are expected to be taken urgently by the Turkish Grand National Assembly, the Ministry of Justice, and relevant bureaucratic mechanisms:

1. Ending De Facto Isolation Practices: Arbitrary and prolonged isolation practices implemented under the pretext of security must be immediately terminated; accommodation arrangements should be made taking into account the prisoners' opinions and consent, ensuring their safety while not increasing their social isolation.

2. Anti-Discrimination Legal Regulations: The terms "sexual orientation" and "gender identity" should be added to equality and anti-discrimination laws.

3. Staff Training and Accountability: All correctional facility personnel must receive mandatory and comprehensive training on homophobia, transphobia, gender identity, and sexual orientation. Effective and swift administrative/criminal investigations must be initiated against personnel who engage in discrimination, violence, and ill-treatment, and the policy of impunity must end.

4. Ending Arbitrary Searches: Unlawful strip searches must be immediately abolished; body searches must be conducted in accordance with legal regulations, in a non-humiliating manner, and with respect for the prisoner's choice.

5. Protection of Health and Identity Rights: Trans prisoners should have access to hormone therapy and requested gender transition processes (including surgery) which should be covered by the state without interruption. Adequate and unbiased psychological support should be provided. Trans prisoners' personal care and clothing needs (women's clothing, makeup, etc.) should be met.

6. Cooperation with Civil Society: Civil society organizations and academics advocating for the rights of LGBTI+ prisoners should be included in policy-making processes; these organizations should be facilitated in conducting interviews with prisoners and visiting prisons.

7. Transparency and Data Collection: The Ministry of Justice should regularly publish transparent and reliable statistical data on the number of LGBTI+ prisoners, their detention conditions, and the human rights violations they experience.