



**NOW,  
IT IS HIGH TIME**

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## NOW, IT IS HIGH TIME

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Solidarity Association (Kaos GL)  
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**First Edition:** December 2020

**Design:** Ceket Medya

**Printed by:** Ően Matbaa: zveren Sokađı 25/B Demirtepe - Ankara Sertifika No: 47964

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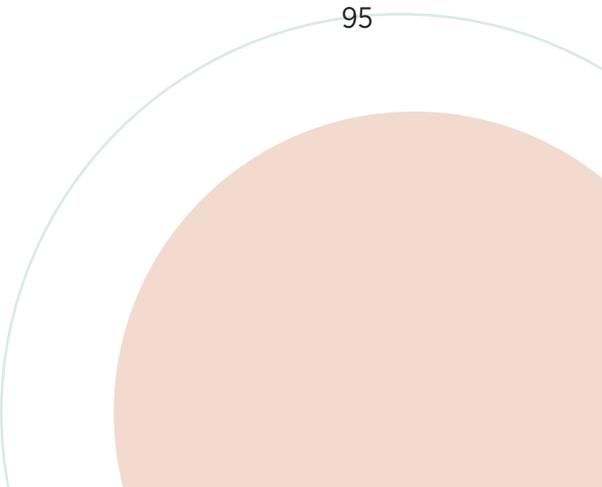


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*This booklet was created by Kaos Gay and Lesbian Cultural Research and Solidarity Association (Kaos GL) with the financial support of Rosa Luxemburg Stiftung. Its contents are the sole responsibility of Kaos GL and do not necessarily reflect the views of the Rosa Luxemburg Stiftung.*

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## “LGBTI children are facing all aspects of discrimination”

“Violation of rights is the prevention of the use of the acquired rights identified and guaranteed by law. This is one of the first definitions provided, when someone google “What is the violation of rights?” In order for a right to be defined as a “right”, should it necessarily be defined in laws? For example, Article 122 of the Turkish Penal Code No. 5237 (TCK) on the “Hatred and Discrimination”, still, does not cover sexual orientation and gender identity as the basis of the ground of hatred. If the gender identity was protected before the law, perpetrators of transgender murders could have been prosecuted for hate crimes they committed against gender identity directly. Any crime committed on account of sexual orientation and gender identity constitutes hate crime.

At this point, the rights-based organizations and human rights defenders attract the attention since the issue of rights is covered insufficiently before the laws. This time, we contacted these NGOs and activists, who have been struggling against violation of rights and discrimination for years, to discuss the rights of LGBTI+ persons.

In the interviews of this series, the following issues have been addressed: when and how human rights organizations bring up the rights of LGBTI+ persons on their agenda; whether the activities of NGOs on the issues of LGBTI+ persons are sufficient, the discrimination experienced in the past in the field of rights and why it is important to ensure the access to any rights without saying “it is not the right time”. We often hear this reaction, in particular, whenever any issue on the rights is brought up, someone else stands up and says “there are other rights too!” for indicating the other rights that are ignored... Women’s rights, rights of LGBTI+ persons, rights of children, refugee rights, animal rights etc. are always subjected to a hierarchical order as if these should be brought up by someone at a later time. Which authority determines the priority order of rights and the right time to seek remedies for these? However, there is the subject person of the right and a claim for right; just like the children, on behalf of whom people are always speaking about, but who are never allowed to speak by themselves.

One of the reasons behind why the children are considered as mere passive elements of the family, the state and society, why what they do and how they live are decided by the groups that they belong to, and why their rights are easily violated at all time are that they are not accepted as subjects and individuals. This perception, which objectifies the children while regarding itself as the authority, ignores the sexual orientation and gender identity of LGBTI+ children, whenever the rights of LGBTI+ children and the violations of their rights are brought up to the agenda.

We discussed the rights of LGBTI+ children and the results of the violation of their rights with Ezgi Koman and Esin Koman, who worked for long years at Agenda: Child! (Gündem Çocuk) Association, which was closed down by the Decree Law (KHK), and who continue to work at the Child Rights Center established within the Idea and Arts Workshop Association (FISA).

Pointing out that evaluating the development of children within a binary gender system is a huge problem, Esin Koman emphasizes that Queer theory should be discussed developmentally.

Ezgi Koman, who states that none of the rights of the children can be postponed, therefore, while demanding that child early and forced marriages (CEFM) should be banned, it is also necessary to talk about the sexual freedom of children. Ezgi reminds that the adults do not have any rights on children rather they have only responsibilities.

It is for this very reason that Ezgi states if a LGBTI+ child wants to use hormones, adults must provide good guidance and support to them.

**First of all, we can talk about the systematic and social reasons why children suffer from violations of rights and discrimination. Children are perhaps the most easily discriminated and violated social subjects within the state, family and society. Maybe they are not even seen as subjects... We can discuss this issue here.**

**Ezgi Koman:** There are many reasons why children's rights are violated. But there is a situation that reproduces all these, and that is the perception of the society about a child. This perception of the society, the state, the family, and all the mechanisms that make up the society cause the

violations of children's rights to occur again. What is this perception? In fact, this perception causes discrimination on the one hand. On the other hand, it has become so widespread and reinforced by a discriminatory point of view. The child; unfortunately, is not perceived as an independent individual entitled to rights and freedoms as defined by the United Nations Convention on the Rights of the Child. How is the child perceived? The child is generally considered as mere passive elements of the family, as an entity belongs to the family and parents. The children are defined as persons that the state will maintain its own survival over them- we see this from the policies, curriculum and main objectives of national education. But mostly they are seen as weak persons in need of protection, always facing unfortunate events and as inexperienced persons...

This perception actually is an approach that, not only children but also minority groups, women and LGBTI persons are exposed to; which is a paternalistic approach. This approach is based on the adults, but not limited to the adults, adults but male adults, male but white adults, white but Turkish, Muslim adults, Muslim but Sunni adults. All groups outside of this ground are subject to discrimination. Children also face a part of the discrimination. For the continuity of this approach, the child should always remain weak, helpless creature in need of protection. Because the paternalist approach can only have domination over the children when they are weak.

**The reason why children are seen as passive elements is due to the fact that children are not accepted as subjects and individuals. Therefore, their rights are easily violated. Is it possible that their rights are violated so easily due to the idea that “children have no rights” at all?**

**Ezgi:** One of the reasons for this is the perception of the childhood and its “temporary status”. Childhood is perceived as a “temporary” period. If you are basically taking into account the adults as the ground, you see childhood as a temporary period, a preparation period for the adulthood. Therefore, the rights and freedoms of that period, the needs and potential of that period - not only the needs but also the children actually like each individual, each person has a potential - all of these become invisible. They are expected to finalize their childhood as soon as possible, to become adults. As such, children are always evaluated in their relation with the

“future”. They will grow up, go to school, and have a profession... Childhood is seen as a preparation period for adulthood. Therefore, this is what we feel in case of violations of children’s rights, which is reinforced again and again. This is also reinforced at home and by the state. This is a very hypocritical situation. On the one hand, angel like characteristics such as innocence, pureness is attributed to the child by somewhat religious references. But you can remember that there are still children prosecuted as “terrorists”; so it is a hypocritical situation. On the one hand, there is a perception that “children cannot understand the world since they are not grown up yet”, but on the other hand they can be seen as terrorists as the most dangerous ones for the state. There are two such very different perceptions about children in Turkey and this is a very distorted perception. Violations move back and forth between these two extreme perceptions, and we are confronted with this again and again.

**Esin Koman:** One of the things that paves the way for the violations is that whoever holds the power, the ruler - the family, the parents, the state - thinks that they can use this power over the children and abuse this power. They can use the power more comfortably over the children. Because they see that they own the children, they build their own futures on them, they use the power over the children very easily. Actually they are abusing this power. This is actually one of the factors in the occurrence of that violation of rights, and it feeds that distorted perception.

**LGBTI+ children can also be subjected to more violations and discrimination because they are seen as misfits for the “normative” structure built by the system in multiple areas such as family, state and education. LGBTI+ children are exposed to discrimination in many areas from family to education environment on account of their sexual orientation and gender identity within the heteronormative system. Where and how does the violations and discrimination suffered by LGBTI+ children originate?**

**Ezgi:** Children are exposed to discrimination just because they are children, they are not able to enjoy many rights and freedoms that adults have, and the mechanisms for ensuring this are not established for them. But at the same time, they may be discriminated due to some of their characteristics or due to some of the situations their parents have; like children of

Alewi families. Therefore, they may face more profound discrimination both because they are children and because of the other characteristics. LGBTI children also face a more profound discrimination for this very reason. The dimensions and effects of the discrimination they are subjected to are getting deeper both because they are children and because they are LGBTI persons. LGBTI children experience every aspect of discrimination, but they are also exposed to violence, the worst form of discrimination. This violence can start in the family or at home, sometimes even violate the right to life, can be psychological or verbal, or prevent their access to the right to education.

There are 5 key areas where violence against children is experienced. LGBTI children also face discrimination in each of these five key areas. The first is at home, the second is in educational environments, the third is in the street, the fourth is in closed institutions, and the fifth, if they have to work, they are exposed to discrimination in labor life. We see that LGBTI children are subjected to profound discrimination in each of them.

**Esin:** The perception of adults, who do not accept the characteristics belong to childhood, paves the way for the discrimination since this perception ignores that child has a sexuality, can have a sexual identity, can experience something unique, can live own sexuality in relation to the sexual identity. When we consider the developmental stages of children, there are expectations by adult perception and adult fiction: by the society, the parents, the school, the teacher and the doctor... Developmental theories do not want to encounter anything that is outside of the accepted, existing binary gender system, and they do not know what to do when they encounter such situation. That is why this perception actually causes LGBTI children to be discriminated from the very beginning. Therefore, children's sexual development and sexual identity should be discussed within these theories, and it should be contemplated in that regard.

**Ezgi:** It needs to be reestablished outside of the binary gender system.

**Esin:** Yes, another point of view is necessary in the development of the child. In order to prevent discrimination, it is necessary to discuss these at first. Unless we discuss it, what is experienced is not accepted as discrimination. Families and teachers do not know and see any different gender identity. Because they have a certain theoretical structure and type in mind, they cannot think beyond these.

**Ezgi:** When they confront with something outside of the binary gender system, they describe it as a developmentally atypical situation, a problem in behavior, a disorder, and therefore the problem starts after that.

**Esin:** Yes, this provides the traces of the violations that LGBTI children may be subjected to. After that, it is not possible to avoid discrimination in all five areas. Yes, there is a perception about child, but we can clearly say that the perception about child's gender identity in developmental stages also feeds this.

**Many families take their children to a child development specialist to monitor their developments. Apart from the education system or family structure, I was wondering that do people who have an expertise in child development make a research and studies on LGBTI+ children while they receive their trainings? What can the child development field provide for LGBTI+ children, what does it include? Yet, the approach LGBTI+ children can face when they are taken to a child development specialist, is one of the important points that can affect their future years positively or negatively.**

**Ezgi:** We are both child development specialist. Within the lessons we have attended, the theories we have learned, sexual development theories have always been provided based on the binary gender system. Beyond that, I do not know whether there is any other point of view, difference, and different situation. There are several persons that work on sexual development, and they still define it within the binary system.

**Esin:** You say, "Lets discuss queer theory developmentally, lets discuss it", you say that it is important for experts working child development to understand this as well. Because you see that if you do not resort to that theory when you evaluate the child, it will be incomplete. It hurts the children when they are evaluated by the binary gender system. Identification, acceptance of the children, what you will provide to make them accepted are important. If you do not say anything to the family about this, you will be affecting the child negatively. Therefore, it is necessary to look at it from a developmental perspective. We know that there are the experts who have individual studies beyond theoretical studies, this is very important, the more widespread it becomes, the easier it will be to reach the

child, reach the family, and reach the right approach. But individual effort is not enough, theoretical changes are needed, it is necessary to discuss these and provide paradigm shifts.

### Are there examples of this?

**Esin:** We were actually working on this before the association was closed. We started to come together and think, “Let’s go through queer theory, let’s learn it together, let’s evaluate the child with this perspective”, but the association was closed down at that time. Actually, we can start it again, because it is very important to work this with children, to look at the issue together, and to look at it together with experts and rights defenders, because it is not something that can happen itself alone.

### How can you exemplify the cases in these 5 areas where LGBTI+ children are exposed to discrimination and violence?

**Ezgi:** One of the important things that happen in each area is not to accept the existence of a child, especially if it is a structure based on more conservative and religious approaches. In places such as educational environment, neighborhood, state institutions, closed institutions, centers under state protection, prisons or rehabilitation centers, if these are more religious-based environments, the children may be subjected to violence, even violation of the right to life. In case of domestic violence, not only religious references, but also actually some ideologies can be the reason behind this. For example, there was a case where a soldier attempted to kill his daughter. Maybe it was a more secular family, but this violence did still happen. Therefore, LGBTI children are subjected to violence in a way that hinders their right to live in the home. They are subjected to physical violence. Verbal and psychological violence is quite common. Children at home are also faced with attitudes such as “being mocked” and “being labeled”. Their unusual, non-binary gestures are easily mocked and labeled. Or the families are trying to “correct” them by using force. Children are exposed to this type of behavior by their parents. Child protection mechanisms or the state in Turkey are already not working or working difficultly. It is much more difficult for LGBTI children to apply these mechanisms.

In the educational environment, this time, they may be exposed to similar attitudes of the teachers. On the one hand, they may face physical and verbal violence, on the other hand discrimination, exclusion.... LGBTI

children are also exposed to peer bullying in educational environments. But we know that peer bullying is actually the result of a series of rights violations against other children. If there is a violence that the child is exposed to in terms of gender identity, in fact there are other kinds of discrimination at school; the discrimination has become systematic. This is why a child may inflict violence or discrimination on another child. The form of violence that we call peer bullying can actually be something that teachers sometimes ignore. They already have a similar discriminatory approach, so they do not prefer to prevent it ... Or they have no awareness in that regard anyway...

**As we talked about child development, it is a big problem that the teachers have no awareness about this issue. In addition to the fact that they do not develop themselves at this point, there is also the fact that their discriminatory approach affects both the child and the peers of the child and there is a discrimination supported by the curriculum.**

**Esin:** Yes, the curriculum is very challenging in this sense. Although you try to establish something out of gender perceptions as much as you can do at home, but from the moment the child goes to school, the curriculum and paradigm are so strong that the child immediately embraces it. There is a very serious paradigm that feeds gender. It is very important how and with which adults, administrators and professionals the children meet in the educational environment, at home, in the neighborhood, and in closed institutions. It is the same case for peer bullying. There is no such thing as “children use violence against the ones they see different from themselves.” Children are exposed to peer bullying in educational environments or other settings where there is no peaceful climate built. In fact, this is also the case for children with disabilities. When the culture of living together is not built, these kinds of cases can occur.

**Ezgi:** Another violation of rights is experienced in the child’s self-expression, in encountering opportunities for self-expression. When the children feel a confusing situation about themselves that they cannot identify but can still sense, they think what might happen to them if they disclose such situation. That is why they are hiding this from the peers, parents, and teachers. In fact, this situation is a huge obstacle for their self-realization. This is really a fundamental violation of rights. Suppose that they decide

to define themselves - sometimes they can start acting earlier in defining their own sexual identity, since children's access to information is much easier now and they can embrace their situation. But this time, they can be exposed to a series of problems, especially by other people, from the moment they identify themselves and express themselves, because there are no mechanisms to protect and support the children. There is no mechanism for teachers and parents to protect the children.

Today, if children under the age of 18 come and say, "I want to express my gender identity like this", we have to ask first of all what kind of house they live in, what kind of school they go to. Because from the moment they express themselves, they can be subjected to a great violence, but we know that not being able to come out or express themselves is another form of violence. Sometimes you have to protect children against their parents, but by which mechanisms? When the child says, "I want to express this, I need support" if we start from the house, is there a safe protection and referral mechanism where you will provide counseling to their parents? Of course there is not such mechanism... In such cases, we need to establish our own mechanism, such as finding or recommending a psychiatrist working in this field. Then there is the school environment. It is necessary to work with teachers, etc. Because when the children go to school, they encounter teachers. In other words, LGBTI children are much more vulnerable to violence, as there is no effective child protection mechanism.

**Given the extent of the violence you mentioned, gay, bisexual, transgender or intersex children are exposed to different discrimination and phobia due to the sexual orientation and gender identity. For example, one of the areas where transgender and intersex children are discriminated and violated is the right to health. They are subjected to rights violations and discrimination; such as intersex children are forced into surgery without their consent, or preventing transgender children's right regarding the surgery and the use of hormones. What would you like to say about LGBTI+ children, especially violations of the right to health and discrimination they face?**

**Ezgi:** This situation is about how we consider the children. Because of the perception, where we think of the children as innocent, weak beings, we also do not think that children have sexuality, since we do not attribute

such a will to them and right. While we are talking about the issue of child early and forced marriages today, we say, "Let's talk about CEFM, of course it should be banned, but we also need to talk about children's sexual freedom." It is necessary to look at this issue from this perspective as well. We need to see the freedom of sexuality and of gender identity. Adults here do not have the right to oppress them, force them to do such as, "You will not use or you will use hormones, you will undergo or not undergo the surgery". What needs to be done is to provide the best guidance to the children in terms of development and health... Yes, I have to say one more time; adults have no rights over children, they have a responsibility to ensure that the children can realize themselves.

A doctor cannot make unwanted intervention over the child. However, the child is seen as an entity belongs to the parents so much that the decision about using hormones or undergoing the surgery is made by their parents on behalf of them. This is about the perception about the children that we talked about. It is seen that the child belongs to the mother, the father, or, to the state. It is clear what kind of individuals they will be: they will either be women or men, they have to develop gender-appropriate behaviors we got used to, everything beyond that is a defect that somehow must be corrected. Due to this perception, children are violated and their body integrity is interfered. Adults have no rights over children; they have only responsibilities for them. When we think of transgender, intersex children, our responsibility is to guide them in the best way possible.

**Esin:** Yes. It will be necessary to discuss this from the perspective of the best interests of the child principle. It is necessary to consider the best interest of the child and the situation should be considered in a holistic manner developmentally. Is the child suitable or ready for this affirming process, or should it be done after a few years? It is necessary that the children's needs and opinions should be centered.

**Ezgi:** Each child is unique and special, you need to provide support processes specific to each child. If children want to use hormones, they are already ready for it or sometimes they need to be ready, so we need to provide the best processes of guidance and support for each child. The best interests of the child are actually covering this process.

### **In this case, have you observed that the dimension of discrimination has changed between open and proud children and children who have not yet come out?**

**Esin:** Each child has a potential to actualize. It is precious, valuable and unique as it is. If they cannot express their identity, you are actually stopping what they can do developmentally. The inability to express themselves freely is the biggest obstacle they face as individuals. At one point we have already started talking about implementing studies on this. We were working and meeting with young people, it was their demand. We were trying to learn more as well in Gündem Çocuk.

**Ezgi:** We even talked with Kaos GL and Pink Life. Since we are specialists, we look from this perspective, but as a children's NGO, we learned a lot about gender and LGBTI from Kaos GL, we are still trying to learn. For a while, we did not make any gender discrimination in our right to life reports, then we started to do so. This is about togetherness. For a while, we held regular meetings with Kaos GL and Pink Life. First we had to face our own perception, get ourselves together, we really had a lot to learn. At that time, too many individuals under the age of 18 applied to Kaos GL, and they did not know exactly what to do with regard to violation of rights. So we thought, "lets set up a mechanism together". When persons approach Kaos GL, we thought that maybe Kaos GL could refer them to us or we could carry out the process together with them, we could do something together. We have already started doing these ... There was an initiative found by LGBTI students going to high school, they started to bring us the cases of violations of the rights at their schools. These were very good meetings both in terms of improving ourselves and of discussing what we can do together.

### **Can you tell us about your observations about these meetings?**

**Esin:** It is very valuable for organizations working in the field of human rights, children, women and LGBTI movements to come together. During our meetings, our adult friends shared their childhood experiences. We, as individuals in child development and as rights-based organizations, have shared our experiences. We started to look at the issue based on our own childhood stories such as "I was a child, I was living like this, my family was like this, I experienced this at school, I was exposed to these violence or I was able to survive". It was very precious, it is needed, and the struggle

would be very restricted without looking and evaluating this point. Each experience was valuable, so we said, “Let’s look and discuss theoretically let’s work all together”. These meetings were also very important in terms of human rights studies. Even if you work in the field of rights, seeing an experience different from your own experience changes your opinion regarding that violation. A lot of things can change, you learn a lot. Then, the studies have a meaning and influence. It is only possible to internalize this and reflect this on support mechanisms via such partnerships. In the early days, when the association was opened, we were not mentioning the discrimination against LGBTI children in our presentations in the first place, then we had awareness on this. We started to mention this as a fundamental right field. When your awareness is raised, then you start to draw attention to this issue, even warn others about this.

**Ezgi:** You see how systematic the problem is. You see that the violence suffered by the LGBTI children and the violence to which the woman is subjected to is actually inflicted by the same perpetrators with the same patterns. So you learn more about what you deal with, what you are trying to change, and you become more alert about its tools.

**Esin:** Being together, like our joint work with Kaos GL, strengthens the struggle for rights. It strengthens us all in the issue of preventing violations and impunities. These partnerships can be an example for the future as well ... In fact, we would meet more often before. But now, we are at such a stage where the system oppresses us by taking away our tools from us.... We are in a stage where everyone is more alone. However, we were at such a stage before where our efforts were getting stronger by being together, we were getting results. Frankly, we can start to rethink on this with this interview.

**Actually, that togetherness and partnership, that experience sharing, has been taken away from us. We cannot come together; the oppression mechanisms that can prevent the rights studies by the system have been expanded. Maybe we need to get together in this process, we can talk about identifying needs. So how did these meetings with LGBTI organizations start?**

**Ezgi:** Kaos GL has been working for more than 25 years. Since then, it has been such a reliable organization that children are starting to come

to Kaos GL. Kaos GL was important with its presence and the children there also had a will. At that time, children forced us to bring up the issue on the agenda. If the movement can be strong, individuals who need support are likely to find it more. The more stronger your organization and your discourse, the more people can find you. This is a huge influence and achievement of Kaos GL. And there are children at that point, they are developing, seeking, finding.

**Here there is a child that makes you to take action. Even if rights based organizations do not take action, there is a subject who says, “I have rights”**

**Esin:** Yes, the children are right holders. But there was also awareness in Kaos GL that there is an adult fiction over children. Kaos GL acted with that awareness. The fact that they have both the idea of rights and the perspective of children led them to work together with us. It did not happen by itself to bring up the children’s rights and the issue of children on the agenda of women’s organizations. We discussed and developed this. All of these discussions were something that strengthened the human rights movement, everyone learned a lot from each other. Everyone tried to mainstream someone else’s issues within themselves. This actually strengthened the human rights movement.

**Based on this, I want to ask where the studies on the rights of children stand within the studies on rights in general. Could children’s rights become mainstream in the studies on the rights in general?**

**Ezgi:** I think we have come a long way in this regard. The issue of children is now one of the most important agendas in human rights organizations. Today, if they are to write a report to an international mechanism, they are also writing a report on the children, or they are very enthusiastic to working together with people and organizations specialized in the field of children. Children’s rights are a political issue. It is already a part of human rights. Children’s rights are a political issue for the countries like Turkey, where democracy cannot be built, we have always said that. If there is poverty, the child works, if there is armed conflict, the children die. Therefore, we said that it should be one of the important titles of the great politics and the human rights field. The closure of Gündem Çocuk after

the state of emergency issue ironically made it very clear what we wanted to say. People were baffled about how a children's organization could be closed down. Of course, they closed down the children's organization first. In fact, this was one of the first organizations they closed down.

**Esin:** Human rights organizations also needed a change regarding the perception about children. We have always discussed this. Human rights organizations now provide numbers of people who lost their lives, and a list that includes children. But we, as rights-based workers and children's organizations, realized together why distinguishing this is important and should be. We have to distinguish the field politically; we had to look on the basis of this question, why the government can violate the right of the child more easily, while this is a violation of the right to life. This has now been achieved. One of the agendas of human rights organizations became children. It is always necessary to discuss it together; it is only possible to raise that awareness by this. In order to understand the relationship between the state and the individual, it is necessary to continue to talk that discrimination and hate speech are embodied and fed by the relationship between the state and the child and we need to look there. This country has ratified the UN Convention on the Rights of the Child. The children's rights movement had achievements and has come a long way. However, a setback occurred with the closure of Gündem Çocuk Association and with the processes that led to this. Now we have come to a stage where children's rights should be known and recognized again.

**After Gündem Çocuk has been closed down, what is the procedure and the way you have in reporting violations of rights? What do you do about the cases and violations that come to you? Do you have a new study or organization?**

**Ezgi:** As the Gündem Çocuk team, we could not establish a new organizational structure after we were closed down, but we had other opportunities. We have worked very closely with human rights organizations and benefited from their opportunities. We had a reporting study with Human Rights Foundation of Turkey. Human Rights Association and IHOP welcomed us in their organizational structures, some of our friends took part in their boards; they have become able to provide contributions in terms of the field of children. We continued to work in different structures; we

were able to implement monitoring and reporting studies. The State tried to close down Gündem Çocuk, we said “Gündem Çocuk cannot be closed down” but it was actually closed down in the end. It is also one of the things that should be considered in terms of the human rights movement, but we felt the solidarity well, we were lucky. We could not feel anything similar in terms of the children’s rights movement. But there were also friends who tried to be more resistant and who struggle more. We were thinking of establishing a child rights center, eventually the Child Rights Center was established within the Idea and Arts Workshop Association (FISA). There are still studies such as reporting that are needed. We should have been able to come together with our new experiences, needs and strategies of the new era, but not necessarily similar to something we did in Gündem Çocuk.

**Esin:** Now, we will conduct a research on the organization of working children, it is necessary to come together with children of diverse gender identities and all children. We learn what is happening best from them, and they actually provide the best guidance. Therefore, we will come together with more children in rights studies. It is necessary to see and work with them about their problems, violations, how they produce solutions or fail to produce these. We want to get together with the children more.

### **What happens when a child applies to a children’s NGO, what is the procedure followed?**

**Ezgi:** Suppose that they will apply to the Child Rights Center, so they will need something. It is necessary to be able to prioritize, listen and understand their needs with them. Then, it is necessary to establish the support system with them and talk about which support and mechanism they need. After the meeting with the children, it is necessary to ask and identify whether it is necessary to talk with the parents, with the school, whether they have been exposed to peer bullying, whether they need anything else. We will need to make them feel that this is a safe place where they can feel safe and express themselves comfortably. We need to be visible more in order for that child can reach us.

## “We shall defend the rights of LGBTI persons without any exception”

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our second guest is Öztürk Türkdöğän, Co-Chair of the Human Rights Association (IHD). We discussed the brief history of the relation between human rights struggle and LGBT rights in Turkey with Türkdöğän today.

Unlike the discrimination and segregations in advocacy in the past, Türkdöğän states that they have an uncompromising understanding of advocacy today and emphasizes that human rights and rights and freedoms cannot be negotiated any time, in hierarchical order and states that, “We could not tolerate those who do not defend the LGBTI rights”.

A few weeks after we made an interview with Türkdöğän, we faced a process that was initiated by the hate sermon of Religious Affair Authority: Diyanet. IHD Ankara Branch also filed a criminal complaint against Diyanet; IHD Headquarters published a public statement.

In this interview, we provide you with an inside about the history of human rights movement until the sermon of Diyanet...

**As the Human Rights Association, you have been fighting for human rights for more than 30 years. Have LGBTI+ people been involved in your administrative process during this period, if not, what was the reason? Are you planning any future studies in that regard?**

The Human Rights Association was founded in 1986. It is still Turkey’s oldest and most widespread human rights organization. In general, it adresses human rights and freedoms, conducts its studies mainly through commissions and continues its work on the basis of the applications made. There are a number of studies we have conducted to eliminate the violation of rights we heard by the applications made by people claiming that their rights were violated. These are mostly the studies for providing rem-

edy about the violations, about seeking justice, hence about the process of seeking remedies with the survivor, about raising awareness in protecting the rights of the survivor, and of course about documenting and reporting the violations.

During the period I was in, no LGBTI individual, whom we know, was included in our board. But there are LGBTI persons in our branches. This issue was actually “unknown” issue in the early years of IHD. Nobody was saying openly that they are LGBTI persons. Maybe there are still those who conceal their identity, we do not know. Because the discrimination phenomenon in Turkey is very sharp, marginalization and exclusion processes are very solid, harsh. Both the practices stemming from the state and the structure of the society, conservatism in society or conservatism on the left wing have created serious problem areas. I can understand that. But during the period I was in IHD, no open LGBTI persons did not take place in on our board, but there are LGBTI persons I know in our branches.

We have come to the point where we are struggling for the rights together with LGBTI persons at IHD, this is a gratifying situation. Now the exclusion, non-acceptance, and rejections have disappeared completely. In our original bylaws, the prohibition of discrimination on account of sexual orientation and sexual identity were not covered. When I was there, we fixed this by amending our bylaws.

IHD has now included these statements as one of the prohibited grounds of discrimination within the principles it defends in its bylaws, and a person saying that “I am a member of the Human Rights Association”, cannot discriminate any LGBTI person. On the contrary, the members have to defend the rights of LGBTI persons. Therefore, with our bylaws, we eliminated the problem.

**Was this bylaw debate, the request for the amendment of it initiated by the IHD’s board? Or was there any criticism raised against IHD at this point?**

In the beginning, of course, there were both external criticism and internal criticism raised within the IHD. We are constantly telling outside that the state should include SOGI while enumerating the prohibited grounds of discrimination; the state should consider LGBTI individuals, by mentioning gender identity and sexual orientation explicitly. We then set out

all of these discussions together in our own bylaws, nobody opposed it, we concluded it, because, the articles of the IHD's bylaws become principles after long discussion processes and internalization processes. We currently have 15 principles. It was originally 10 principles. It was later brought to this point and now this problem has also been completely eliminated. We have now overcome some discussions in terms of IHD.

**You are briefly saying, "Nobody who will work at IHD or who takes part in it shall be discriminated on account of their sexual orientation or gender identity."**

Absolutely. They cannot be discriminated; everyone has to defend the rights about gender identity and sexual orientation. It has now become a bylaw principle for us. We really got over that. I would like to share my observations in that regard with you. In the past, many people from different leftist fractions were advocating human rights under the IHD. But over time they realized that there was a conflict with their own political views in the positions that they should defend and take a stance. Those who experienced this conflict naturally left the Human Rights Association, we also went through a disintegration process, and this was the first time we faced with this. Understanding of civil society in Turkey has developed, and after that people who want to work in a more relaxed atmosphere came together and established their own NGOs.

There are NGOs in Turkey founded by LGBT individuals. IHD has never stopped working with such organizations since those organizations were founded. There are various studies and the platforms we take part in. Ever since it was founded in 2006, I am the spokesperson of the International Criminal Court Turkey Coalition. There were some debates even there. We refused these. LGBTI organizations are in that coalition. We never tolerated any organizations, which do not want to come because there are LGBTI organizations.

**Was this one of the debates you mentioned? Were there some people who stand against LGBTI rights advocacy or organizational solidarity and joint studies?**

Of course there were. If any NGO tells Human Rights Association that "You are on this platform with LGBTI organizations, so we cannot come

there, lets find another option”; we cannot accept this. Our principle is that you will come to the platform, you will participate, we defend LGBT rights, you will not oppose it, and you will not hinder us. We experienced this in the case of Mazlum-Der.

### **Can you talk a little bit about what had happened?**

Mazlum-Der’s board, chaired by Ömer Faruk Gergerlioğlu, was also included in the International Criminal Court Coalition; we did not have any problems. We had a rule that you do not have to defend, but do not try to hinder us. But later their board changed. Therefore, there were various debates. Like the fact that former Mazlum-Der left Human Rights Joint Platform (IHOP). I think this was one of the reasons, because at IHOP, our stance about the rights of LGBTI individuals is very clear.

Yes, there are no non-governmental organizations established by LGBTI individuals within the Human Rights Joint Platform, because they are working on a specific field, but in the discussions, debates and meetings we conducted with particular public administrations as a part of Human Rights Joint Platform, we have always clearly stated that sexual orientation and gender identity should be covered as the prohibited grounds for discrimination and the discrimination against LGBT persons in Turkey should be ended, we defend this. We constantly monitor this, this is one of the reasons we faced various different opinions on this issue. This is how Mazlum-Der left the Human Rights Joint Platform before becoming the current Mazlum-Der. Later, they already divided in themselves, and especially our friends who wanted to work together with the Human Rights Association established an association called Hak Inisiyatifi (Rights Initiative Association), they are members of the Human Rights Joint Platform. They are absolutely not opposed to the principles we advocate. At least they know that Human Rights Joint Platform composed of Human Rights Association, Amnesty International Turkey Branch, Citizens Association formerly known as Helsinki Citizen Assembly, Association of the Monitoring Equal Rights, Human Rights Agenda Association and they defend gender identity and sexual orientation rights and the rights of LGBT persons. Therefore, since they do not oppose our principles, they take place in our platform; it means that we have overcome a problem. But how did we overcome it?

If you look at the disintegration processes, those who disagree completely on this issue have already continued in a completely different way, but those who want to work on the basis of human rights and human rights principles got separated from them and established their own associations. We are now working together. On the one hand, while overcoming this problem within ourselves, those who did not approve our principles left us, we could not tolerate those who did not, otherwise this would not be the Human Rights Association. This is a natural process, you will either defend the principles written in the bylaws, or you will leave if you do not approve. We have experienced those natural processes both within ourselves and with the organizations we want to cooperate with.

At that point where we defend the rights of LGBTI persons without any exception with a sharp approach with no ifs and buts was an important achievement in terms of the human rights movement. We have reached such a stage, this is a precious point, and it will never be reversed. That is really important. We are in our 34th year, these discussions have been made a lot in the first 10 and 15 years, but we have almost overcome them in the last 15 years.

**There has also been a process of disintegration between IHD and LGBTI persons in the past. In 1995, the Gay and Lesbian Rights Commission, which also includes Ankara Kaos GL activists, was established in the Ankara Branch of the Human Rights Association. During this period, a magazine in two issues was published. However, when the board changed after a while, the commission was not approved and the activists there left IHD. Was this situation also a part of the process you mentioned?**

I was not there in 1995 and before, I became a member of the association in 1996. Therefore, I do not know the processes before that. As far as I know from Hüsni Öndül, Yusuf Alataş and Akın Birdal, I am talking about those former years. In 1995, the IHD's bylaws did not include gender identity and sexual orientation among the prohibited grounds of discrimination. Those discussions have come to an end, and as a result, we have completed all these processes with an amendment in the bylaws, we made a progress. But I find it important that these discussions are held within the IHD, because advocacy is a bit like this. You learn some things on the

road in countries like Turkey, you learn by experience. It is not enough to defend some things by words, you have to put these into practice and take a stance. Therefore, advocacy is not done with the attitudes to be taken according to the change in the board; maybe this is the primary lesson we need to learn. When we come to the 2000s, I can easily say that these discussions were over. Because the people who were in that opposition were standing at another point ideologically and politically already left us. Currently, there are no groups that take such negative attitudes within the Human Rights Association. One day, on the day of the Armenian Genocide commemoration, there were those who protested the IHD while holding a denouncement event on Sakarya Street on April 24. They were all those people who were in IHD before; naturally they do not accept LGBTI individuals either. Our perspective on human rights also needs to be consistent and unified. Perhaps this was instrumental for LGBTI persons to establish their own organizations and implement specific studies. But the deficiency was later overcome in terms of increasing cooperation, taking part in platforms and taking a common attitude.

### **Do you have LGBTI commissions in your branch offices?**

Our commissions work as commissions against racism and discrimination. Work is being carried out within this commission in terms of defending the rights of LGBTI people. We do not have a central LGBTI commission, but in Adana, for example, LGBTI persons come to our branch and hold meetings. Our commission is carrying out its activities as a commission against racism and discrimination. Because the Human Rights Association addresses this under the title of anti-discrimination, as it conducts general human rights studies. In Turkey, many of the practices LGBT persons exposed to are always about discrimination and hate, they are exposed to a large number of violations with the motive of hate. We also have a general field of study. There is a general human rights struggle we have against the government to consider sexual orientation and gender identity discrimination among the prohibited grounds. For example, in the discussions of the Human Rights and Equality Institution Draft Law, we brought this up on the agenda very clearly in the parliamentary sessions. In the discussions on the Law on Foreigners and International Protection, we brought this up very clearly and the regula-

tions on discrimination were included. We express these attitudes very clearly in the debates on proposals and drafts to which we are invited. These are very important attitudes, there are organizations formed by LGBTI persons, but they do not invite them, however the problem will be solved if they do. Since they do not work with LGBTI organizations, a few NGOs remain, such as IHD, Amnesty International, and THIV, which work in the field of human rights generally. Therefore, it is up to us to defend these and demand this from the public, the government and politicians. We are performing our duty. This situation may not be discussed in public, but it is an important point. In discussions made with the international delegation where the government, political parties and civil society come together and in the meetings between Turkey and the European Union and the Council of Europe, we are defending the rights about sexual orientation and gender identity, these should be recognized as the prohibited grounds for discrimination, there should be the regulation on hate crimes in Turkey somehow. It is an important activity and a duty for us. We are trying to implement our principles in the bylaws in this way.

### **Which violations have been mentioned in the applications made by LGBTI persons to IHD so far?**

We receive applications from LGBTI persons in the prisons, and there are applications made to both our branch offices and the headquarters. There are applications regarding physical violence, unfortunately some cases result in death. However, there are applications regarding physical injuries and hate attacks, we mainly address those through our commission in Istanbul. There are still deficiencies in the applications made by LGBTI persons; the most important reason for this is that LGBTI persons feel comfortable only if there are LGBTI persons. When applying us, they are questioning us. Secondly, please accept it as self-criticism: there are many serious human rights issues in Turkey, if you expand your capacity at this point; you can receive so many applications if you can promote your studies well. When we work on general human rights under the title of serious violations against right to life, torture and ill treatment, freedom of expression, perhaps we receive fewer applications because of this, because there are LGBTI organizations as well.

**Is there a possibility that LGBTI persons think that you will not be interested in their applications because you are working in the field of general human rights? For example, do they hesitate about applying you about hate crimes besides the severe human rights violations you mentioned? If so, how can this be overcome?**

Yes, it is possible. What can be done to overcome this? That is to say, it means that we could not have reinforced the idea that “We will address all kinds of applications that come to us, as long as you apply us”. For example, LGBTI persons in prisons can apply to us and CISST, so it means that we were able to reach them they know us adequately. But in case of judicial prisoners we do not have enough information that they know IHD as addressing prisoners’ rights, we must promote ourselves sufficiently for them.

In Turkey currently, we live on a permanent state of emergency, there is a strong democracy and human rights issues. In such an environment, LGBTI persons perhaps consider contacting us when they feel or think the worst violations they face, but there is such a perception in general. It is our duty to break this in Turkey. I think we all have a duty to combat violations and fight together. Regarding LGBTI persons, on the one hand, IHD addresses general human rights violations; on the other hand, there are LGBTI organizations. Maybe thanks to this interview made by you, we will be able to be heard more by LGBTI persons and receive more applications.

**Under which titles the rights violations faced by LGBTI persons are addressed?**

We talk about LGBTI persons who lost their lives as a result of the attacks they were subjected to in violation of the right to life, in the section on hate murders. There are sections about torture and ill treatment in prisons, various practices that LGBTI persons are exposed to reach the level of torture and ill treatment, we put this under the relevant title. Again, in the related titles, in the right to protest and freedom of expression, the prohibitions and lawsuits filed in that regard are addressed. But we can actually do something like this. After this interview with you, we can provide a subtitle as “Violations against LGBTI persons” so that the subtitles

of the main titles of the reports can be more visible. Everything except that subtitle is already written, but maybe a separate subtitle may be needed, so that it will attract more attention. Because, unfortunately, nobody read long reports, there is such a problem in Turkey.

### **So what kind of procedure do you follow in the applications?**

First of all, if the applicant wants the application to be kept confidential, it will be strictly confidential. Except for the competent authorities to be applied only to provide remedy about the violation. Even in this case, if it is requested to be anonymous in applying to them, that rule is also obeyed. The applicants can write down their names as they wish in the application forms, which are also available on the internet. They make their application by mentioning the alleged violation they been subjected to and their request about the remedy. Then, we evaluate what we can do. First of all, 99 percent of violations are caused by the state. If it originates from the state and state institutions, we first operate the complaint procedure, we request the relevant institution to remedy the violation, at the same time, we invite organizations that have been in the public sector to take action on this issue, but we are directly contacting with the ones who are the main responsible persons. For example, if it is an application originating from the Ministry of Interior, we directly ask the MoI to provide a remedy, and we also inform other organizations that we make such applications and that we will follow this issue.

Even if there are practices that cannot be compensated by mere application since these are more serious crime, we file a criminal complaint in order for ensuring an effective investigation against the perpetrators. While all these are happening, we inform the applicant, but we also provide support in the legal process in terms of filing a lawsuit, sometimes voluntarily, and sometimes with the legal units of our center and branches. Sometimes it is very important to refer a complaint to the relevant public institution and to clearly demand a remedy, sometimes it does not fulfill it officially but it does not commit the same violation again. Law Enforcement Monitoring Commission started its activities since October last year. We started to make complaints to the Law Enforcement Monitoring Commission under the Ministry of Interior.

**IHD may not be the first association that comes to mind for LGBTI persons. Do you contact LGBTI associations about the remedies or about what methods can be used about the applications made to you? Do you provide solidarity in that regard?**

This may be our deficiency. Perhaps it is necessary to talk about what we can do with LGBTI organizations in order to provide remedies. We are acting on the point of solving the violation on our own, so acting together can speed up the work. Maybe there may be ways and methods that we do not know or think of, we need to bring this up on our agenda.

**You mentioned law enforcement monitoring. What kind of differences do you see in the applications made to the IHD in terms of rights violations against LGBTI persons committed by public officials? For example, do transgender face more violations by public officials or by other civil individuals?**

Some of the physical attacks in the applications made to us are sometimes caused by the police and sometimes by civilians. We see more torture and ill treatment in terms of public officials. This is also the case about not performing the duty, not protecting the LGBTI individual and hate speech. Some applications originate from practices ranging from hate speech and racism against citizens. When it comes to civilians, we invite the relevant prosecutor and police to do their job in the context of hate crime. When there is a public official, we can get results easier, but when it comes to civilians, we have difficulty in mobilizing public opinion. LGBTI individuals need actual protection.

**Pride Marches were banned before and after the state of emergency. During the state of emergency, the Ankara Governorate banned all LGBTI activities in the city in an unprecedented manner. Have you ever conducted any study about this ban?**

This situation is definitely included in our reports, and it is definitely mentioned in our annual report, in the statements we made on the occasion of Human Rights Day and in the relevant section about the right to protest in the report. We have regular dialogues, correspondences with various mechanisms. When we do this correspondence, when we write in the re-

ports, we definitely talk about these. At that time, we provided joint statements with Kaos GL.

Society is very polarized in Turkey. The official Turkist and Islamist ideology is applied fully. Even human rights are not included in this ideology. In such a country, which has a political power that implements such an ideology, LGBTI persons are subjected to multiple violations. They mount arguments in their own way, saying “We cannot explain this to grassroots”. What do you mean by your grassroots? Human rights cannot be negotiated; rights and freedoms cannot be negotiated or discussed. But there is no such holistic understanding of human rights and freedoms. They have embraced completely a security perspective, and these bans are maintained in that regard completely. These are arbitrary and unlawful practices, even illegal in my opinion, because if you look at the current law, there is nothing that would require them to apply this ban.

### **With the state of emergency, unlawful practices have become the official procedures.**

They made the state of emergency permanent with Law No. 7145. With Article 11 of Law no. 5442 on Provincial Administration, they have incredibly increased the authorities of the governor. I do not exaggerate; the authority of Ankara Governor is almost the same as that of Recep Tayyip Erdoğan. Because the governor has the authority to declare a curfew, whereas the President’s declaration of a state of emergency depends on certain procedures. The governor has the authority to ban anything with the reason of “public security”. However, the authoritarian regime is no longer valid. Governors are also arbitrarily exercising this power, and judicial bodies that will supervise it are still under suspicion. It is very difficult to advocate for rights in such a country. Police officers also come and intervene in any kind of demonstrations on the basis of the Governor’s ban. I am afraid that this will be the case until the government changes.

**Were there any rights violations against LGBTI persons during the curfews in Kurdish cities during the state of emergency? There were torture and ill treatment against women by law enforcement officials. This was the sexist version of militarism turned against the women; during this period there were many torture, ill-treatment and hate**

**crimes committed against LGBTI persons. Was there anyone who notified you any violations in that regard?**

We witnessed the curfew process afar, from here, then when the bans were lifted, we went there as IHD, THIV and many NGOs to monitor the situation and to report what had happened. Notifications in that regard may have been made to the Diyarbakır Branch in particular; I do not remember any direct application to our Headquarters. At that time, applications were made via the phone. The headlines of violations in all our interviews were very different, I have not spoken with any LGBTI person, but there were probably applications made to our other branches.

**For example, IHD recently conducted a reporting study on children under curfew. Did IHD ask a specific question regarding LGBTI persons not only in terms of recording the application but also when reporting violations of the rights? Have IHD ever thought that there were rights violations LGBTI persons subjected to during the curfews? Have IHD ever contacted with LGBTI organizations in that regard?**

This is a deficiency of us. Because we always think of the two direct violations; violation of the right to life and torture and ill-treatment. When these two violations come to mind first, we actually did not go to the field with organizations formed by LGBTI persons. That is obvious. We took Gündem Çocuk with us, we took the health organizations. However, it is not our priority to see whether LGBTI persons are subjected to violations under such severe conditions, this is our deficiency. It means that the associations formed by LGBTI persons did not request from us to work together on this issue, if so we would not refuse them, we would have worked together. We had crowded delegations, maybe some of our friends may have asked that questions, but frankly, I did not come across this issue when I read the reports. This may be an example of a future study. Some violations are ongoing; a second round of reporting study is necessary. I will take note about this subject. Law enforcement officials had a special treatment against women and children. There have been hate speech and racist discourses, I am sure there have been huge violations of rights, maybe they could not communicate their problems because they could not reveal their identity.

**How do you evaluate rights based organizations and human rights advocacy after the state of emergency? Advocacy has been curtailed in many areas, faced numerous oppressions and violations, their work has been halted or disrupted. What were the difficulties of continuing to advocate for rights in such a period?**

As a whole, we lost power in this period, we lost human power. Numerous activists went to Europe, left Turkey. Since our field of work was narrowed down, I believe in such a time it is important that the NGOs working on general human rights and NGOs working in specific areas, should come together more often, they should merge their powers to act together. We live in such a period where so many associations were closed down, put under pressure, and tried to be intimidated by investigations and lawsuits. The government cannot touch LGBTI organizations because it has a limit. With what they will accuse LGBTI organizations, right? Otherwise they would have directly committed a hate crime. Our studies were narrowed down, it is not easy, but there is a lot of effort. During this period, we worked with Kaos GL, it cannot be believed how we got through this process without any incident, but we got through, this is the product of a great struggle.

## “An approach with no ifs and buts”

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our third guest is the Human Rights Foundation of Turkey (TIHV-HRFT) Secretary General Metin Bakkalçı. We discussed torture and ill-treatment on account of sexual orientation and gender identity with Bakkalçı.

Bakkalçı says that TIHV, which has been combatting against torture and ill treatment for 30 years, has adopted “an approach with no ifs and buts”, regardless of gender identity and sexual orientation. However, he states that they have difficulties in reaching LGBTI+ persons who face torture on account of sexual orientation: “The issue of not knowing us may be a reason of this to some extent, they may not know, or those who know us may not trust us enough”.

Bakkalçı reminds that, “The founding principle of TIHV is “to work on the representation of gay and transgender persons” and he emphasizes that it is vital that human rights and LGBTI organizations should work together and it is never too late.

**Human Rights Foundation of Turkey was founded in 1990. Since its establishment, it has been a right defender against torture and ill treatment. Could you tell us more about the reason for existence and mission of TIHV?**

Human Rights Foundation of Turkey was founded 30 years ago. The reason for its existence is to provide the treatment and rehabilitation for survivors of torture. When you use the word “survivor of torture”; you are talking about a person, you are actually talking about a situation where absolute prohibition of torture is violated, you are talking about a person who is subjected to a violation. Therefore, we actually contribute to the “fulfillment of the right of remedy” for the persons facing violations. We are not a charity or aid organization. We contribute to the fulfillment of

that right in a holistic manner we call remedy/redress, which is the right of a person who faced violation. Of course, science of medicine plays a decisive role here undoubtedly, but we have an approach that we should not merely medicalize this issue from the very beginning. Because the issue that you call treatment and rehabilitation in case of torture is about the definition of what we call torture, which is the artifactual violence perpetrated by the “government officials” who are actually assigned for ensuring the safety of persons in the society.

**But this is not like any violence or torture, as you said; we are talking about the torture inflicted by state officials and public officials. What distinguishes torture and ill treatment resulting from the abuse of public authority from other forms of torture and ill treatments?**

We are not talking about any other perpetrator of violence. We are talking directly about the persons who have the public authority. What we call public authority is the “authority” we give them as the society. Of course, we give this authority to them for a responsibility. We say, “You will not damage physical integrity, you will protect us“. Therefore, any action that harms this integrity is defined within the framework of torture and ill treatment. It is an artifactual situation, which is inflicted by public officials based on the authority we have given them as a society, and harms the sense of trust from the beginning. Because you assign a duty to someone, they inflict torture and ill treatment, which is an extraordinarily powerful factor in shaking your sense of trust. The treatment and rehabilitation process of this is a kind of recovery. Therefore, it cannot be a pure medical approach, if it is based on such a ground, it should be a holistic approach. Firstly, we should highlight “Why did this happen, why did this happen to us?” we call it “the right to truth”. The other important question here is “Who was behind this?” All the responsible persons should also be punished absolutely. Before this punishment is ensured, that is, before the truth is revealed and the responsible ones are punished, it is not an easy for persons subjected to torture to recover completely even if they get “the most qualified medical treatment and rehabilitation”. If “Why did this happen, why did this happen to us?” is not answered, the truth cannot be revealed, and the responsible persons cannot be punished. Moreover, impunity is a reality in countries like ours. This can lead persons to devel-

op a perception that those incidents can happen again and this may force victims into self-blaming.

However, a holistic manner is necessary here, the truth should be revealed, the punishment of all those who are responsible should be ensured and an atmosphere of trust in which these kind of incidents will not be repeated should be built. There are many elements at the legal level, practice level and discourse level in order to build this environment of trust. What we use in everyday life for this is the word “prevention” Prevention of torture. The main reason for the existence of TIHV is this: Like many people living in this country at that time, I was in prison on September 12, I was released in 1986. The Human Rights Association was established in 1986 with the contributions of many respected people. In the human rights environment, after the military coup of 12 September 1980, the first broad field of activity was initiated by the Human Rights Association. We did not establish Human Rights Foundation of Turkey as an alternative for Human Rights Association in order to conduct the same studies. Rather we established it considering the fact that, in this country, as of today, more than one million people were subjected to torture and hundreds of thousands of people were tortured during the 1980 military coup, we established it in order to contribute to the concrete need in that regard in some way, as a result of the discussions in the Human Rights Association and the Turkish Medical Association at that time. We have a main function here, we are talking about torture. We are addressing the treatment and rehabilitation of those who were tortured, regardless of who or wherever or whenever, regardless of gender, gender identity, sexual orientation, within or out of the borders of this country, today or 5 years ago, we have an approach with no ifs and buts; regardless of gender identity or sexual orientation. This is our fundamental principle.

### **Is the study of TIHV on taking measures, combating impunity and revealing the truth directly a part of rehabilitation?**

Of course, but we are not an institution of law, there are many very valuable such institutions in the country. In this holistic study, it would be an exaggeration to claim that we undertake all the functions of prevention. In order to fulfill all the functions of prevention, we have always made efforts to mobilize volunteer networks in the human rights environment

as a whole with healthcare professionals from different disciplines, lawyers, and those working in other fields. That is why, as of today, we have 6 centers, there are permanent workers, contracted employees, but the basic ground is voluntary work since the beginning. In particular, we are a more dominant institution in terms of medical rehabilitation. We are a huge authority on medical documentation, which is critical in prevention, not only in this country, but also in the world. The United Nations has only one document; its short name is the Istanbul Protocol for the documentation and effective investigation of survivors of torture. Why is it Istanbul? Because it was created in 1999 with the contribution of this country, with the knowledge that has been filtered scientifically taking into account the deep pains of this country with the efforts of the respected persons, institutions while equipping it with human rights and it was presented to UN. A rehabilitation process is already inevitable, medical reporting, medical documentation are carried out by us, but beyond that, we also have a network in terms of social, legal, political and other aspects. We are trying to develop and enrich these networks, and we have been continuing the “prevention” activity together, from the very beginning.

**You mentioned that an approach with no ifs and buts is your fundamental principle. What is your perspective on gender, sexual orientation and gender identity in these principles?**

Saying “no matter who it is” does not mean that we do not pay special attention. Every person who face torture is unique, we take an approach based on the concrete conditions and needs specific to that person’s uniqueness. What are those concrete needs? We are also trying to develop and train ourselves; here the critical threshold is the gender equality perspective. We are trying our best to realize all these in the light of gender equality perspective: from our daily life to the design of our spaces, from the profiles of our colleagues here, to the relations we establish with each other. But more importantly, we are here not for ourselves, but for the survivors of torture. Here, our relation processes with those who faced torture are similar in the whole treatment process from the first moment. Gender identity and sexual orientation are unique. We try to improve ourselves. This is a journey.

**I wonder about this journey you mentioned. In 1995, the Gay and Lesbian Rights Commission, which also includes Ankara Kaos GL activists, was established in the Ankara Branch of the Human Rights Association. However, when the board changed, the commission was not approved and the activists left IHD. Could you tell us about your experiences about those days and the stage where you reached today?**

As far as I know, the first public activities of our LGBTI friends in Ankara were when they came to the Ankara Branch a year or two after the establishment of IHD, and I was there at that time. I remember that encounter, that first contact. We, too, developed ourselves over time, but I would like to admit here that we had a deep gap when we first met. In terms of my personal history, I remember very well after this encounter, for years we try to determine “There is such a situation, how should we approach?”. I mean, we have not been at our present point since childhood. We have also developed over time. Kaos GL and LGBT persons working in this field have been conducting valuable studies in this country and not only in terms of “programs they determined for themselves” but also in terms of democratic life in Turkey while opening such a valuable area extraordinarily. This is a very precious study, they enrich us all, and an empowerment specific to this area is precious in itself. From this point, of course, we tried to improve ourselves to approach the specific survivors of torture with a gender equality perspective.

**Is Human Rights Foundation of Turkey able to reach LGBTI+ persons in terms of rehabilitation and treatment after torture and ill treatment?**

The main mission of TIHV is to conduct a documentation study documenting human rights violations under some basic titles including torture, after referring the survivors of torture to treatment and rehabilitation. We are doing this from time to time together with the Human Rights Association (IHD) in particular, in the reports we have prepared for the Human Rights Day. IHD is essential here, but we also prepare daily bulletins about human rights violations, prepare annual reports, prepare special reports. We address these under five basic and subjective titles such as the right to life, personal safety, freedom of expression, freedom of religion and conscience, the right to assembly and demonstration, and the Kurdish issue.

Therefore, it is useful to mention the social sexual equality perspective, which is also valid in documentation studies.

Considering the data of our documentation center, we are very sorry that we have not been able to reach LGBTI+ persons enough in terms of treatment and rehabilitation after they are subjected to torture due to their sexual orientation, despite there are large number of examples in that regard.

**What is the reason for not reaching them enough? For example, according to the report of Prof. Dr. Melek Göregenli and Evren Özer prepared on the basis of the news published in the newspapers: “Torture in Turkey from the 1980s till today”, there are rare applications made by LGBTI+ persons in the first 20 years of TIHV.**

We question this a lot. We reach them difficultly. Some of this is about us. We have difficulties in reaching LGBTI+ persons who face torture on account of sexual orientation, because they do not trust us. The issue of not knowing us may be a reason of this to some extent, they may not know, or those who know us may not trust us enough.

I do not want use pretentious sentences, but it is worth discussing whether it is their preference to deal with these problems in their own environment, and mainly their lack of trust in other environments. But we are trying a lot, for these reasons; we had a kind of two-day private meeting with friends working in all LGBTI fields in Istanbul the previous year. Before that, we had many meetings, and we shared our experiences on contacting with torture and trauma survivors, interview principles, methods of protection from secondary trauma, documenting violations and specifically documenting torture. These meetings were also gatherings that we held about learning things and developing ways of doing things together.

As far as I observed, we got a total of 908 new applications in 2019, very few of them made by LGBTI persons, we are very sorry about that.

**How does TIHV receive and distinguish the applications of torture and ill treatment on account of sexual orientation and gender identity?**

There is a gender identity section in our application files. In the gender section, there are four options: women, men, trans women and trans men,

and we record it with these questions. But there is no question about sexual orientation. We do not ask questions about sexual orientation, but if the person shares it, it will be recorded. We do not ask any specific questions to any of the applicants, and the reason for this approach is the feeling of trust. Because in each question, the relationship between you and the applicant develops in a very special way, the feeling of trust is essential. Questions such as religious belief, ethnic origin, or sexual orientation that could potentially damage the sense of trust, are not asked, since there is a risk of causing different perceptions, the feeling of trust is essential for us. But gender identity is an explicit situation, other identities or special situations are recorded when the person discloses it with us, that information is protected in line with the principle of privacy, it is something that becomes explicit to the extent of the consent. As a result, the persons may not have expressed their sexual orientation in applications because we are not explicitly asked.

**For example, suppose that transgender persons informed you about the torture and ill treatment they faced and applied you by sharing their sexual orientation in addition to their gender identity. From this point, how does TIHV contact the applicant and what procedure does it follow?**

In the first interview for those who have been tortured, the story with all its elements is taken first. In accordance with the principles of interview, taking the story is done with a didactic way by asking questions and getting answers, but in a way that enables the emergence of the original situation in a process. This causes the feeling of trust to be built. Therefore, everything is not completed in the first interview; it progresses as that feeling of trust is built. Until that stage, it has to be carried out very carefully, the first interview may not be enough, and it may be complemented in the second interview. Our fellow physicians complete the appropriate interview processes, including history taking, then a medical assessment is made. There is a psychological dimension for medical assessment, but also how valuable the assessment to be made by psychological committee is shared with the applicant, and if necessary, such assessment is performed by this committee in that regard, and our social worker friends also complete the social service interview processes. After all this process is com-

pleted, that is, after the necessary consultation needs and laboratory needs are completed, an effort to provide a diagnosis is made. After a diagnosis is provided, a treatment process is initiated with physical, psychological or other dimensions based on that diagnosis. In the meantime, since all these are recorded, the basis of medical documentation is formed and as a result, if the person requests a report from us, a report is prepared based on medical documentation. Then, depending on the person's condition, a treatment process is initiated, which will take a certain period of time. A follow-up process occurs for us to see the treatment is completed and for the person to feel that the treatment is sufficient. As a result, the process after applying to the TIHV does not proceed with immediate contact.

**Torture practices based on gender identity or sexual orientation may change. A law enforcement officer can cut the hairs of the trans sex workers in custody, or they can be forced to undergo medical test without their consent in the hospitals. But the same practice may or may not be applied to gays. Do you see any difference in terms of sexual orientation and gender identity? So I want to ask this: Are you conducting a broader interview in the applications you got regarding torture and ill treatment on account of sexual orientation or gender identity?**

Of all the abuse and torture, sexual torture, sexual violence is an issue in itself. There are many elements of sexual violence and torture such as verbal, physical violence and insulting, especially against women, children, LGBTI persons. Being tortured specifically on account of sexual orientation is another threshold. Unfortunately, according to our experiences until today, we have observed that such torture and ill treatment can be inflicted more easily. We know that those who are subjected to torture and ill treatment on account of their sexual orientation should be welcomed by a multidisciplinary delegation while trying to develop our approaches and train ourselves on this issue. To the extent that an atmosphere of trust cannot be built, the survivors of torture hesitate to share their psychological and physical experiences. This is a very vulnerable process. In the first meetings, these may not be shared in the first weeks as a result; it is something highly significant in building a sense of trust. As I mentioned, it is necessary to mobilize our more experienced friends, especially in this field, to ensure our internal journey by cooperating with other institutions.

We need this, and I would like to state that we need more joint studies with the institutions working in this field, especially to strengthen the treatment processes of those who faced torture, and to improve ourselves in a common way.

**I think you have two different reporting studies. For example, Pride bans or trans murders are reflected in your daily reports. So how are the violations faced on account of gender identity and sexual orientation reflected in your reports?**

Reporting is done in two dimensions. One of them is the reporting process, which we call medical documentation, of a person subjected to direct torture. This is a process belongs to the survivors of torture. This is being prepared in an approach that is manifested in what we call the Istanbul Protocol. The second one is the documentation and reporting of torture, ill treatment and violations under 5-6 main titles.

When a person is exposed to torture, Human Rights Foundation of Turkey, together with the experts, makes the medical assessment of torture faced by the persons and prepares a report on that. In other reporting, we try to closely monitor daily life in a specific framework such as the right to life, personal safety, freedom of expression, freedom of religion and conscience, the right to assembly and demonstration, and the Kurdish issue. At this daily monitoring, daily bulletins are prepared after the verification processes are completed as much as possible. It is then reported under certain issues. Certain titles and special reports can be prepared according to the agenda.

We monitor persons who lost their lives as a result of hate crimes on account of their sexual orientation or gender identity and we address these under the title of right to life. In the daily bulletin, it is always included under special titles in the reports we prepare from time to time, especially for 26 June International Day in Support of Victims of Torture and for 10 December Human Rights Week. In the context of personal safety, torture and ill treatment, we mention LGBTI persons subjected to this type of treatment in special bulletins, interim reports, under relevant titles. The prohibition of the Pride was reflected in the reports on the violation of the right to assembly and demonstration, and we monitored it day by day.

**Have you been able to monitor the torture and ill treatment cases against LGBTI+ persons during the curfews during the state of emergency? During this period, there were torture and ill treatment by security forces against women and LGBTI+ persons. Are those cases reflected in your reports?**

If I say for myself, I am one of those feeling that whatever works done will be not enough in this country, our works will not be enough. Those were not enough in the curfew issue, we were very active in the following processes, yes, but this was not enough. Your question aroused me: Lets do something together, it is not too late. Maybe it is too late on the one hand, but not too late on the other. Our Cizre Report, which we prepared together with various institutions, is based on the visit we made after the curfew ended after 79 days, for example, we addressed many issues there, but as you mentioned, torture and ill treatment of LGBTI persons was not included in the report. We could not do it; we addressed the children, but not LGBTI persons. For example, together with the Gündem Çocuk Association, we determined certain titles for this report at that time, but we later carried out a very valuable holistic work on children in armed conflict. As you say, it is too late on the one hand, yes, we apologize for this, but on the other hand it is not too late. We do not have much concrete data; this is something that needs to be worked on. Lets work together, please. Although we had such a perspective at that time, although we tried to look with this perspective, we could not make any meaningful work.

We will learn a lot, will learn together and develop this together. We want to continue our work in meeting the LGBTI persons I mentioned, we want to strengthen it. These must be ongoing relations to meet the needs.

**Finally, I would like to ask you about the representation right of sexual orientation and gender identity in the “founding principles of TIHV”.**

We have determined the new founding principles of the Human Rights Foundation of Turkey in 2013. One of them is about representation of sexual orientation and gender identity. We encourage this in the recruitment of new founders and employees. We have a founding statement for ensuring the representation of gays and transgender individuals: “To conduct studies for the representation of gays and transgender persons who continue their struggle for human rights in the perspective of sexual orientation and gender identity”.

## “Struggle for animal rights is the struggle for justice”

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our fourth guest is Fatma Biltekin, the coordinator of the Animal Rights Monitoring Committee (HAKIM). We discussed the animal rights struggle, the intersectionality between this struggle and the LGBTI+ and women’s movement, the correlations between hate crimes and speciesism, and the current status of the animal rights law, with Biltekin, one of the founders of HAKIM.

Emphasizing that the struggle for animal rights is the struggle for justice, Fatma Biltekin underlines the power relations and domination on the basis of the forms of discrimination, and states that women, LGBTI+ persons, children and animals are in the grip of this power. According to Biltekin, the injustice experienced is no different from the domination of one race over another race, or of one gender over another.

Explaining the intersectionality between the anti-speciesist movement and the women’s and LGBTI+ movement, Biltekin explains the connection between “compulsory heterosexism” and “compulsory carnivore lives” imposed by the system as follows. “In a world based on binary gender system ignoring other genders and orientations, we grow up with the heterosexuality imposed on us. This reminds me of growing up with the carnivorism imposed on us. The system imposes on us what it needs to sell itself better”.

Stating that the struggle for animal rights is a progressive struggle, Biltekin at this point reminds us the struggle for draft law on animal protection while emphasizing the fact that the five parties in parliament agreed on one subject for the first time in Turkey: on animal rights.

**I would like to start our interview by asking a very simple question. What is the struggle for animal rights, why exactly does this struggle exist?**

Struggle for animal rights is the struggle for justice. It is a struggle against the violation of the innate rights the animals entitled to such as freedom,

right to life, physical integrity, freedom from torture, sexual violence, etc. Human beings kill, exploit, torture, imprison animals, and use them in experiments. We kill more than 150 billion animals in a year just for obtaining meat; we are talking about an ongoing genocide. The animal rights struggle is trying to prevent this genocide. We all have some innate rights, and both women and children used to have various rights. At certain times, our rights have disappeared, and we are all trying to regain them. Animals were also free once, they also had rights, but we took away these from them. The animal rights struggle is trying to restore the rights taken from animals. Being free, living free from torture, living in own natural environment are the fundamental rights. There is no difference between sheep and dog, cat and mouse. In 2016, during the Eid al-Adha, two cows were dropped off on the roadside because they got sick while being carried in a crowded truck for animal trade, they were thrown away, this is something that is considered very normal because those animals are only numbers for the people. For example, the chicken to be slaughtered is not given food for two days, or what we call buggy is a great torture against horses. It is torture to force horses to transport a heavy group of people by whipping them. There can be no greater torture than this. The experiment is torture in itself. For example, the rabbit suffers a lot during the draize tests, but it does not matter for the experimentists, because they think that they are doing a useful study. There are animals produced for experiments, which is based on sexual violence. With artificial impregnation, animals are artificially impregnated, sperm is taken from the male animal by electroejaculation method, a method used in Nazi Germany to torture men, we develop it further and use it on animals. Especially in the dairy industry, the cow is forcibly impregnated by this method, and after giving birth; they separate the cow from the offspring to steal the milk. This is all torture. This is exactly why the animal rights struggle exists.

**Like racism, sexism, homophobia, biphobia, transphobia and other forms of discrimination, speciesism is a form of discrimination. But besides the struggles against discrimination I mentioned at the beginning, the struggle against speciesism unfortunately comes to mind later. Is this line that distinguishes speciesism from other forms of discrimination drawn here because it is not anthropocentric? What**

## is the connection between the struggle against speciesism, animal rights struggle and human rights? Should not it be necessary to defend rights as a whole?

Actually, all societies are speciesist. In such a world, we are raised with the perception that eating animals is very normal. So it can take a lot of time for us to see or notice it, yes. The reason why speciesism is not so visible is that animals cannot come out and defend their rights and it is not anthropocentric. I can give the following reason for indicating the gap and inequality between rights: Anthropocentrism. In fact, even what we do to nature is not better than what we do to animals, because human beings feel close to animals. What we do to the trees is not visible at all, it is much more difficult to make this visible, because human beings cannot identify themselves with trees. The relation we establish with mammals is not the same as the relation we establish with advocating their rights and the relation we have with animals living in the sea, because we do not feel close to these animals, we feel more closer to mammals. It is all about the anthropocentrism. Even when combatting for animal rights, there are such contexts, a hierarchical position human beings built about the issues they choose. It should be understood that we are all harmed for the same reason; we are all in this situation because of power relations. In fact, these power relations and ambivalent situations pave the way for all kinds of discrimination, against animal, human, gay, heterosexual ... We all face this violence and power to some extent in this society. You have to exclude someone so that you can exist, people believe that. Animal rights were more invisible, but I am very hopeful about the momentum of the movement in recent years, because information can be spread much faster, change is much faster nowadays. The fastest growing movement in the world right now is the animal rights movement. According to a study conducted by GlobalData, between 2014 and 2017, the number of consumers identified as vegans in the United States increased from 1 percent to 6 percent, it is an increase by 600 percent, some of them has plant based diet, herein a distinction needs to be made but when you talk about veganism 10 years ago, no one was aware of that in Turkey. Now, when you say, "I am vegan", they can mostly understand what you mean.

**You said the common ground is a matter of power. So where exactly does the anti-speciesist animal rights struggle position itself, what kind of a struggle is this? How did it say that this is a struggle for rights?**

We explain this situation by the issue of justice. Because there is an injustice, there is the domination of one species over another. It is no different from the domination of one race over another, or from the domination of one gender over another. In fact, here we use the discourses of the LGBTI movement or the discourses of the women's movement. We are different but equal; this is a very common discourse. If we consider animal rights under two main titles, we can explain animal welfare and animal freedom. Animal welfare does not have a rights-based point of view, it is a movement that tells people that animals should be kept in larger cages or to be killed by the electroshock without suffering, in order for the human beings feel themselves better. It is also within the animal rights movement, but I thought it was not developed in Turkey.

**Why is there no one who works for animal welfare?**

We know about some foreign institutions working on the slaughterhouses in Turkey, and we are getting information and the footages from them. I do not know any association in Turkey working on this. Associations mostly work on cat and dog, bird rights or their protection. For the first time in Turkey, an association: Freedom to Earth Association was founded in 2010 in that regard. This association was established to combat all forms of discrimination. The existence of the association provided a new momentum to the movement of animal rights in Turkey, in fact the thing which provided a new momentum to the animal rights movement in the world, is the "Earthlings" documentary published in 2005. Because it has disclosed the things that we have not seen behind the closed doors, and this raised awareness and brought a new momentum to the movement. We are also discussing that it is the pornography of violence, in fact, constantly being exposed to it, after a while, it can insensitize the person or show the perpetrators the way and method. A dog was thrown into the forest after the paws cut off. After that incident, many such incidents have happened. There was an incident of sexual violence committed by inserting an object, it was reflected in the news, and we started to hear much similar news after that incident.

**I compare the situation with the violence pattern in femicides and hate murders. For example, while we are preparing the news, we do not include details that will show the way and method or tell how the murder was committed.**

It is a similar situation. But that is also a problem if we do not show it, people cannot be aware of it. It will be necessary to somehow show what is happening in the experiment centers. What will be the limit here? This must be the biggest debate of animal rights activists right now, but we cannot discuss this yet. We do not know to what extent we should show it, because I see people insensitized, or I see them reacting against this on social media for relieving themselves. Everyone retreats after this, it becomes very difficult to discuss afterwards. For example, why the protective, preventive activities, the underlying reasons are not discussed? People take the easy way out by not discussing it.

**If we talk about addressing speciesism and patriarchy as a whole, you mentioned that the movement uses the discourses of the LGBTI+ movement and the women's movement. What are these discourses? What are the correlations between animal exploitation and the ideologies of hate such as homophobia, biphobia, and transphobia? Can you explain this by providing an example?**

We often see in advertisements that the animal body is feminized and turned into an object of passion. We see animals in the advertisements animated and asking, "Do you desire my legs, thighs or chest?" The issue here is actually "absent referent". When you go to the market, you cannot see the bloody meat, meat comes clean, you cannot establish a connection with your plate and the original form of that meat, the referent becomes absent. Because the system does not allow you to see, if you see it, you would not eat or buy that meat. Likewise, there is a system that objectifies the female body and turns it into an advertising tool, it is no different from the one applied to the animal. It is called the "absent referent", a theory that Carol J. Adams explained in her book "The Sexual Politics of Meat". We can also evaluate patriarchy and hunting side by side. The other day, I investigated the femicides committed with a hunting rifle; I found 20 news in 5 minutes. The hunting and weapon industry is something that already goes hand in hand, and hunting is something that glorifies masculinity. It is also a power indicator. Weapons used in hunting are actually

used in femicides and trans murders. Because someone who does not see any problem in killing a living creature can aim a being standing on the grass with the offspring and takes a shot at longer distance, and someone who enjoys it can kill a woman, a trans person or a child one day.

**Hunting culture is very intertwined with the killing culture of masculinity. So lets discuss the anti-speciesist movement and the LGBTI+ movement... I see the two movements as more intersectional and their studies are interconnected. What kinds of discussions have been held about the anti-speciesist vegan movement and the struggle for rights within the LGBTI+ movement?**

It is about how profoundly you experience marginalizing. The marginalization experienced by LGBTI persons and the one experienced by animals are very similar, and this is also the case for women. But it is much easier for people faced with hate crimes to understand what animals go through. Therefore, the target audience of the anti-speciesism movement is LGBTI activists, children's rights activists or women's organizations. In short, it can be easier to explain people who struggle against marginalization in order them to understand and think about, when you say "Look, this is also marginalization". They may not completely see what the animal is experiencing, they may not realize, but when you show this, they cannot stand away and you build the debate by telling them: "you are against marginalization and discrimination, here is the greatest of discrimination". I know that a friend of mine, who went to pride parade 10 years ago with a fur coat, became vegan 10 years later.

**What did you experience in your discussions during this period?**

At first it was seen, as "This is not our struggle"; as is the case with this ecology movement. But what develops the struggles, the movements, is the change of an actor within the movement. People in the LGBTI movement also started to change, as we started to have relations, when we continued to have relations. I am an open and proud bisexual person, those are the two movements that I should be in already, naturally I told about my struggle and myself. In the final part of the statement that Burak (Özgüner) made while declaring his conscientious objection, he said: "We may have no means, however, as those who want a total liberation for animals, persons and nature, that means liberation for all without exception we will

continue to change the world from where we stand, with our rejection, our joy, our anger...“ So when you contact people, you do not know whom they can change or what they can change. This can keep on snowballing, so I believe in this union very much. People working in the field of animal rights should go to all civil society meetings, because we can all meet on a common ground, we need to go to these meetings and explain our problems. For years, civil society looked at us as “They are the elements within the movement”; and they evaluated the trans movement similarly for years. No, we are not just the mere elements within this struggle.

### **Rather, you are the subjects...**

Exactly, we are fighting for rights; we are not different from you all. It is necessary for us to go and express this in all those meetings; this is how we could spread the struggle. Burak worked hard for ensuring this. We try to go to all the meetings in Turkey, it will not happen instantly, we have to work a lot, it takes time, and we need patience. It is very difficult to find funds for animal rights in Turkey; as it is the case for the rest of the world for many years. There have been institutions that provided us with funds because we insisted on ensuring a space for animal rights. It has not happened in a year, we disturbed people, we should disturb people more. This is the duty of civil society anyway, it is to disturb people, and so we also disturb other actors of civil society. You say, “You are discriminating here, there is a mistake here”, if meat is consumed at the events you attend, you talk about it and bring up on the agenda of that event. We have to be there and explain this.

**For the memory of Burak Özgüner... Burak was a conscientious objector, an animal rights activist and a LGBTI+ activist. At this point, enormous difficulties imposed by the system come into play. Compulsory military service, compulsory heterosexism, compulsory carnivorousism... The men who decide this and the patriarchy who impose it. For example, you reject military service because it is a militaristic and homophobic structure, and it feeds the violence and war. What do you think about the relation between compulsory heterosexism and compulsory carnivorousism?**

The system imposes its own truth on us. When children are born, they do not want to eat meat, it is a fact that the family is forcing them to eat.

Or it is very difficult to come out, it is difficult to identify the situation in yourself and they make you think you are defective. The system makes you experience this; you contradict yourself. When I became vegan, at the beginning, I was afraid to telling it people; the reactions were so horrible that I did not want to deal with them. You have to constantly explain yourself. Carnivore persons does not have to explain themselves, or straight persons do not have to explain themselves, but I have to explain myself constantly, and it is very exhausting. If I talk about the issue of conscientious objection... The system does not just kill people, it kills animals, destroys nature, and sets fires. In the criminal complaint we filed against the murder of the mules in Roboski, we filed a criminal complaint against the Army Force personnel who killed and injured many mules, knowing that they were against the law and order, even though they were not authorized to do so. We could not get any result, of course. Burak declared his conscientious objection after the killings of mules. We also know about the trauma a gay person may experience, know that rape is common, and suicides or suspicious deaths are common. The system covered it up, closed the cases, and tried to prevent us from speaking about these. Conscientious objection is about making these visible. It means that "I am against this system and I will not use the gun for you", "I will not tool up for anyone, not kill for anyone". It is about defending the life.

We grow up in a world that contains certain patterns, in a world based on binary gender system ignoring other genders and orientations; we grow up with the heterosexuality imposed on us. This reminds me of growing up with the carnivorism imposed on us. The system imposes on us what it needs to sell itself better.

The system is built on mother, father and child; that is, it needs heterosexism. Because the system must produce toys, and sell cars to families... the system also needs cancer. Does not the system know that meat is something unhealthy? Of course it knows. But the system needs to keep itself ongoing. It must perform experiment and produce medicines. Of course, a carnivore in this world can easily say that living as vegan is too extreme or difficult.

Actually it is not difficult, everyone can do it, and none of us are special. Also, killing and eating a living thing when you do not need it is far more

extreme for me. Moreover, we are doing something very easy; I think the difficult thing is to exploit animals. It is much harder to think about it when you want to sleep with peace of mind. It is easiest to get out of this if it bothers my conscience, if I cannot argue politically in any way. We have many methods to combat against the system, not even entering this chain of consumption and exploitation is a struggle in itself, changing the routines of life is a struggle.

**I want to discuss animal rights law. Can you talk about the drafting process of this law? Is the law really drafted in line with rights, how do you evaluate it in accordance with the animal rights?**

Animal Rights Law is enacted in 2004 in Turkey. In the past, municipalities had “killing teams” poisoning street animals, collecting them, municipalities used to buy poisons from their own budget. The law was passed in 2004 and the law says, “You cannot kill animals.” The teams that killed the animals the day before were expected to catch and cure the animals the next day and leave them where they were taken. Then these killings began to occur in shelters, mountaintops and forests, and the killings did not stop. If this law had been implemented, we would not have had such problems with animal rights. The law is not enforced; it is so difficult to even impose administrative fines, Sibel. The despair experienced by animal rights activists is so deep. Yes, we do not equate ourselves with the desperation of animals, but you shall impose an administrative fine, it should not be that hard. They said they would change the law in 2011. Negotiations began with the Ministry of Justice, in 2014 there was a law proposed by the Ministry of Justice. At that time, animal rights activists fought a lot. Because instead of the Article 6 stating that “send the animals to shelters, take the animals, cure them, bring them back where you took them”, they were proposing “Take the animal, cure them, sterilize them, bring them back where you took them, but if there is a school, hospital, mosque in that place, you cannot leave them there”. There is no neighborhood without school, hospital or a mosque. This actually means: “we will either imprison the animals into shelters or throw them into forests.” For this reason, they built a concentration camp in Kısırkaya, they tried to do the same in Pendik, we were able to understand it and stop it before the construction started. Their original intention was to set up large concen-

tration camps away from the city, but they were unable to change the law because of the reactions they got. We can see here that the social power of animal rights struggle is great.

There was a protest in Taksim in 2012; it was the first time I saw such a crowded animal rights protest, there were thousands of people, that protest was effective.

After 15 July, there was a huge increase in violence against animals. We insisted that a research commission should be established in the Parliament, that this commission should investigate the situation of animal rights, submit a proposal report, if the law is to be made, it should be done in line with it. A commission in that regard was established towards the end of 2018, they announced the research report in October 2019 and resorted to animal rights activists in those commission meetings. Burak made the deputies to watch the confidential slaughterhouse footages for the first time. It was an important step in getting it recorded and doing something. We presented the proposal to the Commission, many things we demanded in the proposal report were actually met, but there were still problems. If you recommend the closure of the slaughterhouses, you are not taken seriously, it should not be the right of anyone to comment on how to kill animals, and so we never went them with the welfareist discourse. Yet, we presented proposals that suggest things that can be “taken seriously” and can be done actually. We recommended a ban for the trade of living animals but they rejected us. We recommended a camera system to be built in slaughterhouses, but they rejected us. There were a lot of things that could be taken into consideration, but actually they do not want to address those much because of the religious concerns. The first point of our recommendations was that the animals should be recognized as the sentient beings. While this report described animals as sentient beings, it only offered recommendations on stray animals and animals that are confined, but the report does not mention any creatures that are used in the livestock industry that actually violate their rights every day. There have also been recommendations such as prohibition of the zoos, animal circus, closure of dolphin parks, prohibition of mobile sterilization, prohibition of owned-unowned distinction and the punishment for animal violence. These recommendations were valuable, but just as recommendations.

An Animal Rights Law is currently being drafted; it will be proposed by an AKP deputy, this will be the first time, because generally such are proposed by CHP or HDP. It can also be rejected because it is proposed by another party, but now we have such a chance. A draft will be proposed by the AKP, we have not seen it yet, but it is said that it goes in line with the Parliament's Animal Rights Research Commission report, we were waiting for the draft law to come to the Agriculture Commission before COVID-19. I thought there would be a lot of discussion in the commission, but because of this COVID -19 period, we could not go further. While talking about the prohibition of zoos and dolphin parks before, the economy, which has harmed even more due to the epidemic, may cause the argument of dolphin park owners, "We are bringing foreign currency into the country" to strengthen suddenly. Dolphin park and petshop owners are already lobbying in the Parliament. In recent months, amendments have been made in the regulation regarding the establishment of petshops and animal production farms, which shows that their lobbying were effective. That is why animal rights activists should also be in Parliament. The report of the commission does not recommend banning the sale of animals in pet shops because it fears that "under the counter production will increase" if the sale of animals in pet shops is banned. The tragic part is that under the counter production is already everywhere; petshops are the reason behind the fact that there are so many stray animals on the street. There are dogs bought on a whim and then thrown into the street.

But no matter what happens, we should not despair, because the animal rights struggle is a progressive struggle. Five parties in parliament agreed on one subject for the first time in Turkey: on animal rights. That is really important. They agreed on establishment of a Research Commission, which is a big achievement. I hope the draft bill comes in a way that we can agree.

## “Whoever says that ‘my right has been violated’ has a priority”

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our fifth guest is Human Rights Association Co-Chair Eren Keskin. We discussed her first contact with the LGBTI+ movement and trans women, the transformation in IHD, the homophobic and transphobic approaches in rights based advocacy and the stage where the struggle for justice has reached today, with Eren Keskin.

Eren Keskin was the first person to act as a lawyer when trans women applied to IHD for the torture they were exposed to years ago. However, she explains that in the early years of this struggle for trans people, she was exposed to the homophobic and transphobic discourses of her friends, who are human rights defenders. “What surprised me most was the homophobia of my own friends. They could not be my friends anymore because although they appreciate me in the Kurdish issue, they later mocked me because I was addressing trans women.”

According to Keskin, who stated that she had fought in IHD against homophobia and transphobia in the past and among the rights defenders, today there is no such attitude within the IHD, but Keskin reminds us that there are still “rights defenders” who identify themselves as leftist and democrat and still refrain from signing a joint text with the LGBTI+ movement.”

“If you maintain that official ideology, which I am adding heterosexual power to this official ideology, whatever ideological identity you define for yourself, I do not think it reflects the truth”

Emphasizing the importance of the momentum that separate organizations provided to the LGBTI+ movement in the past, Keskin points out that the movement and the struggle have brought the judiciary to a point where it cannot act freely as before.

**You have been in the human rights struggle for more than 30 years. You are among the founders of the Legal Aid Bureau against Sexual Harassment and Rape in Custody and the Human Rights Association (IHD). You served as the President of Istanbul Branch of IHD and you are currently the co-chair of IHD. You have been fighting against sexual harassment and rape for years. How did your first contact with LGBTI+ persons and the LGBTI+ movement in your history of advocacy start?**

I became a member of the IHD in 1989 and served as a board member in the 1990 congress. Mainly, my struggle for human rights started actively in 1990. In the early 90s, torture against trans women was intense. At that time there was a torturer policeman known as “Hortum Süleyman”, he started his duty in 1991 or 92, I think, he worked for a long time. Trans women started to come to the association at that time, because there were no other non-governmental organizations at that time, they could only apply to IHD and they came to IHD. This is how our first active contact began. There was no such thing in the LGBTI movement, anyway. As a result of the 80 coup, everyone was dispersed. Everyone would come to the IHD, the first non-governmental organization founded in 1986, for every problem in those years. When those of our friends came to the IHD, I first saw this clearly: First, their victimization, the torture they experienced; I also saw how much homophobia and transphobia were actually at that time even within the Human Rights Association. Because many of our friends did not want to be interested, even when I got their power of attorney I also encountered sarcastic reactions: “They would think that you are also a trans woman, do not you think about walking side by side with them on the street?” Of course, this changed later, but at first we experienced these. Our first contact was that time. I never forget that once 11 women came in 1992, all of them had bleedings, they could not sit, when we asked what happened they told me that Hortum Süleyman had taken them to the Belgrat Forests and forced them to sit on piles, it was very terrible. I said, ”Come on, we are going to Süleyman”, we left the association. Some hesitated and said, “Then they will harass us more”. We entered the room of Hortum Süleyman with three or four friends, I said, “What kind of human being are you, are not you ashamed to inflict this torture to these people!” I never forgot about his reaction, he said, “Go take care

of the terrorists, are they human beings worth for you to take care of?" I never forgot about what he said, he used exactly these sentences.

Then we had a fight verbally, and then we got out, after I saw that we could not compromise with this man then we said we should file a criminal complaint. There were already mutual trials, during those they brought many fascist organizations and made them attack us. At that time, there was Demet Demir, there were challenging trials and hearings, those were reflected in the press every time. Later, when the first Pride Parade was to be held, it was also prevented. Then they came to IHD again. It was to be held under the leadership of the IHD, and they prevented it again. We made press statements, organized protests, we always tried to provide a space to the LGBTI movement in the panels, but in the meantime, as I said, we were still experiencing something within ourselves, it was different than what it is today. But even today I do not believe that those who call themselves leftist and democrats have overcome this situation. Now everything has of course been "normalized"; but at that time, there were discussions whether we let those persons to be spokespersons. I remember that we were in such a situation. In short, my first contact with them likes this.

**You mentioned Demet Demir. Demet Demir was one of the first LGBTI+ activists that Amnesty International started an emergency action campaign about. As you mentioned, during the period of Beyoğlu Teams Supervisor Süleyman Ulusoy, known as "Hortum Süleyman", trans persons were subjected to torture. When Demet was detained from her home, you intervened on behalf of IHD. At that time there was something called "adventure", they moved the suspect or defendant between the police stations, while hindering their access to the lawyer. It was also reflected in the reports that the police raped transgender persons. Hortum Süleyman was also sued; you were Demet's lawyer.**

Demet was a pioneer. Of course, as with every human being, there were people who were political among them, as well as non-political people. The awareness of a political person to seek justice becomes more developed and she knows what ways she can apply. For this reason, Demet's being a political person at the same time, knowing the application mech-

anisms and having good relations with institutions made her a leader at that time. Demet was at the top of the struggle in those years. In fact, this was a situation that showed how important courage is in the LGBTI struggle and in the human rights struggle. Because many of them approached as follows: Since they always had to do sex work at that time and were always face to face with the police, they generally refrain from the mechanisms despite the violence they experienced, saying that the police would prevent them, that they would be hindered to work or that they would be subjected to violence during work. But Demet always tried to convince her friends with her identity in favor of the struggle. We had such a lot of cooperation with Demet. Demet really had an important role in persuading them to initiate the fight. It was even important to file those cases. Even if you sued, you were always considered as guilty by the judiciary. When we went to the hearings, people threw stones or spat. These people came as organized, they organized and brought the “Ülkü Ocakları (Nationalist Groups of Grey Wolves)” with them, they insulted us. Where you were right, you were also being attacked again.

### **How was the reaction of the courthouses?**

They acted a little more careful when IHD involved but overall it has no difference than other institutions of the judiciary in Turkey; extremely male dominated, homophobic and transphobic. As a lawyer, I did not encounter any disrespect for myself in many of the lawsuits I entered, but since trans women are generally more visible in cases, they suffer the most. I have encountered very bad attitudes of judges and prosecutors. While their testimonies were taken, I witnessed them saying “Okay, okay, cut it short!” by patronizing. I have seen judges who always try to make you feel “You are different, you are not one of us” even if you are in the position of plaintiff.

**In the example of Demet, the name that was sued was a police officer, and even a chief. It must be not an easy process. Still, his being a high-ranking officer could not prevent him from appearing before the court.**

Hortum Süleyman was such a man: Years later he became a candidate for nomination for being a mayor from AKP, but he had to withdraw his can-

didacy as a result of the criticism of us and the LGBTI movement. It happened because this struggle was developing. If there were then, it could be a surplus value, because the movement was not developed at that time. This was a great success, but Hortum Süleyman was an important figure in the state, a man who always existed and was extremely impudent. He was so sure that nothing would happen to him, he openly said “I can torture them”, he was beating people with a hose anyway. The origin of his nickname Hortum (Hose) comes from here. He was a figure that had a great freedom and could torture people, as he wanted. Look at what he told me, according to his perception, “terrorists” are more valuable, He could say, “Go take care of the terrorists, are they human beings worth for you to take care of?” If I talk about the judicial authorities... We had a trans woman client who was subjected to violence in Bursa, and some of the people she provided as witnesses were trans women, and while she was providing her testimony, the judge said at the hearing “Do not lie, God damned you already” and said this at the hearing. We objected and claimed for these statements to be recorded and we said, “You are committing a hate crime,” it was not even recorded, we had a fight at the hearing. In general, their approach was always like this.

**The period of Hüseyin Çapkın, who was appointed as the Chief of Istanbul Police in 2009, is similar to the period of Hortum Süleyman. But there is also a transformation. Considering the time of Hortum Süleyman, there was a period of 15-20 years until the period of Hüseyin Çapkın. Can you evaluate this period inbetween? What kind of transformation did you witness?**

In the early years, there was only IHD; the LGBTI movement’s own NGOs had not yet been established. For this reason, they always wanted to establish a commission in IHD, they did it from time to time, but I also believed that organizing at IHD was not enough, we were talking about it among ourselves, they had to establish their own organizations. I saw how important this was after those organizations were established, because it is your main field of struggle, I think that separate organization has provided a great momentum to the LGBTI movement. Because this geography is extremely racist, Sunni Muslim and “heterosexual racist.” I define it that way, because there is an understanding that does not allow

anyone but straight people to live. Since this is an extremely totalitarian state structure, the people are like this in general. The gender perspective is pumped so much that people just watch football and dramas, and masculinity is produced in both. The people are like the state. What happened on Ülker Street that day was not only the attack of the police, the people were also attacking, they had already organized many people. But later, as the movement got stronger and the consciousness of owning their rights increased, they started to resist the police and the people, once they could not take a stand against the police they were afraid of, now they started saying "This is my right." Recently, we filed lawsuits against Alperen Ocakları, won the trials, minor punishments were imposed but that is still important. I think it should be evaluated together with the development of awareness to seek rights.

**So how did your contact with the LGBTI movement and trans persons reflect on IHD and Istanbul Branch? Did you carry out these studies generally with the support of IHD or with your own identity as a human rights defender?**

I mostly existed as an individual, I worked more as a lawyer, and I was intertwined with their institutions. At IHD, there were many friends who thought like me, but there were also many people who did not. I do not distinguish institutions from the general society, after all, we are all parts of that society and we establish various institutions. I know there are those who describe themselves as socialist, communist and still do not sign a joint text with the LGBTI movement and still identify themselves as leftist. So leftism is never a measure at all. Homosexuality had been forbidden after the 1917 October Revolution. That is why I never define progressivism by being a rightist or a leftist. Because everything has a Turkish version, Turkish feminist, Turkish leftist ... If you maintain that official ideology, which I am adding heterosexual power to this official ideology, whatever ideological identity you define for yourself, I do not think it reflects the truth. Unfortunately, you cannot be a progressive and democratic person. For example, there is now the LGBTI movement in Kurdistan, but for example, there are friends with whom I work side by side on the Kurdish issue but will never come side by side due to their homophobic and transphobic point of view. We also discuss this within ourselves. It was not like this 20 years ago; it will be better 20 years later.

**What was the main point that brings you together with trans women, the LGBTI movement in a more direct and horizontal way in the struggle for rights? Can we mention here your feminist identity, your Kurdish female identity, and the discrimination you faced?**

When I first came across the severeness of this issue, when I saw the huge problems our friends were going through, I always thought it was better to start with the following question: “If my child was a lesbian, a trans woman, or gay?” I always like to think about it, what is the difference between us? This is an innate gender identity. I analyzed within myself that opposing this is no different from racism. What surprised me most was the homophobia of my own friends. They could not be my friends anymore when they appreciate me in the Kurdish issue mocked me because I was addressing trans women. Lets think about the story of Demet Demir. Demet was a much more culture vulture person than many of our homophobic boyfriends who worked at IHD for a while, and I could befriend with her more easily and share everything with her. How dare you to criticize her or who gives you the right to mock or insult her? Who the hell are you? I think maybe I was shocked when I saw the attitude of the people I was very close to. Regardless of being revolutionary or a leftist, you should be a human first. The gender identity of another person does not concern you in any way, you have no superiority, and she has no inferiority. Our opinion is shaped by the official ideology, so it was difficult to overcome but I think the movement is quite successful. Many things are overcome now; you can see LGBTI persons everywhere. The concept of “normal”; is ridiculous, it is determined by powers. Our point of view is distorted, we are the ones whose opinions are distorted, we should struggle to change that, and there is no other option.

**In 1995, the Gay and Lesbian Rights Commission was established at the IHD, and the commission was dissolved shortly after the board changed. This commission was not approved by the new board. Today, we have seen the self-criticism of that period, Öztürk Türkođan said in our interview that homophobic people left the association and that discrimination is no longer tolerated under the umbrella of IHD. What do you think about the stance of the advocacy against transphobia and homophobia?**

Those who caused these are no longer in IHD, an openly homophobic and transphobic person can no longer take place in IHD. At least, people who think like us will prevent this.

**In the amendment made in bylaws in 2014, it was stated that nobody could be discriminated on account of sexual orientation and gender identity.**

Yes. But this does not mean that “there are no homophobic people in IHD”, maybe there are, but at least they cannot do this openly. We had such discussions from time to time in our Board meetings. Many of our friends have applied to the association for this reason and we have always solved these problems by positive discrimination. There are those who think differently, but a homophobic view is not tolerated and cannot take place in IHD anymore. At least, although we cannot say that IHD has completely overcome the homophobia within and there may be homophobic people, they can never be allowed to be the decision-makers, we are in such a stage now.

**Do you remember the discussions in that period?**

We were at the Istanbul Branch, we were hearing about that. I know that there was such a thing in Ankara Branch, but frankly I was not very involved in this.

**Öztürk Türkođan also mentioned the importance of coming side by side in this process and that they learned a lot from the LGBTI movement. Do you conduct joint studies with the LGBTI movement in Istanbul Branch?**

Of course, we conduct from time to time, IHD Istanbul Branch and its Headquarters cannot have a contradicting attitude, we always act together, and you know each other by acting together. Many homophobic approaches may be removed in this way and a contrary situation is not even a matter of discussion here, we always work together, but there are organizations that do not want to do this, I know that.

**Is not that strange? When you apply to a rights defender organization for the struggle for rights, is not it even irrational for you to face with the homophobia?**

This is such a state, so unionist, racist, chauvinistic and male dominated, and you yourself become a victim. First of all, our labor is exploited, lets

say the working class, but the biggest homophobia is there, although this class is also oppressed ... We have “priorities”, that is, people also have a priority in addressing the violations of rights. It should not be like this, being a human rights defender means removing that “priority”; first. Whoever says “My right has been violated” should have the priority, some can be the victim of war, some can be the victim of torture or a homophobic attack, and they all have priority. If you are a human rights defender, you cannot have a hierarchy of priorities in your mind. I think there are many people in IHD who can achieve this, but there are also those who fail. In general IHD does an advocacy by achieving this.

**You are rather a lawyer working in cases of trans women. Are the cases you are dealing with, the cases of trans women in the LGBTI movement in general, or cases filed as a result of individual applications? Who are the perpetrators in these cases in general?**

In general, the clients we have are the people who are referred to us by the movement or the ones who are involved in the movement come to me because they know me. But there are also people who come for a completely different reason, such as Ajda. Ajda is not a person involved in the movement, but she applies to the Bar and a friend from the bar referred her to me. Mostly, there are trans women who are referred or involved in the movement; mostly trans women apply to us. The cases we deal with include police violence, police harassment and sexual harassment. The vast majority of them are against police’s sexual harassment. There are also fines imposed within the scope of the Law on Misdemeanors, we make objections against those fines. There are cases where we filed for discrimination. For example, there was Ebru, who were rejected to use the bathroom for women, although, she had even the pink identity card. There are lawsuits we have won, especially about gender affirming process surgeries, there are people who suffer a lot, surgeries are performed incorrectly or there are lawsuits we file against doctors doing the plastic surgeries.

**Are these cases followed by your office or are the cases you follow as IHD?**

We have a women’s law office since 1997, and we work as volunteer lawyers for women and trans women who faced sexual torture by state forces. This is our independent women’s law office, we provide free legal consul-

tancy to asylum-seeker women, trans women, or women who have been subjected to harassment and rape by police, military, and village guards due to legal or political reasons, we are supported by the United Nations.

**So, are there lawyers of LGBTI organizations intervened in these cases?**

Yes, in some cases. We usually address criminal cases collectively in the courtroom, but in more specific trials such as a compensation case against a doctor, we are the only ones in the courtroom.

**“The Law on Misdemeanors penalties are revoked, but there is an effort for preventing the formation of precedent case law in that regard.” Can you give some examples of the lawsuits you have filed against doctors within this context?**

Let me give an example of a plastic surgery. Our trans woman friend was a very conscious woman with money. The doctor constantly recommends surgery, knowing that our friend has money, and the woman’s face eventually becomes unrecognizable. We obtained reports from the Provincial Directorate of Health. While they should normally perform these surgeries in the hospital, there were those who performed these surgeries in their own offices under extremely unhealthy conditions. There was another woman, who filed a criminal complaint on the grounds that the doctor raped her after the surgery, but the man was a former military doctor and he knew higher rank officials. Of course, the state immediately provided a protection there. Apart from that, we have a lot of criminal complaints filed against sexual harassment, but generally, the police are never sued for their sexual torture against women, but we won cases at the European Court of Human Rights. There are not many trials in domestic law; the prosecutor’s office generally gives a decision of non-prosecution. It becomes final and we apply to the Constitutional Court and then to the European Court of Human Rights.

**Especially sex worker trans women are fined frequently in line with the Law on Misdemeanors.**

Yes, I was living in Harbiye four or five years ago. We were somewhere with my friends. Later, while walking on the road, we saw that there was

police search. While the police stopped two trans women, one of them saw me by chance, we hugged each other, the police stared at each other. The police also know us because of IHD. We prevented them by saying “What are you doing, you cannot impose a fine”, then the police left so that they did not want to fight with us. There I felt that our encounter gave that woman great power there, the police would fined her, maybe they would not be able to say anything, because she has to work in the same place. By the way, the police do not impose official fines on most of them actually; they take money for themselves.

### **So, have you ever filed a criminal complaint for this reason?**

Yes, we applied to the Magistrates’ Court for discrimination for revoking the punishment. The Court annulled the verdict, but this could not become a case law. It is good to revoke it but they continue to do it again. If they do not revoke it and we appeal to a higher court it can be a precedent case law, those fines cannot be imposed then, but they do not do it. There is no binding decision in this regard.

### **They do it on purpose, right?**

I think they do it on purpose.

### **Because, in the Hande Buse Şeker case, a confidentiality decision brought up on the agenda due to the “reputation of the public official”. Since those who impose these sentences are public officials as well, could they be preventing these from being precedent cases by revoking the penalty and preventing the access to the higher court?**

Probably so. Since they are public officials as well, they prevent the formation of case law.

### **How was the case of Hande Buse Şeker?**

Hande Buse’s case was very striking for me. I also watched footage of the incident with other lawyers, it was a horrible hate crime. After the killing, there is also a rape mentioned on file and this man was released first. That means that Hande sensed about it and tried to ensure her own safety and

bought a camera a few days ago, and her friends identified the perpetrator from those footages. After the footage was given to the prosecutor's office, the police was arrested, if there were not those footages, he would have said, "That person forced me to have a relationship." They always use this argument as a defense, he would probably have been released like this, but due to those footages, they had to arrest him. Now the case is under consideration, it will probably be concluded after a few sessions<sup>1</sup>.

**From the law enforcement stage to the attitude of prosecutor and the court after the case is filed; how do you see the reflection of so many years of struggle on the judiciary? Should an example like Hande Buse be experienced in order for the judge or the prosecutor to provide the right decision in hate crimes and murders?**

The same is true for violence against women; hate crimes, and political crimes in the judiciary. But I still believe there are some changes; I think the strengthening of the movement and its resonance with the public have an effect. One example of these is the punishment of the person who runs the bathhouse for discriminating against Ebru Kırancı, this is an important thing. The awareness of seeking justice is also developing and judges and prosecutors cannot insult persons as easily as before, they have to act more carefully. I think social media also has an impact. Now you can announce everything instantly on social media, as in the case of Ajda. Ajda was subjected to transphobic attacks by the people in her apartment, but now everyone knows, there is a person named Ajda and she was attacked by transphobic persons. So maybe they afraid of being disclosed on social media. For example, they had to punish people from Alperen Ocakları because this case was publicly embraced. There was a very obvious physical attack, they also told how transphobic they were at the hearings, and they argued that it was the right thing to do, but they were sentenced. This would not have happened before, but it will change over time.

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<sup>1</sup> T.N: The trial was concluded at the end of November 2020. The news in that regard can be accessed as follows: "Police officer Volkan Hicret, who killed Hande Buse Şeker, was sentenced to life imprisonment for deliberate murder", <https://kaosgl.org/en/single-news/volkan-hicret-the-murderer-of-hande-seker-is-sentenced-for-life>

**Ebru had a pink identity card. But what would have happened without her pink ID card? Was there a penalty for discrimination again? I ask this with the following purpose: There is a definition of hate in the Turkish Penal Code (TCK), but in fact there is no specific hate crime penalty. As a lawyer who has been struggling for years, how do you evaluate this?**

There is a definition of hate but there are international conventions to which Turkey has ratified, even if there is no in its domestic law. For example, the Istanbul Convention. In a very clear language, the Istanbul Convention imposes the duty to the signatory states to fight against the gender perspective. “So-called honour” is written in the convention, You should open a discussion on this. According to the Constitution, the provisions of international conventions shall prevail the domestic law. Even though they did not have a domestic law, Turkey must act in accordance with these conventions since Turkey ratified these, but they do not act. As it was reflected on the press, we are following Buse’s trials. Buse is a trans woman, a political prisoner, a Kurdish woman. Buse fulfilled all the requirements of the law for gender affirming surgery. A lawsuit was filed, the court received a report from the hospital, it was determined that the surgery was necessary both psychologically and physically, but the Ministry said, “I do not provide surgery, this surgery is for aesthetic purposes.” This is a perspective that sees the gender identity as aesthetic purpose. It is completely against the Istanbul Convention. Your law, your court decision says, “You will provide the gender affirming surgery”, but they still did not. The state said, “I will not cover the surgery” we are still trying to get Buse to have surgery.

**Speaking of Buse, I would like to ask about the situation in prison. What kind of rights violations do trans people experience in prisons?**

If you are gay, lesbian or bisexual in prison and if they do not understand you from your physical appearance, they do not harass you, but they cause serious problems for trans women and trans men. We mostly work for trans women. If you are a trans woman and you are in prison, you are under complete isolation, you face isolation. Because they do not put you in the women’s ward, they say, “You are not a woman” they do not keep you in the men’s ward either, and the trans woman herself does not want it. They say, “You are different, I will keep you in the isolated cell”. All

those are kept in isolated cells. For example, Buse will not be alone if another trans woman convict comes to her cell, Diren came there before, they stayed together in the same cell for almost a year. Buse at that time damaged her own genitals, as she protested not being allowed surgery, and if Diren was not there, she might have bled to death. After Diren yelled they came and took her to the hospital. You are in isolation again, but it is a two-person isolation, someone is with you at least, you are not alone. First of all, isolation is a torture method. If you are a trans woman, you are being held in prison under torture. If trans woman stays with women, but if she wants, she can stay in a separate cell if she says, "I want to stay in a separate place myself". Every area of life is completely arranged for heterosexuals, as a life style shaped for persons without disabilities. As the reason of the fines imposed according to the Law on Misdemeanors, it is written: "polluting the environment", this is racism.

**Of course, ill treatment and discriminatory practices in prisons are not only inflicted by the prison administration or public officials. They may also be discriminated by the other prisoners.**

Yes, not only the prison administration, but also the attitudes of the prisoners are extremely homophobic and transphobic, and the prison is an environment where you can face attack at any time. Many of our trans woman clients tell us that the guards tell them sexually abusive words or simply address them by using their names on the ID. Their aim is to insult gender identity. First of all, the persons are persons in a way that they identify their gender identity, if someone says "I am a woman," they must naturally stay in the women's ward, they have a right, but the court accepts you as a woman if you have undergone surgery. We have a state structure in front of us defining us with our genitals. They see trans women as "giving up their masculinity", they say, "How can you give up being a man", masculinity is seen so superior.

**The state says, "If you have a pink identity card, you can stay in the women's ward"; but the same state prevents trans people in prison from undergoing the surgery.**

Yes, this is interesting. The state, which says, "If you have a pink identity card, you can stay in the women's ward" this time, their surgery is pre-

vented. I think there it says, “You are a man, where is the harm of being a man?” And it does not allow surgery. There are also those who do not have an open identity, there was a trans man I interviewed, he was afraid of his family. They have various fears. One of my clients told me, “Our families will abandon us first”, there are so many stories that I have actually seen. A mother, a father abandon their child, what kind of an understanding is this? There were many trans women I know, families who did not take care of them while they are healthy but they try to obtain their property the moment they died, it is a terrible thing. It is a racism causing them to abandon their own children. It is unbelievable.

## **“It is against human rights ethics to stay silent in case of a hate crime”**

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our sixth guest is Feray Salman, General Coordinator of the Human Rights Joint Platform (IHOP). We discussed when and how the issue of discrimination brought up on the agenda of the human rights movement, the processes of their meeting with the LGBTI+ movement in the first anti-discrimination meetings, the importance of monitoring and reporting in the human rights struggle, and the stance of human rights movement against discrimination today, with Feray Salman.

Salman reminds that the anti-discrimination meetings they initiated by IHOP are very important in terms of the human rights movement’s relation with the LGBTI+ movement. Salman states that these gatherings and meetings, which spread over a long period of time, brought together the different rights organizations and LGBTI organizations and these are a step towards institutional recognition rather than individual acquaintances.

Salman states that the debates in the human rights movement have also changed since the first day they organized anti-discrimination meetings, but Salman also states, “It is against human rights ethics to tolerate discrimination inflicted as a result of certain beliefs and ideologies, to stay silent or to turn a blind eye to hate speech and hate crime against them.”

According to Salman, establishing commissions and secretariats or providing quotas within organizations and institutions does not mean in itself that the issue of women and LGBTI+ is internalized fully; on the contrary, it is necessary to make an effort more in that regard and Salman asks the following question:

“Well, for example, where are LGBTI persons in your general decision-making process? Do you really include them in the decision process?”

I think there is still an inclusiveness problem that is evolving and growing and therefore you still have to think about and have plans for it. It cannot be ensured automatically when you say, “I did this, it was ensured”, while preparing its tools and providing possibilities, it needs to be internalized in order to ensure sustainability in that regard.”

Emphasizing that the LGBTI+ movement has taken its place in the human rights movement, Salman states, “The LGBTI movement makes a huge effort to internalize the human rights issue and it succeeds in this effort.”

**You are actually an urban planner, but you have been working in the field of advocacy for many years. First, I would like to learn the story of your rights based advocacy struggle. How did you start your journey?**

I can say that my involvement in the struggle for human rights is actually begun in 90s while working at the Delegation of the European Union to Turkey (EUD), where I was working in a section having relations with Human Rights Association (IHD). Because after graduating from university in 1981, I both got married and participated in labor life quickly. After working for four years, we went to London. After returning, I tried to work in urban planning again, but I had problems and concerns about the profession. I started to search for another job not related to my profession; by chance I found a job in the Delegation of the European Union to Turkey. At that time there was the Gulf crisis, there was a Kurdish issue and there was a state of emergency in the region. I was in the leftist movement when I was at METU. We were aware of many things, but when we start to encounter these experiences more, another awareness raised. My acquaintance with human rights coincides with the 1990s. At that time, I met the IHD. When I met IHD, Turkey had begun to accept the judgments of European Court of Human Rights (ECHR). After that period where Turkey accepted the legal authority of ECHR, IHD also began to provide trainings on European Convention on Human Rights and ECHR, and so I began to go those meetings while following up the programs. It is actually those meetings that make me confront the truth, “What is happening in this country, what is happening in the east of the country?” You are astonished when things in your own little world suddenly meet this world, combined with the feeling of injustice. Finally I found myself

on this field. At that time, Kurdish deputies were in prison and their trials were ongoing. We were monitoring these, too. The conflict in the region became deeper. During this period, I came across with the Turkish Medical Association, they were conducting a study on “Healthcare Services in Emergency Situations”, I started going to Diyarbakır. At that time, it was not possible to ignore the news from the state of emergency region, to ignore the forcibly displaced families in Diyarbakır, children working on the streets, and the murders by unidentified perpetrators. I also met doctors, engineers, teachers, lawyers, and women striving for peace. It is very difficult for me to describe the feelings that the solidarity and friendships aroused in me.

At that time, Turkey was a country wishing to get closer to the EU, which wants to transform partnership relations for becoming candidate for membership of the European Union. There were many discussions and the protection of human rights was the most important issue at the center of these discussions, so I started to get into the field and learn. I became a member of IHD between 1997-98. IHD became a new school for me. IHD was a place for me to realize, learn and act on many issues ranging from pedestrian rights to refugees and the rights of the persons with disabilities. At that time, I was still working at EUD. My post had also changed. I became the Information Coordinator working for the promotion of the EU; we have opened EU Information Centers in 10 cities of Turkey to ensure the spread of knowledge. This also enabled me to engage with non-governmental organizations more.

When we came to 2000, I said “I cannot stop doing nothing here, I want to go to the field” and I said “I need to go!” and left the EUD office and went to the Human Rights Foundation of Turkey (TIHV)’s documentation center. Working in the documentation center was an incredible learning area. Documenting the events, chasing them and monitoring them constantly cause another burden for you. While all this is happening, it makes me ask the question of what I am doing. On the one hand, you learn more; you face the fact that how much you do not know so you work harder. While I was working for the TIHV, I started to take part in the board of the IHD. I was attending the general meetings of some branches, all of which further raised my awareness, reinforced it and reiterated my decision to be in the field of human rights. Both IHD, TIHV and perhaps some skills provided

by my profession helped me to determine my place in human rights advocacy. The issue of understanding my tendency to documentation and why reporting and tracking are so important actually started with the documentation center. I could not conduct the interviews too easily because I was crying in the interviews with the victim. In fact, human rights defenders should be a little more distant during the interviews, focus on how to reveal the truth, prioritize what the interviewee say, rather than crying together with the victim. I learned the advocacy for human rights by doing it more and more, and the reporting issue developed in this way.

**When it comes to the 2000s, I think another phase has started in the struggle for human rights. The Human Rights Joint Platform was established with a specific purpose in the 2000s.**

In 2005, EU-Turkey relations entered into a different stage, the candidacy process, acceptance of it, it was a period in which the EU accession process was quite intense. The state of emergency was also lifted and there was a process of initiative in human rights organizations. Human rights organizations at that time questioned, “What can we do together?” and initiated the establishment of the Human Rights Joint Platform (IHOP). Yusuf Alataş said, “We are establishing a network, we have declared. Can you come into this field and be its coordinator?” and I said, “OK”. Amnesty International, IHD, TIHV, Helsinki Citizens’ Assembly and Mazlum Der were the bodies of it. Turkey’s European Union Accession process had reached a serious stage and Turkey had to take steps in line with the Copenhagen Criteria. At that time, a relatively more favorable environment was also created for non-governmental organizations. Democratization steps had begun to be taken and human rights organizations had formed the IHOP in order to create a common voice and influence the process. So I returned to the field as the general coordinator of IHOP. I have been at IHOP since October 2005.

**While carrying out your struggle for human rights, you work in various fields of it. If we talk about your field of study; what is the importance of reporting and monitoring in advocacy?**

Human rights advocacy is not just limited to exposing the violation, but also includes fighting for change. In order to reveal what needs to change

and fight for it, first of all, it is necessary to make a study that will reveal what is not, why it is not, who does what, how it does, but what it actually has to do. Turkey ratified many of the international and regional human rights conventions and therefore Turkey is a state that is under the obligation to fulfill these conventions. In other words, it is obliged to ensure the equality of everyone in terms of human rights and freedoms. The main duty of human rights defenders is to monitor whether this obligation has been fulfilled and to make an effort to ensure those to be fulfilled. One of the most important tools of this monitoring is research, documentation and reporting based on evidence that will reveal the truth and based on human rights norms and standards. It is the work of revealing which persons cannot enjoy the human rights and freedoms, of demanding the rights and trying to ensure the access to the rights for them. That is why it requires sustainability. Revealing the truth is an important effort for the establishment of social peace, even though it disturbs some people. Each report then initiates an action process. Remedy the injustice is a guide to prevent other grievances and violations.

**So, when and how did your first contact with the LGBTI+ movement, both organized and individually, in your struggle against advocacy, start?**

When I was active in the Human Rights Association, there was a good team consisting my friends who worked with me, we did the first study on the rights of the persons with disabilities, we conducted studies on refugees, we dealt with the land mines issue, we learned about the relations with international human rights mechanisms. One day Okşan came us and she was transwoman. This was the first time I met a transgender person. I did not know about the commission discussions that took place in IHD before at that time; I learned these later. Apart from my personal friendships, these friendships contributed a lot to my learning process of different aspects of human rights. After the first contacts at IHD, I worked more intensively with the LGBTI movement through my participation in STGM's studies as a facilitator. As part of STGM's support programs for non-governmental organizations, we started to meet with LGBTI organizations as well as other organizations. These meetings enabled me to get to know the LGBTI movement, and those involved in the movement to get to know me more.

In the early years of IHOP, one of the fields of study was determined as discrimination. Discrimination was a common problem of all IHOP's founding organizations. We conducted various activities for this. In particular, the anti-discrimination meeting we held on 14-15 December 2007 was very important in terms of building relations between LGBTI movement and IHOP.

It is a step beyond individual acquaintance towards institutional recognition. This meeting was a meeting where 25 different non-governmental organizations, including the representatives of Kaos GL and Pink Life, came together on the common issue of combating discrimination with the facilitation of Melek Göregenli and Nilgün Toker. If I am not wrong, it was the first meeting in Ankara where LGBTI organizations and other non-governmental organizations came together.

After that meeting, there were no complaints from anyone about seeing each other, but rather everyone listened to each other. This paved the way for the Tea&Bagel meetings in Ankara. In fact, it was something produced by our friends in Istanbul, they were calling it "Tea&Bagel meetings", and our meetings were very crowded. These were meetings where non-governmental organizations working in Ankara came together without discriminating each other, they started to visit each other, but something happened somewhere and this was interrupted. I think there was a break in the political environment. But in those meetings, channels were formed where everyone could really listen to each other and talk about their own agenda and activities. Then we continued to work on this issue of discrimination. The organizations dealing with the discrimination problem and the anti-discrimination workshops, which we run with Melek Göregenli, Nilgün Toker and İlknur Üstün, contributed a lot to my better understanding of the political meaning of the issue of discrimination,

In fact, LGBTI organizations were involved in many of IHOP's work, and Kaos GL definitely took part in the ones held in Ankara. We started a working group called the "Human Rights Defenders Network"; we also had friends from Pink Life there. At that time, Pink Life had a trial; it was filed against Buse (Kılıçkaya). When Hüsni Öndül, the first secretary general of IHD and who had been the chair of IHD for years, joined the working group as a board member of IHOP, he followed the Buse's trial. This is actually a very important thing.

In 2009, the government of that period announced a new democratization package. One of the goals of this package was the fight against discrimination. After that, in IHOP, we started to produce the “Anti-Discrimination Draft Law”. In our draft we mentioned sexual orientation and gender identity. Just one organization; some of the friends from Mazlum Der at that time had a problem with this statement.

### **Öztürk Türkdoğan, Co-Chair of IHD, also explained the Mazlum Der process in our interview. What happened to the draft then?**

But despite that, we held a series of meetings and in total 150 representatives of organizations came together and produced a document: The Anti-Discrimination and Equality Institution Draft Law. It was 2010; Beşir Atalay was the Minister of the Interior and was responsible for the Democratization package. We sent our draft to them; they shared their draft with us. In their first draft there was sexual orientation and gender identity, then they went into consultation processes with institutions within the public administration, they deactivated us there, we could not intervene, and ultimately it remained for a long time as a draft law where gender identity and sexual orientation is not included.

### **How were those arguments? Öztürk Türkdoğan also stated that Mazlum Der did not “want” the expression of gender identity and sexual orientation in the decisions of IHOP, later Mazlum Der somehow was divided into fractions and the new organization formed by those fractions who left Mazlum-Der today became the signatory. I want to listen your experiences about what happened in that period.**

This goes long way back. We started anti-discrimination activities in mid-2007 where we conducted various studies. Friends from Mazlum Der also participated in these activities. In fact, all the organizations that established the IHOP dealt with discrimination by different comprehension. While we were conducting the “discrimination networks” study in 2008-2009, our friends from Mazlum Der also participated. They had a discourse on the issue of sexual orientation and gender identity such as “We defend everyone’s right to life, they should not be killed, but we do not approve of its spread.” Mazlum Der’s board changed in 2010. Shortly after, this new board stated their dissatisfaction with the use of funds and informed us in writing that they decided to leave IHOP. However, in the context of IHOP,

the common opinion is that they had dissatisfaction with the approach of IHOP regarding gender identity and sexual orientation, apart from the dissatisfaction they mentioned in writing us.

**You talked about addressing discrimination by varying comprehensiveness. Should not there be no priority in advocacy?**

No way. You become specialized in such a field that the inside of that field actually includes everyone. Discrimination studies also create a basis for seeing other discrimination. In fact, it is against human rights ethics to tolerate discrimination inflicted as a result of certain beliefs and ideologies, to stay silent or to turn a blind eye to hate speech and hate crime against them.

**Behind the fact that the human rights struggle and the LGBTI+ struggle come together, touch and contact each other, is there the fact that LGBTI+ persons state “we are here” every time in “general human rights struggle?” It is like reminding your existence each time... What do you think about this?**

I think it has many effects, but to say that it is ensured with the reminding of the LGBTI movement does not explain this partnership in itself. I think that with the transformation of the LGBTI movement into a human rights movement and the gradual development of the human rights movement's ability to embrace a holistic perspective on human rights is also effective. But I think the process of moving to another stage, accepting it, not seeing that being as an enemy or a threat is so slow, because dimensions such as the interaction environment and relationships outside actually affect all of these. Another factor is the low number of people who dare to break their own routine or to express it when they break it. I am not just saying this for a specific group. For some, I think they move by conscience, for others I think they need to be more confident. I think they saw it, but I also see that they prefer to stay silent.

**Is not it necessary for the struggle for rights to have an approach with no ifs and buts? Is there another fundamental problem?**

It is necessary. When the women's movement empowered and oppressed,

organizations began to establish women's secretariats, and when they became women's secretariats, men left all work to women. In fact, it was not internalized process with no contents. Now women say, "You cannot come to my meeting, you cannot intervene." This is what really matters. If we look at the processes of this struggle and how we got here, a similar process actually is the case for the LGBTI movement. The fact that something is being established does not mean that, a commission, for example, this is internalized there; there should be an actual effort. We often hear this: "We are welcoming everyone. For example, persons with disabilities may come, but they are not an organized group, they do not come" or "We have quotas, but women do not apply us".

**Could it ever be said, "We overcome these, we established commissions, we already have a secretariat, we already have a women-LGBTI commission, there is no problem for us anymore?"**

We cannot say this! Just as we cannot say "We passed that law, now we are relieved", if we are trying to look at how that law was implemented, and we continue to monitor, report, advocate for it, it is actually the same thing.

Everyone and all institutions should question, "Do I prepare this ground for the idea, philosophy and requirements of human rights as these should be? Do I have make efforts for ensuring this?" Otherwise, it turns into a dull thing: again, you create fora within yourself and say, "Look, I have X commission, look I have a Y commission." So, for example, where are LGBTI persons in your general decision-making process? Do you really include them in the decision process? I think there is still an inclusiveness problem that is evolving and growing and therefore you still have to think about and have plans for it. It cannot be ensured automatically when you say, "I did this, it was ensured", while preparing its tools and providing possibilities, it needs to be internalized in order to ensure sustainability in that regard. Human rights are such work; it is not a matter of "I did it". It is an area that needs to be followed and monitored constantly. Human rights movement should consider "the every step I take or not take in the face of injustice affect whom and how".

**You gave the first monitoring and reporting capacity building trainings of Kaos GL and created a database together. What did you experience during that monitoring and reporting process, what was your experience, how was it developed?**

For me, it was a very instructive work. We received reporting and monitoring training in 2007 for weeks, and Kaos GL was in that training. Umut (Güner) (pronoun: they) also participated in those trainings, so they knew that IHOP was close to this issue. They called me and said that they would produce a database. We held meetings separately and together, including Pink Life, worked with Melek Göregenli and learned together: “Acting on a certain systematic; in a case that comes before you, you realize which right has been violated, with which documents we will prove this, and more importantly, how many different violations take place together, what kind of consequences it caused. We discussed such questions: “How can we report this systematically, under which title, talk about its data collection, sources, what kind of evidence to collect?”

For a long time, we have listed the violations against LGBTI persons, the discrimination they face, as “Such violations fall under this, such violations fall under this”. Although it was a technical work, it was actually a learning exercise. The monitoring and reporting work is something like this: “How do you describe what happened to you, can you describe it correctly so that we can ensure the right advocacy and remedy” was a very good study that addressed the basic rules of human rights. I do not know how Kaos GL experienced this process, but we did a very serious work. This work continued during the state of emergency. For example, it was a study in which we talked about how the notifications by social workers can be transferred into a database environment, which part can and cannot be used, and principles of privacy. In fact, we did a work that I could not do with anyone, friends from Kaos GL embraced the work I wanted to do but could not do with anyone, and we could do it together with them. We did not establish a hierarchical relationship with each other, we did not use such a language, everyone learned from each other, they learned from me and I learned from them. We were equal partners of a working group.

**You have been working together by having parallel studies for a long time, but still, have there been times when you said “I could not realize this” or you received a warning in that regard?**

Of course, there have been such times. I prepared a state of emergency report; it was a period when I was alone in the office. Our financial resources were over, some of our friends could stay, some of them could not, some of them continued to work voluntarily and we had to publish a state of emergency report in such a period. Because we cannot read a whole story of the 90s, all the works have always been done in parts. On the other hand, I wanted to prepare the state of emergency report in a holistic manner. We monitored the decrees and reported the associations that were closed down; we addressed the problems based on gender in those reports. At that time, we asked friends from Kaos GL to understand whether any LGBTI persons dismissed, but they said they could not identify this. We did not know the existence of people who were dismissed on account of sexual orientation or gender identity, because we cannot see them from the lists.

We wrote those reports and at that time the decisions of the Ankara Governorate began to come, but I had progressed in the report; by narrowing down the dismissals and closures through decrees and as far as I could find, I checked the decisions of dismissal and closure made outside the decree. But I missed the decisions of the Ankara Governorate, the objections raised by Kaos GL, the interventions in the Pride Parade. Yıldız (Tar) (pronoun: they) called and said, “Why we do not exist there, this is a state of emergency intervention”. I could not complete that state of emergency report completely, but of course it will be in the final report. Their warning was important. Naturally, “How did I miss this?” you say, this is a serious problem; I have not monitored it properly. I was alone, I was by myself, I was very tired, and I can say that there was the Büyükada Case to justify it, but no, you cannot say that internally.

I collected the final report to shed light on the past, for providing a document and a record, and included those court decisions I missed. I think the issue of warning and intervening is extremely important.

### **Was there any other development regarding LGBTI+ persons in this period?**

Lastly, when Turkey repealed Human Rights Institution of Turkey, a draft law for the establishment of Human Rights and Equality Institution of Turkey was brought to the Parliamentary Commission on Human Rights; we have criticized them because they removed sexual orientation and gender identity. In the previous preliminary study, Kaos GL was there; we have already made the study together. I raised this issue when I spoke at the Assembly.

### **You have been fighting for human rights for a long time; you have been working against discrimination. You can easily see and analyze the stages of evolution the struggle has undergone in these years. At this point, how do you evaluate where the LGBTI+ rights struggle, the LGBTI+ movement stand now and the stages these have undergone?**

The LGBTI+ movement is no longer just a victim organization. A movement that takes its place in the human rights movement. Its solidarity within itself is extremely strong. Although the relations it establishes in the field are interrupted from time to time, it can be able to survive. The importance it attaches to learning and promoting human rights is remarkable. The LGBTI movement has been making a lot of effort to internalize the human rights issue, and it succeeds in this effort. It has a stronger and more enduring movement in big cities, but I still think we should look at the other regions as well when we start to move towards Anatolia. Because it is much easier to find protected areas and to build solidarity networks in cities, but I think they are effective in this sense. There may be a risk of leaving things behind once every movement has begun to develop within itself, but that is too early to talk about that. There are risks such as constantly changing agenda, returning organizations to their old systematic, but what are the ways of it maybe should be considered.

### **What do you mean by inclusiveness?**

For example, Umut is my natural companion; I think it is important to establish a partnership that will not only provide protection for them but also for me, knowing that our solidarity will mean something. Let me ex-

plain it like this. “This is my place in the course of Turkey, the place I wanted to be in, this is what I want to do” we could say that. Maybe we should ask the question “What else can we do if we take the issue of self-defense and constant self-expression further?” It is necessary to consider the meaning of the words comprehensiveness and inclusion in themselves and how these should be described better, or we should revise the existing definitions. They may need to review their solidarity, whom they might influence, their issues with the unorganized ones. Solidarity is needed in eliminating the obstacles that may arise. It is not something to be done unilaterally. It is necessary to continue the struggle for human rights in solidarity and by talking together.

## **“The feminist movement cannot and shall not be essentialist and conservative”**

In the series of “Rights”, which we initiated by saying that “Now, it is high time”, our seventh guest is Berfu Şeker and Özlem Şen from the Women for Women’s Human Rights– New Ways (KİH-YÇ -WWHR). We discussed women’s human rights, the theme of feminist and LGBTI movement from the past to the present, the attacks against these two movements and the struggle against current debates with them.

According to Berfu Şeker, the women’s movement still takes into account the category of “cisgender, heterosexual woman” while struggling. However, Berfu reminds that the institution having a stance against both the feminist and LGBTI+ movement is a hetero-patriarchal institution, and that this institution stands in a place that oppresses women and LGBTI+ persons. For this reason, Berfu states that while using the concept of “women’s human rights”, they carry out their work in an intersectional way from a point where they see the power imbalances between genders as much as possible and the mechanisms of oppression and violence it creates.

Özlem Şen states that “We are aware of the needs of lesbian, bisexual and trans women in the movement, but perhaps we are not yet aware of from where we can approach and what method we will use”. Özlem points out that both movements had intense contact in both the 90s and the early 2000s, but at this point, attacks against movements can change the dimension in discussions and contacts.

Drawing attention to the fact that both movements have been under attack for years, Özlem Şen underlines that the perpetrators of attacks are attacking the feminist and LGBTI + movement at the same time. Therefore, “it seems possible that the LGBTI movement and the feminist movement can move forward together and act beyond this awareness,” Özlem says.

Berfu Şeker and Özlem Şen see the Solidarity Keeps Us Alive Workshop, which they organized together with Kaos GL in November 2019, as an action to regain this theme.

**As KİH-YÇ, you have been working in the field of women’s human rights for more than 25 years. In this regard, what is the scope of your rights based studies? With what need did the concept of women’ human rights arise?**

**Berfu Şeker:** The concept of women’s human rights; in fact, arose from the criticism of feminists and women about the fact that the concept of human rights claiming “universality” does not take into account genders while describing male western white subject. The intensive struggle of women locally, across countries and internationally, and especially in the United Nations fora, is emerging when women bring up the issue of making visible the violations of their rights due to their gender and with their engagement in intense advocacy studies.

Because human rights actually stands in the place of defending the rights of a white man theoretically. The feminist movement has a struggle in the international context exactly about this, and as a result, the United Nations has started to hold four World Conferences on Women since the 1980s, and in 1995, the Beijing Fourth World Conference on Women, this year we celebrate its 25th anniversary, took place. The concept of gender is settled here, it is included in the United Nations documents. Prior to this, a human rights conference was held in Vienna in 1993, where the word “women’s human rights” entered the United Nations system and this concept was accepted. As a result, the international women’s struggle brings up the issue of women’s human rights on the agenda. The name of our association is Women for Women’s Human Rights as a result of this Vienna Conference.

**Well, are the women’s human rights that were needed yesterday needed also today? Does this concept still meet the need today, what is the situation now? Based on your 25 years of experience, can you tell us about your inferences in that regard?**

**Berfu:** In 25 years, we have raised that women have been subjected to gender-based discrimination and violence just because they are wom-

en, but the gender category itself covers a much wider area. Beyond the asymmetries and power imbalances that arise solely from the binary issue, there are various forms of violence and discrimination to which different gender expressions are exposed. Facts and terms such as sexual orientation and gender identity have brought up on our agenda. Therefore, addressing the issue of gender not only through women, but through the category of gender, of course, stands in a place that meets today's needs and today's issues more. We still use the word and concept of women's human rights, but we try to carry out our work from a perspective that also sees the power imbalances between genders and the mechanisms of oppression and violence created by gender as much as possible, and we try to address them with a more intersectional manner. In fact, the association conducted some international studies in this context.

The Coalition for Sexual and Bodily Rights in Muslim Societies (CSBR) is an advocacy and solidarity network in which the association has been actively involved in its establishment and has taken place in its secretariat for 10 years. CSBR is a solidarity advocacy network covering regions such as the Middle East, North Africa, Central, South and Southeast Asia. This network was established to make visible the issues of discrimination and violence due to gender, sexual orientation and gender identity in societies where Muslims live as the majority, and to influence the will of states and policy makers regarding sexual and physical rights. CSBR also advocates in intergovernmental structures such as the UN, as well as functioning as a capacity building and solidarity network. Our work here actually focuses on issues of sexual orientation and gender identity. After the association left the secretariat, our work on sexual and bodily rights and our membership to this network still continues, but I can make a criticism by evaluating the past. I can say that Women's Human Rights has undergone a period when that perspective started to fade away a little. But in 2018, we prepared a new 5-year strategic plan, and in this new strategic plan, we put forward some plans in the context of advocacy, especially for the LGBTI+ issue to be on our agenda.

**What are your plans? We talked about the white male. This white, western male is also heterosexual, and the system allows him to look at him from a heterosexist perspective. When looking at women's**

### human rights, what exactly caused your strategic plan, what kind of issues is covered in this planning?

**Berfu:** We chose to address the issue of sexual orientation and gender identity from an organizational perspective. There are rising right-conservative ideologies and organizations that we are facing right now. These describe themselves in terms of anti-gender perspective. They are attacking women's and LGBTI+ rights, as well as feminists and LGBTI+ organizations by imitating the methods of rights defenders. These are very powerful groups, supported by states, by other powerful structures, and they can exist in authoritarian governments. In fact, there are some attempts to take back many acquired rights both internationally and nationally. We tried to build our strategy by taking into account this, mostly on LGBTI+ and feminist organization solidarity. The defense of compulsory heterosexuality is of course a very important part of this attack, and the source of these attacks is to protect the heteronormative family structure, heteronormative and patriarchal gender power balances, and nurture the violence and discrimination experienced there. Therefore, here, we need to build solidarity together. The structure we are talking about is not only patriarchal, but also a hetero-patriarchal one, and this of course has a stance that oppresses women and LGBTI+ persons.

You define yourself as “working for women’s empowerment through the production and sharing of feminist knowledge”. What is the production of feminist knowledge, what makes your advocacy for women different from other advocacy studies? How has this affected the perspective of women’s human rights advocacy? While 10 years ago, sexual orientation and gender identity could not be expressed in women’s human rights; today has this production of knowledge proceeded you to another stage? For example, are lesbian, bisexual and trans women now subjects in the advocacy for women’s human rights?

**Berfu:** What the association is really meant by it is to combine research with action. We have a Women’s Human Rights Education Program (KI-HEP- HREP), which is based on a study, and the results of the study conclude that women need to know their rights in order to enjoy their rights. There is a lack of knowledge, so a training program that is developed by

feminist awareness raising method is essential to overcome this lack of knowledge. Although there is the Ministry of Women and the Social Services and Child Protection Agency, social services experts become KİHEP trainers within the community centers aiming to raise awareness of rights and this program is implemented in community centers. This is an example of the production and sharing of feminist knowledge. Apart from this, there are many research studies and publications that the association had before. I can say that this research issue has regressed a little in recent years. Data-based advocacy was a practice previously owned by the association, and it yielded very good results. We are trying to enact this again with new research projects and relate it to our advocacy studies. Apart from that, we have some publications related to our programs; there are “We Have Rights” booklets within the scope of KİHEP, we try to disseminate them as much as possible and make them accessible in digital platforms. We have “Karşılaşmalar” videos, these videos are just a new study and our priority in this is to address all other identities and social issues that intersect with the issue of gender. Those videos have a content in which we started to address the intersections such as sexual orientation and gender identity. But, as I said, we are currently continuing our studies for the reports of the programs and their distribution, sending to the rights holders, we share information about international conventions and mechanisms that guarantee gender equality by developing new websites.

In order to answer if any materials produced to meet the needs of lesbian, bisexual and trans women; I can say that no we do not. This may be a self-criticism that I have provided as an employee of our association, but we have thoughts and an intense effort that we need to produce more material and address these needs more, we want to make our studies as inclusive as possible. But I do not think that this perspective currently exists enough either in our association or in any other women’s organization. To what extent are trans people involved in the women’s movement, or how many studies have been conducted on the needs and advocacy of lesbian and bisexual women? Different sexual orientations and gender identities are still not in the center of our policies, the movement still conducts studies through a category of “cisgender, heterosexual woman”. As a part of that movement, although our association tries to be more intersectional, I unfortunately think that this perspective still lacks, especially in policy making, and this is the issue that we discussed within KİH-YÇ.

**Özlem Şen:** Although the LGBTI movement and the feminist movement were in contact in the 90s, I do not see that they were so intertwined that they could meet each other's needs and see each other. Of course, at this point, there are also reasons that will necessitate movements to focus on their own problems. It is also about the fact that the feminist movement has a need to combat against domestic violence more intensely since it can afford on it this combat. But as Berfu said, today at this stage, we can inevitably see the awareness of this very clearly. We can see that many of the feminist organizations are also aware of this, but of course it is not yet ideal.

One reason why the concept of women's human rights is still interpreted in a heteronormative way may be this. We are aware of the needs of lesbian, bisexual and transgender women in the movement, but perhaps we are not yet aware of how we address these and what method we can use. At this point, it seems possible that the LGBTI movement and the feminist movement can take action beyond this awareness by moving together. If we look in the context of the association, this place has now included this in its principles and bylaws, and it has a goal that its activities should and will include LGBTI+ rights.

**Berfu:** I do not think that the feminist movement and the LGBTI movement are always disconnected. There was a coexistence that increased towards the end of the 2000s. Especially our trans, lesbian and bisexual feminist friends organized within the LGBTI + movement worked hard in establishing these relations. At least I can say that for the ones in Istanbul. The coexistence of feminist organizations and LGBTI organizations has provided a continuous exchange of knowledge and experience and a constant environment of discussion. Issues such as trans rights, criticism of heteronormativity were part of feminist politics and had been centered. But then these spatial contacts were broken down, after Gezi events when Turkey entered a process politically different, the field of political and activism is narrowed. I can say that these relations started to break a little more for this reason.

**Özlem:** Yes, I agree with you about that. I meant the early 90s. The government's policy was also effective in that break. As we tried to keep our vested rights, we somehow lost our contact with each other, the spatial separation had a very important effect, but the policies of the power also

had an incredible effect. Everyone was suddenly absorbed by their own studies, there is still a great silence for a long time. We have been under constant attack since almost 2015. “Are we going to lose it, the Istanbul Convention should be implemented, there should be the right to alimony.” Those perpetrators of attack are attacking the feminist and LGBTI movement at the same time, and the way we stand alone and look at it from where we are, will not get us anywhere, and at some point, this cause a break in our relations.

**Berfu:** The perpetrators see that intersectionality so well that it attacks both feminists and LGBTI persons through that intersectionality.

**As for today, did you see a need for lesbian, bisexual or trans women while you initiated your alimony campaign? Are there any debates on this perspective and this inclusiveness in the movement?**

**Berfu:** While talking about the right to alimony, I cannot say that we initiate the campaign in a way that covers the economic rights of LGBTI+ people who do not have the right to marry and who will never have access to alimony. There is no discussion in that regard, we look at the category of women as a somewhat homogeneous category, and we are considering the women who have the right to marry and who can enjoy this right. Therefore, the answer to your question does not cover sexual orientation and gender identity, but it should. The following question should also be asked: For example, why are not trans women involved more in the women’s movement or when will a discussion about that begin? But this is also true that there are so many attacks on our rights that we are unable to engage in internal discussions because of responding to these attacks. Not only this issue, but also many questions that need to be discussed, the feminist method needs to be brought up for discussion, but since responding to attacks is much more absorbing and we need to be action-oriented, the discussions themselves took a back seat.

**Özlem:** It has been like this for a long time.

**You are publishing “Mor Bülten”, but is LBT women’s rights struggle or experiences reflected in these publication, and if so, how?**

**Berfu:** We released the last issue of “Mor Bülten”, after that a digital bulletin will be published. There is no specific focus on LGBTI+ persons in

the publication policy of Mor Bülten, for example, the articles on Pride Week or Pride Parade bans are included, but there was no editorial policy for systematically addressing LGBTI+ issues, I think this is a deficiency.

**There are also LBT women among women's human rights. What are the rights of LBT women? I would like to ask about the rights, which exist fundamentally because of being human and being a woman, but that have been taken away or ignored because of being LBT.**

**Berfu:** Every person is expected to have equal rights. However, being a woman is already a barrier to accessing rights, apart from that being a lesbian, being bisexual, especially being trans creates significant barriers in terms of access to these rights. Because there are structural obstacles to the issue of sexual orientation and gender identity, the whole system, services, laws are based on binary gender and compulsory heterosexuality. For example, the right of trans women to health is a very important issue, there are many violations in this area, but it is an issue that is almost not visible, spoken and defended. Such a fundamental right is ignored. For example the right to housing or the right to work... These are the fundamental rights that a person should enjoy without discrimination in order to have a decent life, but we see that even LGBTI+ persons have great difficulty in accessing these rights ... Much more specific and organized work needs to be done to remove these barriers. However, since there is still a right advocacy and struggle in the context of the women's movement that focuses on cisgender heterosexual women, we have not yet been able to center this by saying "This is also a central problem."

**Özlem:** We have a fertility right module in our training programs; does this not include trans rights? Actually, it does, because trans people's reproductive rights are being taken away.

**Berfu:** It is now time not to think of gender only in binary terms. In feminist organizations as well as the women's movement, how much are gender identity and sexual orientation in the foreground? You are looking at lives, people and the diversity of gender expressions represented, but our discourse is still stuck in the boundaries of binary system. I think we have not been able to address the issue of sexuality very well anyway. I have always thought that in the feminist movement there is much progress to

be made for addressing issue of sexuality in general, talk about it and develop a policy in that regard. Nowadays, with the conservatism imposed by the authorities, I think the space for thinking and speaking on sexuality has narrowed, so the issue of sexual orientations and gender identities is increasingly decentralized.

### **KİH-YÇ and Kaos GL organized Solidarity Keeps Us Alive Workshop on 8-9 November 2019. Why was this workshop held, what was the reason and how was it planned?**

**Özlem:** We would like to organize the workshop to discuss the Istanbul Convention, religion-oriented, male-dominated, heteronormative world opinion that has become widespread in many countries through the discourse of opposition to women's rights and LGBTI+ rights and of the protection of family integrity, since we observed that there are policies developed against gender equality. We held the workshop to discuss how we can establish alliances and a joint struggle against these policies and in order to draw a road map. Another reason is that there were many discussions last summer as if we had not been together, as if we have never had these discussions, especially regarding the case you mentioned in 2005, as if we never had awareness. Just from the perspective of Berfu and starting from the trans exclusionary discourses, we started to question "How did we actually get to this point, how did we lose the contact, did not we have these discussions, how did we go back in time?" Of course, there were external factors, but we also lost something, and we decided to organize this workshop in order to remind us of something that actually existed and to show that when we come together, we can actually overcome these together with solidarity. I think it has been the best thing organized lately. To be able to see, contact, hear each other in terms of both movements... I saw some of the things that were said during that workshop - and I have always been in both movements - so many points that we had missed. I realized that we did not even come together in our daily lives. We have inclined away from each other due to our state of constantly being absorbed by studies for responding to every attack ... Therefore, we organized such a workshop with Kaos GL in order to see what we can do against current attacks and what we have lost with those trans exclusionary statements under the 6 thematic areas we have determined.

Afterwards, we published our report on 6 thematic areas and we will continue our study. We even think to hold another one on media.

**Berfu:** There are media organs that are attacking feminists and LGBTI persons.

**Özlem:** Yes. There is a structure built only on this and that carries all its work on it. There are media organs that attack the freedom of expression and association of feminists and LGBTI+ persons. They use social media, which we use as a tool for organization, as a tool to organize hates speech.

**These attacks, which also use the media in an organized way, have become systematic. Perhaps in all the sections that will be added to the workshop from now on, “Should we respond to these systematic and organized attacks with a more organized struggle?” can be discussed.**

**Özlem:** Yes. But this is not only the wish of our association and Kaos GL, but also the wishes of many people who attended this workshop where we talked with them. When we first held the workshop, we did not promise to continue this, but everyone who came to the workshop, at the end of the first day asked us to hold more, they demanded other workshops. Because, apart from the conversation between our two organizations, we have seen that this is needed and demanded in organizational terms. In such workshops, it is generally not asked whether a report will be published in the end, but in this workshop, immediately, they asked about a final report and whether there will be more workshops like this.

**People from both movements came together in this workshop after a long time. In addition to talking about what had happened, a list of needs was produced. After a long time, it was discussed in an organizational sense what to do next. I think this process helps people to contemplate on the situation while looking for the methods. Both movements needed to come together to discuss, I think.**

**Özlem:** That is why we organized the first one as a workshop. In conferences, in similar discussions or meetings, someone talks, somebody listens, but we prefer to hold it as a workshop to understand “the stance

of those people, what they see from where they are, how they evaluate the disconnection between the two movements right now and where they stand in the last discussions.” So everyone spoke, looked where they were standing, and we realized something. We will continue the next process with the knowledge and experiences we have gained. It will again be a forum where we can listen and discuss. The main issue was that we never discussed the things going on for a long time. We are absorbed with a lot of action and work. Since we are very action oriented, we can make political discussions in associations and NGOs at a very minimum level.

**Berfu:** This workshop was a response to the current debate in Turkey and over the world actually. Anti-gender wing is becoming increasingly common, stronger and we see the manifestation of these in Turkey in victimized fathers, the divorced fathers and in the news or Yeni Akit newspaper. We observe the same methods of conservative opinions also in Turkey as in the international arena. In my opinion, this conservatism itself is reflected on the feminist field in the international context. For example, TERF and SWERF discussions. We are facing with an agenda where an increasingly conservative and essentialist understanding of feminism tries to dominate the movement, with TERF debates or anti-sex work debates in the West.

I think the Solidarity Keeps Us Alive Workshop was a response to these discussions. The feminist movement cannot, should not, be essentialist and conservative, if so, it defends the same things as other patriarchal-heteronormative structures, and becomes the same. At a meeting I attended abroad, when I told that most of the LGBTI+ activists in Turkey identify themselves as feminists, they were very surprised because these two movements are seen as two distinct mediums. In most places in the world, there is no space for movement and discussion where feminists and LGBTI+ persons come together. This unique special situation in Turkey together with the political atmosphere in Turkey, have recessed over the years and this is very sad. Therefore, I see this as an action aimed at regaining this.

## LGBTI+ persons were the last ones to be salvaged in case of a fire!

*We discussed the series of “Rights”, which we initiated by saying that “Now, it is high time”, with Umut Güner (pronoun: they) from Kaos GL. They evaluated the series of “Rights” as “More constructional steps shall be taken in order to ensure a concrete structural change. Therefore, it is meaningless to say, ‘We are here, come to us’”.*

In the series of “Rights, we have addressed the following: when and how human rights organizations brought up the rights of LGBTI+ persons on their agenda; whether the activities of NGOs on the issues of LGBTI+ persons are sufficient, the discrimination experienced in the past in the field of rights and why it is important to ensure the access to any rights without saying “it is not the right time”.

Evaluating the stages where both movements have undergone from past to present, Umut Güner points out that the fact that homophobic people are leaving organizations does not mean that the culture of an organization has changed in itself and underlies the “organizational memory” by saying that “More constructional steps shall be taken in order to ensure a concrete structural change. Therefore, it is meaningless to say ‘We are here, come to us’”.

According to Güner, who stated that there was a “hierarchy of rights” which they called as a triple hierarchy in the past within the rights movements, the relation established by the groups forming the organization in line with their own grassroots was also important in terms of who was violated and LGBTI+ persons were not able to find a space in terms of the hierarchical fora. They ask organizations that defend LGBTI+ rights “with no ifs and buts” today: “Will they be able to continue to say out loud that they have a firm stance on LGBTI+ rights? How much does this discourse change manifest itself in the policies of organizations?”

Güner also explains that establishing commissions within unions and organizations would not be enough by itself and states “Kaos GL has been

reporting what LGBTI+ persons working in public institutions faced for five years, but KESK/ Confederation of Public Employees' Trade Unions never hear or see this”.

On the historical partnership of the movement with the feminist movement, they state “Feminist movement itself has questioned ‘How can we see LGBTI+ persons?’, the demand came from the feminist movement directly, it was the feminist movement that provided a space”. According to Güner, the feminist movement has embraced the issue of LGBTI+ persons from the very beginning and acted together with LGBTI+ movement.

**“Solidarity can always be one-sided until equality is ensured because I need it”. In Kaos GL, we published a series of interviews called “Now it is high time” In this series, we got together with Child Rights Center, IHD, TIHV, Eren Keskin, Feray Salman, HAKIM and the Women for Women’s Human Rights– New Ways (KIH-YÇ) Association and discussed the following: when and how human rights organizations brought up the rights of LGBTI+ persons on their agenda; whether the activities of NGOs on the issues of LGBTI+ persons are sufficient, the discrimination experienced in the past in the field of rights and why it is important to ensure the access to any rights without saying “it is not the right time”... What is your opinion about the information provided in this series in terms of the historical background of the rights movement and LGBTI+ movement?**

I have been working in Kaos GL since 2000. The process of building a relation for me with Kaos GL and the rights based movement was similar. It has a meaning for me; sometimes one wants to stop and breathe, questions what we are doing. These interviews are meaningful since it tries to show the experiences of the others as much as of us, those are meaningful in terms of showing what the others see, what they want to see, what they remember as organizational memory. In addition to providing an inside to history, those also show the present times. Those do not just focus on the past, recording the past was not the only concern. Those interviews and this series were very valuable in terms of finding an answer to the question: “Where does the LGBTI+ movement and the rights struggle find a space within the human rights movement right now?”

While conducting these interviews, we also would like to thank you for your efforts. Those were such interviews in which human rights defenders could also open themselves up easily without repeating the standard discourse of their NGOs. The fundamental criticisms brought by Kaos GL to the human rights movement were also reflected very well in the process of building this Series. Because the rights movement is not a movement consisting only fundamental human rights organizations. The struggle for children, the environment, and animal rights are also part of this movement. We say, “We are the equal actors”. The effort to provide an equal floor for everyone is also important in terms of reflecting how Kaos GL sees the struggle for rights and how it wants to see it. For us, the struggle of Human Rights Foundation of Turkey is equally important as the struggle for animal rights by HAKIM and those are the integral parts of the struggle. We want to see it this way and we want to fight together with solidarity in such a movement.

### **What did you observe in these interviews? What do you think about the organizational memories of both movements?**

When working in the field of human rights in a country such as Turkey, you have always a busy agenda. And sometimes, in such a busy agenda, you may not see the issues outside of your own agenda. This was a self-criticism provided by everyone, but on the one hand, it is also a criticism brought against the LGBTI+ movement and a self-criticism that the movement itself should provide. But I was not very pleased that this was brought in the interviews to the point that “the LGBTI+ movement should also provide a self-criticism”. I wish we could provide this self-criticism by ourselves. In fact, this was the communication problem we had with the actors of the human rights movement. We do not have equal rights and opportunities with organizations and activists who say “But the LGBTI+ movement should do such and such”. This should have been known. As in the transactivists’ manifesto “We are equated with transgender persons” on June 18; when we have that power, we have to provide the self-criticism as mentioned. But if we do not have that power, this should not be what is expected from us. Solidarity can always be one-sided at a certain stage until that equality is ensured. Solidarity should not always be seen as a relation between equals. Basically, this may be my criticism to all the actors in the interviews.

Secondly, in the interviews, we can easily see the difference between the feminist movement and human rights defenders who are fed by the feminist movement and men.

The sentences they use are more about their own subjectivity. Although the persons represent a movement, they also present themselves as political subjects and evaluate themselves in this way regarding the process. They do not just give an institutional response on behalf of the organization, they say “Me too” and makes you feel this while reading. They express more clearly that this relation should be natural. When other human rights defenders provide self-criticism, they say, “We were not able to do this”, but they are not so clear that this should have happened in the past as well. I observed this in the interviews. Basically, this is because our partnership with women’s rights defenders continues in different places and at different times. In fact, it is reflected in their discourses since we have a more organic relation.

At this stage, our organizational and personal memories can sometimes mislead us and human rights activists. These interviews were also important in terms of seeing and understanding how actors strive and do not strive for our involvement are positioned, while we think that we are positioned differently or not sufficiently included in the human rights movement. Yes, our memories are common at certain points. Well, when we thought we were all excluded, not involved enough, one of them could come out and say easily, “There is no such a thing”. We saw that they can mirror themselves. It is also important that this issue is visible in the public sphere. It is important in terms of showing that the possibility of finding a space for the LGBTI+ rights struggle is not always possible or will not be. It showed that we are not alone right now. I see the actors in the interviews made a promise in the sense of institutional representation.

**“We need to monitor human rights in order to say “this data should be prepared like this”**

Öztürk Türkdöğän, Co-Chair of IHD, said that people from different leftist fractions were under the umbrella of the association and homophobia was present in the association during this period. He explained that there were disintegrations over time and that they would not tolerate homopho-

bia at the IHD right now. Chair of the TIHV Metin Bakkalcı said, “The fact that the persons does not know enough may be a reason up to a point, they may not know us, but those who know us may not trust us enough”. Do you think this self-criticism and the stage reached now is enough?

The fact that homophobic people leave the organization alone may not mean that an organization’s culture has changed. There is something called organizational memory, and in organizational culture, organizational memories feed the organizational culture. More constructional steps shall be taken in order to ensure a concrete structural change. In case of torture and ill treatment, it is necessary to do the filing according to how they address the trans survivors when they are recording the statements, they need to know how to address them well, and develop skills for all these. That is why, it is not enough to say “We are here, come to us”, unlike Metin Bakkalcı stated. For example, when it comes to trans persons, the form and extent of torture can vary. The haircut trans women are forced to by the police may have another effect; the rehabilitation and support mechanisms may vary for them. These organizations now say that they are welcoming LGBTI+ persons, but they should also show that they are taking steps to cover LGBTI+ persons.

**For example, Metin Bakkalcı said, “One of our difficulties in reaching LGBTI persons is that they do not trust us enough”. I asked the following question to the others we conducted the interviews with. Now I want to ask this you too. Have rights based organizations ever communicated with LGBTI associations to remedy the violations following the applications made to them by LGBTI+ persons or about what procedure can be followed?**

The contact we have is in minimum level. In the past, we have asked these questions as well. We were visiting organizations institutionally and asking if they are monitoring LGBTI+ persons, how we can assist this monitoring, what we can do together. These were not the processes where we got answers. Especially during the establishment process of Pink Life, we wanted to publish one of the press statements about the reflection of the Eryaman gang and Esat tortures at IHD Ankara Branch. We built this process with the support of feminist rights defenders. It was the end of 2005, the beginning of 2006. We provided the statement, the survivors

were also there, but IHD did not show any reaction to have an act upon this. IHD did not actually see that information in the same way we do. Trans persons were subjected to torture in the Esat police station, they faced usurpation by gangs in Eryaman, the prosecutor did not conduct an investigation, but these are not turned into data in the reports of IHD Ankara Branch. After all this, we need to monitor human rights ourselves, we need to gain this skill in order to say, “This data should be prepared like this”. Then, they are waiting for LGBTI+ survivors to approach them. They do not make an effort to reach LGBTI+ survivors. This is actually a fundamental problem.

**LGBTI+ persons were the last ones to be salvaged in case of a fire according to the hierarchy of rights within the organizations. Did monitoring and reporting start after this process?**

Yes. The first report was prepared in 2006. We invited Pink Life, Black Pink Triangle, and Lambda Istanbul organizations to monitor human rights. We started monitoring all together. Feray (Salman) became one of the trainers. We did not have the knowledge on torture, ill treatment and how to monitor this process, we worked together. In general, the human rights movement did not have a briefing process on how to provide support to survivors. This could be a bigger criticism. Human rights area is a struggle for rights and, on the one hand, a struggle formed by the organization of survivors. Naturally, whoever was outside of that victimized fraction did not have enough information about how to create the whole mechanism. When we started to monitor human rights, we also encountered violations that were not on the agenda of the human rights movement. In the early 2000s, the issue of discrimination was not discussed extensively. The torture and ill treatment cases were more addressed. We started to report the cases of discrimination as well.

The difficulty of the relations established with the human rights movement and the fact that LGBTI+ persons were not included in human rights reports spontaneously brought about a process that transformed human rights organizations. It developed in Ankara, Istanbul, Izmir and Mersin. We can say that it was a positive reflection of the difficult relationship in the past. As a result of this reflection, LGBTI+ organizations have expressed that “we are human rights organizations, fighting for rights” out loud.

**What do you think about the statements of rights based organizations “We could not take action at this point, we could not think about it?”, while evaluating their inability to see the discrimination against LGBTI+ persons clearly or to attract their attention. Eren Keskin said, “although the people appreciate me in the Kurdish issue later mocked me because I was addressing trans women”. Why is there a hierarchy of rights restricting the rights violations to whom the violation was committed against and the perpetrators of these?**

There are three separate hierarchies. A hierarchy about right to life. There is also a hierarchy about who violated the right and whose rights were violated. For example, in the case of trans people, if the violation of the right to life was inflicted by civilians, it did not directly turn into an area of human rights movement. The relation that the segments of that organization established on their own grassroots was the hierarchy about who was violated. In terms of these three hierarchical levels, LGBTI+ persons are not addressed anywhere. A culture in which the killing of civilians by civilians was not seen as a violation of rights was dominant. In the case of torture, even if LGBTI+ persons faced torture, it was not included in “that definition of “torture”. However, we witnessed a period like Hortum Süleyman in the 90s. Was not that torture? But there, too, they had discrimination about who faced torture. That hierarchy also appeared in the differences between organizations. Mazlum Der, which was respected as a rights organization in the past, was raising up its voice with regard to the issue of headscarf. IHD was doing the same about the Kurdish issue. But nobody was raising up its voice with regard to LGBTI+ persons. TIHV used to raise up its voice against torture, but this torture did not cover LGBTI+ persons. In this case, in addition to the triple hierarchy, LGBTI+ persons were the last ones to be salvaged in case of a fire according to this hierarchy of rights within the organizations.

**“Will they be able to continue to say out loud that they have a firm stance on LGBTI+ rights?” Being LGBTI+ rights organization may be seen as a specific area in itself...**

That is why it is not included in many networks. At that time, Kaos GL had more than a hundred studies on refugees compared to others, but you are seen as a specific area. This showed that the organizational culture had not changed.

For example, the studies on constitution. When Kaos GL went to the field on 1 May, emphasizing the equality article of the constitution, equality was always on its agenda in the constitutional debates in every field. At that time, sexual orientation was brought to the fore in the constitutional demands of non-governmental organizations, but human rights organizations made demands regarding the constitution. They probably could not agree on sexual orientation and gender identity. Their failure to raise up their voices to say “I will not compromise about LGBTI rights” was also effective. At that time, nobody worried about Mazlum Der’s homophobia, they said, “It is their opinion”. Until Mazlum Der left IHOP, nobody said, ““We cannot explain to grassroots why we cannot compromise about LGBTI rights”. Actually, I am not sure what really changed from that process until now. Will those working in the field of fundamental human rights be able to continue to say out loud that they have a firm stance on LGBTI+ rights or they will not compromise on LGBTI+ rights?

**Sexual orientation and gender identity had been included in the amendment of IHD’s bylaws in 2014. If we look at it from here, we see that we struggled hard in the early 2000s and actually achieved the mentioned gains in the last 6 years. However, the human rights and LGBTI movement is an area of struggle for 30 years. In other words, there is a situation of not being seen in the right-based community for almost 25 years...**

Exactly. In fact, we started to gather around the same table with the democratization process of the European Union. This showed that we are also a human rights organization by being gathered around the same table.

**“How much does this discourse change manifest itself in the policies of organizations?” It is necessary to be together for the EU accession process.**

Yes. On the one hand, the closure of Kaos GL right after it became an association brought up on the agenda in that process. An association is being violated. We did not see it is also reflected in human rights organizations during that period. As you said we are talking about a long history, yes. But it is a process where transformation ensured so late. Gays left IHD in 1994, the commission was dissolved and the relation became slower in the process from there to here. Actually, there is a discourse change in

the last process you said, namely in the recent history. How much does this discourse change manifest itself in the policies of organizations? For example, IHD made an amendment in the bylaws in 2014, but it was not shared with the public. The reason why we are so persistent in the process of this relation is also related to our participation in life. You are implicitly given the message that “You are not the primary subject of this place”. It makes you feel like that. We went to visit Mazlum Der in 2003-2004, Yılmaz Ensaroğlu was the chair of the board at that time, we tried to explain him homosexuality. We never went to anyone and question them “how come you do not know this”, we went to all one by one and explained our problems and our existence even though they rejected us. One of Kaos GL’s voluntary activities was to go to non-governmental organizations and women’s organizations in Ankara and leaving Kaos GL magazines for the Board in order to tell them that “See us, we exist”.

This dialogue environment progressed through a process that we constantly demanded. This culture of relation is about the change of the human rights movement as well as the demands of donor organizations. Donor organizations ask them “what kind of studies you conduct for LGBTI+ persons, for women”, naturally, this relation process also develops, changes and is affected. The democratization process of the European Union also had such an impact.

**“Kaos GL has been reporting what LGBTI+ persons working in public institutions faced for five years, but KESK never hear or see this”. Feray Salman from IHOP pointed out that establishing women’s and LGBTI+ commissions in unions and organizations would not be enough alone, and drew attention to the importance of internalization. Do you think LGBTI+ persons remain just as a title in associations and unions? We are talking about a 6-year “awareness” in which the commissions were established, bylaws were amended, but do you think to what extent this has been internalized?**

Establishing these is not enough by itself, but it is also an act of recognition, so it is necessary. We held the first union activity in 2003, and in 2004 we organized a meeting of gay and lesbian workers. The people had warned the union executives we invited, by saying “Are you going there, be careful about the fags”. It is important that unions evolved from there to a stage where they establish a commission. But what Feray says is absolutely

correct, where and how you define it is also important. The LGBTI+ issues are referred to the women's issues, and it provides studies under the women's secretariat. This is actually an act of not recognizing us as subjects. Recognition of the persons in the unions is also a means of removing the barriers that to apply in case of discrimination there. The dynamics of the LGBTI+ movement are also changing, it is not a process that can be said "we did it, it is ensured", but it should take an act at a minimum level. As Feray says, it is not such a process that "we did it, it is ensured". For example, unions do not prepare a report on what LGBTI+ persons experience in the public sphere. Kaos GL has been reporting what LGBTI+ persons working in public institutions faced for five years, but KESK never hear or see this. However, this report should be data for KESK. A commission was established in Mersin and Izmir in IHD, this is good. But sometimes they establish these but never promote it. In the time of Pride, on 20 November, for example, IHD does not provide its logo in rainbow colors. The question that how do we internalize and continue should be asked. They now declare that they do not exclude us and this is considered sufficient for them.

**“Feminist movement itself has questioned ‘How can we see LGBTI+ persons?’, the demand came from the feminist movement directly, it was the feminist movement that provided a space”. Lets talk about the intersectionality of the feminist movement and the LGBTI+ movement. Both movements have a historical partnership. You have been in the movement for so many years, can you talk about this partnership, the intersectionality and memories of the two movements?**

The birth of the feminist movement in Turkey was important primarily in terms of creating a space for the LGBTI+ movement. If we evaluate past years, there were members who left the association and women's commission in 1993 after the gay and lesbian commission of the IHD was not recognized in the general meeting. They say that without the recognition of gay and lesbian rights, there cannot be a struggle for rights. Then there was a good partnership in civil law and Turkish criminal law studies. There is a very important cooperation between the feminist movement and the LGBTI+ movement in terms of conveying the demands of the LGBTI+ movement to the Parliament. It is a good example of how solidarity can be one-sided. The feminist movement provided solidarity at that time.

The women's movement evaluated the articles that were not mentioned, such as general immorality, in the debates on Turkish penal code as its own failure. It did not consider it as a success although 97 of their 100 recommendations were recognized. The feminist movement was not satisfied and also declared this. Ten years after that, after the law on refugees was passed, it was stated by the rights based NGOs that although the sexual orientation clause was not mentioned in the law, it is an achievement that most of the demands other than that were passed. The difference between these two is obvious. The human rights movement says it is an achievement, the feminist movement says it is a failure. It shows how the relation built by the feminist movement with us is real and visible. I recalled when you asked this question that we never approach the women's movement like we did in case of the other NGOs. Feminist movement itself has questioned 'How can we see LGBTI+ persons?', the demand came from the feminist movement directly, it was the feminist movement that provided a space. It was a relation to establish partnerships, to struggle together. LGBTI+ movement's involvement in the Women's Shelters Congress is easier than its involvement in any human rights network or study. For example, the difficulty of being included in the refugee network I mentioned. The women's movement never told us, "You do not meet these criteria", from the very beginning and it thought that our presence should already be there since it is empowering. It is a more inclusive movement when it is compared with other social movements.

**In 2019, people from both feminist and LGBTI+ movement came together at the "Solidarity Keeps Up Alive" workshop organized by Kaos GL and KİH-YÇ Association. Activists from both movements said there that the former spatial partnerships were not possible anymore, that both separate and common points in both movements was under attack of the hetero-patriarchy, and that they had to focus on their own agenda while responding to these attacks. What kind of partnership was this that was not possible today but was possible in the past?**

When Akit newspaper first started to escalate its hate speech, feminists in Ankara said, "We will hold protests, we will be the host of the act" and we protested together in Ulus, in front of Akit's building. Since feminists embraced the matter, they also faced the attacks together with us and

reacted together. They did not wait for an invitation, they organized the protest directly and we attended the protest together. Being not contaminated with the public sphere culture that emerges from “the personal is political” issue also shows the basis of the partnership of two movements. The people from the leftist fractions mentioned in the establishment of rights organizations did not have to carry the culture of the place they came from, women questioned that culture and left and formed the feminist movement. When you went to a feminist organization, you did not face such a reaction “we will discuss this in the board of directors and we will contact you, the experience of struggle and organization between us is very similar. Therefore, it is easier and possible to have solidarity with feminists, anyhow.