
**Study on Homophobia, Transphobia and Discrimination on
Grounds of Sexual Orientation and Gender Identity**

Sociological Report: Turkey

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A. Executive summary

1. Turkey is a large and multi-faceted country. Thus the conditions for LGBT persons vary greatly. Whereas there are relatively large and active LGBT communities in the larger cities, the situation is very different in the rural parts of the country, from which there are also little data. LGBT issues are not central on the political agenda, but rather something not dealt with or talked about.
2. The few surveys and reports existing on attitudes towards LGBT persons and experiences of discrimination show generally conservative and very negative public attitudes towards LGBT persons.
3. There are several active LGBT NGOs and recurring LGBT demonstrations are organised. In recent years there have been several attempts from local authorities to close down LGBT NGOs with reference to "public morals". All attempts have been turned down by the courts. In the case of Lambdaistanbul, the local court decided to close down the organisation, but that decision was overturned by the Supreme Court.
4. Hate crime against LGBT persons is a particularly concerning issue. There are numerous accounts of harassment, attacks and murders in recent years. Especially transgender women are subject to attacks, harassment and murders, also harassment from the police. There are signs that the judicial practice of the courts may be improving in the sense that reduced sentences for murder with reference to the sexual orientation or gender identity of the victim is no longer accepted. However, homophobia/transphobic motives are not considered aggravating circumstances.
5. There is no legal recognition of same-sex partnership in Turkey, and the LGBT NGOs describe a social pressure to get married once you reach a certain age - a pressure leading many LGB persons to marry according to the wishes of their families. It is assessed that the pressure is particularly hard on women, although this varies depending on social background. The possibilities to avoid marriage and live as LGBT are greater in the bigger cities, and limited in the rural areas of the country.
6. There are relatively many LGBT asylum seekers in Turkey - assessed to be among the most vulnerable asylum seekers in the country. The accommodation and the confinement of asylum seekers in small satellite cities around the countryside make LGBT asylum seekers subject to discrimination from other asylum seekers as well as local citizens.
7. As social security is normally obtained via employment, discrimination in employment has a negative impact on the possibilities for LGBT persons regarding access to social security. This is a particular concern for transgender women who often have no possibilities for employment other than sex work.
8. There is no sex education or life skills education in the Turkish primary schools. Moreover, LGBT NGOs describe an educational system with heteronormative curricula bullying of openly LGBT pupils/students. Therefore students often conceal their sexual orientation or gender identity while studying. The possibilities for LGBT teachers to be open about their sexual orientation or gender identity are also minimal.
9. There are no official data but several accounts of lesbians and gay men being fired or forced to leave their jobs due to their sexual orientation (with several cases pending in the courts). A specific concern is employment possibilities for transgender persons.

Transgender women are largely dependent on sex work due to the fact that it is most often impossible to get employment as a transgender person.

10. Gender expectations and the requirement to marry complicate the access to housing for LGBT persons. It is seen as unusual if you live alone if you are above a certain age, and many landlords prefer to rent out to married couples - in particular single men are unwanted as tenants. The housing problems are worsened by processes of gentrification and rising real estate prices in the areas which have also been LGBT community strongholds. As real estate prices are thought to be negatively affected by the presence of a local transgender community, many real estate agents or landlords will not sell/rent housing to transgender persons.
11. There are no official cases of discrimination against LGBT persons in health care, but several accounts of negative attitudes and maltreatment. Apart from a certain level of "intolerance" found among some staff members, the main problem identified relates to shortcomings regarding working conditions and infrastructure: no separate rooms for examination and questioning without the presence of the police, and a lack of knowledge about the specific issues at stake. There are also cases of the police trying to interfere in medical examinations or trying to prevent victims of police harassment from seeking medical care and examination. Regarding gender reassignment surgery, the public health service does not pay for such treatment, which in practice makes it too expensive for most transgender persons.
12. The refusal to serve transgender persons at restaurants, cafés and bars is a widespread problem.
13. A monitoring of Turkish print media has identified that 60 percent of the LGB-related media reports are homophobic or not pro-equality. The most commonly found negative aspects are the use of stereotyping and homophobic remarks.

B. Data Collection

14. Data have been collected for this report through:
15. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Turkey.
16. Data collection through interviews in Turkey held in Istanbul, Izmir and Ankara 22 February - 3 March 2010 with:
 17. Authorities:
 - Ministry of Justice
 - Ministry of Interior
 - Ministry of Labour and Social Security
 18. NGOs:
 - Lambdaistanbul LGBTT Solidarity Association
 - Istanbul LGBTT
 - Black Pink Triangle LGBTT Izmir Association
 - Pink Life LGBTT Solidarity Association Ankara
 - Kaos GL Ankara
 19. National Human Rights Structures:
 - Mr Mehmet Yılmaz Küçük, Human Rights Presidency
 - Prof. Dr. Zafer Üskül, President of the Human Rights Inquiry, National Assembly
 - Mr Huseyin Demirdizen, Chairman of Chamber of Medicine and member of Istanbul Provincial Human Rights Board
 20. Others:
 - Akin Birdal, Member of Parliament, BDP
 - A lawyer, Ankara

C. Findings

C.1. Public opinion and attitudes towards LGBT persons

21. No national survey has been carried out on the public attitudes towards LGBT persons. However, Yilmaz Esmer, Professor at Bahcesehir University and member of the steering committee of the World Values Survey, conducted a representative survey published in 2009 entitled "Radicalism and Extremism".¹ One of the questions asked in the survey was whether people wanted homosexuals as their neighbours – 87 percent answered that they did not want to have homosexual neighbours (the highest negative percentage of the categories of persons asked about).
22. In 2010 some negative statements by politicians about homosexuality have created considerable public attention, debate and critique (see *Chapter 3.5 Family Issues*). Otherwise, Lambdaistanbul describes the opinion and attitudes towards LGBT persons as characterised by 'turning a blind eye'.² This means that there are rarely directly negative statements voiced by politicians and civil servants. The issue of LGBT rights or homophobia/transphobia is not central on the political agenda, it is rather an issue not dealt with or talked about. The same goes in everyday life, where LGBT persons tend to be invisible, kept invisible, and preferred invisible by the public. Transgender persons are more exposed to negative attitudes due to their visibility and the fact many rely on sex work which by many, including police authorities, is viewed as immoral.³
23. Several public authorities interviewed describe the rights of LGBT persons as a "new topic" in Turkey, stated that things take time, and underlined the role of the EU accession process speeding up reforms at least in the area of anti-discrimination policy and legislation.⁴
24. The Turkish Health Minister Recep Akdağ, in March 2010, expressed the following during a debate on same-sex marriages: "The cultural and family structure of Turkey creates more difficulties for homosexuals and society should be more tolerant in handling the issue."⁵
25. Turkey is a large and multi-faceted country. Whereas there are active LGBT NGOs, communities and scenes in the bigger cities such as Istanbul, Izmir and Ankara, in other parts of the country the conditions for LGBT persons are very different, and under-researched.⁶ Confirming the impression gained through a mission to Turkey, Kemal Öktem, Fellow at the European Studies Centre of St. Antony's College at the University of Oxford, describes the situation as follows:
26. "Yet as liberal and cosmopolitan as Istanbul and other cities in western Turkey look [...], Turkey remains a deeply conservative -- if highly heterogeneous and regionally differentiated -- society [...]. If many gays and lesbians prosper as professionals or within

1 Esmer, Y., *Radicalism and Extremism*, Bahcesehir University, 2009.

2 Meeting with Lambdaistanbul in Istanbul, 22 February 2010.

3 Meetings held with Chair of the Chamber of Medicine and Member of the Human Rights Council of the City of Istanbul, Lambdaistanbul and Istanbul LGBTTT, 22-23 February 2010. Also meetings with Pink Life LGBTTT Solidarity Association, 1 March 2010 and MP BDP, 2 March 2010 in Ankara.

4 Meetings with the Human Rights Presidency and Ministry of the Interior, 1 March 2010 as well as Ministry of Labour and Social Security and the National Assembly Human Rights Inquiry Committee, 2 March in Ankara.

5 Hurriyet Daily News, "Health minister again challenges colleague, this time on gays", 10 March 2010, www.hurriyetdailynews.com/n.php?n=government-members-split-over-homosexuality-2010-03-10, accessed 17 March 2010.

6 Meetings with Lambdaistanbul in Istanbul, 22 and 25 February 2010.

the arts and media sectors, and some gay rights activists carve out spaces of interaction protected to a degree from state intrusion, transgender persons are exposed by both the visible manifestations of their sexual orientation and their engagement in sex work."⁷

27. The conditions for living a life as an LGBT person are not only heavily influenced by the socio-geographical differences in Turkey but also by social status. This is underlined by LGBT NGOs describing LGB communities as confined to (parts of) some of the bigger cities and with an over-representation of students or persons within the middle-class.

C.2. Freedom of assembly and association

28. There are several active LGBT organisations in Turkey, among them: Lambdaistanbul, Istanbul LGBTTT, Black Pink Triangle Izmir LGBTTT Association, Pink Life in Ankara, Kaos GL in Ankara, and Rainbow Association in Bursa.
29. Regarding freedom of association there are several concerning cases.
30. An annual report for 2008 of the LGBT Civil Rights Platform describes the case of police raiding the Lambdaistanbul Centre:⁸ The centre was searched by a group of more than 12 plain-clothed police officers and officials from the Governorship of Istanbul Provincial Directorate of Associations (İstanbul Valiliği İl Dernekler Müdürlüğü) on 7 April 2008 on the basis of a search warrant taken from the Court (Beyoğlu 2. Sulh Ceza Mahkemesi). The search was based on accusations that the centre provided a place of prostitution for transgender women and sharing their earnings. According to the report the suspicion was based on the presence of transgender women, even though it would seem quite natural that transgender women frequent the centre.
31. In recent years there have been cases with LGBT NGOs having difficulties with obtaining official NGO status - with rejections to get official status with Public Authorities referring to the Civil Code or attempts to close down some NGOs.⁹
32. An example is the case where Istanbul's 3rd Civil Court of First Instance, on 29 May 2008, ruled to close down Lambdaistanbul LGBTTT Solidarity Association on the grounds that its charter and activities were against the "general morals" and "Turkish family values". Lambdaistanbul then challenged this at the Turkish Supreme Court of Appeals (Yargıtay) which effectively overturned the ruling of the local court on 25 November 2008. The case on the closure of Lambdaistanbul re-opened in the local court in May 2009.¹⁰ The outcome of the case was that the objectives of Lambdaistanbul did not go against "public morals".¹¹
33. Another example is that of Black Pink Triangle LGBTTT Association in Izmir, where the Directory of Associations of Izmir under the Governor's Office in November 2009 requested the closure of the NGO by claiming that its charter goes against "public morality" and "Turkish family structure."¹²

7 Öktem K., *Another Struggle: Sexual Identity Politics in Unsettled Turkey*, Middle East Report Online, September 2008, www.merip.org/mero/interventions/oktem_interv.html, accessed 27 February 2010.

8 LGBT Rights Platform, *Human Rights Violations Against LGBT Individuals in Turkey in 2008*, Istanbul, 2009, p. 7.

9 KAOS GL (2007) *The Discrimination Based on Sexual Orientation Prevents Freedom of Organising LGBTTT People!* (press release), http://ilga-europe.org/europe/guide/country_by_country/turkey/turkish_gay_group_faces_closure_in_istanbul, accessed 25 January 2010.

10 Also documented in: Commission of the European Communities, *Turkey 2008 Progress Report*, 2009.

11 Statement by ILGA-Europe, www.ilga-europe.org/europe/guide/country_by_country/turkey/statement_by_ilga_europe, accessed 25 January 2010.

12 Meetings with Lambdaistanbul in Istanbul, 22 February 2010 and Ministry of Justice in Ankara, 1 March 2010.

13 Meeting with Black Pink Triangle in Izmir, 24 February 2010. Also see Legal Report on Turkey by Öz Y.

34. The attempts to close down LGBT NGOs in Istanbul (Lambdaistanbul), Izmir (Black Pink Triangle) and Ankara (KAOS GL) have all been turned down by the courts. In the latest verdict at the time of drafting this report, the case of Black Pink Triangle, the Court ruled that: "The request to annul the association is REFUSED, because lesbian, gay, bisexual, transvestite and transsexual individuals have a right to form an association like everyone else."¹³
35. The local bodies assessing the associations are under the Ministry of Interior. When asked about these cases, the Ministry of Interior described a process where the assessment of the associations is "subjective", with no ministerial guidelines, whereas the courts provide the "objective view".¹⁴
36. The history of public LGBT manifestations in Turkey dates back to 1993 when the first Pride march was arranged. It was, however, stopped by the police - the permission withdrawn with the argument that "society was not ready yet". Annual Pride Parades have been held since 2003. Since 2003 the marches have not been banned or stopped by the police, but every year the organisers have to negotiate with the police authorities about where the demonstrations are allowed to be held - an issue not only applicable to LGBT-organisations.¹⁵
37. The first separate transgender pride was held in Istanbul in 2010.
38. The first demonstration marking the International Day Against Homophobia was held in Ankara in 2008 - the march was jointly organised by Kaos Gay and Lesbian Association (Kaos GL) and Pink Life LGBT Association.¹⁶
39. In 2009 Kaos GL organised a rally against homophobia on the International Day Against Homophobia and Transphobia - other LGBT organisations participated in the march. A press release was issued in relation to the demonstration stating:
40. "As LGBT individuals, we are still deprived of basic human rights. (...) With discriminatory laws, we are kept from our professions. Our right to life is violated, we are exposed to violence, we are killed in hate crimes. The police never find the perpetrators. Courts offer reductions in sentences for the murderers of homosexuals and transsexuals."¹⁷
41. Besides from the Prides and IDAHO-rallies several LGBT demonstrations have been organised addressing different concerns such as violence against transgender sex workers or homophobia in the media.¹⁸

C.3. Freedom of expression

42. A case of concern is the confiscation of the LGBT magazine of KAOS-GL. In July 2006 the police in Ankara, on behalf of the Public Prosecutor, seized all the copies of the magazine with reference to "the protection of public morals." The case is now pending in the

13 Ruling of the Izmir Court of the First Instance, ruling no. 2010/186, 30 April 2010.

14 Meeting with the Ministry of Interior in Ankara, 1 March 2010.

15 Meeting with Lambdaistanbul in Istanbul, 20 February 2010.

16 KAOS GL (2008) *First Ever gay March Held in Ankara*, Turkey, press release, www.ilga-europe.org/europe/guide/country_by_country/turkey/statement_by_ilga_europe, accessed January 25 2010.

17 IDAHO (2009) Annual Report 2008/2009.

18 Meetings with Lambdaistanbul, 22 and 25 February 2010 and Istanbul LGBTT, 23 February 2010 in Istanbul.

European Court of Human Rights¹⁹ See also previous chapter on Freedom of assembly and association.

C.4. Hate crime - hate speech

43. There are numerous accounts of hate crime against LGBT persons - especially violence against transgender women is concerning. The hate crime figures vary from different sources as shown in the table below. The figures will be elaborated in the following text.

Source	Hate crime figures
<i>Public Authorities</i> (information provided to the Council of Europe Human Rights Commissioner's Office)	7 murders of transgender women
Ministry of Justice	3 transgender murder convictions 2008-2010
NGOs	
LGBT Rights Platform	34 LGBT hate incidents in 2008
Istanbul LGBTTT	36 transgender murders during the two years prior to February 2010
TransGender Europe	10 transgender murders Jan. 2008 - June 2010
Kaos GL	700 LGBT hate incidents in 2008 600 LGBT hate incidents in 2009

44. The figures not only cover different kinds of incidents and periods of time, they also show that different entities and organisations have different knowledge and assessments of the situation and prevalence of assaults.
45. The LGBT Rights Platform consisting of seven LGBT organisations in Turkey issues reports on human rights violation against LGBT persons. The annual report from 2008 lists 34 cases of hate crime against LGBT persons.²⁰ The mentioned cases of hate crime indicate that transgender persons are particularly exposed, and that police officers act as

¹⁹ Case 4982/07 *Kaos vs Turkey* which has been communicated to the Turkish government. And meeting with Kaos GL in Ankara 3 March 2010. For more on the case, see also Öz Y. (2010) Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states - Legal Country Report, Turkey.
²⁰ LGBT Rights Platform, *Human Rights Violations Against LGBT Individuals in Turkey in 2008*, Istanbul, 2009.

violators in several cases. This picture was confirmed by several stakeholders interviewed.²¹

46. As a member of the LGBT Rights Platform, Lambdaistanbul LGBT Solidarity Association prepared 34 reports about the attacks of the police and civil people against LGBT individuals in 2008, of them²²:
- 14 cases about police violence against LGBT individuals in public places such as streets, parks or bars
 - 9 cases about police raids of transgender women's houses and ill-treatment of the police there
 - 8 cases about violence of civil people against LGBT individuals
 - 1 case about the police who did not help a victim who was a transgender woman and who wanted to complain about the attack against her by two civil men
 - 1 case about discrimination against a transgender woman in a television programme.
47. Below is an example of an assault on a transgender woman by police officers:
48. "Another transgender woman (S.L.) was insulted and beaten by four plain-clothed police officers by using truncheons when she was walking on the road at night in Marmaris in Muğla on 12 January 2008. She was also given the punishment of an administrative fine worth 58 TL by the police officers on the basis of the Code on Misdemeanour (*Kabahatler Kanunu*) Article 37th which orders an administrative fine to people who disturb other people around in order to sell goods or a service. She went to the state hospital and took a forensic medical report after the attack. While she was walking on the same road at the same time the next day, she was insulted and beaten again by two of the four police officers who attacked her the previous night. She applied to the Office of the Public Prosecutor in Marmaris (*Marmaris Cumhuriyet Başsavcılığı*) the next day and made an official accusation against the four police officers and demanded that they would receive punishment. There are witnesses and forensic medical reports regarding this case. She also submitted some photographs, which showed physical harm over her body, to the Office of the Public Prosecutor in Marmaris. M.D., who was also a transgender woman and a friend of S.L., saw that her friend was beaten by the police officers by using truncheons on 12 January 2008 and asked the police officers why they were doing it by going to the place of the crime. She was also beaten and given the punishment of an administrative fine. She also made an official accusation against the police officers."²³
49. Turkish authorities are informed of seven murders of transgender women.²⁴ When met in Ankara the Ministry of Justice reported of three transgender murder convictions in the period 2008-2010.²⁵ At the same time, the NGO Istanbul LGBT state that they know of 36 murders of transgender persons in the last two years prior to the meeting held at their office in Istanbul in February 2010.²⁶ They further underline that the number of LGB murders is difficult to keep track of, since the sexual orientation of the victims is not easy to identify.

21 Meetings held with Chair of the Chamber of Medicine and Member of the Human Rights Council of the City of Istanbul, Lambdaistanbul and Istanbul LGBTT, 22-23 February, Pink Life, KAOS GL, and a lawyer having provided legal assistance in several cases, in Ankara, 1 and 3 March 2010.

22 LGBT Rights Platform, *Human Rights Violations Against LGBT Individuals in Turkey in 2008*, Istanbul 2009.

23 Ibid. p. 4-5.

24 Information provided by the Council of Europe Human Rights Commissioner's Office.

25 Meeting with the Ministry of Justice in Ankara, 1 March 2010.

26 Meeting with Istanbul LGBTT, 23 February 2010.

50. The *Trans Murder Monitoring Project* by TransGender Europe mentions 10 transgender persons who were murdered in Turkey in the period January 2008 - June 2010. This is the highest number in the Council of Europe Member States.²⁷
51. Regarding police investigations, the Istanbul Head of Police in charge of the murder unit reported to Human Rights Watch that out of 12 cases of hate crimes against transgender persons committed in Istanbul between 2006-2009, the police had caught 11 suspects who are now waiting in prison for trial.²⁸
52. Violence and harassment towards transgender persons in Istanbul and Ankara, including by the police, is a major concern voiced by all stakeholders interviewed in Istanbul and all NGOs met in Ankara.²⁹ Due to discrimination in the labour market and a following lack of work opportunities, many transgender women in Istanbul and Ankara are dependent on sex work making them vulnerable to violence from clients and harassment from the police who often view transgender persons not only as immoral but also as criminals (even though sex work is not a criminal offence as such according to the Turkish criminal code if you have an official licence).
53. The police employ certain discriminatory routines against transgender persons, on the basis of the Code on Misdemeanour (*Kabahatler Kanunu*), one of which is the use of 'traffic fines' charging transgender persons for disturbing traffic. During the mission to Istanbul, the NGO Istanbul LGBTTT presented a large amount of fines to the data collection team and persons interviewed accounted for extensive discrimination and abuse by the police and for having received up to 50 fines. Istanbul LGBTTT has information of more than 500 of such penalty cases during the last year.³⁰ These discriminatory practices have also been identified by a report done by the Istanbul Provincial Human Rights Board (published 2009)³¹, and are also accounted for in other cities in Turkey, such as Ankara, Mersin and Eskisehir.³²
54. An account of harassment in Ankara:
55. On 18 April 2010, brutal attacks from the police against five transgender persons, and some human rights defenders who tried to help them, took place in Ankara. The police stopped the car of the transgender persons, took them out of the car and beat them and later also the human right defenders who tried to help them. The transgender persons were taken into custody.³³
56. The police are under the jurisdiction of the Ministry of the Interior. The Ministry do not have knowledge of any complaints of misconduct by the police. They do not have any statistics, but state that the police, to their knowledge, act according to the law not allowing discrimination or harassment:
57. "Harassment is not common, but there may be a few cases."³⁴

27 TransGender Europe (2010) *Trans Murder Monitoring Project*, www.transrespect-transphobia.org/en_US/tvt-project/tmm-results.htm, accessed 29 September 2010.

28 Information provided by the Council of Europe Human Rights Commissioner's Office.

29 Meetings held with Chair of the Chamber of Medicine and Member of the Human Rights Council of the City of Istanbul, Lambdaistanbul and Istanbul LGBTTT, 22-23 February 2010, and Pink Life, Kaos GL and human rights lawyer met in Ankara, 1-2 March 2010.

30 Meeting with Istanbul LGBTTT, 23 February 2010.

31 Meeting with the Chair of the Chamber of Medicine and Member of the Istanbul Provincial Human Rights Board in Istanbul, 22 February 2010. The report: TC Istanbul Valiligi, B054VLK4340300/521.

32 Meetings with Pink Life, 1 March 2010 and a lawyer, having provided legal assistance in many cases, 2 March 2010 - both meetings in Ankara.

33 Pembe Hayat (Pink Life).

34 Meeting with the Ministry of Interior in Ankara, 1 March 2010.

58. Regarding the police work in relation to transgender persons, the Ministry of the Interior stated that "there is a legislation to protect the general health. If [the police] see a transsexual, they assume she/he is a sex worker. If they have a registration, the police cannot do anything to them. The police do their work in order to fight sexually transmitted diseases - that is the main point."³⁵
59. Istanbul LGBTTT was of the impression that whereas the practice of the courts has improved in recent years³⁶, the practice of the police in Istanbul has become worse in the sense that discrimination and harassment towards transgender persons had become more widespread.³⁷
60. As for the court procedures and sentencing, Human Rights Watch have documented problems related to sentences which are sometimes reduced due to 'unjust provocation' or 'good behaviour in the courtroom'. For example, Hüseyin Yardimci, who was tried for killing Yelda Yildirim in 2004 by stabbing her 11 times as he claimed she had had a lesbian relationship with his wife, has finally been sentenced to 6 years and 8 months. Yardimci's original penalty was set at 24 years, but was reduced by the court to 8 years on the grounds that he had committed the murder 'under unjust provocation'. It was then set at 6 years and 8 months due good conduct in the courtroom.³⁸
61. The bias motive is usually not recognised in killings of transgender persons. A notable exception is a case from 2007 in which the Court recognised an element of prejudice: "The defendants with a motivation of prejudice and according to a certain plan in an intense and constant manner, attacked against plaintiffs who live in their dwelling area and describe themselves as transsexuals and threatened them to abandon their lives".³⁹
62. Signs of improvement in the judicial practices to be noted: recent cases with convictions of murderers of transgender persons without reduced sentences can be seen as indicative of better practices. The Ministry of Justice also emphasised that a victim's gender identity or sexual orientation cannot be a ground for reduced sentencing: "We do not accept sexual orientation as a reason for reduced sentencing" (meeting with the Ministry of Justice in Ankara 1 March 2010). A human rights lawyer met in Ankara 2 March 2010 also noted that the judges seem to be improving the practice in these cases and being less prejudiced than in previous years.
63. Regarding hate crimes or assaults against LGB persons, Black Pink Triangle sums up on the basis of their experience and the cases reported to them by LGB persons:
64. "Lesbian and gay individuals prefer to keep their orientation hidden, or let us say they have such an option. And if someone steals your purse in a club to where the LGBT community usually goes, when you go to police they say: 'If you go to such a place such things

35 Meeting with the Ministry of Interior in Ankara, 1 March 2010.

36 Recent cases with convictions of murderers of transgender persons without reduced sentences can be seen as indicative of this. The Ministry of Justice also emphasized that a victims gender identity or sexual orientation can not be a ground for reduced sentencing: "We do not accept sexual orientation as a reason for reduced sentencing" - meeting with the Ministry of Justice in Ankara, 1 March 2010. A human rights lawyer met in Ankara, 2 March 2010 also noted that the judges seem to be improving the practice in these cases and being less prejudices than in previous years.

37 Meeting with Istanbul LGBTTT, 23 February 2010.

38 Human Rights Watch, *We need a Law for Liberation*. Gender, Sexuality and Human Rights in a Changing Turkey, 2008.

39 This is an unofficial translation from the following Turkish text: "Sanıklar kendilerinin ve çevrelerindeki insanların "önyargılarının tetiklediği" düşüncelerle çevrelerinde yaşamakta olan ve kendilerini transeksüel bireyler olarak tarif eden müdahillere karşı belli bir karar doğrultusunda yoğun ve sürekli saldırılarda bulunmuşlar, onları yaşadıkları hayat alanından ayrılmaya zorlamışlardır". Case 2007/250. 11th Assize Court.

happen.' Under these circumstances lesbian and gay individuals are afraid to complain or report abuses, even violence."⁴⁰

65. Kaos GL make annual reports based on their monitoring and counselling services. In 2008, 700 hate incidents were reported to the NGO from all of the country, and in 2009 the number of incidents was 600.⁴¹ Each year Kaos GL send the report to all Turkish parliamentarians. The only party to react on the matter has been the Kurdish party BDP who has addressed the issue with questions to the Turkish government.⁴²

C.5. Family issues

66. There is no legal recognition of same-sex partnerships in Turkey, and thus no cohabitation/partner benefits such as inheritance (without a will), pensions, etc.
67. On the political level, there is no sign that the situation regarding family issues is changing in the near future - the minister responsible for the affairs of women and families, Aliye Kavaf, was 7 March 2010 quoted in the newspaper Hurriyet Daily News:
68. "'I believe homosexuality is a biological disorder, a disease,' said S. Aliye Kavaf in an interview with the daily Hürriyet's Sunday supplement. 'I believe [homosexuality] is something that needs to be treated. Therefore I do not have a positive opinion of gay marriage.' Kavaf said her ministry does not have an agenda for gay marriage and there is no demand for such a thing anyway."⁴³
69. The statement generated a lot of public debate with critical reactions not only from LGBT NGOs, but also from other members of the government, MPs, and journalists.⁴⁴
70. Regarding the conditions for LGBT persons within their families, the LGBT NGOs describe a social pressure to get married once you reach a certain age - a pressure leading many LGB persons to marry according to the wishes of their families. It is assessed that the pressure is particularly hard on women, but of course this varies depending on, for example, the social status and traditions of the family and in which part of the country it is situated - with more possibilities to organise a life without heterosexual marriage in the larger cities than in the rural areas.⁴⁵

C.6. Asylum and refugee issues

71. Kaos GL provides support for LGBT asylum seekers in Turkey, and according to their knowledge, there were 145 LGBTT refugees in Turkey in February/March 2010, primarily from the Near East, and about 35 approach Kaos GL each year for assistance.⁴⁶ The experiences of Kaos GL are in line with the findings presented in a report on the subject made by Helsinki Citizen's Assembly's report on LGBT asylum seekers in Turkey:
72. "Lesbian, gay, bisexual and transgender (LGBT) individuals are among the most vulnerable asylum seekers and refugees in Turkey today. Having escaped persecution in their

40 Meeting with Black Pink Triangle in Izmir, 24 February 2010.

41 Meeting with Kaos GL in Ankara, 3 March 2010.

42 Meeting with Akin Birdal, BPD, 2 March 2010, and Kaos GL in Ankara, 3 March 2010.

43 Hurriyet Daily News, "Homosexuality is a disease' says Turkish minister", 7 march 2010,.

44 For more on the case, www.lambdaistanbul.org/php/main.php?menuID=5&altMenuID=6&icerikID=8669; and <http://bianet.org/bianet/toplumsal-cinsiyet/120511-bdpli-kisanak-ve-chpli-soysal-ayrimci-bakan-kavaf-istifa-etsin>; and www.kaosgl.com/icerik/chp_milletvekili_sevigenden_kavaf_jcin_soru_onergesi, accessed 26 May 2010).

45 Meetings with Lambdaistanbul, Istanbul LGBTT, Black Pink Triangle Izmir, Pink Life and Kaos GL Ankara.

46 Meeting with Kaos GL in Ankara, 3 March 2010.

countries of origin, they arrive in Turkey to confront significant new challenges to their safety, security and protection. Required to live in small towns in Turkey's interior, they wait a year or more to be recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) and then to be "resettled" in third countries. During the wait, they often fear leaving their homes due to targeted violence from local communities. They enjoy very limited access to social support, employment and medical care. Conspicuous gaps exist in the level of response by local police to their complaints of violence and harassment. Moreover, staff at the UNHCR and the Turkish Ministry of Interior, the two institutions charged with adjudicating their refugee status, have sometimes conducted themselves inappropriately or counter-productively during the refugee adjudication process. While recent accounts indicate that the UNHCR has made significant strides to ameliorate these problems, there is still significant room for improvement at both institutions."⁴⁷

C.7. Social security, social care and insurance

73. The only issue stressed in this regard, except for lack of partnership rights as a consequence of lack of official partnership status, is the fact that social security is normally obtained via employment. Hence discrimination in employment, and in particular the limited employment possibilities for transgender persons, has a negative impact on the possibilities for LGBT persons regarding access to social security.⁴⁸

C.8. Education

74. At the time of writing no studies on the situation in education is available. However, in particular Kaos GL have worked extensively with the issue and will publish a report in 2010 on LGBT in education.
75. There is no sex education or life skills education in the Turkish primary schools.⁴⁹ The NGOs interviewed moreover describe an educational system with heteronormative curricula and extensive bullying - not least of openly LGBT pupils/students. Therefore students often conceal their sexual orientation or gender identity while studying.⁵⁰ In an LGBT-survey carried out by Lambdaistanbul, 14 percent of the LGBT respondents reported having experienced discrimination in schools, a figure which should be seen in the light of the fact that most LGBT youth hide their sexual orientation or gender identity in schools.⁵¹ Another consequence of the social pressure is that some LGBT persons choose not start or finish their education - a choice which in particular for transgender persons is facilitated by the fact it is almost impossible to find employment afterwards.⁵²
76. The situation for teachers is assessed to be the same - with them being forced to remain in the closet. Being openly LGBT would not only entail a big risk of bullying and harassment, but also the risk of being fired - a risk underlined by the fact students and parents would most probably want to have an openly LGBT teacher replaced.⁵³
77. There are several known cases where transgender women and gay men working as teachers have been fired or suffered attempts at being fired. The employment cases are

47 Helsinki Citizen's Assembly - Turkey & ORAM - Organisation for Refuge, Asylum and Migration, *Unsafe Haven: The Security Challenges Facing Lesbian, Gay, Bisexual, and Transgender Asylum Seekers and Refugees in Turkey*, 2009.

48 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010.

49 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010, and Kaos GL in Ankara, 1 and 3 March 2010.

50 Meeting with Kaos GL in Ankara, 3 March 2010.

51 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010.

52 Meetings with Pink Life and Kaos GL in Ankara, 1 and 3 March 2010.

53 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010, and Kaos GL in Ankara, 1 and 3 March 2010.

rarely taken to court, but in a few cases the courts have ruled in favour of the complainants.⁵⁴

78. Regarding university level, the LGBT NGOs report of the existence of women's studies but no gender studies as such.⁵⁵

C.9. Employment

79. There are several cases and accounts of lesbians and gay men being fired or forced to leave their jobs due to their sexual orientation - the cases involve persons in various professions such as: teacher, police officer, bank employee, football referee, civil servant.⁵⁶ However, the Ministry of Labour and Social Protection, to which the Labour Inspection Department belongs, do not know of any cases of discrimination on grounds of sexual orientation or gender identity.⁵⁷
80. A specific concern is employment possibilities for transgender persons. All NGOs interviewed voiced concern over the fact that transgender women are largely dependent on sex work due to the fact that it is most often impossible to get employment as a transgender person.⁵⁸ Pink Life in Ankara moreover reported of lack of assistance and even discrimination of transgender persons at public unemployment offices.⁵⁹ The Ministry of Labour and Social Security did not know of any such cases, but would look into the matter.⁶⁰
81. Another specific concern is the consequences of the military's practice with letting off LGBT persons from military service with reference to mental health conditions. The following quotation outlines the situation in accordance with information received from the NGOs interviewed:
82. "The only public body in Turkey that explicitly discriminates against homosexuals is the military. According to the Turkish Armed Forces Health Requirement Regulations, people with "high-level psychosexual disorders"⁶¹ (in practice including homosexuality, transsexuality, transvestism becoming apparent in a military context) are to be barred from military service. At the same time, military doctors and psychological commissions set high thresholds for men to be identified as homosexuals, subjecting them to a series of humiliating and degrading tests based on outdated conceptions of human psychology. Once they are recognised as gay, they are dismissed as unfit for service, with possible repercussions for their job prospects and employment in state institutions."⁶²
83. The EU 2008 Progress Report describes the procedures as follows:

54 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010, and Kaos GL in Ankara, 1 and 3 March 2010. See also Öz Y., *Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states - Legal Country Report*, Turkey, 2009.

55 Meeting with Lambdaistanbul in Istanbul, 22 and 25 February 2010, and Kaos GL in Ankara, 1 and 3 March 2010.

56 Öz Y., *Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the Council of Europe member states - Legal Country Report*, Turkey, 2010.

57 Meeting with Ministry of Labour and Social Security, 2 March 2010 in Ankara.

58 Meetings with Lambdaistanbul, Istanbul LGBTTT, Black Pink Triangle Izmir, Pink Life and Kaos GL Ankara.

59 Meeting with Pink Life, 1 March 2010 in Ankara.

60 Meeting with Ministry of Labour and Social Security, 2 March 2010 in Ankara.

61 Armed Forces Health Regulation, Point 17, www.mevzuat.adalet.gov.tr/html/20176.html \o

"<http://www.mevzuat.adalet.gov.tr/html/20176.html>, accessed 9 July 2010.

62 Kerem Öktem, *Another Struggle: Sexual Identity Politics in Unsettled Turkey*, September 2008, in: Middle East Report, www.merip.org/mero/interventions/oktem_interv.html, accessed 25 January 2010.

84. "Homosexuals have the right to exemption from military service. If they request such exemption, their sexual orientation is verified by means of degrading medical and psychological tests or by demanding proof of homosexuality."⁶³

C.10. Housing

85. Gender expectations and the requirement to marry complicate the access to housing for LGBT persons. It is seen as unusual to live alone, if you are above a certain age, and many landlords prefer to rent out to married couples - in particular single men are unwanted as tenants. The LGBT NGOs reported of several known incidents where persons of the same sex sharing an apartment had been forced to move due to allegations that they were having a same-sex relationship (regardless of whether it was true or not).⁶⁴ Such cases tend not to be brought to court because many do not want the exposure that could come with such a case.
86. The housing problems are worsened by processes of gentrification and rising real estate prices in the areas which have also been LGBT community strongholds - with the district of Beyoglu in Istanbul being a prominent example. First of all, the higher prices make it more difficult for transgender and LGB persons and NGOs to be able to pay the rent in the areas where they have some social space and networks. Secondly, as real estate prices are thought to be negatively affected by the presence of a local transgender community, many real estate agents or landlords will not sell/rent housing to transgender persons, and occasional campaigns to get transgender persons out of certain areas have created several conflicts in Istanbul. Hence, several previous community- or 'ghetto' streets do not exist any more.⁶⁵

C.11. Health care

87. There are no official cases of discrimination of LGBT persons in health care.
88. However, a report from Human Rights Watch provides anecdotal evidence of incidents of highly negative attitudes and mistreatment - some examples.⁶⁶
89. "One prominent doctor told Human Rights Watch, 'Turkish psychiatry is very conservative, very resistant to change.'
90. Several young people told Human Rights Watch that when their parents learned of their sexual orientation in their adolescence, they were forced to seek 'treatment' from a psychologist or psychiatrist. Some, indeed, found sympathetic help. Can said that when his parents insisted he seek psychiatric help at 17, the doctor told them: 'You must help him adjust to his life, support him. You cannot change him.' However, Esme, expelled from school at 16 when she declared she was a lesbian, told Human Rights Watch that the psychologist gave her anti-depressants, which he said 'would cure me of being a lesbian.'"
91. A report published by the Istanbul Provincial Human Rights Board identifies cases where police authorities put pressure on medical staff regarding the procedural examination in cases where transgender sex workers are brought to the hospital when they have been arrested. Apart from a certain level of "intolerance" found by some staff members, the main

63 Commission of the European Communities, *Turkey 2008 Progress Report*, 2009, p. 23.

64 Meetings with Lambdaistanbul in Istanbul, 22 and 25 February 2010, and Kaos GL in Ankara, 1 and 3 March 2010.

65 Meetings with Lambdaistanbul, 22 February 2010 and Istanbul LGTT, 23 February 2010 in Istanbul.

66 Human Rights Watch (2008) *We Need a Law for Liberation*, 2008, www.hrw.org/en/node/62197/section/8, accessed 26 May 2010.

problem identified in the report relates to shortcomings regarding working conditions and infrastructure: no separate rooms for examination and questioning without the presence of the police, and a lack of knowledge about the specific issues at stake. There are also cases of the police trying to interfere in the medical examinations or trying to prevent victims of police harassment from seeking medical care and examination.⁶⁷

92. Regarding gender reassignment surgery, the public health service does not pay for such treatment, which in practice makes it too expensive for most transgender persons.⁶⁸
93. The annual report for 2008 of the LGBT Civil Rights Platform lists one case of ill-treatment by military psychiatrists and psychologists against a gay man who wanted to take a medical report in order not to undertake the compulsory military service.⁶⁹

C.12. Access to goods and services

94. In particular transgender persons face discrimination regarding access to goods and services, not least due to their greater visibility than LGB persons. Harassment by bus drivers in Istanbul as well as the refusal to serve transgender persons at restaurants, cafés and bars (including some gay venues) in Istanbul, Ankara and Izmir was highlighted by the LGBT NGOs interviewed. Similar problems are also at times encountered by visibly LGB persons and couples.⁷⁰

C.13. Media

95. Kaos GL carries out monitoring of Turkish print media. They assess the media reports on the basis of several criteria, on the basis of which more than 60 percent of the LGB-related media reports is found to be homophobic or not pro-equality.⁷¹ In 2009 3,865 articles were analysed, whereas 2,058 articles were found and analysed in 2008. The most commonly found negative aspects are the use of stereotyping and homophobic remarks.
96. The annual report for 2008 of the LGBT Civil Rights Platform lists one case about discrimination against a transgender woman in a television programme⁷², and during the data collection in Turkey, an LGBT demonstration was held in Istanbul as a reaction to recent homophobic remarks in media.

C.14. Transgender issues

97. There is a certain historical tradition for transgender identities and practices in Turkey⁷³, as well as relatively large transgender communities at least in the bigger cities⁷⁴. A high focus on discrimination against transgender persons has been found throughout the visit to Turkey - not least highlighted by prominent incidents of harassment, violence and murders. The issues are presented in the other relevant chapters in this report.

67 Meeting with the Chair of the Chamber of Medicine and Member of the Istanbul Provincial Human Rights Board in Istanbul, 22 February 2010.

68 Meeting with Istanbul LGBTTT, 23 February 2010 in Istanbul.

69 LGBT Rights Platform, *Human Rights Violations Against LGBT Individuals in Turkey in 2008*, Istanbul, 2009.

70 Meetings with Istanbul LGBTTT, 23 February 2010 in Istanbul, Black Pink Triangle Izmir, 24 February 2010 in Izmir, and Pink Life March, 1 in Ankara.

71 Meeting with Kaos GL in Ankara, 1 and 3 March 2010.

72 LGBT Rights Platform, *Human Rights Violations Against LGBT Individuals in Turkey in 2008*, Istanbul, 2009, the outcome of the case is not known.

73 Öktem K., *Another Struggle: Sexual Identity Politics in Unsettled Turkey*, Middle East Report Online, September 2008, www.merip.org/mero/interventions/oktem_interv.html, accessed 27 February 2010).

74 Meetings with Lambdaistanbul, Istanbul LGBTTT, Black Pink Triangle Izmir, Pink Life and Kaos GL Ankara.

C.15. Other areas of concern

Religion

98. The Directorate of Religious Affairs organised a meeting in autumn 2009.⁷⁵ The programme of the meeting, planned for 12-16 October 2009 in Ankara, included discussions on several societal issues, in light of the need of the Directorate of Religious Affairs to define a position on these issues. Homosexuality was one of the items on the agenda, including a presentation about "Sexuality and Societal Life" (Cinsellik ve Toplumsal Hayat). It has not been possible to obtain information about the outcome of these discussions.

C.16. Data availability

99. There are very little official data on LGBT issues and rights violations in Turkey. However, some case law, one official report (by the local Human Rights Council of the City of Istanbul) and several reports drafted by human rights organisations and LGBT NGOs provide substantiated data on the situation in certain areas. Moreover, several active and experienced LGBT NGOs are able to provide similar accounts and elaborate anecdotal evidence altogether making it possible to outline a substantiated analysis of the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in Turkey.

⁷⁵ See the programme at <http://dinsurasi.diyinet.gov.tr/sura/default.asp>, accessed on 5 March 2010.