



**From the University Queer Research and LGBTI+ Solidarity  
Association (UniKuir)**

**Türkiye**

**Report On Killing of LGBTIQ+ persons  
Submitted by UniKuir**



## **1. Laws, institutions, policies and practices that may constitute direct breaches of international human rights obligations in relation to the right to life of LGBTIQ+ persons.**

In Türkiye, the Gezi resistance in 2013, the change in the political power's policy towards pride marches since 2015, and finally the increased security policy due to the coup attempt in 2016 have affected all segments of society and many rights struggles have been severely repressed.

In the report of the Council of Europe Commissioner for Human Rights following his visit to Türkiye on 1-5 July 2019, it is stated that the legitimate activities of LGBTIQ+ organisations were first restricted by the state of emergency, and after the state of emergency, this ban was replaced by another equivalent ban.<sup>1</sup>

Oppressive practices have continued to increase since the date of the aforementioned report and have reached their peak with the systematic demonisation of LGBTIQ+ people in the political arena as of 2023. In many parts of the report entitled 'Turkey 2023 on Enlargement Policy', it is stated that discriminatory attitudes, hate speech and stigmatisation continue to target human rights defenders, NGOs and LGBTIQ+ people working in the field of LGBTIQ+ rights in Türkiye, and that anti-LGBTIQ+ discourse is being instrumentalised in the electoral process.<sup>2</sup> In recent years, when the rainbow flag has been associated with membership of a terrorist organisation<sup>3</sup> and the rainbow flag and its colours have been disturbed in public spaces<sup>4</sup>, there has been an increase in incidents of violence against LGBTIQ+ people as a result of high-level politicians targeting them. During the presidential and parliamentary elections held in 2023, President Recep Tayyip Erdoğan produced hostile, targeted, discriminatory or hateful discourse against LGBTIQ+ people in 139 rallies, opening ceremonies, public meetings, press conferences and television programmes. Fatih Erbakan, the leader of the Yeniden Refah Party with which he formed an alliance, also produced discriminatory and hateful discourse

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<sup>1</sup> [Commissioner for Human Rights of the Council of Europe – Report Following Her Visit to Turkey from 1 to 5 July 2019](#) p.35 §146

<sup>2</sup> [EU Türkiye 2023 Report](#) p.16

<sup>3</sup>

<https://kaosgl.org/haber/savci-suc-bulamayinca-teror-orgutu-uydurdu-simge-olarak-da-gokkusagi-bayragini-yaki-stirdi> (Only in Turkish)

<sup>4</sup>



57 times in his 65 activities.<sup>5</sup> Hate speech by politicians reinforces prejudice, discriminatory attitudes and hatred towards LGBTIQ+ people in society. It also leads to the lack of effective policies against all these. However, politicians should make statements that inculcate tolerance and peace and find solutions to rights violations.

## **2. Existing laws, institutions, policies and practices that fail to, or appear to fail, in protecting the right to life of LGBTIQ+ persons**

### **Constitution of the Republic of Türkiye:**

The legal system in Türkiye has no effective legislative or administrative measures to combat or remedy discrimination based on SOGI. Article 10 of the Constitution, entitled 'Equality before the law', states that 'everyone shall be equal before the law without discrimination on grounds of language, race, colour, sex, political opinion, philosophical belief, religion, sect and similar grounds'. However, this article does not explicitly regulate discrimination on the basis of SOGI. In line with the jurisprudence of the Constitutional Court, it can be said that the expression 'similar grounds' in this article also covers SOGI. However, the perspective offered by the jurisprudence is not reflected in practice. On the other hand, the non-application of the jurisprudence of the Constitutional Court and the ECHR on political issues is a common occurrence in Türkiye. It is important to note that this lack of legal recognition has determined the direction of Turkish legislation. There is not a single article in the legislation on discrimination that directly mentions SOGI.

### **Turkish Penal Code:**

Article 122 of the Turkish Penal Code, entitled 'Hatred and Discrimination', reads as follows:  
Article 122 - (1) Hatred based on differences of language, race, nationality, colour, sex, disability, political opinion, philosophical belief, religion or sect.

- (a) the sale, transfer or rental to a person of movable or immovable property made available for public use
- (b) the use by a person of a particular service made available to the public
- (c) the recruitment of a person
- (d) preventing a person from engaging in a normal economic activity shall be punishable by a term of imprisonment of between one and three years.

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<sup>5</sup>

<https://www.unikuir.org/assets/public/projects/dosyalar/2023-08-cumhurbaa-kanla-a-a-ve-28-da-nem-milletvekillia-i-sea-imlerini-lgbta-haklara-baa-lama-nda-a-zleme-raporu.pdf> (Only in Turkish)



This article only covers hatred and discrimination based on the above list and does not cover SOGI. Therefore, acts of hate and discrimination based on SOGI are not punishable. Furthermore, this article has been drafted for a very limited number of acts. However, hate crimes or hate incidents can be committed by all kinds of acts. The article in question excludes most hate-motivated acts. For example, acts such as killing, wounding, torture, persecution, sexual assault committed with a hate motive are not included in hate crimes. Under the Turkish Penal Code, hate motivation based on the victim's SOGI status is not considered an aggravating circumstance or a different type of offence. These investigations or potential prosecutions are conducted without any aggravating circumstances. It should be noted that hate crimes against LGBTI+ people, especially transgender people, are carried out with very brutal methods in Türkiye. Despite this, they are punished like ordinary murders. This situation leads to a certain impunity.

#### **Law Enforcement Oversight Commission:**

Another institution that fails to protect the right to life of LGBTI+ people is the Law Enforcement Oversight Commission, which was established in 2016 under the Ministry of Home Affairs. This Commission only deals with complaints against law enforcement personnel, is not independent in its activities and does not investigate SOGI-based hate crimes and/or hate-motivated incidents allegedly committed by law enforcement officers.

#### **Human Rights and Equality Institution of Türkiye (TİHEK):**

The Institution was established to prevent torture, combat discrimination and promote human rights. The Institution can identify violations of rights or impose administrative fines for violations of the prohibition of discrimination. Decisions on administrative fines are binding. Article 3 of the Law regulates the principle of non-discrimination and lists a limited number of types of discrimination. SOGI is not one of the types of discrimination listed. For this reason, the TİHEK rejects applications on LGBTI+ rights directly (without going into the merits). There is no known case of an acceptance decision. For example, the application regarding the hateful social media posts of the Governor of Gaziantep about the Pride march and LGBTI+ people was found inadmissible. An action for annulment of the decision was filed with the Administrative Court, but the case did not reach a positive outcome.<sup>6</sup>

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<sup>6</sup> <https://kaosgl.org/en/single-news/the-court-acquitted-tihkek-and-the-governor-of-discrimination>



### **Ombudsman's Office (KDK):**

It is seen that the Ombudsman's Office is not favourable for applications to be made in terms of LGBTI+ rights. For example, the film screenings of QueerFest, a culture and arts festival organised by Pink Life LGBTI+ Solidarity Association, were banned by Beyoğlu District Governorate in 2018. The application against this decision was not examined on the grounds that 'it does not fall within the mandate of the organisation'. However, legally, this application falls within the mandate of the institution. Moreover, ombudspersons within the KDK are specialised in certain areas. For example, there is an ombudsman specialised in women's rights and children's rights. However, no such specialisation is provided in terms of LGBTI+ rights.

### **3. Instances and examples of failures to respect and protect the right to life of LGBTIQ+ persons during 2020-2024.**

#### **2021<sup>7</sup>:**

In 2021, a total of eight hate murders related to the right to life were reported in Türkiye by Kaos GL Association. In January 2019, the verdict in the murder trial of Hande Buse Şeker, which took place in 2020, was overturned by the High Court. However, the High Court rejected the lawyers' request for aggravated life imprisonment.

In 2021, a total of eleven violations of rights related to the prohibition of torture and ill-treatment were reported by Kaos GL Association in Türkiye. In 2021, the police violated the prohibition of torture and ill-treatment on many occasions, especially during meetings and demonstrations. This prohibition was violated against at least 12 people in at least seven incidents that took place in many parts of the country, such as Aydın, Çanakkale, Ankara, Istanbul, Izmir. Subsequently, neither the security directorates nor the Ministry of Interior provided any information on administrative or judicial investigations against personnel who violated the prohibition of torture or ill-treatment in these incidents.

#### **2022<sup>8</sup>:**

In 2022, Kaos GL Association reported three hate murders in Türkiye related to the right to life. Including the murder of Hande Buse Şeker, which took place in January 2019 and was

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<sup>7</sup> <https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2021-web.pdf>

<sup>8</sup> <https://kaosgldernegi.org/images/library/fact-sheet-3.pdf> ;  
<https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2022.pdf>



finalised in 2020, there are no finalised verdicts among the verdicts in hate murders in 2020 and 2021.

In 2022, a total of 612 violations of the prohibition of torture and ill-treatment of LGBTI+ persons were reported by Kaos GL Association in Türkiye. It should be noted that 612 violations does not mean 612 incidents; it also includes violations against more than one rights holder in the same action, such as mass arrests using force during peaceful demonstrations. In this context, 373 people detained with ill-treatment or degrading treatment on 26 June 2022, 70 Boğaziçi University students detained with beatings on 20 May 2022, and 42 Middle East Technical University students detained in the presence of a police attack with rubber bullets stand in a different place in terms of showing the number of rights holders affected by the incident, even if it appears to be a single incident.

### **2023<sup>9</sup>:**

In 2023, four hate murders related to the right to life were reported by Kaos GL Association in Türkiye. In one case, an unjustified provocation reduction was applied in favour of the defendant, based solely on the defendant's statements. In addition to the four hate murders, other violations of the right to life include the death of a transgender person who was not taken to a shelter and left on the street, the death of another transgender person who was denied access to medication, and the deportation of a refugee under threat of execution. Despite the recommendation in the European Commission against Racism and Intolerance's country report, Türkiye has not established a system for recording hate incidents. In other words, there is no data on this issue other than the reports produced by civil society organisations. Civil society organisations have access to these incidents through the reports they receive. However, it is estimated that the actual number is much higher.

In 2023, Kaos GL Association reported a total of 156 violations in Türkiye, of which 146 were violations of the prohibition of torture and ill-treatment in custody and 10 were violations of the right to personal integrity.

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<https://kaosgldernegi.org/images/library/bilgi-notu-2023-eng.pdf>; <https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2023-1.pdf>



#### 4. Some Case Examples

##### **Hande Buse Şeker<sup>10</sup>:**

Hande Buse Şeker, a trans woman sex worker, was shot dead by the perpetrator, who was a police officer, as a client in her own home in 2019, after which she was sexually assaulted and the perpetrator's masturbation with Hande's blood was reflected on cameras in the house. Despite this, the court sentenced her to life imprisonment as if it were a common murder. However, such a murder should be punished much more severely. Under Turkish law, 'inflicting cruelty or torture' requires aggravated life imprisonment.

##### **Ahmet Yıldız<sup>11</sup>:**

The case of Ahmet Yıldız is one of the most prominent examples of hate crime against LGBTI+ people in Türkiye. Ahmet Yıldız was murdered by his father in Istanbul on 15 July 2008. The murder has been described as Türkiye's first gay honour killing' and has attracted widespread attention. However, despite the passage of 15 years, his father has still not been caught and brought to justice.

##### **Ecem Seçkin<sup>12</sup>:**

Ecem Seçkin, a transsexual sex worker, was brutally stabbed to death on 5 January 2023 by the perpetrator who came to her house as a client. The perpetrator fled after the murder, taking Ecem's valuables with him. The prosecutor initially requested aggravated life imprisonment for the murder, which was committed with monstrous sentiments. However, the prosecutor of the case changed and the new prosecutor demanded life imprisonment at the basic level and the court ruled accordingly.

#### 5. Priority recommendations for the protection of LGBTI+'s right to life

- ❖ Legislation against discrimination and hate crimes should be enacted, discriminatory or hate-motivated crimes should be more severely punished, all law enforcement officials should be trained and specialised units should be established, and effective

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<sup>10</sup> <https://kaosgl.org/haber/sorusturmadan-karara-hande-buse-seker-davasinin-kronolojisi> (Only in Turkish)

<sup>11</sup> <https://kaosgl.org/en/single-news/the-dock-has-been-is-empty-in-the-ahmet-yildiz-case-for-15-years>

<sup>12</sup>

[https://t24.com.tr/yazarlar/yildiz-tar-insan-manzaralari/ecem-seckin-davasi-cebinde-uc-bicakla-geldigi-evde-cin-ayet-isledi,39468#google\\_vignette](https://t24.com.tr/yazarlar/yildiz-tar-insan-manzaralari/ecem-seckin-davasi-cebinde-uc-bicakla-geldigi-evde-cin-ayet-isledi,39468#google_vignette) (Only in Turkish)



administrative and judicial investigations of unlawful conduct by public officials should be carried out.

- ❖ Türkiye withdrew from the Istanbul Convention by presidential decree in 2021 due to the prohibition of discrimination based on SOGIESC LGBTI+ rights, international agreements and norms that protect LGBTI+ rights should be adopted and implemented into domestic law.<sup>13</sup>.
- ❖ Educational programmes should be implemented in schools and universities to raise awareness of sexual orientation and gender identity and to prevent discrimination.
- ❖ One of the areas where anti-LGBTI+ hatred is systematically sought to be popularised is in the media. In particular, conservative, Islamist or ultra-nationalist media outlets often include anti-LGBTI+ content. According to the report by the Kaos GL association, LGBTI+ people were portrayed as 'immoral', 'criminal', 'deviant' or 'enemies' in 69 per cent of news items and columns in the print media in 2023<sup>14</sup>. Medyada LGBTİ+'ların olumlu ve doğru temsili için stratejiler geliştirilmesi ve nefret söylemine karşı önlemler alınması gerekir.
- ❖ Siyasetçiler, LGBTİ+'lara yönelik ayrımcı ve nefret içerikli açıklamalarına son vermelidir. Uluslararası toplum tarafından bu siyasetçiler kınanmalı ve gerektiğinde ülkelere yaptırım uygulanmalıdır.
- ❖ Siyasetçilerin yanı sıra dini liderlerin de ayrımcı ve nefret içerikli açıklamalarına son verilmelidir. Türkiye'de Diyanet İşleri Başkanlığı hutbeler ve seminerler yoluyla LGBTİ+ karşıtı siyasetin önemli bir parçasıdır.
- ❖ Rights-based civil society organisations play the largest role in preventing discrimination and violence against LGBTI+ people in Türkiye. However, LGBTI+ organisations are under severe pressure from public policies. Events are banned and pressure is exerted through coercive administrative inspections. These should be stopped.
- ❖ Health workers should be trained to be sensitive to the needs of LGBTI+ people and to provide services free of discrimination.
- ❖ Policies and practices should be implemented to ensure equal access to housing and social services for LGBTI+ people. Shelters specifically for LGBTI+ persons and LGBTI+ inclusive shelters should be established.

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<sup>13</sup> <https://kaosgl.org/en/single-news/turkey-withdraws-from-the-istanbul-convention>

<sup>14</sup>

<https://kaosgl.org/en/single-news/report-card-of-the-press-in-2023-hate-speech-against-lgbti-community-rises-to-64-percent-discriminatory-language-to-69-percent>