**Submission to the United Nations Independent Expert on sexual orientation and gender identity** **Religion Based Discrimination of the Public and Religious Authorities against LGBTI+ rights in Turkey**

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**Submitted on behalf of Kaos GL**

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**Religion Based Discrimination of the Public and Religious Authorities against LGBTI+ people in Republic of Turkey**

**Executive Summary**

This submission presents religion-based discrimination of the public and religious authoritiesagainst LGBTI+people in Turkey on account of actual or perceived SOGI. These violations consist of acts of violence against LGBTI+individuals, arbitrary administrative measures, and hostile approach of State officials towards the LGBT community. In preparing this submission, we relied on documentation and data from the following sources: LGBT organizations and allies in Turkey; reports by national and international human rights NGOs; parallel report related to the discrimination and violence against LGBTI+ people in Turkey, Submitted for the 81st session of the CEDAW in May 2022 and prepared by ERA - LGBTI Equal Rights Association for Western Balkans and Turkey, Free Colours Association, Kaos GL, Pink Life LGBTI+ Solidarity Association, Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD); and media reports of violence and discrimination against LGBTI+individuals.

**Kaos Gay and Lesbian Cultural Research and Solidarity Association** **(Kaos GL)**, established in 1994, conducts activities in many different fields such as law, education, art and culture, supporting refugees, mental health, LGBTI+ journalism, politics to endorse achievements to be done in this framework so that LGBTI+s may embrace freedom, justice and peace as their fundamental values.

**Political Context in Turkey**

Turkey’s state produced LGBTI+phobia and anti-human rights rhetoric continues an upward trend.  The recent years are marked by strong discriminatory speech coming from the President Recep Tayyip Erdoğan[[1]](#footnote-1) as well as the other high-level public authorities such as Minister of Interior Affairs[[2]](#footnote-2) and President of Religious Affairs[[3]](#footnote-3). That contributes towards the recorded increase of hate crimes and other bias-motivated incidents, including domestic violence, gender-based violence and discrimination based on SOGI.

LGBTI+organizations report that 2020-22 have been disproportionately more challenging for the community regarding hate crimes and hate speech than previous years, especially following the outbreak of the Covid-19 pandemic[[4]](#footnote-4). Political leaders have used the pandemic to impose LGBTI+phobic narratives in the public discourse by blaming LGBTI+people for the pandemic and encouraging hostility against them. The President Erdoğan and Minister of Interior Affairs have also given public support to anti-LGBTI+ discriminatory speech creating an even more dangerous environment for the community. Moreover, increasingly restrictive measures have been imposed on the NGOs to limit their functioning and make it more difficult for them to organize and provide adequate support to LBGTI+people.

In 2021, Turkey announced withdrawal from the IC and reports of arbitrary obstacles created by government officials against women applying to Law No. 6284 have increased drastically following the withdrawal.

Recently, Tarlabaşı Community Center Association[[5]](#footnote-5) and Stop Women Femicide Platform[[6]](#footnote-6) face closure risks for their SOGI related activities.

Not only does the Turkish government discriminate against LGBTI+persons, but it also prevents the few local administrations from introducing LGBTI+persons-inclusive policies and practices. Thus, the Civil Inspection Board of the Ministry of Interior Affairs demanded information from several municipalities and city councils about whether they are engaged in any work concerning LGBTI+persons. Several municipalities faced audits due to social media posts supporting Pride Week 2019. A criminal investigation was launched against the Director of Media, Publications and Public Relations of one municipality due to his authorization for the social media posts concerning pride week.

The National Human Rights Body is still failing to include SOGI under Law on Turkey’s Human Rights and Equality Institution (Law No. 6701). De-facto ban on LGBTI+ public events in several cities is still imposed. All of this is positioning LGBTI+persons, especially those with intersected identities, in a most marginalized position with limited access to protection, rights and services.

**1. Lack of Domestic Legal Protection for LGBTI+ Individuals in Turkey**

Domestic legal provisions do not explicitly discriminate against individuals on the basis of SOGI. However, there are numerous examples of discriminatory applications of the laws being against LGBTI+persons. In addition, the lack of explicit legal protection for LGBTI+individuals have amounted to a tacit legal endorsement of acts of violence and discrimination. SOGI remains unprotected under Turkish law but there are only law regulating gender reassignment surgeries. “Homosexuals” were cited as the reason why Turkey announced withdrawal from the IC. In the period leading up to the withdrawal, conservatives opposing the IC alleged that Article 4(3) of the IC prohibiting discrimination based on any ground, including SOGI, was “encouraging homosexuality.” Withdrawal from the IC clearly states that the government has no political will to protect LGBTI+people from violence.

Not only LGBTI+phobic motives against LGBTI+persons are ignored by the judicial bodies, but the courts can reward perpetrators with sentence reductions based on “unjust provocation” or “good behavior”.

Both in the Constitution and Articles 132-134-136 of the Turkish Civil Code, the right to marry and found a family is a right granted to heterosexual couples only. Therefore, LGBTI+ partnerships lack all the rights acquired through marriage and family, such as inheritance, adoption, and social security benefits. There has been no change of policy and legislation regarding LGBTI+couples.

1. **Hate Speech & Crimes against LGBTI+ Individuals:**

Hate crimes

According to Kaos GL’s 2021 Human Rights of LGBTI+s Report, 8 hate murders have been reported in 2021. However, it is thought that this number is a lot more and most of them were not reflected in the press. Hate crimes and human rights violations towards LGBTI+s are not generally reported to the law enforcements by the victims/survivors.  The most common reason for that are “not believing that the application will work,” “avoiding being exposed to the family or media by the police,” and “not wanting to be discriminated against by the police.” Kaos GL’s Reports reveal that the public authorities’ discriminatory and scapegoating rhetoric against LGBTI+people normalize hate crimes across the country. There is no significant progress concerning effective investigation and arrest of perpetrators of hate crimes against LGBTI+people, especially against trans women.

After the withdrawal from IC, women with diverse intersectionalities, LGBTI+persons and refugees in particular, have become more vulnerable against hate crimes and violence.

The reporting period marks an increase of police brutality. During the 8-March protests in Kadikoy, Istanbul, on 6 March 2021, the police did not allow LGBTI+flags at the demonstration and attacked the Trans+Cortege. After the protest, trans women giving a speech were followed by the police and nine were detained. All detainees were imposed a ban on leaving the country and signature obligation for every two weeks, two were also given home detention for one month.

Hate speech

The government stigmatizes women and human rights defenders who do not share the same views as terrorists, arrests them, targets them and threatens to shut down their organizations. LGBTI+ organizations are declared as deviant and targeted by high-level public authorities. An investigation has been launched against the Ankara, Diyarbakır, İstanbul, İzmir, Urfa and Van Bar Association administrations that made statements condemning the hate speech of the President of Religious Affairs, describing LGBTI+s as “deviant”. Due to the Boğaziçi University protests, investigations were launched against the students and the LGBTI+ Student Club of the university was closed. The student’s art exhibition was targeted by public authorities as insulting the Islamic religion.

While University of Boğaziçi protests continue, President Erdoğan made several discriminatory speeches against LGBTI+people. He also gave a speech at the congress of the women’s branch of his party, where he attacked lesbians directly, and he polarized lesbians and mothers as if they were two separate unities. Erdoğan also gave several speeches on the sacredness of women as mother and wife, clearly violating Article 5 of CEDAW through gender stereotyping.

In the months leading up to IC withdrawal, campaigns targeting LGBTI+individuals within the IC debate were carried out by pro-government media. These have reinforced a very hostile social and political climate against LGBTI+individuals, manifesting in very concrete, cumulative, and repetitive ways.

Kaos GL Association published its annual media monitoring report. According to the results of the research, for which 4011 texts published in the print media were examined, only 43 percent (1707) of the texts regarding LGBTI+s, can be evaluated within the scope of rights-based journalism. As for 2273 texts, which make up more than half (57 percent), fundamental rights of LGBTI+s were violated, hate and / or discriminatory language were preferred or the texts brought up the prejudices related to LGBTI+s.

Discriminatory language, simulating LGBTI+ identities as crime, disease, perversion, immorality or sin, hate speech, hate crime, and violation of freedom of speech and organization become prominent in the violation of rights subcategories. LGBTI+s were represented with a discriminatory language in 2161 news, interviews and columns in 2021. This corresponds 54 percent of all the texts published in 2021. Hate speech was identified in 1249 texts, that is to say 31 percent of all texts. Hate crime was committed by targeting people, associations, institutions or organizations in 1148 texts.

According to the report; when the titles of the texts containing hate speech and / or discriminatory language examined, it is seen that most frequently used word is “İstanbul” (145 times) and “Convention” (99 times) is hard on the heels of it. “Boğaziçi” follows the İstanbul Convention by using it 79 times. This situation is explained in the report as follows:

“This shows us that hate speech against LGBTI+s is frequently created in the news, columns and interviews related to the İstanbul Convention and protests appointment of trustee-rector to Boğaziçi University, in 2021. We may say that hate speech has taken place in the media through politicians, in favor of politics, in line with our research in the past years. On the other hand, when we look at the news, interviews and columns which do not contain hate speech, we observed that “Woman and LGBTI” was the most frequently repeated word group. This indicates that while the newspapers which internalize creating hate as a publishing policy target LGBTI+s by their full appellation; the newspapers, which try to respect rights-based journalism and LGBTI+ rights, use LGBTI+s with “and” addition and it doesn’t take place in the center of their publishing policy.

2103 news, interviews and columns regarding LGBTI+s were published in the mainstream media in 2021. The first 10 newspapers carrying out LGBTI+s, regardless of discrimination, hate speech, prejudice or violation of rights against LGBTI+s in the news, columns and interviews published, were as follows:

\*Yeni Akit, 319 texts, 15 percent

\*Aydınlık, 107 texts, 5 percent

\*Milat, 88 texts, 4 percent

\*Yeni Şafak, 88 texts, 4 percent

All the texts published by radical Islamist newspapers; Yeni Akit, Aydınlık, Milat and Yeni Şafak, which take place in the first 10 newspapers, contain discrimination, and hate speech[[7]](#footnote-7).

Whenever the organizations apply to the prosecutor’s offices for hate speech against the pro-governmental newspapers, prosecutor’s offices reject to start judiciary against them and there are plenty of examples of this process.

Küçükçekmece Chief Public Prosecutor's Office in İstanbul has decided not to prosecute pro-government daily Yeni Akit over a news report it called LGBTI+s "dishonorable faggots, It’s just an ordinary example of the plenty of the same process[[8]](#footnote-8).

Recently, thousands gathered in Istanbul on 19th of September, 2022 to urge the government to change its laws to protect the family by penalizing homosexuality and banning activities that support the LGBTI+ movement.

The Big Family Gathering, which was attended by about 150 conservative nongovernmental organizations from across Turkey, [called on](https://twitter.com/MehmetBaranKl/status/1571476635479588864?s=20&t=3g_d5PL-NpuuRjsqdq-V0Q) the government to close down LGBTI+ associations; prevent any action or expression of support for homosexuality in public space; ban LGBTI+ “propaganda,” particularly that which targets children on-screen; and penalize “all perverse movements that undermine traditional family values.”[[9]](#footnote-9)

The Radio and Television Supreme Council (RTUK) voted to list a video promoting the anti-LGBTI+ gathering as a public service announcement.

The video shows pictures of Pride parades in Turkey, as a narrator calls for people who are “against the LGBT impositions and propaganda” and want to see an end to “global and imperialist lobbies who want to abolish gender, reduce the human generation, and destroy the family unit,” to join the rally.

The video was produced by the Unity in Ideas and Struggle Platform, a group of about 150 conservative nongovernmental organizations.

Critics, including some members of the RTUK board, say the video contains hostile language and could result in attacks on the LGBTQ community.[[10]](#footnote-10)

Many anti-LGBTI+ rallies were held in many cities afterwards.

**3- Religion Based Discrimination of the Court Decision against LGBTI+ state officers**

In the past years, there has been a case filed by a religion teacher was fired from a state school because of his sexual orientation but the applicant wishes to keep the information confidential.[[11]](#footnote-11)

**4 -** **Turkish Government's Recent Bill for Constitution's Amendment**

As a result of the discussions revolving around citizens’ wearing a headscarf and the concept of family, amendments on articles 24 and 41 of the Constitution of Turkey have been proposed.

At a time of conflict shaped by the social polarization created by the state, the political climate is far from entailing amendments in the constitution. The LGBTI community in Turkey is already denied access to their limited rights in the existing constitution. It would, therefore, be unrealistic to expect an LGBTI inclusive amendment by those whose political agenda involves anti-LGBTI campaigns.

The existence of LGBTI persons is used to announce a crisis in the sacred family portrait, which perpetuates hateful discourse, and hate crimes against them. Marriage equality does not exist in Turkey. LGBTI persons cannot give up on the economic and social rights of marriage that act as protection mechanisms. The fact that whereas heterosexual couples are legally entitled to those rights and the LGBTI persons are not, is against the constitutional principle of equality and points out to a type of discrimination perpetuated by law.

LGBTI persons are murdered, ignored, excluded from public sphere, denied access to education, employment, health, and justice. In a political environment where LGBTI persons are denied their fundamental rights and freedoms, it seems unrealistic to discuss LGBTI issues within the context of marriage, an issue of social rights. Through such discussions, LGBTI persons are made targets of hatred and hostility and denied their fundamental rights and freedoms.

Through the proposed amendment, an anti-LGBTI intervention is being made and the members of the constitutional court are encouraged to interpret legislation in light of it. We are aware of the impending danger and strongly object to it. It should be noted that even a minor change in the constitution has historically paved the way for a recognition or a restriction of a right.

The proposed amendment with its alleged claim to prevent discrimination against women only includes Muslim women’s right to clothing, the right to wear a headscarf. The agenda of the amendment, and the ongoing public debates clearly demonstrate that the aim is not to promote human rights but rather to restrict the existing ones. On the surface, it seems as if the rights of women wearing a headscarf will be protected. However, it is obvious that oppression against women not wearing a headscarf will further increase. The state should stop intervening in the lives of all women.

**5. Havle Women’s Association has been targeted by Radical Islamists for supporting LGBTI+ people very recently**

As part of the recent campaign against the new constitutional amendment proposed by AKP, Havle Women’s Association has signed a statement urging the opposition to say no to the amendment, alongside 170 other feminist and LGBTI+ organizations on December 27th, 2022.

On January 7th, a Twitter account named Daily Islamist with a following of 81,3k users reported on Havle’s position regarding the amendment, along with the association’s logo and its founder’s photo, further claiming within the same tweet flood that Havle is “often mentioned amongst the LGBT organizations that are funded by Switzerland, Germany, Netherlands, France and Sweden”. With this tweets that are viewed over 400k times as of January 12th, Havle has been the target of an intense flow of threats and insults on social media.

The next day a far-right Islamist group called Islambol Tarih has found an old address of the association registered in Google maps and hanged posters that has the slogan “Masonic Lodges LGBT Organizations should be shut down!” alongside of the portraits of the last three Ottoman Sultans in the building and on the door indicated in the address, also posting about their action in their Instagram account. Daily Islamist on Twitter also reported on this activity, drawing more and prolonged attention to the Association, and proving further platform for hate speech and targeting.

Several other social media platforms and newspapers such as Yeni Akit has picked up the the news and spread false information on the Association, often targeting them as “spies” that work for Western countries. The association and its personally targeted founder have received countless insults and threats including death threats via emails, contact form on their website, social media direct messages, comments and replies[[12]](#footnote-12).

**Recommendations**

In light of this information, we respectfully hope that the Independent Expert will consider addressing the following recommendations to the Government of Turkey:

1. The State should prosecute hate speech against LGBTI+people and immediately stop the hate speech by the public authorities and protect the rights of freedom of expression, association, and assembly.
2. The State should introduce special legal regulations and policies to prevent SOGIESC-based discrimination, awareness-raising training for relevant public personnel, and awareness-raising campaigns to enable social transformation and conduct full and independent investigations into all allegations of religion based harassment, violence, or abuse of LGBTI+individuals, and prosecute perpetrators.
3. The state should monitor, aggregate, and publish data on the number of complaints of violence against members of the LGBTI+ community.

1. https://m.bianet.org/english/politics/270662-erdogan-says-lgbt-imposition-a-global-dictatorship-tool-against-islam [↑](#footnote-ref-1)
2. https://www.duvarenglish.com/in-new-hate-speech-turkish-interior-minister-soylu-deems-lgbti-cultural-terrorism-news-61530 [↑](#footnote-ref-2)
3. https://www.reuters.com/article/us-turkey-rights-homosexuality-idUSKCN2291LE [↑](#footnote-ref-3)
4. https://www.ekathimerini.com/opinion/252534/turkish-government-scapegoats-lgbti-community-for-covid-19-pandemic/ [↑](#footnote-ref-4)
5. https://kaosgl.org/en/single-news/the-closure-case-against-ttm-was-postponed-to-february-21 [↑](#footnote-ref-5)
6. https://www.newarab.com/news/turkey-we-will-stop-femicide-platform-trial [↑](#footnote-ref-6)
7. https://kaosgl.org/en/single-news/everyone-speaks-of-lgbti-s-in-the-media-except-lgbti-s [↑](#footnote-ref-7)
8. https://m.bianet.org/bianet/lgbti/218651-pro-government-daily-yeni-akit-not-prosecuted-for-calling-lgbti-s-dishonorable-faggots [↑](#footnote-ref-8)
9. https://www.al-monitor.com/originals/2022/09/thousands-gather-istanbul-anti-lgbtq-rally [↑](#footnote-ref-9)
10. https://www.voanews.com/a/turkish-regulator-criticized-over-public-service-video/6751362.html [↑](#footnote-ref-10)
11. https://www.coe.int/t/commissioner/source/lgbt/turkeylegal\_e.pdf [↑](#footnote-ref-11)
12. https://www.sivilsayfalar.org/2023/01/11/solidarity-call-from-havle-womens-association-we-will-continue-our-struggle-where-no-one-is-dictated-to-a-truth/ [↑](#footnote-ref-12)