**1. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban,**

**restrict or make more challenging the exercising of freedom of expression by civil society**

**organizations or activists advocating for LGBT persons’ human rights?**

All actions are directed towards restricting the freedom of expression of LGBTI+ activism and organizations. We express this under a few main headings. In parentheses, we provide footnotes to access only a few examples.

**PRIDE MARCHES**: In the year 2023 alone, 9 governors and 2 district governors in Turkey have prohibited pride marches through a general ban decision. Despite the unlawfulness of these bans, 266 people who gathered to peacefully demonstrate on the announced dates were detained. Ill-treatment was applied during the detention of 125 of them. Additionally, another governorship and a district governorship issued specific bans on events organized by LGBTI+ individuals. One of them was a tea-drinking event, and the other was a film screening event.[[1]](#footnote-1)[[2]](#footnote-2)[[3]](#footnote-3)[[4]](#footnote-4)

**ARTISTIC FREEDOM OF EXPRESSION:** The artistic performances of LGBTI+ artists or artists openly advocating for LGBTI+ rights have either been banned by public institutions or, under the influence of counter-propaganda, some organizers, such as municipal bodies, were compelled to cancel these events. Recorded with thirteen separate cases, these impediments have placed artistic freedom of expression under pressure, including exhibition bans, concert bans, and film screening bans.[[5]](#footnote-5)[[6]](#footnote-6)[[7]](#footnote-7)[[8]](#footnote-8)

The Board for the Protection of Minors from Obscene Publications, a public institution, imposed sanctions solely because literary works, which did not have any negative impact on minors and contained LGBTQ+ content, were subject to censorship. The sanction took the form of sales restrictions, making the works inaccessible for purchase. [[9]](#footnote-9)[[10]](#footnote-10) One of these publications was Christine Baldacchino's book "Morris Micklewhite and the Tangerine Dress," and the other was Jeanette Winterson's book "Sexing the Cherry."

**RADIO TV SUPREME COMMISSION:** The board, which has the authority to impose sanctions on analog or digital broadcasting institutions, used its sanction power to hinder LGBTI+ visibility. A radio channel was fined administratively solely for the statement "“...while women in lesbian couples orgasm at a rate of 88%, this rate drops to 65% for women in heterosexual relationships... Nice ratio, 88%... Also 65% in heterosexuals... What should we do, become lesbians?..." and further repetition would result in a broadcast suspension penalty, putting pressure on the channel.[[11]](#footnote-11) In another decision, RTÜK, the regulatory authority with the power to impose penalties on digital platforms such as Netflix, Disney+, Prime Video, Mubi, Bein, and Blu TV, cited reasons such as "imagining a gender-based alternative world," "disregarding boundaries of sexuality and gender," and "including LGBTQ+ elements" to penalize these platforms. In 2023, RTÜK summoned representatives of these platforms to a meeting, and it was reported to the press that the subject of the meeting revolved around issues such as "Turkish family structure, national and spiritual values, and the indivisible integrity of Turkey."[[12]](#footnote-12) In another instance, RTÜK imposed a monetary fine on the national broadcaster Halk TV citing "inconsistency with national and spiritual values due to evaluations on LGBT+ issues."[[13]](#footnote-13)

 Apart from the mentioned instances, rainbow colors symbolizing LGBTI+ existence were excluded from public spaces. At times, municipalities or university administrations would repaint sidewalks that included rainbow colors with different hues. Additionally, administrative investigations were initiated by university administrations against students for using accessories in rainbow colors symbolizing LGBTI+ existence, and the Ministry of National Education opened administrative inquiries against teachers for similar reasons.

[[14]](#footnote-14) [[15]](#footnote-15) [[16]](#footnote-16) [[17]](#footnote-17)

 In 2020, the governing boards of the Izmir and Ankara Bar Associations were taken to court for condemning the sermon containing hate speech by the Presidency of Religious Affairs. In 2023, activists in Ankara faced court proceedings four times, Eskişehir activists three times, Boğaziçi University students four times, and Istanbul activists twice.

Citing the Law on the Prevention of the Financing of Weapons of Mass Destruction, changes to the association law led to an ongoing closure case against the Tarlabaşı Community Center, an organization working in the field of LGBTI+ rights.

Public authorities utilized all their powers to obstruct the freedom of expression of the LGBTI+ community.

 The Minister of National Education targeted the LGBTI+ community with the curriculum announced as part of the education reform.[[18]](#footnote-18) Access bans to social media applications like HORNET and GRINDR are still in place.

**2. If there are no such laws or policies, have there been attempts or incentives in the last ten**

**years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or**

**locally? If so, who were the actors/groups/individuals or organizations behind these**

**attempts, and what is the current situation?**

 As expressed above, the policy and implementation aim to render LGBTI+ individuals completely invisible in public life and exclude them from public life. RTÜK, as explained with examples above, imposed significant penalties on broadcasting organizations that promote LGBTI+ visibility and intervened in their content, thereby facilitating the proliferation of homophobic and transphobic content. In 2023, just like in 2022, RTÜK recommended broadcasting organizations to disseminate videos and audio files prepared by organizers as public service announcements to increase participation in hate rallies targeting LGBTI+ individuals and the promotion of hatred, homophobia, and transphobia under the guise of family protection.[[19]](#footnote-19)

**3. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban,**

**restrict or make more challenging the exercising of freedom of association and freedom**

**of peaceful assembly by civil society organizations or activists advocating for LGBT**

**persons’ human rights?**

 Following the amendments to the Association Law, the Ministry of Interior now conducts periodic audits of associations at intervals not exceeding three years. Associations categorized as high-risk are audited annually. During an informative meeting with civil society conducted by the General Directorate of Relations with Civil Society, an institution affiliated with the Ministry of Interior, it was stated that LGBTI+ rights organizations are classified as "high-risk." Due to arbitrary inspections carried out alternately by the Ministry of Finance, Social Security Institution, and the Ministry of Interior, these organizations have become incapacitated.

Especially the Law on Meetings and Demonstrations No. 2911 and the Law on Provincial Administration No. 5442, were utilized by Governorates and District Governorates, particularly for the prohibition of pride marches. While the formal requirement of legality, as mandated by the existence of this law for interference with basic rights, is superficially fulfilled, other criteria such as a legitimate reason and fulfilling a necessary need in a democratic society were not considered in any intervention.

The implementation routinely obstructed the organization and freedom of expression of LGBTI+ NGOs. The legal basis for this was provided by the Association Law and the laws mentioned above.

**4. If there are no such laws or policies, have there been attempts or incentives in the last ten**

**years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or**

**locally? If so, who were the actors/groups/individuals or organizations behind these**

**attempts and what is the current situation?**

 The Law on the Prevention of the Financing of Weapons of Mass Destruction, the Association Law, the Provincial Administration Law, and the Law on Meetings and Demonstrations prominently serve as legal bases for the harsh state intervention in the freedom of organization and assembly. LGBTI+ rights organizations, unable to access public funds, also face challenges in conducting fundraising activities due to the stringent rules of the Fundraising Law. Funds received from abroad are routinely reported to the Ministry of Interior through a digital system before their utilization.

In the second point, we mentioned a public service announcement disseminated by RTÜK. In 2022, RTÜK also made a similar decision for a public service announcement to increase participation in hate rallies held in 15 different cities. The fundamental demand of these rallies is the closure of LGBTI+ rights organizations. Established by a GONGO (Government-Operated Non-Governmental Organization) called the "Big Family Platform," this platform serves as the civil-looking executor of public propaganda calling for the closure of LGBTI+ organizations.[[20]](#footnote-20)

5**. Are there practices, procedures, groups or actors, societal and political trends, incentives,**

**civil society and constituency mobilization, laws, bills or policies, which you have not**

**mentioned above but that already affect or are likely to affect in the future, directly or**

**indirectly, the exercising of the human rights to freedom of expression, association and/or**

**peaceful assembly by LGBT people, activists and civil society organizations in your**

**country, nationally or locally?**

 As of now, there is no draft law on this matter in the agenda of the Turkish Grand National Assembly (TBMM). However, in the final days of 2022, Turkey engaged in discussions regarding a constitutional amendment proposed by the ruling party AK Party and its coalition partners. The proposed amendment, with its starting point to secure constitutional protection for the headscarf worn by Muslim women, was stated to also include Article 41 titled "Protection of the Family" in a very short period. The proposal, which referred to LGBTI+ individuals as "deviants" in its justification, frequently witnessed homophobic discourse during parliamentary committee debates.

Although the proposal did not become law due to the February 6 Kahramanmaraş earthquake and subsequent elections, a similar proposal is expected within this year.

While speculations suggest that this new proposal may include regulations related to freedom of organization, there is no confirmed information. However, even if it does not contain content related to freedom of organization, any constitutional amendment that labels LGBTI+ individuals as "deviants" will be crucial in shaping the tendencies within the Constitutional Court. This is because the constitution is interpreted by the Constitutional Court along with the justifications of the articles.[[21]](#footnote-21)[[22]](#footnote-22)[[23]](#footnote-23)

**6. Given that laws and policies regulating internet use, access and content can have**

**especially restrictive effects on the protection of the human rights of LGBT persons, are**

**there laws, policies and practices which appear neutral or otherwise not specifically**

**addressed to LGBT or SOGI issues, which nonetheless have discriminatory effects on the**

**exercising of the human rights to freedom of expression, association and/or peaceful**

**assembly by LGBT people, activists and civil society organizations in your country,**

**nationally or locally?**

 As mentioned above, LGBTI+ individuals are unable to use social media applications. The GRINDR application has been inaccessible since 2013. Appeals made by users and LGBTI+ organizations in 2013 did not yield results. The Istanbul Anatolian 14th Peace Criminal Court, which blocked access to Grindr, stated in its decision that "www.grindr.com, a dating site with homosexual members, is understood to have been established, and because it contains prostitution and obscenity as envisaged in Article 8/5-6 of Law No. 5651, access to the relevant site is blocked." Following the exhaustion of available avenues, Kaos GL appealed to the Constitutional Court. [[24]](#footnote-24) The Constitutional Court has not issued a decision on the application since 2015. According to the latest statistics from the Constitutional Court as of December 31, 2022, the number of pending cases from 2015 was 38.[[25]](#footnote-25)

Since that date until the current contribution date, decisions have been made on 5 more applications. The Constitutional Court has persistently failed to conclude 33 applications since 2015, and one of those 33 applications is related to the access block on GRINDR. Similarly, access to the HORNET application has also been unavailable since 2020.

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3. https://kaosgl.org/haber/adana-onur-yuruyusu-ne-5-zirhli-arac-iskenceyle-gozalti-gazeteci-ve-milletvekiline-darp [↑](#footnote-ref-3)
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7. https://yesilgazete.org/sisli-kaymakamligindan-diren-ayol-yasagi-gerekce-milli-vicdani-insani-degerler/ [↑](#footnote-ref-7)
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9. https://www.resmigazete.gov.tr/ilanlar/eskiilanlar/2023/09/20230918-4-2.pdf [↑](#footnote-ref-9)
10. https://www.resmigazete.gov.tr/ilanlar/eskiilanlar/2023/02/20230221-4-6.pdf [↑](#footnote-ref-10)
11. https://rtuk.gov.tr/UstKurulKarar/Detay/19273 [↑](#footnote-ref-11)
12. https://kaosgl.org/haber/rtuk-dijital-platformlara-ceza-yagdirdi [↑](#footnote-ref-12)
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14. https://www.gazeteduvar.com.tr/ak-partili-kozlu-belediyesi-gokkusagi-renklerinin-ustunu-boyatti-haber-1625389 [↑](#footnote-ref-14)
15. https://kaosgl.org/haber/odtu-rektorlugu-gokkusagi-merdivenlerini-beyaza-boyadi [↑](#footnote-ref-15)
16. https://twitter.com/universiteusak/status/1681428469530656772?s=20 [↑](#footnote-ref-16)
17. https://www.cumhuriyet.com.tr/siyaset/melih-gokcek-hedef-gosterdi-mudur-ve-ogretmen-aciga-alindi-2092420 [↑](#footnote-ref-17)
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20. https://bianet.org/haber/buyuk-aile-platformundan-lgbti-derneklerinin-kapatilmasi-icin-dilekce-285671 [↑](#footnote-ref-20)
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25. https://www.anayasa.gov.tr/media/8499/bb\_2022\_tr.pdf [↑](#footnote-ref-25)