

From Discrimination
To Poverty:
LGBTI+ PEOPLE IN TURKEY





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FROM DISCRIMINATION TO POVERTY: LGBTI+ PEOPLE IN TURKEY

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Foreword

May 17 Association was founded to strengthen LGBTI+ communities and LGBTI+ activism against increasing pressures. We strive to bring the issues that have not been worked on in the field to the agenda and to create discourses. Although it has only been founded three years ago, we are really happy to see the changes in the field as a result of the works we have created so far.

In these difficult days when LGBTI+ people are targeted with a discriminatory, stigmatizing and hateful rhetoric, we understand that it is the duty of all nongovernmental organizations working on a rights-based approach to understand the importance of the struggle of the LGBTI+ movement and to take the progress of the LGBTI+ movement even further. Solidarity is our greatest strength for this. We will continue to explain with our struggle that solidarity and our existence are irrepressible and indestructible.

May 17 Association, which aims to be inclusive against all identities within the LGBTI+ community, also focuses on the poverty issue that touches everyone in LGBTI+ community with a holistic perspective. Considering the economic aspect of poverty, as well as from the framework of access to fundamental human rights, this report is a starting point for revealing the current situation and carrying out more detailed studies in the future.

We hereby extend our thanks to all non-governmental organizations and LGBTI+ people who contributed to the creation of the report, Etkiniz EU Program which provided resource support, and May 17 Poverty Studies Team: Umut Güner, Murat Köylü, Seçin Tuncel, Metin Uzun and Rıza Yılmaz. We now present to you the report with the motto of +40 Old Age Studies within our association: ‘In Order Not to be Deprived, Impoverished and Alone...’

May 17 Association

Executive Summary

Poverty has always been an important agenda topic in Turkey due to the neoliberal policies carried out since the 1980s, the changing structure of the national economy and globalization. The increasing privatization of public resources and the shifting of economic resources to sectors where a limited number of people make a profit instead of sustainable areas in the last 20 years have resulted in an economy that does not generate employment, while leaving the society vulnerable to unexpected economic crises and shock waves. We saw the most concrete example of this with the new coronavirus disease (COVID-19) pandemic that affected the whole world in 2020. The economic crisis, unemployment, loss of income and price increases caused by the excessive depreciation of the Turkish Lira that started in August 2018 resulted in an increase of unfair income distribution in the country and inability of people to meet their basic needs, leaving us with a poverty that we have not seen before in the country.

For many years, poverty has been tried to be explained by conditions such as being below a certain level of income, not being able to reach minimum living standards or not being able to meet basic needs. However, this traditional definition was found to be insufficient to explain poverty, especially in the last thirty years, and it was acknowledged that poverty was not only a matter of lack of income. The fact that poverty is not limited to underdeveloped or developing countries and has become a global problem seen also in developed countries has revealed that the issue is not only about not accessing wealth and income. Accordingly, when defining poverty, it is necessary to take into account the basic conditions necessary for an honorable life instead of minimum living standards. A favorable human rights environment without discrimination and exclusion is one of these conditions.

UN Independent Expert on Poverty and Human Rights Magdalena Sepúlveda Carmona stated in her 2010 report that human rights and poverty are linked in at least three ways: a) poverty can be both the cause and the result of human rights violations; b) efforts to achieve human rights and eradicate poverty mutually reinforce each other; c) human rights norms and principles provide a framework for poverty reduction and/or eradication. Similarly, Amartya Sen emphasizes the libertarian role of political and civil rights, and states that this role is of great importance in preventing economic crises. The development and strengthening of a democratic system in which these rights are recognized and

exercised is a fundamental component of the development process, the equal sharing of resources and the elimination of poverty. Furthermore, according to Sen, "people without political or personal rights and freedoms are deprived of the important freedoms that guide their lives, even when they have adequate economic security (and benefit from favorable economic conditions), and of the opportunity to participate in making vital decisions on public affairs."

Approaching poverty from a human rights perspective makes it necessary to investigate the living conditions of LGBTI+ people who are systematically discriminated against in the world and Turkey. Data obtained from research on the poverty of LGBTI+ people in the world in recent years - albeit limited - indicate that LGBTI+ people have lower access to education, health, employment, housing and financial services. This means that the discrimination and social exclusion to which they are exposed in social life makes them vulnerable to the risk of poverty.

The idea to prepare this report is based on our curiosity about where LGBTI+ people are positioned in the increasing and widespread poverty in the country. By evaluating the attacks and obstacles against freedom of association, freedom of peaceful assembly, right to participate, access to justice, prohibition of discrimination, right to adequate living standards (right to adequate food and right to housing), right to education, right to employment, right to healthcare and right to social security in terms of the risk of poverty they pose, we tried to answer the following question: "Do violations of rights and discrimination impoverish LGBTI+ people?" We used three basic tools to find the answer to this question:

1. Publications of organizations and mechanisms that consider poverty as a human rights violation and reports revealing the discrimination and violations of rights suffered by LGBTI+ people in Turkey constitute the main source of information of poverty analysis. These publications helped us to draw a general framework for poverty.
2. In February 2022, we held two online meetings with organizations working in the field of LGBTI+ rights and poverty. In these meetings, we had the chance to listen to the studies on poverty, which is a new field for us, from those who personally carried out it, and we talked about the increasing needs of LGBTI+ people and the problems faced by organizations in addressing poverty.
3. We held focus group interviews with activists working with intersex people, LGBTI+ people living with HIV, and trans people. At these meetings held on May 11, 2022 and May 18, 2022, the participants explained the violations and discrimination experienced by intersex people, LGBTI+ people living with HIV and trans people, especially when accessing education, health

and employment rights, based on their own personal experiences as well as their experiences and observations in the field, taking into account the risk of poverty.

In this process, our interviews with different organizations and groups and the sources we reviewed showed that the discrimination they face every day both brings LGBTI+ people closer to poverty and prevents poor LGBTI+ people from accessing the necessary tools to escape from this poverty. One of the most important measures to prevent this is the anti-discrimination law, which prohibits discrimination based on equality, sexual orientation and gender identity and acknowledges the existence of LGBTI+ people. Addressing human rights violations as a concept related to poverty is a new thing for LGBTI+ organizations; more work and learning is needed in this regard. On the other hand, the needs are increasing so rapidly and poverty is entering our agenda so quickly that we have learned that we have to avoid wasting too much time to learn these, and start to create various tools and establish various collaborations without delay. In this regard, grant organizations also have a role to play. When planning the grants, they should observe the balance between civil and political rights and economic, social and cultural rights and support the initiatives of LGBTI+ organizations to eliminate the poverty of individuals. Although there is a strong support and solidarity system within the LGBTI+ movement, what NGOs can do is limited. The primary work that can be carried out within this limitation is to include economic, social and cultural rights, that is, issues related to poverty, as well as civil and political rights in our researches and rights advocacy activities, to think of strategies to protect LGBTI+ people from poverty and to call on public institutions in this direction.

Introduction

For many years, poverty has been tried to be explained by conditions such as being below a certain level of income, not being able to reach minimum living standards or not being able to meet basic needs. However, this traditional definition was found to be insufficient to explain poverty, especially in the last thirty years, and it was acknowledged that poverty was not only a matter of lack of income. Poverty is considered a multidimensional phenomenon that includes various different factors such as access to education, healthcare services, social assistance and housing facilities as well as lack of income. This multidimensional perception of poverty implies that poverty is also directly related to conditions in which people cannot access the power and opportunities to shape their own lives, cannot make their voices heard, and have no respect for human rights, democracy and the rule of law.¹ From this perspective it is possible to say that there is a cause-effect relationship between poverty and concepts such as human rights, discrimination and social exclusion. For example, the fact that poor people are forced to work in uninsured and unhealthy jobs or cannot benefit from healthcare services makes poverty a cause of rights violation while the fact that all children cannot access qualified education equally and free of charge may be considered a result. In addition, ongoing discrimination and human rights violations can make it impossible for people to escape from poverty.

Approaching poverty from a human rights perspective makes it necessary to investigate the living conditions of LGBTI+ people who are systematically discriminated against in the world and Turkey. Data obtained from research on the poverty of LGBTI+ people in the world in recent years - albeit limited - indicate that LGBTI+ people have lower access to education, health, employment, housing and financial services. This means that the discrimination and social exclusion to which they are exposed in social life makes them vulnerable to the risk of poverty. Although studies on how LGBTI+ people are affected by social policies are carried out from time to time in Turkey, unfortunately, LGBTI+ poverty has not been adequately included in our agenda so far. However, the lack of sufficient information on a particular group or field of rights does not mean that there is no problem or violation of rights in that regard; it rather indicates insufficient data. Therefore, poverty should be considered as one of the main agendas of

¹ SIDA, "Dimensions of Poverty: SIDA's conceptual framework", 2017, <https://cdn.sida.se/publications/files/sida62028en-dimensions-of-poverty-sidas-conceptual-framework.pdf> (Accessed on: 19.05.2021).

LGBTI+ rights struggle and the cause-effect relationship between systematic human rights violations and discrimination against LGBTI+ people and poverty should be revealed with data.

As May 17 Association, we carried out this study, which aims to analyze the current and potential LGBTI+ poverty in Turkey, in three basic stages:

1. Literature review: In the first step of the study, we examined the publications of local and international organizations that consider poverty as a human rights violation. In addition, we examined the reports revealing the discrimination and violations of rights suffered by LGBTI+ people in Turkey and interpreted the information here within the scope of poverty. Current reports constitute the main source of information for poverty analysis. In other words, when evaluating poverty together with different fields of rights, we first benefited from the data contained in these reports.
2. Meetings with organizations working in the field of LGBTI+ rights and poverty²: We held two meetings with non-governmental organizations (NGOs) from Ankara, Istanbul, İzmir, Bursa and Mersin. During our online meeting on February 21, 2022, we met with NGOs working on poverty and issues that may be directly related to poverty. In these meetings, we had the chance to listen to the studies on poverty, which is a new field for us, from those who personally carried out it. In the second meeting on February 25, 2022, we met with LGBTI+ organizations online and talked about the increasing needs of LGBTI+ organizations and the problems faced by organizations while addressing poverty. In addition to the literature review, these meetings helped us to draw a framework for poverty and human rights and to think about what steps we could take to combat poverty together.
3. Focus group meetings: Since the experiences of each group within the LGBTI+ community can be unique, we carried out focus group interviews with activists from the three groups which have the least connection with poverty in current reports: intersex people, LGBTI+ people living with HIV and trans people.³ At these meetings held on May 11, 2022 and May 18, 2022, the participants explained the violations and discrimination experienced by

2 The organizations which participated in the meetings are: Needs Map, Civil Society in the Penal System Association, Çorbada Tuzun Olsun Association, Senex Association for Aging Studies, Open Space Association/Deep Poverty Network, The Foundation for Women's Solidarity, Positive Space, Lubunya* 40+, Kaos GL Association, May 17 Association, Social Policy, Gender Identity and Sexual Orientation Studies Association, Hande Kader Solidarity, Istanbul Pride, Young LGBTI+ Association, University Queer Research and LGBTI+ Solidarity Association, Lambdais-tanbul LGBTI+ Solidarity Association, Muamma LGBTI+ Association, Free Colors Association.

3 We did not include descriptions that would reveal the identities of the activists participating in the meetings in order to protect their privacy.

intersex people, LGBTI+ people living with HIV and trans people, especially when accessing education, health and employment rights, based on their own personal experiences as well as their experiences and observations in the field, taking into account the risk of poverty. Activists' own personal experiences as well as their observations on the field helped us to seek the answer to the question: "Do rights violations and discrimination impoverish LGBTI+ people?" Participated by 4 to 6 activists from Ankara, Istanbul, Mersin, İzmit, Balıkesir and Bursa, the meetings lasted about 1.5 hours.

At this point, it is necessary to mention the limitations of the study. It is not easy to conduct research on LGBTI+ people due to the diversity of LGBTI+ people within themselves (the characteristics of the total population are unknown) and the priority effort made to maintain confidentiality. In addition, as intersex people and LGBTI+ people living with HIV have just started to be organized, there are few of them and it is very difficult to find people who are open for interviews. Therefore, we cannot say that a limited number of people participating in focus group meetings represent the entire LGBTI+ community. Nevertheless, in order to overcome this problem, we selected the participants from the activists working in the field and thanks to what they told at the meeting, we were able to go beyond the individual examples and obtain detailed information about what LGBTI+ people experience. There is no doubt that more detailed studies are needed to evaluate the poverty risk of each group within the LGBTI+ community separately.

This publication consists of five parts. In the first chapter, we will briefly describe poverty and talk about what it means in terms of human rights. The second chapter examines the increasing poverty in Turkey in recent years in the light of basic economic indicators. In the third chapter, we will talk about the risk of poverty faced by LGBTI+ people based on what they experience while exercising certain rights. In the fourth chapter, we will summarize the works of non-governmental organizations in the face of increasing poverty. The last chapter consists of a brief evaluation based on what we have learned from this whole process.

We hope that this publication, which we have prepared with limited opportunities in a short time, will create an infrastructure for the LGBTI+ movement's work on poverty and will lead to new research and advocacy activities.

1. What is poverty and what does it mean in terms of human rights?

The traditional definition of poverty focuses on the amount of income earned. According to this definition, poverty is the lack of income to purchase the goods and services required for the minimum level of life. The importance of income in our lives is undeniable. So much so that it is effective in what we can and cannot do, and inadequate income is the main cause of deprivation of basic economic, social and cultural needs.⁴ However, the fact that poverty is not limited to underdeveloped or developing countries and has become a global problem seen also in developed countries has revealed that the issue is not only about not accessing wealth and income. Accordingly, when defining poverty, it is necessary to take into account the basic conditions necessary for an honorable life instead of minimum living standards. A favorable human rights environment without discrimination and exclusion is one of these conditions.

Although it has become widespread in recent years to approach poverty from a human rights perspective and to emphasize the obligations of states in this regard, the definition of eradication of poverty as one of the greatest objectives of people in the initial part of the Universal Declaration of Human Rights indicates that the strong link between human rights and poverty in international documents dates back to the past. Furthermore, the Vienna Declaration and Action Plan adopted at the 1993 World Conference on Human Rights stated that widespread and extreme poverty prevented complete and effective execution of human rights, therefore the international community should adopt immediate alleviation and ultimate eradication of poverty as a priority. In 2001, the United Nations (UN) Economic, Social and Cultural Rights Committee defined poverty as “as a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights.”⁵

4 Sen, A (2004), *Özgürlükle Kalkınma*, Translated by: Yavuz Alogan, Ayrıntı Publishing House, Istanbul.

5 Poverty and the International Covenant on Economic, Social and Cultural Rights: statement / adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, <https://digitallibrary.un.org/record/452397?ln=en> (Accessed on: 21.05.2022).

Although the concept of poverty is not explicitly mentioned in the International Convention on Economic, Social and Cultural Rights, the rights and standards in the convention guide the efforts to combat poverty. In the convention, the right to work (Art. 6 and Art. 7), right to social security (Art. 9), right to adequate living standard and housing (Art. 11), right to food (Art. 11), right to healthcare (Art. 12) and right to education (Art. 13 and Art. 14) are vital in eradicating poverty. In addition, the European Social Charter, which regulates the right to protection against social exclusion and poverty (Art. 30), as well as other relevant economic and social rights is one of the main reference sources.

A multidimensional approach in the combat against poverty requires consideration of economic and social rights as well as other human rights. Because while access to basic services and material resources linked to economic and social rights is critical to saving numerous people from poverty, this is not the only thing that matters.⁶ UN Independent Expert on Poverty and Human Rights Magdalena Sepúlveda Carmona stated in her 2010 report that human rights and poverty are linked in at least three ways: a) poverty can be both the cause and the result of human rights violations; b) efforts to achieve human rights and eradicate poverty mutually reinforce each other; c) human rights norms and principles provide a framework for poverty reduction and/or eradication.⁷ Similarly, Amartya Sen emphasizes the libertarian role of political and civil rights, and states that this role is of great importance in preventing economic crises. The development and strengthening of a democratic system in which these rights are recognized and exercised is a fundamental component of the development process, the equal sharing of resources and the elimination of poverty. Furthermore, according to Sen, “people without political or personal rights and freedoms are deprived of the important freedoms that guide their lives, even when they have adequate economic security (and benefit from favorable economic conditions), and of the opportunity to participate in making vital decisions on public affairs.” Therefore, rights such as the right to freedom and security, prohibition of torture and mistreatment, access to justice, protection of private life, participation in decision-making processes, freedom of expression, freedom of association and access to information are among the rights to be focused on in the fight against poverty.

In increasingly impoverished countries, there is a growing belief that the struggle

6 Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on the rights to freedom of peaceful assembly and of association: Civic space, poverty and exclusion, A/HRC/74/349.

7 Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, on the draft guiding principles on extreme poverty and human rights, A/HRC/15/41.

for civil and political rights is a luxury and that focusing on them is unrealistic for the poor. However, right at this point, it is necessary to remember that poverty is a multidimensional phenomenon that requires a holistic approach and that human rights are inseparable from each other. Because, we are talking about a vicious cycle in which there is deprivation, stigmatization, discrimination and exclusion as well as material impoverishment. Therefore, it is very important that we are convinced that both the fight against poverty and the fight against human rights should be carried out together, and also that we convince those who are against us and those who are with us. Because as LGBTI+ people living in Turkey and struggling for rights, we are the closest witness that one cannot exist without the other.

2. Poverty in Turkey

Poverty has always been an important agenda topic in Turkey due to the neoliberal policies carried out since the 1980s, the changing structure of the national economy and globalization. The increasing privatization of public resources and the shifting of economic resources to sectors where a limited number of people make a profit instead of sustainable areas in the last 20 years have resulted in an economy that does not generate employment, while leaving the society vulnerable to unexpected economic crises and shock waves. We saw and still see the most concrete example of this with the new coronavirus disease (COVID-19) pandemic that affected the whole world in 2020.

Following the first case in Turkey in March 2020, the pandemic spread rapidly and a large number of measures were taken across the country in parallel with this spread. Measures such as curfews, short-time work, unpaid leave, flexible work routines and closing down workplaces have negatively affected the economy and business life, causing people to lose their jobs and income. All of this combined with the limited employment and production capacity of the economy, resulted in an increase of poor population. It is possible to say that the people whose jobs are not suitable for working remotely, who are self-employed, who work informally, who work for small-scale businesses, who work in unqualified jobs and who have low education level are more affected by pandemic measures. The "Status of the LGBTI+ Community in the COVID-19 Pandemic" study carried by the Young LGBTI+ Association in 2020 shows that LGBTI+ people are among these people. As a matter of fact, LGBTI+ employees who participated in the research and worked in periodic jobs, sex work and entertainment sector stated that they were unemployed during the pandemic.⁸

The excessive depreciation of the Turkish Lira, which started in August 2018, continues to deepen due to the failure to implement economic and financial policies that can stop the increase in the exchange rate. On the other hand, the International Monetary Fund's (IMF) Economic Outlook Reports indicate that per capita gross domestic product (GDP) in Turkey has been on a downward trend since 2014.⁹ The effects of the pandemic and the currency crisis are causing a

8 Young LGBTI+ Association, Status of LGBTI+ Society in the COVID-19 Pandemic, 2020, <https://genclgbti.files.wordpress.com/2020/09/covid-19-salgininda-lgbti-toplulugunun-durumu.pdf> (Accessed on: 27.06.2022).

9 For the database created based on the reports, see: <https://www.imf.org/en/Countries/TUR> (Ac-

significant increase in the prices of goods and services, especially food. This increase, combined with a decrease in income, means a decrease in purchasing power.

According to official data released by the Turkish Statistical Institute, monthly inflation was 4.95 percent and annual inflation was 78.62 percent in June 2022¹⁰, while these rates were 8.31 percent and 175.55 percent, respectively, according to the calculations of the independent research institution Inflation Research Group (ENAG).¹¹ In addition, according to TURKSTAT, the groups with the highest price increase compared to the previous year were transportation (123.37%) and food and non-alcoholic beverages (93.93%). These are the most basic goods and services that everyone needs. We can understand the reflection of this increase in prices on households by looking at the hunger and poverty limits determined by the unions based on TURKSTAT data. According to The Confederation of Turkish Trade Unions' July 2022 Newsletter¹², the monthly food expenditure required for a family of four to eat a healthy and balanced diet (hunger limit) has increased to 6893.64 TRY. The poverty limit calculated by adding other compulsory expenditures for clothing, housing, transportation, education, health and similar needs is 22,278.98 TRY. In addition, according to the Confederation of Turkish Trade Unions, the cost of living of an employee living alone is 8,929.14 TRY per month, which is more than one and a half times the minimum wage. At this point, it turns out that being a salaried employee is not enough to protect you from poverty.

Unemployment, loss of income and price increases resulted in an increase of unfair income distribution in the country and inability of people to meet their basic needs, leaving us with a poverty that we have not seen before in the country. The Deep Poverty Network (DPA) defines poverty in the country as a state of hunger in which people do not even have an income to access daily food, while comparing it to pre-pandemic conditions.¹³ So much so that according to the data on the Hunger Map of the UN Food Program, 14.8 million people in Turkey are undernourished.¹⁴ In addition, according to the results of the

cessed on: 27.06.2022).

10 <https://data.tuik.gov.tr/Bulten/Index?p=Tuketici-Fiyat-Endeksi-Haziran-2022-45795> (Accessed on: 29.07.2022).

11 <https://enagrup.org/bulten/202206.pdf?v1> (Accessed on: 29.07.2022).

12 <https://www.turkis.org.tr/wp-content/uploads/2022/07/Temmuz-2022-Tu%CC%88rk-l%CC%87s%CC%A7-Ac%CC%A7lik-Yoksulluk-Siniri-l%CC%87CS.pdf> (Accessed on: 30.07.2022).

13 <https://www.sivilsayfalar.org/2021/02/08/derin-yoksulluk-agi-yoksullukla-mucadelede-basari-li-bir-dayanisma-modeli/> (29.07.2022).

14 <https://bianet.org/bianet/insan-haklari/262945-turkiye-de-14-8-milyon-kisi-yeterli-beslenemiyor> (Accessed on: 27.06.2022).

survey published by the Mobile Research Company in June 2022, 60.6 percent of the participants stated that they had household debt.¹⁵ In the same survey, the open-ended question “What is the most important problem in our country right now?” were answered as “economy/financial difficulties” by 74.8 percent and as “unemployment” by 43.2 percent of the participants. Another research company, IPSOS, carried out a study titled “What Is Worrying the World?” in 27 countries, and accordingly Turkey, with Brazil, is the country where the people are most concerned about poverty.¹⁶ According to the same study, 86 percent of the people interviewed in Turkey think the country’s economy is bad. These data indicate that poverty is now on the rise, becoming a priority agenda topic for the public.

Despite all these critical developments, it is unfortunately difficult to say that a comprehensive policy to reduce and prevent poverty has been implemented. There are even occasional situations where poverty is rejected by government officials. For example, Zehra Zümrüt Selçuk, the Minister of Family, Labor and Social Services of that time, suggested in her speech at the General Assembly of the Turkish Grand National Assembly in the 2021 budget negotiations that poverty and especially extreme poverty ceased to be a problem for Turkey.¹⁷ On the other hand, interventions to reduce poverty are often inadequate and ineffective, mainly because they center on the traditional definition of poverty. For example, many people, including the employed poor (who have difficulty living due to the decline in purchasing power even though they have income), whose number has increased considerably with the recent economic crisis, are excluded since the state’s social assistance and transfers generally target the people in the most need and have an approach that prioritizes the family. However, “Minimum Wage Research Report” published by DİSK-AR in June 2022 points to the meltdown in the minimum wage and other wages and salaries against inflation and the increase in food prices, indicating that the victims of the high inflation period are those who do not have regular income, those with fixed incomes, daily wages, salaries and pensions.¹⁸ Therefore, poverty prevention policies should be addressed in a way that includes these groups.

15 <https://www.gazeteduvar.com.tr/gezici-arastirmanin-son-anketi-her-3-kisiden-2sinin-borcular-galeri-1571086> (Accessed on: 27.06.2022).

16 https://www.ipsos.com/sites/default/files/ct/news/documents/2022-07/Global%20Report%20-%20What%20Worries%20the%20World%20July%202022_0.pdf (Accessed on: 24.07.2022).

17 <https://www.evrensel.net/haber/420993/bakan-zehra-zumrut-selcuk-turkiyede-yoksullugun-sorun-olmaktan-ciktigini-iddia-etti> (Accessed on: 27.06.2022).

18 DİSK-AR, Minimum Wage Research Report, 2022, <http://arastirma.disk.org.tr/wp-content/uploads/2022/06/Asgari-Ucret-Arastirma-Raporu-Haziran-2022-SON.pdf> (Accessed on: 28.06.2022).

In this study, which we started by wondering where LGBTI+ people stand in the face of all the increasing poverty in the country, both what we read and what we heard at the meetings we held during the process indicated that poverty is not a foreign concept for the LGBTI+ community. First of all, it should be noted that since LGBTI+ community is not a homogeneous and completely open group, there is no clear data on income levels and its effect on life practices. However, recent surveys conducted by LGBTI+ organizations provide us some clues on this issue. For example, 63.5 percent of the participants of the 2020 study "LGBTI+ People's Access to Social Services in the Pandemic" stated that they did not work in an income-generating job and half of them stated that they did not have any income at all. The average income of the participants was calculated as 3780.62 TRY. Only 18.75% of the 509 the participants of the research conducted by 17 May Association for the "Hey Lubunya! We Are Aging" report published in April 2022 stated that they had monthly income of 10,000 TRY and above.¹⁹ About half of the participants of the survey stated they earned between 4254 TRY and 10,000 TL per month, while about 19 percent said they had no income or earned between 0-2000 TRY. Considering that 85 percent of the LGBTI+ participants work under different types of employment, it is clear that they do not earn enough, although they are actively involved in the workforce. As a matter of fact, the question "Do you think that you have equal prosperity with people with similar education levels when your employment and income status is taken into consideration?" was responded positively only by a rate of 20 percent.

Participants of our meeting held with organizations working in the fight against poverty in February 2022 stated that more LGBTI+ people have applied for support recently. Similarly, LGBTI+ organizations stated that the demands of LGBTI+ people who applied to them are now at the level of basic needs and they want help to sustain their lives. It is evident that the deepening of the effects of the discrimination that LGBTI+ people have historically suffered with the recent economic crisis has played a role in the increase of these encounters. Therefore, both public institutions need to develop inclusive measures as soon as possible, taking into account the needs specific to LGBTI+ people in poverty prevention policies of public institutions and in the interventions planned by non-governmental organizations against poverty.

¹⁹ May 17 Association, Hey Lubunya! We Are Aging: Surveys/Interviews and Study Report, 2022, <https://www.17mayis.org/images/publish/pdf/yaslaniyoruz-lubunya-anket-gorurmeler-ve-calisma-raporu-16-05-2022.pdf> (Accessed on: 29.06.2022).

3. What do LGBTI+ people experience: Evaluation of violations of rights against LGBTI+ people living in Turkey within the framework of poverty

Turkey is a challenging country for LGBTI+ people, and this is recorded with the reports of organizations that have been working at international and national level for years. For example, ILGA-Europe, which includes more than 600 LGBTI+ organizations from Central Asia and Europe, handles the situation of LGBTI+ rights in Turkey in comparison with other countries in the Rainbow Index it prepares every year. According to the evaluation made by taking into account the data from 49 countries regarding the respect for the rights of LGBTI+ people in 2021 and the prohibition of discrimination, Turkey ranks second to last.²⁰ The lack of laws and policy measures to protect LGBTI+ people and their rights is the main reason for this ranking. Chronic human rights violations, which have been included in the human rights reports published by Kaos GL for years, confirm this ranking. According to the 2021 report, there has been a great decline in all rights areas compared to other years due to the fact that state authorities and institutions prevented access to rights by targeting LGBTI+ people, the elimination of protective mechanisms such as the Istanbul Convention with an anti-LGBTI+ discourse and the prohibitions aimed at erasing LGBTI+ people from streets and public spaces.²¹

LGBTI+ organizations and activists, whom we came together within the scope of this study, stated that they had not thought of human rights violations that have been going on for years in correlation with poverty, and that it was new for them to address violations of rights in this way. Developments in both the economy and human rights appear to require us to consider rights violations against LGBTI+ people and the issue of poverty together. In this chapter, as a first step for this, we will evaluate the attacks and preventions against some rights guaranteed in the Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights in terms of the risk of poverty they pose.

20 <https://www.rainbow-europe.org/country-ranking> (Accessed on: 29.06.2022).

21 Kaos GL, 2021 Report for Human Rights of the LGBTI+, 2022, <https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2021-web.pdf> (Accessed on: 29.06.2022).

3.1 Freedom of association

There is a causal relation between a civilian area suitable for claiming rights through organization and economic development and poverty reduction. It is evident that a sustainable and equitable economic growth cannot be ensured in oppressive and authoritarian states where citizens cannot account for governments, and that the risk of economic crisis and instability is high.²² The serious decline in Turkey's freedom of association performance has been the subject of various human rights reports published at national and international level. One of the areas that can directly affect the fight against poverty of LGBTI+ organizations is access to resources. As is known, the positive obligation of states regarding freedom of association requires creating a favorable environment in which non-governmental organizations can carry out their activities, providing resources and allowing organizations to seek, receive and use resources.²³ The UN Special Rapporteur on Freedom of Peaceful Assembly and Organization points out that the regulations that prevent NGOs from accessing resources limit their capacity to work with poor and excluded groups and reduce their power to influence decisions and policies concerning the rights of these groups.²⁴ All these regulations lead to disruptions in services that ultimately benefit poor and excluded groups. The regulations enforced by the Government in recent years, which make it difficult for organizations to access resources, confirm the Special Rapporteur.

The Law No. 7262 on the Prevention of the Spread of Weapons of Mass Destruction, enacted in December 2020, and the Law on Fundraising were amended, and permission was required for fundraising activities carried out on the internet. In addition, the administrative fines predicted for unauthorized fundraising activities have been increased, and challenging amounts have been determined for non-governmental organizations. LGBTI+ organizations and initiatives regularly carry out online and offline fundraising activities for various different needs, especially for transition process and LGBTI+ people in prison. However, with the amendment made in the Law on Fundraising, it is possible to make one of the basic solidarity practices of the LGBTI+ community almost impossible for fundraising carried out on the internet to be subject to permission and high fines to be imposed if permission is not obtained.²⁵ As a matter of fact, the participants of the meeting we held with the organizations working in the

22 A/HRC/74/349.

23 OSCE Office for Democratic Institutions and Human Rights, Guidelines on Freedom of Association, 2015, <https://www.osce.org/files/f/documents/3/b/132371.pdf> (Accessed on: 29.06.2022).

24 A/HRC/74/349.

25 <https://spod.org.tr/sivil-toplumun-imha-yasasi-lgbtilar-icin-ne-ifade-ediyor/> (Accessed on: 29.06.2022).

field of LGBTI+ rights on February 25, 2022 drew attention to this legal limitation and stated that LGBTI+ organizations could not respond positively to the requests for financial and in-kind support from individuals due to the legislation. In addition, an organization representative stated they received food and rent aid applications during the pandemic and found a limited fund to cover them, adding that whether the distribution of this fund posed a regulatory risk and the possibility of problems during audits led to concern for the association team.

Another regulation of Law No. 7262 concerning the access of NGOs to resources was related to the risk assessment to associations. Accordingly, associations will be classified according to high, medium and low risk groups and audit programs will be prepared specific to each risk group. In addition, this classification will be reviewed and re-evaluated every year in line with the new information obtained regarding the criteria determined for risk analysis. Although the criteria of risk analysis are not clearly stated, according to the information we have received from the human rights organizations audited in the last 1.5 years, NGOs working in the field of human rights and receiving funds from abroad are classified as high-risk. This means that organizations' utilization of foreign-based resources is considered as a kind of crime. A study published by Amnesty International in October 2021 found that organizations began to feel the effects of the law greatly in the first year. Some organizations participating in the research stated that they stopped their resource development activities on the internet, had difficulty in gaining and maintaining their members, and stopped their cooperation with international organizations because the funds received from abroad were examined more comprehensively in the audits. All these indicate that the measures taken "have a deterrent effect to the extent that they restrict the legitimate activities of NGOs."²⁶

Apart from the legal obstacles that restrict the access of LGBTI+ organizations to resources, it should also be mentioned that the senior administrators of the state portray it a crime for these organizations to benefit from foreign funds. The Minister of Interior frequently makes stigmatizing and targeting statements about NGOs that receive funds from abroad, especially LGBTI+ organizations, and associates these funds with the financing of terrorism.²⁷ By doing so, he

26 Amnesty International, The Impact of Law No. 7262 on Non-Profit Organizations, 2021, <https://bit.ly/3BM1oQq> (Accessed on: 29.06.2022).

27 Some examples of the numerous speeches made by Minister of Interior Süleyman Soyulu on the use of foreign funds by LGBTI+ organizations:

<https://www.indyturk.com/node/67366/haber/soylu-abd-ankara%E2%80%99da-lgbt-derneklerine-22-milyon-dolar-yard%C4%B1m-yap%C4%B1yor>

<https://artigercek.com/haberler/soylu-yine-lgbti-bireyleri-hedef-aldi-bu-sevda-nereden-cikiyor>
<https://t24.com.tr/haber/icisleri-bakani-soylu-lgbt-derneklerine-devasa-butceler-aktariyor->

draws the attention of the public to LGBTI+ organizations by mentioning striking but unrealistic funds. He also names cities in some of his discourses, and makes LGBTI+ organizations, which are already few in number, a direct target.²⁸ It is clear that this hate speech of the Minister of Interior towards the LGBTI+ community and their organizations increases the risk of discrimination of LGBTI+ people in public institutions with the hostility towards LGBTI+ people in the society.

3.2 Freedom of peaceful assembly

In order to overcome the marginalization and discrimination faced by LGBTI+ people, LGBTI+ identities and gender issues should be more visible and further discussed in the public sphere.²⁹ Considering that the use of public spaces is an effective tool in raising awareness about and combating discrimination and violence based on sexual orientation and gender identity, the first step that can be taken is for LGBTI+ people to be able to occupy a safe and open place in public spaces, that is, to exercise their freedom of peaceful assembly. However, LGBTI+ people in Turkey have been prevented from raising their voices in public spaces by using their peaceful freedom of assembly since 2015. Pride Marches, which were held peacefully between 2003-2014, started to be banned in 2015. Since then, the demonstrations of LGBTI+ community assembled for this purpose have been dispersed by police intervention.

Prohibitions on the actions and activities of LGBTI+ community accelerated in 2017. The Governorship of Ankara later lifted the ban on LGBTI+ events, which first started with Kuirfest in November 2017, and this ban continued for years. Although this indefinite ban is not clearly named as in Ankara, it is possible to say that LGBTI+ events are de facto banned throughout Turkey because they spread to other provinces. Lastly, Pride Marches, which were intended to be held in different cities and districts of Turkey, were banned by governorships and district governorships in 2022.³⁰ Apart from the prohibitions declared by the

[lar-propaganda-ve-iletisim-destegi-veriyorlar,1009740](https://www.cumhuriyet.com.tr/turkiye/soylu-lgbtiyi-hedef-aldi-lgbt-derneklerini-bati-deli-gi-bi-fonluyor-1921339)

<https://www.cumhuriyet.com.tr/turkiye/soylu-lgbtiyi-hedef-aldi-lgbt-derneklerini-bati-deli-gi-bi-fonluyor-1921339>

Also, for the compilation of the Minister's speeches on this issue in 2021 compiled by Kaos GL, see: <https://kaosgl.org/haber/icisleri-bakani-2021-boyunca-lgbti-lari-hedef-aldi> (Accessed on: 30.06.2022).

28 <https://t24.com.tr/haber/soylu-amerika-ankara-da-lgbt-ye-22-milyon-dolar-yardim-yapiyor,837850> (Accessed on: 30.06.2022).

29 A/75/258.

30 For some examples of bans, see: <https://m.bianet.org/bianet/igbti/246257-19-istanbul-igbti-onur-yuruyusu-yasaklandi> (Accessed on: 30.06.2022).

<https://ilerihaber.org/index.php/icerik/datcada-30-gunluk-onur-haftasi-yasagi-142035> (Accessed on: 30.06.2022).

public authorities, it is also necessary to mention the civil initiatives that attempt to threat and prevent LGBTI+ people who want to assembly. The last example of hate speech and discrimination, which senior officials such as the Minister of Interior and the Head of Religious Affairs frequently resorted to against LGBTI+ community, was experienced in Istanbul University in June 2022. The picnic the university's Equality Society was cancelled due to lynch threats by a group of radical Islamists gathered at the organization location.³¹

So, why are we talking about the freedom of peaceful assembly when we are talking about the poverty of LGBTI+ people? According to the UN Special Rapporteur on Freedom of Peaceful Assembly and Organization, freedom of association and freedom of peaceful assembly allow individuals to consider themselves as active and independent members of society, not as passive communities to which aid is provided. On the other hand, the violation of this freedom "...destroys social capital by eroding social unity, causing a general fear, feelings of indifference and worthlessness, and a decrease in involvement in social groups."³² In addition, the dispersal and criminalization of protests and demonstrations leads to further stigmatization and exclusion of LGBTI+ community and their struggle. All this not only causes the discrimination suffered by LGBTI+ community to be normalized at the level of society and service providers, but also prevents them from objecting to this violation and discrimination and putting pressure on decision makers. As a result, social exclusion persists since people cannot actively engage in issues related to their own well-being and living conditions.

3.3 Right to participate

While evaluating the role of both freedom of association and assembly in the fight against poverty, it is also necessary to mention the right to participate. In order to determine the needs of poor and excluded groups, there is a need for public participation and dialogue where people can express themselves freely. A common understanding of how to break poverty dynamics and ensure a sustainable and equal development process is only possible with meaningful participation.³³ It is clear that consultation processes have not been carried out

<https://www.birgun.net/haber/canakkale-de-hedef-gosterilen-onur-haftasi-etkinlikleri-ya-saklandi-391437> (Accessed on: 30.06.2022).

31 <https://artigercek.com/haberler/iu-iletisim-fakultesi-nde-lgbti-piknigi-tehdit-nedeniyle-yapil-madi> (Accessed on: 30.06.2022).

32 A/74/349.

33 Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, A/74/181. For the translation made by Kaos GL, see: <https://kaosgldernegi.org/images/library/2019birlesmis-milletler-cinsel-yonelim-ve-cinsiyet-kimligine-dayali-siddet-ve-ayrimciliga-karsi-koruma.pdf> (Accessed on: 30.06.2022).

in Turkey especially in the last five years, and LGBTI+ organizations are not among these organizations, even though some public institutions consult non-governmental organizations within the scope of certain projects. However, it is very important not to exclude LGBTI+ people in public debates in order to allow them to express the effects of violations of rights and discrimination on their daily lives and therefore to prevent the risk of poverty. Therefore, together with all groups that are vulnerable to poverty due to their inequalities (for example, women, children, minorities, refugees, the elderly, the disabled, etc.), special measures should be taken to ensure that LGBTI+ people are adequately represented in decision-making processes.³⁴ The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity suggests that measures taken to include LGBTI+ people in public policies can be effective in three ways based on experience in other countries: a) long-term communication with non-governmental organizations and politicians; b) political will to ensure good governance through the inclusion of different groups, especially as demonstrated by local governments; c) establishment and development of reliable relationships over time between LGBTI+ groups and local governments. From this point of view, we can say that the relations established between the municipalities in Ankara, Istanbul and Izmir and LGBTI+ organizations are important. Although they still lack sustainability and ownership, LGBTI+ people living in these cities can participate in local decision-making mechanisms and benefit from the services offered relatively more easily thanks to these relationships. However, it should be noted that this practice of participation and collaboration should be spread to other cities too. Later in the report, we will talk about concrete services that are the product of these relations.

3.4 Access to justice

Access to justice, which includes different elements such as the right to a fair trial, access to the court, equality before the court, is one of the basic conditions for systematically excluded groups to exercise economic, social and cultural rights.³⁵ Where there is no access to justice, it is much more difficult to address and complain about human rights violations. First, filing a lawsuit means paying the attorney's fee, the filing fee and the expenses of the other party in the event of the loss of the lawsuit. All of these have the potential to deter people who do

³⁴ A/HRC/15/41.

³⁵ Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz: Violence and discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic, A/75/258.

not have enough income to set aside, especially for ordinary or extraordinary expenses, before they even start seeking their rights. The legal aid systems of the bar associations ensure that people with limited economic conditions are not deprived of the opportunity to seek rights. Unfortunately, it is not possible to say that LGBTI+ people benefit from these services equally. Namely, the prejudiced attitudes of the lawyers assigned to the legal aid file towards LGBTI+ people may prevent LGBTI+ people from requesting legal aid and benefiting from these programs from time to time.

In this respect, the legal support provided by LGBTI+ organizations should be considered as services to alleviate poverty. These services, which will reduce the effects of discrimination even if nothing can be done directly to eliminate the poverty of LGBTI+ people, ultimately make it easier for LGBTI+ people who do not have the financial facilities to work with a paid attorney to access justice. On the other hand, even if legal aid and legal support is received, the concern of discrimination and retaliation can prevent LGBTI+ people from complaining and seeking justice. "Human Rights Reports of LGBTI+ People" published by Kaos GL every year draw attention to the discriminatory practices faced by trans people, especially due to their gender identity, when it comes to the right to a fair trial. Again, "Turkey's Challenge with LGBTI Refugees" report published by Kaos GL includes the testimony of various LGBTI+ refugees who stated that they did not complain because they did not have both material and moral assurances despite being violated.³⁶

3.5 Non-discrimination

As the UN Special Rapporteur stated, poverty is not an inevitable phenomenon and is often the result of wrong state policies as well as acts and omissions of strong economic entities.³⁷ If these omissions do not affect everyone equally, that is, if not everyone is poor, discrimination should also be addressed in the discussion. To make a comprehensive definition, any distinction, exclusion or restriction that aims to weaken or prevent the equal recognition and exercise of human rights and fundamental freedoms with others in political, economic, social, cultural, civil or other spheres, or that has an effect in this direction, is called discrimination.³⁸

Economic inequality is closely linked to conditions in which there is often discrimination, that is, people cannot exercise their rights equally. As with human

36 Kaos GL Association, Turkey's Challenge with LGBTI Refugees, 2019, <https://kaosgldernegi.org/images/library/2019lgbti-multeciler-ile-imtihani-web.pdf> (Accessed on: 13.06.2022).

37 A/HRC/15/41.

38 The UN Secretary-General's follow-up report to the World Conference on Aging in 2011.

rights in general, there is a cause and effect relationship between exclusion and discrimination and the realization of economic and social rights, and therefore poverty. Groups which suffer systematical discrimination (refugees, minorities, women, the disabled, the elderly, LGBTI+, people living with HIV, etc.) encounter various obstacles in accessing regular income, resources and services. Therefore, the risk of poverty is higher compared to other people, and these groups constitute the vast majority of poor people all over the world. On the other hand, when these groups become poor, stigma and discrimination due to poverty continue. For the most part, this cycle continues, making them poorer, more deprived, and more vulnerable to any kind of violation of rights.³⁹

Sexual orientation and gender-based discrimination are not included in the Turkish legislation. This situation leaves LGBTI+ people unprotected against discrimination by those who provide services in the public and private sectors and other members of the society. So much so that, as mentioned in the previous chapters, even senior public administrators can clearly make discourses targeting LGBTI+ people. Especially during the COVID-19 outbreak, it was frequently reported that there was an increase in the cases of political and religious leaders spreading false information and hate speech about LGBTI+ community in the world and in Turkey.⁴⁰ For example, the Head of Religious Affairs, in his Friday sermon published in the beginning of the pandemic, said that the source of the epidemic was LGBTI+ people and pointed to those living with HIV as targets.⁴¹ LGBTI+ people wanting to live freely and with their open identities leads to the possibility of being excluded, stigmatized, subjected to violence and discrimination at many levels of society as well as not benefiting from various rights and services equally. Moreover, since there is no legal protection specific to LGBTI+ people, it is possible that any unequal treatment in the provision of rights and services will remain unpunished.

The fact that the income level is not the only explanatory factor of poverty becomes more important when it comes to discrimination. Although the income level is high, there are numerous examples where discrimination against LGBTI+ people can deprive them of many opportunities. This inequality is intensely reflected in access to services offered by the public and private sectors, such as education, health, housing, etc. Some LGBTI+ people can tend to receiving services from the private sector instead of the public services they are entitled to in order to overcome the discrimination to which they may be exposed - for

39 Köylü, M (2020), "Sosyal İçerme", Heteronormatif Olmayan bir Sosyal Hizmet Mümkün, Kaos GL.

40 A/75/258.

41 <https://kaosgl.org/haber/diyamet-in-cuma-hutbesinde-nefret-islam-escinselligi-lanetliyor> (Accessed on: 13.06.2022).

example, sending their child to private school in order to avoid encountering homophobia and transphobia. However, it has often been stated in meetings that making a large payment in return for these services does not always bring about equal treatment.

While evaluating income and expenditure level and poverty, it should be remembered that LGBTI+ people's orientation towards private goods and services may not make them people with high income. In fact, the financial burden of constantly tending to private services can make them more vulnerable to poverty. Many people prefer these services because they are forced to. For example, an openly trans person would prefer to travel by taxi rather than by public transport in order to minimize the risk of violence. However, this should be considered as an obligation that comes with discrimination and exclusion, not just a choice. This situation was summarized as follows during our meeting with LGBTI+ people living with HIV, where we talked about access to health:

"When it comes to access to health, LGBTI+ people living with HIV may have to choose between their comfort, well-being and safety. Because there is a service they have to access, some channels they can prefer are safer, however, they may not be able prefer it because of poverty. Some channels are less safe, but they have to use them because of poverty. When this happens, they are renouncing their safety."

Discrimination, which is systematically faced by LGBTI+ people, draws them away from public institutions and prevents them from trusting these institutions. This insecurity prevents them from demanding the help they need and are entitled to. For example, the participants of the study conducted by the Social Policy Gender Identity and Sexual Orientation Studies Association in 2020 stated that they received help from their friends when needed, instead of applying to the aid they are entitled to with the concern that they may be exposed to discrimination due to sexual orientation or gender identity in accessing social assistance and that the relevant institutions or organizations may have negative attitudes and behaviors.⁴²

All these examples make it a necessity to think about inequalities while addressing poverty. The experience of LGBTI+ people is the most important indicator that the availability of a service does not mean that everyone can benefit from it equally. Therefore, policies created against poverty are expected to go beyond general measures and to combat discrimination by identifying and prioritizing

42 SPOD, Access to Social Services by LGBTI+ People During the Pandemic, 2020.

excluded groups.⁴³ In doing so, however, it is worth remembering that no group is homogeneous, and the components that make it up can be influenced from policies in different ways. As a matter of fact, we know that LGBTI+ people who are exposed to discrimination on more than one basis also have different violations experiences. We will argue in the next chapters of the report how this multiple discrimination affects access to rights and services linked to poverty.

3.6 Right to an adequate standard of living (Right to adequate food and right to shelter)

Article 11 of the International Convention on Economic, Social and Cultural Rights introduces an obligation for states to recognize that everyone has the right to a sufficient level of living and right to continuous improvement of living conditions, including food, clothing and housing, for themselves and their families. Accordingly, states should provide the necessary conditions for people to live a decent life without hunger and poverty. Likewise, articles 30 and 31 of the European Social Charter call on states to take measures in order to “encourage people and their families living in or at risk of social exclusion and poverty to actually access employment, housing, education, learning, culture, social and medical assistance opportunities” and “promote the acquisition of a housing with adequate standards; prevent and reduce homelessness in order to eliminate it over time; make house prices suitable for those who do not have sufficient resources.” In this chapter, we will focus on two of the components of the right to adequate living standards regulated in international conventions: the right to adequate nutrition and the right to housing.

When it comes to adequate nutrition, it is important that people have both economic and physical access to available foods. In other words, a balanced and healthy diet should be accessible to everyone. The Committee on Economic, Social and Cultural Rights, in its General Comment No. 12, makes the implementation of the right to adequate food and nutrition conditional on the following:

- The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture;
- The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.⁴⁴

43 A/HRC/15/41.

44 Bilgi University Human Rights Law Application and Research Center, Human Rights Comments to the United Nations: Human Rights Committee and Economic, Social and Cultural Rights Com-

In the chapter titled “Poverty in Turkey” of the report, we mentioned the effect of recently rising inflation on food prices. This increase in the prices of food and basic necessities is also experienced by non-governmental organizations. NGO representatives who attended our meetings in February 2022 stated that there was an increase in support applications related to food and basic necessities, especially with the outbreak of COVID-19. Considering that all of these organizations are not organizations that provide assistance and that their support to individuals is restricted to legal and psychosocial support, responding negatively to requests for food and basic needs support may cause a feeling of inadequacy in the NGO while the person who requested it may feel mistrust against the works of the NGO. On the other hand, it should be noted that organizations that provide psychosocial support to LGBTI+ people are trying to alleviate the problem by directing them to various institutions even if they have to reject their requests for financial support.

Although the economic crisis, which deepened with the COVID-19 and the subsequent financial fluctuation, spreads poverty throughout the country, it is possible to say that the systematical discrimination suffered by LGBTI+ people makes them disadvantaged in terms of avoiding poverty. As a matter of fact, Deep Poverty Network, in our meeting, marked the importance of having the resources to save people from poverty, pointing out that inequality in society prevents LGBTI+ people from changing the current situation and negatively affects their capacity to escape from poverty. The network states that they have recently encountered poor LGBTI+ people more frequently as a result of this. During the same meeting, the representative of the May 17 Association pointed out that access to the resources needed to overcome poverty could be more difficult for LGBTI+ people living in small cities with limited job opportunities.

Each group in the LGBTI+ community is affected by increasing prices in different ways. For example, prisoners should pay electricity and water bills, buy clean water and hygiene supplies, buy phone cards and stamps to communicate, or pay the cost of letters as long as they are in prison. Especially the increase in electricity and food prices makes imprisonment more and more costly each passing day. Stating that food is limited and expensive in prison canteens, the Association for Civil Society in the Penitentiary System draws attention to the fact that their works are restricted because LGBTI+ prisoners are excluded from the general population, and therefore they do not have the conditions to meet the “cost of imprisonment”⁴⁵ and maintain themselves economically. It should

mittee, 1981-2006, Translated by: Lema Uyar, https://insanhaklarimerkezi.bilgi.edu.tr/media/uploads/2016/05/05/BMde_Insan_Haklari_Yorumlari_1981_2006.pdf (Accessed on: 06.07.2022)

45 <https://m.bianet.org/biamag/siyaset/260520-hapsedilmenin-maliveti-faturalar-ozlemler-sans->

be said that LGBTI+ people who lack family support suffer from this situation more deeply. The fact that providing in-kind and cash assistance to prisoners has become risky due to changes in the legislation in recent years makes it even more difficult to reach LGBTI+ prisoners.

Hande Kader Solidarity not only provides scholarships to trans students but also provides one-off assistance to trans people in urgent need. The Solidarity observes the effect of the recent economic problems on trans people based on applications made to them. For example, although they continue to provide scholarships to students, recently trans people have applied to Hande Kader Solidarity for their needs for food items, clothing and rent rather than scholarships.

Activists from the Positive Space point out an important issue about how the decline in purchasing power affects LGBTI+ people. That is to say, the eating habits of people diagnosed with HIV are one of the most important determinants of their healthy living. Therefore, it is one of the recommendations given by both doctors and NGOs working in this field that they should adopt a healthy and regular working, sleeping and nutrition habit. One of the participants in our meeting held with activists living with HIV in May 2022 expressed the challenge of a healthy and balanced diet for those who do not have a stable working life and regular income:

"It is said that people living with HIV should consume foods rich in proteins and vitamins and eat well, but how will they pay for it? Nobody has that kind of money."

When we think about poverty and HIV together, I think one of the most important issues is nutrition. It is a matter linked to one's whole life. You cannot save from your rent and bills, you have to pay it because otherwise you will not be able to shelter. Where do people save from? They save from food."

Common opinion of activists is that there is no holistic approach to HIV and that the issue is restricted to medical treatment. In other words, medications are provided after the diagnosis, but whether these medications should be accompanied by regular nutrition is out of the interest of public institutions.

Being a LGBTI+ person living with HIV increases the extent of discrimination. While LGBTI+ people are at a disadvantage compared to other segments of the society in terms of working in jobs with regular working hours, it becomes even more difficult to earn enough and regular income to live a healthy life when HIV-related limitations are added. Another activist at the same meeting describes this from their own experience:

[urler](#) (Accessed on: 06.07.2022).

“Only medical treatment and care services are provided in Turkey. Hospitals and social assistance organizations do not care about the rest. It is impossible to get guidance within the hospital. When I was diagnosed, I was working at the bar and I had no sleep patterns, my diet was not healthy. When I was diagnosed, I shared my lifestyle with the physician, the answer was “no way! I was told to quit the bar, sleep during normal hours and change my dietary habits. Since my immune system was very weak when I was diagnosed, I took these recommendations very seriously and quit my job. I remember that it was very difficult for me, even this was before the exchange rates went high and life became much more expensive. I am sure it is more severe now. Only we say “You do not have to change anything in your life after you are diagnosed,”; the doctors do not always say it, and their recommendations can cause damage to your working life for health. For example, if you are a drag queen or work in the entertainment industry, the first advice they give you may be to “quit your job” because it is not perceived by doctors as a healthy lifestyle.

The right to housing (or the right to adequate housing), which is one of the components of the right to an adequate standard of living, is a right that everyone must have without discrimination in order to exercise other economic, social and cultural rights. In its General Comment No. 4, the Committee on Economic, Social and Cultural Rights states that the right to adequate housing for living involves much more than having a roof over one’s head. According to the committee, the basic indicators of the right to housing are that everyone can live in a sufficient and safe place in terms of infrastructure and social opportunities, in peace and in a manner that is worthy of human dignity, regardless of the level of income or the power of access to economic resources.⁴⁶ Therefore, contracting states should provide appropriate means for people to live in houses where they can live in health, safety and dignity and should take into account the principles of suitable housing in policies and laws.

The right to housing also includes housing security, which provides protection against forced eviction, and the prohibition of discrimination in access to housing facilities. From this point of view, it is difficult to say that LGBTI+ people’s right to housing is fully recognized. For example, the ESHH Committee⁴⁷ and the UN Independent Expert on Protection Against Violence and Discrimination Based

46 https://insanhaklarimerkezi.bilgi.edu.tr/media/uploads/2016/05/05/BMde_Insan_Haklari_Yorumlari_1981_2006.pdf (Accessed on: 06.07.2022).

47 <https://www.refworld.org/docid/4a60961f2.html> (Accessed on: 06.07.2022).

on Sexual Orientation and Gender Identity⁴⁸ point out that property owners, real estate agents and financial institutions can create obstacles against LGBTI+ people and gay couples in terms of rent and housing loans, harass them and evict them from their homes. As a matter of fact, we encounter similar cases in both the media⁴⁹ and human rights reports in Turkey. According to Kaos GL's annual human rights reports, unusual and high costs are demanded from LGBTI+ people, especially trans women, both when acquiring and renting property, thus restricting the housing rights of these groups.⁵⁰ In addition, sealing the houses of trans women on the grounds of sex work is a practice frequently resorted to by law enforcement agencies. These interventions were experienced more especially during the COVID-19 pandemic. For example, trans women living in Istanbul Bayram Street and Küçük Bayram Street were detained and their homes were sealed several times in 2021 by claiming that it is related to coronavirus measures.⁵¹ Illegal and arbitrary sealing of sex workers' homes and prohibiting them from entering their homes mean that they are deprived of both housing and employment opportunities.

LGBTI+ people, especially trans women, usually live in close houses or together in large cities. Although this is sometimes due to necessity, it is clear that living in the same house, street and neighborhood actually has an effect that increases security and solidarity. However, urban transformation and gentrification practices, systematic attacks by the people of the region and law enforcement agencies and anti-LGBTI+ state policies, which are a sum of these, result in the removal of trans people from these regions. The practices exposed to trans people living in Ülker Street, Pürtelaş Street, Avcılar Meis Sitesi, Zürafa, Alageyik and Kadem Streets in Istanbul, Eryaman and Esat in Ankara and Bornova in İzmir are just a few of these examples. As one participant stated in our meeting with LGBTI+ organizations, these interventions in safe spaces established by trans people *"constitute a great obstacle for them to fight against poverty in solidarity with the community."*

LGBTI+ people coming out to their families or having their gender identity and sexual orientation known against their will often results in their exclusion from the family. In addition, it can be said that the economic dependence of LGBTI+

48 A/74/181.

49 For example, actor and producer Göksu Başaran was exposed to transphobic discrimination of the ad owner when she wanted to rent a house through a real estate website: <https://kaosgl.org/haber/oyuncu-goksu-basaran-a-kiralamak-istedigi-evin-sahibinden-transfobik-ayrimcilik> (Accessed on: 06.07.2022).

50 For example, see 2018 and 2019 reports for LGBTI+ people's human rights.

51 <https://kaosgl.org/haber/bayram-sokak-a-polis-baskisinin-bir-yillik-ozeti-yildirma-politikasi-devrede> (Accessed on: 06.07.2022).

youth on their families puts them at a disadvantage in terms of safe housing. In fact, recent studies have revealed that LGBTI+ people do not feel safe with their families.⁵² LGBTI+ people who have to live with their families can be exposed to violence from other family members.

On the other hand, homelessness as a result of coming out to the family is one of the important problems experienced by LGBTI+ youth all over the world.⁵³ Although there is no data on homeless LGBTI+ people in Turkey, May 17 Association states that the need for shelter comes to the fore among the applications to the psychosocial and legal support program, and urgent shelter requests come from those who had to leave their families' houses. Unfortunately, what NGOs can do regarding such requests is limited: they either refer people to organizations that offer housing support, or they promote people's search for a home or roommate. As in many countries, there are no special accommodation facilities for LGBTI+ people in Turkey or existing shelters do not accept openly LGBTI+ people. Previously, a 'Trans Guesthouse' was opened under the leadership of Istanbul LGBTI+ Association and with the support of other LGBTI+ organizations and activists for the trans people who were in a difficult situation, had no place to stay and were subjected to violence. Although this was both an important initiative that LGBTI+ people excluded from the official social policies of the state can benefit from as well as an effective model of solidarity for the LGBTI+ community, unfortunately, it could not sustain itself and closed down after a while. In the face of increasing poverty and the need for shelter, public institutions, local governments, fund providers and LGBTI+ organizations need to put the establishment of such facilities back on their agenda.

In addressing the relationship between the right to housing and poverty, we cannot consider it independent from other social rights. For example, if you do not have a house where you can regularly stay, you will not be able to obtain a certificate of residence. The absence of a certificate of residence that must be submitted to the workplace when being recruited for an insured job means that you are deprived of the opportunity to work in a secured manner. In addition, as reminded by the representatives of the Deep Poverty Network and Çorbada Tuzun Olsun Association attending our meeting, a certificate of residence is also necessary for access to social benefits. Therefore, LGBTI+ people who lacks shelter facilities also lacks support mechanisms that can alleviate the impact of poverty. DPW explains the multiple disadvantages of LGBTI+ people in this regard as follows:

52 SPOD, Access to Social Services by LGBTI+ People During the Pandemic, 2020.

53 A/74/181.

“Every public institution requests a certificate of residence for support applications. LGBTI+ people cannot access public resources because there is both insecurity and lack of residency. Violations caused by poverty are dispersed among all groups experiencing poverty, but of course, the cycle of poverty becomes more difficult to break when there are other discrimination and inequalities. For example, there is a state of poverty in which all social rights are violated together with the right to housing.”

When it comes to the right to housing, it is also necessary to mention what LGBTI+ students experience. It is vital for LGBTI+ university students to find a safe and permanent place away of discrimination and anxiety that they can live during their education. Both the legislation on dormitories and the discriminatory attitudes and behaviors of dormitory employees are two important factors that prevent LGBTI+ students in Turkey from accessing safe and secure housing. Article 22/h of the Dormitory Administration and Operation Regulation of the Higher Education Student Loans and Dormitories Institution lists “conduct and actions that do not comply with the general moral rules and provoke people or society” among the acts and situations that require a condemnation penalty. The expression of “general moral rules”, which the LGBTI+ rights movement has objected to for years on the grounds that it limits rights and freedoms, is a threat to the existence of LGBTI+ students as it opens up space for all kinds of arbitrary interpretations and practices. In addition, the suspension from the dormitories of the Student Loans and Dormitories Institution (KYK) and cancellation of scholarships of students participating in peaceful assemblies and demonstrations have been common practices in recent years. For example, scholarships and student loans of students participating in 9th METU LGBTI+ Pride March were suspended in 2019.⁵⁴ Some students who participated in the Pride March held in Eskişehir on June 30, 2021 were also punished with expulsion from dormitories and cancellation of scholarship by KYK.⁵⁵ Similarly, student loans and scholarships of at least 100 students who protested the appointment of a trustee to Boğaziçi University were also cancelled, and then some of these penalties were decided to stay of execution.⁵⁶ Such arbitrary sanctions against students who are economically dependent on their families, have difficulty in finding a place to stay and struggle to continue their education life with limited

54 <https://kaosgl.org/haber/kyk-odtu-onur-yuruyusunda-gozaltina-alinanlarin-kredi-ve-burslari-ni-kesti> (Accessed on: 16.07.2022).

55 <https://www.indyturk.com/node/417736/siyaset/eski%C5%9Fehirde-y%C3%B-Cr%C3%BCy%C3%BC%C5%9Fe-kat%C4%B1lan-%C3%B6%C4%9Frenciler-yurt-tan-at%C4%B1ld%C4%B1-burslar%C4%B1-kesildi> (Accessed on: 16.07.2022).

56 <https://www.birgun.net/haber/bogazici-eylemlerine-katilan-ogrencilerle-ilgili-karar-sa-dece-polisin-bildirmesiyle-ogrenim-kredisi-kesilemez-364377> (Accessed on: 16.07.2022).

income are a violation of the right to housing and affect the future of the students as these prevent them from accessing the right to education.

The fact that the dormitories are based on the binary gender system leads to the exclusion of students who do not identify strictly as men or women.⁵⁷ A study published by the ÜniKuir Association in July 2021 indicates that student dormitories and guesthouses are among the places where trans+ students encounter discrimination on campuses the most. The vast majority of participants of the research stated that “they would always feel better and safer if they could stay in genderless dormitories or genderless rooms.”⁵⁸ One of the participants of our meeting with trans activists summarizes the housing problems of trans students as follows:

“If they are not with their families, moving to another city means a dormitory. If it is not a dormitory, it is a house. All of these are linked to the economy. It is also about the perspective of the dormitory director and landlord towards trans people. When it comes to a house, you need to convince the landlord or a few people in the building. For dormitories, you have to fight the entire population of the dormitory even if you can persuade the principal. There are numerous news on trans men and women who were unjustly expelled from dormitories throughout our history.”

Young LGBTI+'s “LGBTI+ Dormitory Experiences” publication consists of stories proving that a significant part of the *struggle with the dormitory population* mentioned in the above excerpt is also spend to the fight against peer bullying.⁵⁹ It is necessary to interpret all these problems as that the right to education is prevented along with the right to housing of LGBTI+ students.

Lockdowns during the COVID-19 pandemic were a necessity to protect health for many, however, it created a safety risk for some LGBTI+ people. LGBTI+ people who did not have a home or did not have enough opportunities to live separately from their family during distance education had to return to the houses of their assigned families. This return meant a violation of privacy, psychological and physical violence as well as keeping their identities secret for LGBTI+

57 Young LGBTI+ Association, What Does LGBTI+ Youth Want from Student Dormitories?, 2018, <https://genclgbti.files.wordpress.com/2018/09/lgbti-genc3a71er-c3b6c49fren-ci-yurtlarc4b1n-dan-ne-istiyor.pdf> (Accessed on: 16.07.2022).

58 University Queer Research and LGBTI+ Solidarity Association, Report for Discrimination Against Trans+ Students in Universities, 2021, <https://www.unikuir.org/assets/public/projects/dosyalar/universitelerde-trans-ogrencilere-yonelik-ayrimcilik-raporu.pdf> (Accessed on: 16.07.2022).

59 Young LGBTI+ Association, LGBTI+ Dormitory Experiences, 2018, <https://genclgbti.files.wordpress.com/2018/10/lgbti-yurt-deneyimleri.pdf> (Accessed on: 16.07.2022).

people. Young LGBTI+ Association notes the problems faced by those who had to change their living order during the pandemic in the "Status of the LGBTI+ Community in the COVID-19 Outbreak" research as follows:

According to the research data, 97 people, who constituted 38% of the participants, had to change their living order. Some of these people moved to other cities, and some had to return to their parents, who were in the same city but did not prefer to live together. Financial losses and lockdown conditions caused stress, anxiety, morale and low motivation in the participants. People had to return to their families' houses where they had problems in terms of being LGBTI+ or spend more time with their families due to personal quarantine measures. This has caused people to experience discrimination regarding sexual orientation and gender identity, to be exposed to hate speech and crime, to suffer from intense pressure and to be obliged to exercise compulsory self-control.

Lack of support from their assigned families can affect LGBTI+ people not only when they are young but also during old age. Safe housing opportunities for LGBTI+ people who need care at an old age are very limited. As facilities and support services for the elderly ignore the special needs of LGBTI+ people, it is not possible to say that they are offered a safe and welcoming accommodation.⁶⁰ May 17 Association's "Hey Lubunya! We Are Aging" report indicates that one of the most important concerns of LGBTI+ community regarding the right to housing is having to hide their identities while trying to find a place to live, as the real estate sector and nursing home procedures are not inclusive.⁶¹ Approximately 86 percent of those participated in the survey stated that they would like to spend their old ages if there is an LGBTI+ inclusive complex/nursing home/center in Turkey if their facilities allow.

The same report reveals that elderly LGBTI+ people have difficulty in finding a house with their own means as only uniform families and associations are accepted in the country. Excluded from income-generating work environments and unable to save or acquire property, LGBTI+ people live either in rental homes or with their assigned families. To summarize the discriminatory practices expressed by the elderly LGBTI+ people in the report: "Landlords do not lease houses to the elderly LGBTI+ people because they are not married, it is a problem to rent a house as a single man or a single woman, discrimination based on age

⁶⁰ A/74/181.

⁶¹ May 17 Association, Hey Lubunya! We Are Aging: Surveys/Interviews and Study Report, 2022, <https://www.17mayis.org/images/publish/pdf/yaslaniyoruz-lubunya-anket-gorurmeler-ve-calisma-raporu-16-05-2022.pdf> (Accessed on: 16.07.2022).

and ethnicity, not leasing houses to trans people, them having to live in rented houses by paying high prices even if they find a house, and then having their contracts illegally canceled and being forced to evict their homes.”

The choices LGBTI+ people in Turkey have to make regarding housing as a result of the discrimination they experience in daily life prove that the determination of poverty should not be limited to income and expenditure. In order to feel safe at home and to reduce the risk of discrimination, there is a high tendency of LGBTI+ people to live in central areas where the level of income and education is high, where there is no need for public transportation, where LGBTI+ presence is visible. Or, landlords can charge higher rents from LGBTI+ people as mentioned above. This means investing a significant part of their income in rent. During our February 2022 meeting, a representative from Positive Space explained this situation by reminding the risks of public institutions and NGOs basing their needs assessment on demographic mapping:

“LGBTI+ people have difficulty in renting a house because they do not rent a house as a family. In addition, the neighborhoods they can live in to avoid being attacked can be very limited, and they may have to give up a lot to live there. Therefore, this need may be overlooked in demographic mapping. For example, we cannot easily say that a trans woman, trans man or a gay person living in Nişantaşı is not in need. Because the person may prefer to pay most of the money they earn for the house in Nişantaşı because they think that they will not be attacked.”

Deprivation of shelter facilities is one of the problems that refugees often face. It should be noted that especially the discourses of politicians about refugees with discriminatory and hateful content and the news in the media targeting refugees have a role in this. The work of Kaos GL in the field of refugee rights gives important clues about the violations experienced in the access of LGBTI+ refugees to the right to adequate housing. For example, both xenophobic and anti-LGBTI+ attitudes of neighbors and landlords result in displacement of refugees or higher rent demands. Furthermore, the controlling attitude of these persons, and sometimes the interference with the private lives of tenants, mean that adequate privacy, which is one of the basic components of the right to housing, is not ensured. Being evicted from their homes without even receiving the security deposit due to discrimination based on sexual orientation and gender identity, moving from house to house frequently and renting new houses have significant poverty risks for LGBTI+ refugees with limited income and lack of support and solidarity networks. The fact that the LGBTI+ refugees, whose economic conditions are limited, live in conservative neighborhoods where the

rental prices are lower, can bring along transphobic and homophobic attacks and violence against LGBTI+ people, that is, security problems.⁶²

As a result, although the experiences of each group within LGBTI+ community regarding access to the right to shelter may be different, what is common for all of them is that the discrimination that starts while looking for a place to live continues at all stages of sheltering process. As in many areas, trying to buy security and a relatively 'free' life at higher costs remains applicable when renting a house. In cases where this is not enough, LGBTI+ people can try not to attract attention and hide their identities in their homes and apartments, where they should feel the most comfortable. Therefore, it is also possible to say that financially tiresome housing conditions create an emotional burden for LGBTI+ people.

3.7 Right to education

The right to education is protected by national and international legislations. Article 26 of the Universal Declaration of Human Rights, Article 13 of the Convention on Economic, Social and Cultural Rights and Article 2 of Protocol No 1 to the European Convention on Human Rights state that everyone has the right to education. Although Turkey has made reservations on the relevant articles of the contracts by citing the regulations in its domestic law, it is also guaranteed in Article 42 of the Constitution that no one can be deprived of the right to education and education. When all these articles are interpreted together with the regulations of the relevant documents prohibiting discrimination, the basis of the right to education is based on the free enjoyment of basic education by everyone without discrimination.

As both the Committee on Economic, Social and Cultural Rights and the UN Special Rapporteur on Human Rights and Poverty emphasize, education is one of the instruments that can save economically and socially excluded people from poverty because it is directly linked to better employment opportunities.⁶³ However, education has positive effects on participation in working life as well as on participation in society and public services. Being able to fully participate in policy-making processes, which are generally carried out in a technical and bureaucratic manner, may occasionally require a high level of education. So much so that CIVICUS argues that the common characteristic of systematically excluded groups is low level of education.⁶⁴

62 Kaos GL Association, Turkey's Challenge with LGBTI Refugees, 2019.

63 General Comment No. 13 on the right to education of the UN ESCR Committee and A/HRC/15/41.

64 CIVICUS, The Gender and Social Inclusion Toolkit, <https://www.civicus.org/documents/toolkits/CIVICUS-gender-and-social-inclusion-toolkit.pdf> (Accessed on: 17.07.2022).

LGBTI+ students are exposed to various sexist attitudes and behaviors in educational environments starting from preschool and primary education. The fact that the physical conditions of the school and education curriculum are based on binary gender system, peer bullying including cyberbullying, and the lack of protective measures for LGBTI+ students against bullying, discriminatory attitudes and inadequate knowledge of educators and administrators are among the problems frequently suffered by LGBTI+ students. Exposure to violence and discrimination in the educational environment leads to a feeling of insecurity in students, a decrease in the sense of belonging, skipping school and even leaving school completely and thus a decrease in the chance of academic success.⁶⁵ Therefore, humiliation and oppression arising from homophobia and transphobia in educational institutions force LGBTI+ students to exist by hiding their identities or exclude them from the system.⁶⁶

We held meetings with trans and intersex activists in May 2022 to understand how barriers to accessing the right to education differ across groups within the LGBTI+ community. The main problem that intersex activists agreed on was that those working in the field of education (administrators, educators, PDR specialists...) did not even have basic knowledge on this subject, therefore it was very difficult to make the school a safe space for intersex children:

"They either do not know about intersex people or have discriminatory attitudes, inaccurate and incomplete information. In school (for example, in biology classes), the subject of intersex is either not discussed at all or it is discussed from a discriminatory and judgmental perspective. Therefore, the school is not safe for intersex people and the message "yes you can be discriminatory against intersex people, you can disturb them, you can bully your peers" is actually transmitted to other people unknowingly. If the lack of basic terms and basic approaches can be completed at the very least, this can improve the safety of intersex people in the school."

The dominance of the binary gender system in terms of both form and content in the education system makes schools away from safe for intersex and trans people, as for the LGBTI+ community in general. What an intersex participant shared about this unsafe feeling may summarize the feelings of all LGBTI+ people who were discriminated at school:

65 A/74/181.

66 <https://kaosgl.org/haber/lgbti-cocuklarin-da-haklari-var> (Accessed on: 17.07.2022).

“School is a place where we spend a lot of time especially in the first 12 years covering primary, secondary and high school, and the people we see the most are those at school. Therefore, it can be much harder to be subject to discrimination at school because you are there and you cannot escape.”

In its General Comment No. 1, the Committee on the Rights of the Child states that one of the objectives of education is “to empower the child by improving their skills, capacities of learning and other areas, dignity, self-esteem and self-confidence as a human being.”⁶⁷ However, intersex activists report that the situation in schools leads intersex people to invisibility and loneliness:

“In school, they only say either you do not exist or they say it is like a disease.

“There is an issue of invisibility. In biology class or while receiving counseling, the child encounters information about female-male relationships or female-male sexes at school and cannot access any information about their own existence and identity. They feel as if they do not exist, and that brings along a loneliness.”

Medical processes experienced by intersex children and adolescents may occasionally cause the child to fall behind in school and disrupt education life. This should be considered as one of the obstacles for intersex children to have a successful education life.

So far, we have talked about the experiences of intersex people that have started school and are somehow included in the education system, but it is necessary to remember that there are intersex children who have not reached this stage. For example, one of the participants in the meeting was never sent to school for fear of being discriminated against and bullied. They stated that although they did not experience what other intersex people experienced at school, they experienced the deprivation and poverty caused by being excluded from education and every field.

The binary gender system, which dominates educational institutions and policies, affects trans people in a similar way to intersex people. Physical conditions of the school, the attitudes of teachers, lecturers, other educational staff, the lack of mechanisms to prevent peer bullying, the lack of inclusive course contents are some of the problems faced by many trans people throughout their education and learning life. During our meeting held with trans activists, the following examples of transphobic behaviors a trans people may encounter were stated:

⁶⁷ <https://humanistburo.org/dosyalar/humdosya/BM%20CHK%20Genel%20Yorum%20No1%20-%20Egitimin%20Amaclari.pdf> (Accessed on: 17.07.2022).

For example, while a trans people wants to use the name they prefer, rather than their assigned name, their assigned name is shouted out in the class since the official name is written on the attendance sheet. In schools (especially in social sciences and medical schools), being trans is still described as a disease and perversion. Therefore, people may go against teachers and students, may not pass the class and may even have to quit their education."

The type, level, concern and effect of discrimination in educational life created on the individual can be different for each group of trans people. Factors such as the person having an open identity, having other identities that may lead to multiple discrimination, being in the transition process and at the stage of the transition process, and whether there is family support are considered as important determinants. For example, it is possible to say that accessing education, completing the education and having a diploma, gaining qualifications and then having a job is a struggle that trans people start to be exposed in primary school, as being an open and visible trans often makes people the target of discrimination. One of the activists in the meeting said that especially adolescence seriously affects the future of trans people:

"Adolescence is a very destructive period for trans people. A period of mostly destructive experiences. It is a period of confrontation with the family, then with the school and other social actors regarding the coming out or affirmation process. Trans people are vulnerable in this period. They face serious bullying and discrimination in this adolescence period when they make very important decisions about their (educational) lives. Most of trans people who are vulnerable at this time of their lives are forced to drop out of school."

At this point, family support can be decisive. Because in some way, the difficulties experienced by a trans person who has the support of their family and a child who has no support and no income may be very different. One participant recalls that the family's financial means are also important:

"Families with economic power send their children to private schools to overcome discrimination, homophobia and transphobia. No one can expel your child from school because they are LGBTI+, as long as you pay the money."

A similar situation was expressed in the meeting held with intersex people and it was stated that brave and strong parents could solve the problems experienced

by children through teachers, schools and legal means. Therefore, it would not be wrong to say that poor LGBTI+ people are deprived of education and it became even more difficult for them to break the cycle of poverty because they are vulnerable to discrimination.

In some departments of the university - such as engineering, nursing or law - it is compulsory to finish school and do an internship to start the profession. Considering the common homophobia and transphobia Turkey's business life, this process can turn into a separate field of struggle for LGBTI+ people. So much so that when LGBTI+ people continue their higher education in some way and are approaching the end, the discrimination they experience when applying for internship and employment may prevent them from graduating by disrupting their education.

When talking about LGBTI+ students' access to the right to education, it is necessary to talk about the COVID-19 outbreak. The vast majority (87 percent) of those who participated in the research of the Young LGBTI+ Association described the change they experienced in the education situation during the pandemic as negative.⁶⁸ LGBTI+ students, who did not have alternative housing opportunities with the transition of universities to distance education during the pandemic, had to continue their education at the homes of their assigned families. The anxiety and stress of living with their families are among the negativities that students expressed about education during this period. In addition, the limited internet access and the cost of technical instruments such as computers required to participate in the courses were among the problems expressed in the same research. All these combined with the decline in the quality of education of organizations caught unprepared for the pandemic and thus for distance education, have reached the levels that can affect the future of LGBTI+ students. For example, many people stated that they lost their motivation, that there was a decline in their academic success, that they interrupted or extended their education.

The right to education should not be limited only to formal education. According to Article 10 of the European Social Charter regulating the right to vocational education, states should provide adequate and easily accessible education opportunities to adults when necessary, meet or encourage the re-education needs of adults as a result of technological developments and new employment tendencies, and ensure that those who have been unemployed for a long time can receive re-education and re-adaptation to work. As a matter of fact, in a

68 Young LGBTI+ Association, Status of LGBTI+ Society in the COVID-19 Pandemic, 2020, <https://genclgbi.files.wordpress.com/2020/09/covid-19-salgininda-lgbti-toplulugunun-durumu.pdf> (Accessed on: 20.07.2022).

period when modern life and technology change and develop so rapidly, bringing new skills to people eases the transition process by creating new employment and communication opportunities.⁶⁹ LGBTI+ people, whose education life is interrupted because of being subject to discrimination in childhood, can also fill this gap with appropriate vocational education programs, aim for a better working life and break the cycle of poverty.⁷⁰ It is among the recommendations of the UN Independent Expert in this regard to ensure that LGBTI+ people, especially trans people, return to secondary education by covering the education costs, to provide cash support to those involved in education programs or to encourage their participation in continuous/lifelong education programs. For example, the law enacted for trans people in Uruguay in 2018 made it possible for them to return to education with scholarship and student support, and envisaged equal opportunities for participation in vocational education programs.⁷¹

In our meeting with trans activists, similar demands were expressed on vocational training and it was suggested that especially the LGBTI+ community and organizations should start working in this field. One of the reasons behind this proposal was that trans people could not benefit equally from existing vocational training courses:

"Today, it is very difficult for a trans person enroll to any vocational course of any municipality and get a certificate. They experience discrimination there and cannot benefit from services equally. They cannot even receive the trainings that people pay for."

One of the meeting participants talks about the trainings provided by a beautician to refugee trans women in the city where they work, explaining why such trainings are vital for trans women:

"Our association has a volunteer, a beautician. Currently, she provides make up, care and beauty expertise and nail art trainings to refugee trans women. Although it is not a graduation and certification-based job, it earns the person a profession by giving basic training, and this is important. While we are this disadvantaged in accessing education and unable to find a job, it would be nice to talk to donors and have vocational trainings as we need to feed ourselves and pay our rent."

69 Sen, A (2004), *Özgürlükle Kalkınma*, Translated by: Yavuz Alogan, Ayrıntı Publishing House, Istanbul.

70 A/74/181.

71 <https://womensmediacenter.com/fbomb/how-uruguay-is-leading-on-trans-rights> (Accessed on: 20.07.2022).

In our meeting with trans activists, one participant reminded that the easiest and most quickly discarded area for LGBTI+ people is education, as there are not enough inspections and legal sanctions: *“They are immediately removed from school”*. This exclusion and delay at the beginning of life has a chain effect. When people fall behind in education, their chances of getting a better job and earning a better income in the future also decrease.

3.8 Right to work

Access to employment opportunities contributes to poverty reduction by helping people to be empowered personally and economically, to lead a life worthy of human dignity, and to the exercise of other rights and freedoms (e.g., the right to an adequate standard of living, the right to health, the right to social security, etc.). Articles 6, 7 and 8 of the International Convention on Economic, Social and Cultural Rights provides a comprehensive framework for the right to work. Accordingly, states should recognize the right of individuals to work in a freely chosen or accepted job, ensure fair and favorable working conditions, the right to form and enter any union, and ensure that trade unions operate freely. Furthermore, ILO Conventions numbered 100, 111 and 118 oblige states to ensure equal pay for work of equal value, to eliminate discrimination in employment or occupation and in the treatment to be subjected to in the work or occupation achieved, and to establish equality in terms of being subject to social security and entitlement to benefits.

Since there are no regulations prohibiting discrimination based on sexual orientation and gender identity in Turkey, all the conventions to which we are a party are inadequate for LGBTI+ people to benefit from the right to work equally. First of all, if we remember the strong link between education and employment, the fact that LGBTI+ people are lagging behind in education reduces the chance of getting a better profession and earning a better income in their future. In addition, LGBTI+ people are discriminated against at all stages of employment (recruitment, promotion, training, compensation and termination) and when it comes to rights acquired through work, including earnings. At the meeting we held in May 2022, what trans people experienced in the employment processes was described as follows:

“No matter if they are trans women, trans men or nonbinary, what trans people are experiencing in the field of employment is horrible. You may not be able to get the job even if you have all the qualification. Trans people are always the first to be discarded. There are trans people who have to hide their identities or cannot start their transition processes in order not to lose their jobs. Business life is an concerning period for trans people, including

before and after. You are worried about whether you will be recruited during application, and you are worried about whether you will be subject to mobbing or whether you can sustain your job. This is not a preference, but a reason for rejection when they see that you are trans in the interviews or job applications you enter with your identity card."

In addition, another dimension of discrimination against LGBTI+ people may be to be employed in background and uninsured jobs rather than visible jobs. For example, a representative of Hande Kader Solidarity says that even venues that are considered "queer-friendly" resort to this path:

"Even in the venues that we can call queer-friendly (in the city where I live), for example, cafés tend to employ trans people in background areas. They are either not hiring, or hiring them for kitchen and dishwashing positions. But they do not say it openly."

What an intersex participant shares based on their own experience is an example of external interventions that LGBTI+ people are subject to in their workplaces from time to time:

"If you work as an intersex in a workplace, you have to work harder and look more sympathetic. They interfere with your voice or the way you dress. People see in you whatever you can think of. Therefore, it is hard for intersex people to take hold of business life. It is more difficult for intersex people to fit in to the environment because of their physical characteristics. Even if you do this with the way you talk, your physique does not allow it and you always feel those looks on you."

Another obstacle that intersex people experience in their working life is due to normalization surgeries they were subject to as children. These surgeries may lead to health problems that will prevent them from working in the future, as well as requiring regular or irregular doctor checks, and therefore, obtaining permission from the workplace. If the person is not open in terms of identity, they might not want to explain the reason of health checks. The same applies for people living with HIV:

"Checks should be on weekdays and during working hours. It can sometimes be very difficult for the person to go to the hospital during working hours and to state a reason to the workplace. When the workplace notices that this is a quarterly routine, the employers may want to know the reason."

This situation may lead to involuntary coming out of those who are not open in the workplace, as a result of which they may be unemployed or excluded from the workplace “at best”.

Employment is one of the areas where people living with HIV are most exposed to violation of rights. Living with HIV does not prevent you from doing any work by its nature, but having your HIV status known may sometimes cost your profession in Turkey. According to the picture revealed during our meeting with activists, this is due to the classic fear of HIV in the workplace. One participant summarized the recruitment phase and workplace discrimination as follows:

“If the person is exempt from military service, the reason for this exemption is persistently asked during the job application. When he does not respond, it is thought “either this person is queer or HIV+.” Therefore, these two options are sufficient not to hire the person. There is the possibility of having a person’s HIV+ status known during current employment. Tests can be requested from all employees in the workplaces for no reason at all. Or, workplace physicians can access information about the HIV status of people through the central health system (Medula). When the physician suspects that the person is living with HIV, a controversial process can begin: The person can be subjected to threats, the physician can request the employee to leave the job without telling the administration, and this information can be shared with the employer or colleagues without the person’s consent. In the end, it results in a process in which the person is subjected to discrimination and HIV phobia as well as being dismissed from their job. When business contracts are terminated, other reasons are stated rather than HIV status.”

If the stigma against HIV is this widespread, confidentiality of personal health data is of great importance. However, the amendment made by the General Directorate of Service Provision of the Social Security Institution on August 16, 2021 regarding access to the Medical Messenger System (MEDULA) jeopardizes the privacy of people living with HIV. According to the circular, personal health data stored in MEDULA can no longer be deleted by applications made by the person or their representative, and access to this information cannot be restricted. Restriction of access to the system is only possible by court decision. Making health information available to everyone who has access to MEDULA, including workplace physicians, risks violating the confidentiality of personal data, as well as stigmatization, exclusion, discrimination and dismissal of people living with HIV.

Another group who is often subjected to discrimination when it comes to access to the right to work in Turkey is refugees. In the report published by Kaos GL in 2019, violations of the right to work for LGBTI+ refugees were widely addressed:

In the light of what LGBTI refugees have reported, although job opportunities in the city where one is registered in accessing the right to work appear as a very important factor in accessing this right, it is observed that employers do not hire LGBTI refugees or dismiss them if they find out the sexual orientation or gender identity of the person, even if there are job opportunities in the city. In addition, the fact that the employer does not pay the salary despite working in addition to long working hours under heavy conditions stands out as the most frequently expressed problems in terms of working life. LGBTI refugees, who mainly work in restaurants/cafés, textile workshops, industry, construction and furniture fields, stated that the homophobic/transphobic and xenophobic attitude they are subjected to from their employers and colleagues was another factor that challenged them in addition to harsh working conditions. In addition to homophobia/transphobia and xenophobia they experience, especially lesbian refugees stated that they are harassed by employers and colleagues in the workplace, resulting in quitting their jobs most of the time.

...

The fact that refugees are considered as cheap labor, lack of knowledge of employers and refugees about obtaining work permits, and the absence of any social policy of the state in this regard force refugees to work under harsh conditions with no insurance, thus making them vulnerable to exploitation.

...

Trans people, on the other hand, stated that they cannot find a job because of visibility, whereas some trans refugees stated that they had to dress up as "men" or "women" in a way contrary to their preferred gender identity/expression in order to find a job. Refugees, who stated that they work under very harsh conditions with very low salaries, said that they could not get their salaries most of the time and they could not even complain. Especially lesbian refugees said that they were sexually harassed by their Turkish employers and that they often quitted their jobs because of this, or were dismissed when they came out.

Therefore, work opportunities that are restricted due to xenophobia and racism when it comes to refugees sometimes become impossible for LGBTI+ refugees to achieve.

Lesbian, bisexual and transgender women are often negatively affected by discrimination based on sexual orientation as well as wage differences between

women and men. Their lower salary means that they can remain poorer both during employment and retirement.⁷²

Failure to recognize civil partnerships means that LGBTI+ people cannot benefit from the convenience and assistance provided by the workplaces to married employees. In addition, in the meeting we held, it was stated that they were among the groups who were first dismissed in times of crisis, whose salaries were delayed or expected to work overtime because they were not married or had children.

The ability of employees and their dependents to access the goods and services they need with the income earned from employment refers to the main function of employment in eliminating poverty. Therefore, the creation of decent and secure jobs in the labor market is an integral part of poverty reduction strategies. According to the labor force statistics published by TURKSTAT on July 13, the unemployment rate was 10.9 percent in May. The widely defined unemployment rate calculated when people who are available for work but who are not looking for jobs for various reasons and seasonal employees are added is 22.4 percent in May 2022. According to DiSK-AR, 8 million 387 thousand people are in the widely defined unemployed category in Turkey and this number has increased by 2 million compared to the pre-pandemic period.⁷³ According to the Economic, Social and Cultural Rights Committee, "high unemployment rates and lack of safe jobs result in employees seeking jobs in the unregistered sectors of the economy."⁷⁴ It is known that LGBTIs people, who do not have many options due to the widespread discrimination in the country, generally work in unregistered and uninsured jobs. For example, if we exclude those who prefer sex work as a profession, unemployment, which is common among trans people, forces them to do sex work to sustain their livelihood. In addition, high unemployment in economic crisis environments forces people to stay in insecure work environments where discrimination and abuse are experienced. In our meeting, the following example was given in terms of trans people:

"You can be hired, insured or not, treated differently from others and be discriminated against, but you cannot make an objection because the boss

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73 Turkey Revolutionary Trade Unions Confederation Research Center, Outlook for Unemployment and Employment Report, July 2022, <http://arastirma.disk.org.tr/wp-content/uploads/2022/07/IS%CC%A7SIZLIK-VE-ISTIHDAMIN-GORUNUMU-TEMMUZ-2022-Rev.pdf> (Accessed on: 27.07.2022).

74 General Comment no. 18 on UN ESCR Committee on the right to work, https://insanhaklar-imerkezi.bilgi.edu.tr/media/uploads/2016/05/05/BMde_Insan_Haklari_Yorumlari_1981_2006.pdf (Accessed on: 27.07.2022).

gave you a job and you think you can find a job anywhere else? You consent to all kinds of harassment and mobbing."

As one participant said, *"Accessing the job is one marathon, existing with an open identity is a completely different marathon."* The anxiety of being subjected to discrimination and hate speech in the workplace and losing their jobs force many LGBTI+ people to hide their identities. The research conducted by Kaos GL on LGBTI+ people working in public and private sectors in Turkey reveals that most of the LGBTI+ people working in these sectors are completely closeted in terms of gender identity, sexual orientation and gender characteristics in the institutions they work in.

Completely open identity of LGBTI+ employees over the years		
	Private sector (%)	Public sector (%)
2021	17.2	5
2020	14.8	3.4
2019	17.4	4.4
2018	22	7

Although the reports indicate that LGBTI+ employees are discriminated against both in the public sector and in the private sector, the above table indicates that it is more difficult to work as an open LGBTI+ in public institutions. So much so that trans activists who attended our meeting stated that it was difficult for trans people to get and sustain jobs in public institutions:

"The fear of losing your job is high when you are civil servant. Therefore, most trans people either complete this process by hiding their identity or want to be reassigned to another location when they complete their transition process in order not to continue in the same city and institution. This causes a very serious discomfort and financial burden."

The fact that LGBTI+ people have to prefer the private sector means that they lack the job security and social security provided by working in the public sector. On the other hand, LGBTI+ people working in workplaces where public services are offered has a multiplier effect to the whole society. Another activist, focusing on access to the right to health, explains its impact on the exercise of other rights:

"In many parts of the world - not only in developed and western countries - sexual health services are provided from community centers. We are not

talking about the test centers under the municipality as in our country. We are talking about places where all employees from the security guards to the physicians are also LGBTI+. These do not exist in Turkey. But why is it important? Access to health can mean the following for LGBTI+: While we live in our own safe spaces, far from the prejudices established by the heteronormative world, we have to come out of these areas and reenter this order when we want to receive healthcare services. When we go to these hospitals and health centers, we have to personally experience all prejudices against the LGBTI+ community. This in itself can be a reason for not wanting access to healthcare except in cases of emergency."

One of the social workers who participated in our meeting stated that they had many trans clients who asked "How should I dress in order not to make myself open?" before going to job interviews or when starting their new jobs. Although hiding one's identity is a protection strategy against discrimination that one may experience in the future, being forced to do so should be considered as a form of discrimination in itself. While heterosexual employees can easily harmonize their working and social lives, LGBTI+ people are forced to lead a double life. In our meeting with intersex activists, this situation was explained as follows:

"Even if you find a job, I can say that our lives are divided into two in the period which covers the majority of our daily life in that job. If you are not open to your colleagues... You live a different life when you leave the workplace. You have to pretend to be someone else at workplace. You have to hide and pretend that a large part of your life does not exist when you tell something at work."

"There is a kind of camouflage. You are yourself when you come back home, but someone else at work. There is an imbalance between the personality here and there."

Kaos GL's research reveals that such a strategy of being closeted, together with discrimination and hate speech in the workplace, causes "LGBTI+ employees not being able to establish close and sincere relationships with their colleagues, not having a sense belonging to the institution they work for, experiencing feelings such as hopelessness, unhappiness, anxiety, concern, anger intensely, low performance and motivation, depression, stress and nervousness, burnout syndrome caused by psychological and physical stress, thus reducing productivity and job satisfaction in the workplace."⁷⁵ This is linked to poverty, as it affects both

⁷⁵ Kaos GL Association, The Status of Private Sector Employee LGBTI+ People in Turkey - 2021

one's physical and mental health, as well as posing a risk of losing one's job due to a decline in work performance. In addition, there are also statements in these studies that LGBTI+ people avoid taking too much responsibility in the workplace so that their identities are not exposed and thus do not benefit from promotion opportunities.

Another consequence of not being able to exist with an open identity in employment processes is that it prevents organizing and therefore the efforts to improve the working conditions of LGBTI+ people. One dimension of this is that unions are not sufficiently inclusive. Although the limited cooperation of LGBTI+ organizations with trade unions and professional organizations has led studies to be conducted on LGBTI+ rights, it is not possible to say that the subjects working there can exist openly and that steps are planned against discrimination in working life. Considering the importance of trade union organization in the defense of economic and social rights and in the fight against poverty, the fact that LGBTI+ people are not included in trade unions make them economically vulnerable.

ILO Convention No. 158 on Termination of the Service Relationship emphasizes the legality of dismissal and prohibits discrimination in terminating the service relationship. According to the contract, the right of workers to seek rights and to appeal should be guaranteed against dismissals that are not based on justified reasons. Although the workplace is one of the most common areas of discrimination, it is unfortunately not easy for LGBTI+ people to complain that they experience there. The lack of legal regulations protecting LGBTI+ people, the dysfunctionality of complaint mechanisms against discrimination in working life or the fact that people are not aware of them, the difficulty of proving discrimination, the lack of support of colleagues who witness the situation in cases where it is difficult to prove, and the concern for retaliation are the main reasons that prevent taking action.⁷⁶ As a matter of fact, trans activists who participated in our meeting stated that they could not report what happened in their working life because employers did not clearly that they did not recruit people because they were trans people, offered different working conditions or dismissed them. A similar situation was expressed during our meeting on LGBTI+ people living with HIV. Activists stated both the reason for not being hired and the reason for termination of their employment contracts were deliberately indicated to be independent of HIV.

Research, 2021, <https://kaosgldernegi.org/images/library/ozelsektor21.pdf> (Accessed on: 26.07.2022) and Kaos GL Association, The Status of Public Sector Employee LGBTI+ People in Turkey - 2021 Research, 2021, <https://kaosgldernegi.org/images/library/kamu21.pdf> (Accessed on: 26.07.2022).

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Discrimination experienced by LGBTI+ people throughout their lives in education and employment manifests its effect more in later ages. Elderly LGBTI+ people are more vulnerable to poverty than heterosexuals because being unable to find a job or accepting uninsured and low-paid jobs affect their social security and pension rights. In order to prevent this, suitable employment opportunities and other income-generating opportunities should be created for the elderly and measures should be taken to prevent age-based discrimination when acquiring jobs and professions.⁷⁷

In addition to all this discrimination and violation of the right to work, there have been recent positive developments in the field of employment. For example, the introduction of remote working into our lives in the pandemic was a positive development for trans people. As mentioned at the meeting, many trans people, for instance, started conducting business on the computer by filling out questionnaires with international companies, and some people sustained their livelihood this way. Of course, it is not possible for every trans person to take benefit from these opportunities because it is necessary to speak English or at least to use translation software in order to do these jobs. Therefore, it should be kept in mind that the opportunities that each group within the trans community can and cannot access are different. Another positive development was that companies such as Puma and Zara have recently started allocating quotas to trans people. Although there are question marks about how people are selected, it should be stated that it is promising that there are trans people who apply for and get jobs in these positions.

3.9 Right to health

Numerous regional and international conventions and declarations, such as the Universal Declaration of Human Rights, the International Convention on Economic, Social and Cultural Rights, the European Social Charter, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, regulate all people's right to enjoy the highest attainable standard of health in order to lead a dignified life without being subjected to discrimination. The Committee on Economic, Social and Cultural Rights states in General Comment No. 14 that the right to health means much more than just being healthy:

⁷⁷ General Comment no. 6 on UN ESCR Committee on Economic, Social and Cultural Rights of the Elderly and UN Principles of Old Age.

The right to health includes both rights and obligations. The aspect of freedom includes the fact that one is in control of one's own health and body, including sexual and reproductive freedoms, and is not subject to interventions such as torture, non-consensual medical and experimental interventions. The aspect of right includes the right to have a health system that allows people to benefit equally from the highest possible health standard.⁷⁸

The central role of health in our lives gives the right to health a critical meaning to the realization of other human rights. As with human rights in general, there is a reciprocal cause-effect relationship between the right to health and poverty. In this respect, access to the right to health becomes important in order not to fall into poverty and escape poverty. Similar to access to education, access to healthcare can both improve one's quality of life and enable one to overcome poverty by increasing their capacity to earn income.⁷⁹

According to the Economic, Social and Cultural Rights Committee, the basic elements of the right to health are availability, physical and economic accessibility, access to information, non-discrimination, acceptability and quality. All this applies to goods and services related to the right to health. However, discrimination against LGBTI+ people often makes healthcare inaccessible to them.

The Legislation in Turkey does not protect LGBTI+ people in terms of accessing the right to health without discrimination. It can be said that this situation paves the way for discrimination and stigmatization against LGBTI+ people in health institutions. Discriminatory treatments and discourses, humiliating and derogatory attitudes, violations of privacy from healthcare professionals are among the violations frequently encountered by LGBTI+ people.⁸⁰ In our meetings held with trans activists, these violations were exemplified as follows:

"The confidentiality of trans people who want to receive health services can be violated, and can be a topic of conversation between the professionals. This prevents access to health because trans people do not want to go to that hospital again because of the discrimination they experience.

78 https://insanhaklarimerkezi.bilgi.edu.tr/media/uploads/2016/05/05/BMde_Insan_Haklari_Yorumlari_1981_2006.pdf (Accessed on: 25.07.2022).

79 Sen, A (2004), *Özgürlükle Kalkınma*, Translated by: Yavuz Alogan, Ayrıntı Publishing House, Istanbul.

80 A/74/181.

While social service workers are supposed to facilitate the gender affirming process and support trans people, they may not be aware of this process. Sometimes they even commit transphobia by siding with the chief physician and physicians."

"When we go to the hospital for any reason, the problems arise from the fact that the people who provide this service do not perform their duties rather than accessing the healthcare services there. Violations range from the receptionist to the security guards, nurses, physicians, etc. People do not know what a trans person means, and they shout out your official name during checks."

Health is the most traumatizing and infringing field for intersex people. Medical interventions, which were performed without being asked when they were young and often lead to complications, make hospitals the center of trauma for intersex people. One of the activists attending the meeting we held in May 2022 reminds us that they feel the concern which is also felt by all LGBTI+ people:

"There are reservations about being intersex when going to health institutions. Will I be discriminated against? Will the physician understand me? Will they say or do something wrong?"

It is often reported that lesbian, bisexual and transgender women are discriminated against, mistreated or misdiagnosed by healthcare professionals.⁸¹ As a matter of fact, the "Gynecology Conversations" series, which started to be published on Kaos GL.org in 2017 ⁸²and the studies conducted on this subject afterwards⁸³ revealed the discrimination and violations experienced by lesbian, bisexual, trans women and trans men when they went to the gynecologist. Another problem that emerged with these studies was that women and men who were discriminated against during the gynecologist's examination withdrew from continuing treatment or avoided receiving healthcare until their health problems became serious.

During our meeting with activists working on the rights of LGBTI+ people living with HIV, attention was drawn to the treatments postponed due to discrimination:

81 A/74/181.

82 <https://kaosgl.org/haber/quotjinekolog-muhabbetleriquot-basliyior> (Accessed on: 25.07.2022)

83 Kaos GL Association, Gynecologist Conversations, 2020, <https://kaosgldernegi.org/images/library/2020jinekolog-muhabbetler-son.pdf> (Access date: 25.07.2022).

“People may prefer not to start treatment if they do not have apparent health problems associated with HIV. The reason for this may be the discrimination and marginalization they encounter in healthcare centers. People can say “I can wait if it does not affect my health and does not weaken my immune system so much” and choose not to receive treatment. Both their health and well-being can decline and transmission to different sexual partners can continue.”

LGBTI+ people disrupting their health checks and delaying their care and treatment due to discrimination concerns makes the early diagnosis of diseases more difficult, leading to more serious health problems and thus financial burdens caused by serious health problems, and increases the risk of poverty. This situation affects elderly LGBTI+ people, who lack social security and cannot establish personal support and solidarity mechanisms such as chosen families.

These violations against LGBTI+ people reduce their trust in these institutions, cause them to hide personal and medical information that may be useful for their treatment and consequently endanger their health as well as their access to healthcare services. In addition, many LGBTI+ people have to hide their sexual identity while receiving healthcare services in order not to be exposed to phobic and discriminatory attitudes.⁸⁴ In addition, the lack of trust in public institutions and the effort to avoid discrimination result in LGBTI+ people tending to private healthcare providers. While this means extra costs for LGBTI+ people, it unfortunately does not guarantee that people will be protected from discrimination:

“Even if you receive services by paying for them in a private hospital, you can still encounter transphobic treatments and discourses. You are dealing with a curious doctor who does not know how to speak, the jargon, and who thinks they can ask you anything.”

An intersex activist we interviewed reminds us that physicians working in public institutions leave public hospitals due to inadequate working conditions, and as a result, the difficulty in making appointments leads people to private hospitals:

84 May 17 Association, Çankaya Urban Tales: Survey, Interviews and Study Report, 2021, <https://www.17mayis.org/images/publish/pdf/cankaya-kent-masallari-31-12-2021.pdf> and May 17 Association, Hey Lubunya! We Are Aging, 2022, <https://www.17mayis.org/images/publish/pdf/yaslaniyoruz-lubunya-anket-gorusmeler-ve-calisma-raporu-16-05-2022.pdf> (Accessed on: 25.07.2022).

“When we evaluate in terms of poverty, state-based health institutions are becoming more and more inaccessible not only for intersex people, but for everyone. You cannot make an appointment, and when you do, the physician cannot spare you a sufficient time. Therefore, if you have a health problem that requires urgent intervention, you need to go to a private hospital. It is another serious financial burden if you are unemployed, working for freelance jobs and uninsured. Even if you have insurance from the SSI, this does not provide contribution to private health institutions. I think that intersex people are more at risk of poverty.”

During the same meeting, it was stated that physicians' lack of knowledge about the needs of intersex people made private hospitals and private clinics the only options for intersex people. Therefore, there are still risks of not receiving the service they need even if they can somehow reach public hospitals.

When talking about the impact of LGBTI+ people's access to health rights on impoverishment, it is necessary to mention in particular what trans people experience in the process of gender affirming process. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity summarizes the violations in many countries as follows:

Evidence suggests that acquiring physical gender characteristics consistent with the experienced gender identity generally improves health, well-being and quality of life. Otherwise, the inability to live in compliance with the gender identity of oneself may become a source of distress that makes other types of diseases worse. However, achieving treatment is difficult and is often discouragingly expensive, even where it is available. The inequality in the condition of trans people is painfully evident, even in environments where there are sufficient possibilities. In the absence of public health regulations, trans people are forced to resort to unsafe alternative methods to alter their bodies to match their gender identity. In many countries, this includes irregular use of hormones and dangerous practices such as injection of silicone or industrial fat that is not suitable for medical use.⁸⁵

Trans people in Turkey also frequently experience these violations. In our meeting with trans activists, one participant describes the financial dimension of the gender affirming process in the following sentence: *“Transition is very costly in Turkey”*. A few physicians perform surgeries and therefore the fees are extremely

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high. One activist said the cost of surgery alone was 15.000\$ a year ago. On the other hand, practices related to the gender affirming process vary according to the city, hospital, and the physician's experience. In addition, there are trans people who have to move to another city because the procedures related to the gender affirming process are not carried out in all hospitals. This leads to poverty and prevents the poor from accessing it, especially as it results in additional costs in terms of transport and housing. A similar problem was expressed during our meeting with intersex activists:

"If you live in a small place, the branches that you should consult about your intersex condition (e.g., endocrinology) may not be available, and you need to go to hospitals in big cities even if you have social security. This brings a financial burden."

Another participant reminded that the lack of options regarding physicians and organizations performing gender transition operations also negatively affected the trans people who had the means to cover these costs:

"You have money, there is a physician who will perform your surgery, but the attitudes you are exposed to there are terrible. They think they can do whatever they want to you because they know that you "need" them. Since there are very few people who perform these surgeries, you cannot complain since there is a risk of losing them."

It should be emphasized that such commercialization of the gender affirmation process has challenged trans people both in mental and economic terms. In addition, the difficulty in accessing practices related to the gender affirming process also puts their lives at risk by forcing trans people to seek alternative solutions, similar to what the Special Rapporteur said in the abovementioned report. Trans activists who participated in the meeting stated that trans people who did not have economic means could not start the process due to official procedures and that they were putting their own health at risk by applying informal surgeries with hearsay information, using hormones they obtained under the counter.

Another group that needs special focus when it comes to the right to health is LGBTI+ prisoners. Civil Society in the Penal System Association representative, who participated in our meeting with NGOs working in the fight against poverty, explained the main access problems experienced by trans prisoners as follows:

"The expenses of the prisoners who are in the transition process and want to continue their surgeries are covered by the state, however, if you want to choose a physician and this physician works in private sector, these expenses are not covered. In addition, the state does not cover more specific surgeries regarding the affirming process such as facial feminization and masculinization. These processes stopped during the pandemic and started again very recently. Prisoners need access to hormones. If the drugs are not covered by the SSI or if the prisoner has a resistance or allergy to the drug being covered, the person can only access the drugs against payment at the end of a long bureaucratic process."

In addition, failure to provide cleaning supplies in prisons by the administration means leaving poor prisoners vulnerable to both COVID-19 and other infectious diseases. Access to essential health supplies such as hygienic pads and tampons also means a separate cost for LGBTI+ people who menstruate.

Increasing poverty of LGBTI+ people starts with testing in terms of both HIV and sexual health. Individuals cannot learn their status regarding both HIV and other sexually transmitted infections because the tests are costly. Although free and anonymous test centers, which have entered our lives in recent years, are very favorable instruments in terms of both respect for private life and economy, their number is quite insufficient when we consider the population of the country. These centers were established in five districts with the support of only five municipalities, which are located in large cities. There are two options for people who cannot benefit from these centers because they do not have an anonymous and free test center in their city or are not aware of these centers: applying to public hospitals or private laboratories.

Tests to learn about HIV status are covered by the state under SSI or General Health Insurance. However, one of the activists attending our meeting recalls the mistrust in public institutions regarding the confidentiality of medical information and private life:

"When it comes to HIV, people may not want to get tested by state institutions. Because the tests done by state institutions mean that it is directly registered to the official system. This is the reason behind the tendency to private laboratories. Public hospitals are not preferred due to confidentiality concerns."

Private health institutions and laboratories are the only options left for those who cannot apply to public hospitals for test purposes. However, it is not possible to talk about standard services and prices in private hospitals and laboratories. In

fact, the participants stated that the prices may vary according to factors such as location, service quality, luxury, anonymity provided, reliability, number and details of the tests performed. On the other hand, people living in small cities can go to other cities for testing and treatment in order to achieve anonymity and security. This compulsory choice, which results in financial burden, makes people living with HIV vulnerable to poverty.

Another problem regarding the access of people living with HIV to healthcare is the restriction of their access to treatment and discriminatory attitudes and behaviors by using HIV status as an excuse in the healthcare institutions and organizations they apply to. Increasing the treatment and surgery fees when they find out the HIV status of the person is one of the practices that private health service providers frequently resort to. Human Rights Report for LGBTI+ People Living with HIV, published by Kaos GL, includes numerous testimonies on this issue.⁸⁶

With the amendment made to the Law on Foreigners and International Protection in 2019, the insurance support provided by the Directorate General of Migration Management to the applicants and status holders of international protection who lack health insurance and solvency was limited to one year. Accordingly, applicants and status holders for international protection who are over the age of 18 who have completed one year in Turkey from the date of registration have been excluded from the scope of general health insurance - provided that they do not have special needs. This regulation makes it difficult for LGBTI+ refugees to access health services because they are not recognized as having special needs in the law and are deprived of insured employment opportunities due to both xenophobia against refugees and discrimination against LGBTI+ people. For example, as an activist expressed at the meeting, refugees living with HIV are experiencing the impact of discrimination from the language barrier and HIV phobia, while on the other hand they are considered as cheap labor, earn less money, are uninsured or have difficulty paying their GHI participation share. All this makes it difficult for them to continue their HIV treatment. In addition, the limited health services in small cities affect the access of LGBTI+ refugees to health in different ways. Lack of treatment facilities and specialist doctors in cities where refugees are resettled can pose serious life-threatening risks to refugees with chronic and infectious diseases or in the process of adaptation.⁸⁷ In addition, the additional cost of having to go to another city for treatment can be frustrating for LGBTI+ refugees without sufficient income.

86 Kaos GL, Human Rights Report of LGBTI+ People Living with HIV, 2020, <https://kaosgl.dernegi.org/images/library/hivleyasayanlgbtilerraporu2020.pdf> (Accessed on: 25.07.2022).

87 Kaos GL Association, Turkey's Challenge with LGBTI Refugees, 2019.

LGBTI+ people were among the groups disproportionately affected by the COVID-19 pandemic, a complete health crisis in itself. In addition to the discrimination in service provision, irregular working conditions and therefore unstable financial conditions, many people without health insurance could not apply to private health institutions even if it was medically necessary due to the fact that many of public hospitals were allocated to COVID-19 cases. In addition, procedures related to the transition process, which is vital for trans people, have come to a halt. The trans people in the transition process had to postpone their routine tests. Trans activists who participated in our meeting stated that inability to take action related to the gender affirming process during this period caused psychological problems for many trans people. Similar problems have affected LGBTI+ people living with HIV. There were disruptions in both current measurements and verification tests performed for HIV diagnosis.⁸⁸

In addition to the systematic and stereotypical discrimination and the COVID-19 pandemic, the inability to provide medicines from pharmacies and warehouses and the increase in drug prices as a result of the economic crisis and fluctuations in the exchange rate made it difficult for LGBTI+ people to access the right to health. The hormones used by trans people in the gender affirming process are not covered by the state. According to the list published by the Hormone Access Campaign, which shows the change in the prices of hormone drugs between 2019 and 2022, even the price of the cheapest hormone drug has increased at least 2-3 times in the last four years, and the sharpest rise occurred in 2022.⁸⁹ Price of hormone drugs increased three times this year.

Hormon Fiyatlarındaki Değişim				
SON 4 YIL				
	2019	2020	2021	2022
ESTROFEM	17.12	19.16	22.96	118.18
ANDROCUR 50 MG	84.18	94.26	113	406.32
NEBİDO	456.25	527.86	627.67	1099.88
SUSTANON	22.23	22.23	25.28	44.36
ZOLADEX	746.45	833.27	994.16	1839.48
CLIMARA 7,6mg	74.11	88.92	106.54	225.09
ALDACTONE 100mg	17.26	19.33	23.17	40.64

Hormon Fiyatlarındaki Değişim			
2022 içinde			
	ŞUBAT	NİSAN	TEMMUZ
ESTROFEM	31.51	92.5	118.18
ANDROCUR 50 MG	147.14	325.35	406.32
NEBİDO	875.29	875.29	1099.88
SUSTANON	34.68	34.68	44.36
ZOLADEX	1355.6	1461.74	1839.48
CLIMARA 7,6mg	153.96	179.25	225.09
ALDACTONE 100mg	31.78	31.78	40.64

Source: Hormone Access Campaign

88 <https://tr.boell.org/tr/2020/04/17/covid-19-salgini-turkiyedeki-lgbtıları-nasil-etkiliyor> (Accessed on: 25.07.2022).

89 https://twitter.com/Hormona_erisim/status/1550774089878425600/photo/1 (Accessed on: 25.07.2022).

This increase in prices also affected the solidarity practices of LGBTI+ people. For example, a representative attending our meeting on behalf of Hande Kader Solidarity stated that they are not able to support the trans people applying to them due to the increase in hormone prices. This means that poor trans people cannot reach hormones and complete their gender affirming process at this time when we have to pay high costs for everything. A similar situation applies to many intersex people who need to use hormones afterwards because their natural hormone-producing organs are intervened during the “normalization” surgeries they were subjected to as children. In addition, there has been a significant increase in the prices of vaccines that provide protection against HPV and related cancer types. For example, in July 2022, the price of a dose of vaccine increased to 993.28 TRY with the increase in medicines. Considering that the number of doses to be administered is three, it is necessary to pay approximately 3000 TRY to be protected from HPV. Since these vaccines, which are already inadequate in terms of scope and variety, are not covered by SSI, leaving them to the initiative of individuals results in poor LGBTI+ people not being able to access the vaccine.

Another area affected by the increase in the prices of goods and services caused by the economic instability in the country is sexual health products. Since the fluctuation in the exchange rate increases the prices of sexual health products, it is getting harder to reach them day by day. Therefore, there is a situation where LGBTI+ people with limited income cannot use these products and therefore their health is at risk or they have to waive other needs if they prefer to use these.

In its constitution, the World Health Organization defines health as “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”⁹⁰ Therefore, standards regarding physical health also include mental health services. The provision of these services in an equal, accessible and financially affordable manner is very important in terms of strengthening the capacity of LGBTI+ people to cope with widespread and systematic discrimination. Both the traumas they have experienced since their childhood and the prejudice, discrimination and exclusion they have been subjected to throughout their lives often result in loneliness, isolation and therefore anxiety and depression in LGBTI+ people. These problems may become more evident at an older age if the person lacks various support mechanisms. In addition, the effects of traumatic medical interventions that intersex people are subjected to as children can continue throughout adulthood. Or, gender affirming processes are periods during which trans people need psychological support due to both the challenging procedures they include and the change in

90 <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1> (Accessed on: 25.07.2022).

their relationships with their social environment. Both the traumas on the way to migration and the xenophobia and LGBTI+ phobia faced in Turkey can cause devastating effects especially in LGBTI+ refugees who lack solidarity networks. Similarly, diagnostic processes are considered to be one of the most difficult and turbulent periods for those living with HIV.⁹¹ Free and inclusive psychosocial support programs should be as important as other areas of the health system, considering the possibility that discrimination against LGBTI+ people will restrict access to employment in the future and the associated risk of poverty. However, the common view of the non-governmental organizations and activists we interviewed on this issue was that these programs were not sufficient in Turkey. Even if psychological counseling services are offered in public institutions, every psychologist or every psychosocial support program is not suitable and inclusive for LGBTI+ people, and in fact, discriminatory treatments can be experienced. Therefore, LGBTI+ people has to allocate additional resources by tending to the private sector for mental health services or they cannot benefit from these services at all.

In addition to the inability of LGBTI+ people to access the right to health and the poverty that this may lead to, promising developments in this field should also be mentioned. In our meetings with intersex people and LGBTI+ people living with HIV, the fact that newly-educated medical students considered LGBTI+ concepts in a much different way compared to the past and were curious about these issues was considered as one of the positive and promising developments in the field of health. Participants stated that the student communities in the field of health started to come and request information in the field of HIV from LGBTI+ organizations. These demands are quite meaningful as they enable students to be informed not only about HIV but also about LGBTI+ people living with HIV.

3.10 Social protection

Social protection, which is used synonymously with social security, is guaranteed in Article 25 of the Universal Declaration of Human Rights and Article 9 of the Convention on Economic, Social and Cultural Rights. This right covers the right to access cash or in-kind benefits for protection against risks caused by lack of employment income, expensive health services, inadequate family support, poverty and social exclusion.⁹² According to the Economic, Social and Cultural Committee, measures on the right to social protection or social security cover two

91 Kaos GL, Human Rights Report for LGBTI+ People Living with HIV, 2020.

92 General Comment No. 19 of UN ESCR Committee Sepulveda, M and Nyst, Carly, The Human Rights Approach to Social Protection, 2012, <https://www.ohchr.org/sites/default/files/Documents/Issues/EPoverty/HumanRightsApproachToSocialProtection.pdf> (Accessed on: 20.07.2022).

basic instruments: social insurance schemes, to which beneficiaries contribute financially through various premiums, and social assistance schemes, financed by general taxes, which do require payment of contribution share and primarily target disadvantaged, vulnerable and poor segments. In this respect, social protection plays a vital role in preventing and alleviating poverty, preventing social exclusion and supporting social inclusion due to its contribution to the redistribution of income and resources.

Social protection is often referred to in conjunction with temporary measures taken in crisis, emergency and shock conditions such as epidemics, disasters, and economic crises. However, a systematic and structured social protection mechanism is a requirement of states' obligation to exercise economic, social and cultural rights. Furthermore, securing universal, permanent and defined social benefits for all by laws is the basic condition for those deprived of their rights to lead an independent, dignified life away from poverty and inequality.⁹³

States should take special protection measures for disadvantaged and excluded groups (e.g. unemployed, unsecured workers, refugees, those with chronic diseases, prisoners, disabled, elderly...) in terms of access to rights, while making access to the right to social security possible for all without discrimination.⁹⁴ LGBTI+ people occupies a large place among the poor, the homeless and those who do not have health insurance all over the world. This indicates both the inadequacy of traditional social protection measures and the need for these programs to target LGBTI+ people.

The main reason behind the fact that LGBTI+ people are among the poor groups is that states take the conventional family model which does not overlap with living practices and needs of LGBTI+ people as a basis when designing support programs. In Turkey, social benefits are provided by evaluating the income of household basically. In societies with conservative tendencies and where anti-LGBTI+ discourses are common such as Turkey, LGBTI+ people can face pressure from their families when they prefer to come out. One of the consequences of this pressure may be to stay away from the family, and thus from the solidarity and support networks within the family. Lack of ties with the assigned family means dealing with poverty and deprivation of various assurances for LGBTI+ people who have not been able to create their chosen family. As a matter of fact, the violations mentioned in the above sections and the financial burden they bring can be more severe for LGBTI+ people who lack

93 UN Special Rapporteur on Poverty and Human Rights, Looking back to look ahead: A rights-based approach to social protection in the post-COVID-19 economic recovery, 2020, <https://www.srp-poverty.org/wp-content/uploads/2020/12/covid19.pdf> (Accessed on: 20.07.2022).

94 General Comment No. 19 of BM ESCR Committee

family support. On the other hand, as a trans activist living with HIV stated at the meeting, *“trying to determine poverty by considering the income of the assigned family eliminates inclusiveness in terms of LGBTI+ people who do not benefit from family support because they have come out, are in conflict with their family or care about their confidentiality.”* For example, the Civil Society in the Penal System Association representative who attended our meeting reminds that the LGBTI+ prisoners in need have difficulty in accessing benefits when they apply to social assistance and solidarity foundations in their provinces because they are assessed according to the economic status of their families. Since social benefits target the most needy people in Turkey, the person may be deprived of assistance if the conditions of their assigned family do not meet the assistance criteria, although they have cut ties with their family. The same applies to the Green Card, an important instrument for poor people’s access to healthcare services. Considering that a person is considered to bear the cost of general health insurance as a result of the household and family-oriented income test, it is not possible for them to get a Green Card. Therefore, social policies should be planned and implemented by considering the needs of individuals rather than assigned and traditional families.

Marriage in Turkey is a right granted only to heterosexuals, and non-marital/civil partnerships are not recognized. The fact that LGBTI+ couples do not have equal rights as heterosexual couples results in deprivation of social protection due to their spouses. In particular, LGBTI+ couples are at a disadvantaged position in terms of access to mechanisms such as health insurance, retirement, inheritance and coadoption. We can consider the same loss of rights not only in terms of couples, but also in the context of the chosen families of LGBTI+ people.

The discrimination suffered by LGBTI+ people in employment results in them contributing less to their pension plans and therefore earning less income in the later stages of their lives.⁹⁵ Kaos GL’s human rights reports reveal that LGBTI+ people, especially trans people, cannot benefit from their social security rights at all or sufficiently because they cannot find jobs due to their gender identity and sexual orientation, and therefore they are forced to work in uninsured and unsafe sex work or are employed at low wages.⁹⁶ Trans sex workers who are not admitted to brothels are deprived of the right to social security because they are forced to work in under irregular, unsafe and uninsured conditions.⁹⁷ Furthermore, even if trans women have regular jobs the incompatibility between pension calculations

95 A/74/181.

96 2018 and 2019 reports for LGBTI+ people’s human rights.

97 Kaos GL, 2021 Report for Human Rights of the LGBTI+, 2022, <https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2021-web.pdf> (Accessed on: 21.07.2022).

and affirming process regulations keep them in an unequal position. Namely, criteria such as age, working duration, number of premium days taken as a basis when determining retirement in Turkey vary according to sex. If the transition process of a trans woman has not been completed in the civil registry and she is still registered as a man in her identity card, she cannot benefit from the facilities provided to women while calculating her pension.

In terms of social protection opportunities, the situation of LGBTI+ refugees is also far from meeting the needs. It is stipulated in the Law on Foreigners and International Protection and the implementing regulation that social assistance and services can be provided to refugees in need. However, the lack of identification of LGBTI+ people as people with special needs and the lack of consideration of their vulnerabilities, them having to hide their sexual orientation and gender identity in the cities where they are settled as well as both the lack of knowledge and discriminatory attitudes of the public officials responsible for the application procedures make it difficult for LGBTI+ refugees to access social services and social supports.⁹⁸ In addition, refugees are considered as cheap labor, earn less money, are uninsured or have difficulty paying their GHI participation share. This situation affects both their present day and later life as they are no longer likely to retire, as it prevents access to health, which is one of the main benefits of the right to social security.

Foreign LGBTI+ people living in Turkey, especially foreign students, cannot fully exercise their right to social security, which allows access to treatment and medicine. As one participant pointed out during our meeting with activists working in the field of HIV:

“There is a certain period of time for them to take out insurance when they come to Turkey, but there is no information and guidance on this subject. Therefore, they may not realize that they need to be insured. When said time passes, people have to return to their own country for routine checks and have medicines prescribed there. This means a plane or bus ticket every three months. Or they have to pay for all the tests, treatments and medicines themselves since they are not covered by any insurance. It is a huge economic burden for a student to do this.”

People who do not have any social security and lack a social security network are among the groups most affected by events such as disasters, epidemics and economic crises because they do not have access to mechanisms to protect

98 Kaos GL Association, Turkey’s Challenge with LGBTI Refugees, 2019.

them against sudden changes (such as income security and basic health services to meet their basic needs). As a matter of fact, it was frequently reported by organizations that LGBTI+ people working in seasonal jobs, sex work and entertainment sector lost their jobs and earnings or had to work under uninsured conditions during the COVID-19 pandemic. Lack of information about where to apply to in such times of crisis deprives people of the existing social benefits they are entitled to. So much so that, according to the research conducted by SPOD in 2020, the majority of LGBTI+ people had no information about where and how they can apply for social assistance during the pandemic process.⁹⁹ Both their inability to apply for existing aids that are already limited and the lack of basic citizenship income practice deprived LGBTI+ people of the opportunities that could mitigate the impact of the loss of income they experienced during the pandemic.

In order to address LGBTI+ people's lack of knowledge about organizations offering social assistance and support, organizations can create a variety of informative tools regarding existing social protection programs and services of public institutions, municipalities and non-governmental organizations in order to alleviate poverty. The Solidarity Map¹⁰⁰, where LGBTI+ organizations in Brazil list initiatives that offer support during the COVID-19 pandemic, can be shown as examples of these tools. The solidarity map includes organizations that distribute personal hygiene supplies and food, as well as support for applying for mental health support and social security benefits.

According to the Principle for Older Persons established by the United Nations General Assembly in 1982, older people should have sufficient income, family and community support to meet their basic needs such as food, water, shelter, clothing and to benefit from health services as a group in need of special protection measures.¹⁰¹ Since these are not provided, older people all over the world face important human rights problems such as income insecurity, health problems, homelessness and malnutrition in their daily lives.¹⁰² Discrimination, which LGBTI+ people are exposed to throughout their lives, means that these problems are multiplied and felt more deeply during old age. On the other

99 SPOD, Access to Social Services by LGBTI+ People During the Pandemic, 2020.

100 <https://revistahibrida.com.br/brasil/instituicoes-lgbtqi-lancam-campanha-coletiva-para-o-coronavirus-saiba-como-doar/> and <https://help.unhcr.org/brazil/wp-content/uploads/sites/8/2020/04/Mapa-da-Solidariedade-Iniciativas-de-apoio-a-LGBTI.pdf> (Accessed on: 21.07.2022).

101 <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-principles-older-persons#:~:text=1,to%20other%20income%2Dgenerating%20opportunities> (Accessed on: 21.07.2022).

102 The UN Secretary-General's follow-up report to the World Conference on Aging in 2011.

hand, social services for older people are far from protecting them from these problems: Either the allocated public resources are insufficient or the services provided by the private sector are not financially affordable. When we speak for Turkey, it is only possible for older LGBTI+ people to benefit from these services, which are already inadequate, if they hide their identities since gender diversity is not considered. Considering the inadequacy of old age and care policies in Turkey and the burden of care on assigned families, social exclusion and poverty are among the important risks that await LGBTI+ people in their old age.

The study conducted jointly by SPOD with Boğaziçi University Social Policy Forum in 2014 revealed that LGBTI+ people did not feel safe about their old age. These concerns were generally related to not receiving adequate support when there was a need for care, not being able to retire, not having enough income, and loneliness. Unfortunately, this situation does not seem different now as no measures have been taken to provide benefit the elderly and LGBTI+ people. Aging and elderly LGBTI+ people who participated in the latest research of May 17 Association stated that they were most afraid of becoming poor, lonely and not finding support.¹⁰³

The rural-urban distinction that affects the life practices of LGBTI+ people can be more decisive when it comes to social protection. For example, it is much easier for LGBTI+ people in metropolitan areas to establish and access intra-community support and solidarity mechanisms compared to those living in rural areas. This situation, coupled with the inadequacy of social services in small cities, deprives the LGBTI+ people in these areas of protection mechanisms.¹⁰⁴

All the examples mentioned above indicate that the social policies in force ignore LGBTI+ people. However, LGBTI+ people are trying to fight this discrimination and impoverishment by creating both individual and organizational solidarity mechanisms. For instance, they are trying to recreate with their chosen families consisting of trusted friends the support mechanisms they are deprived of because they are excluded from their assigned families. In addition, they can quickly organize and establish solidarity groups for LGBTI+ people who need help. Despite the interventions to freedom of association and limited tools, NGOs are striving to do their utmost to fight against rising poverty. We will briefly discuss these efforts in the next chapter.

¹⁰³ May 17 Association, Hey Lubunya! We Are Aging: Surveys/Interviews and Study Report, 2022.

¹⁰⁴ May 17 Association, Rights of Elderly LGBTI+ People and Problems and Examples from the World, 2021, <https://www.17mavis.org/images/publish/pdf/yasli-lgbti-larin-haklari-ve-sorunlari-ile-dunyadan-ornekler-15-02-2021.pdf> (Accessed on: 21.07.2022).

4. Response of non-governmental organizations to poverty

With the outbreak of COVID-19, we started to talk and see more poverty, but organizations that maintained their work on poverty with a rights-based approach existed before the pandemic. İhtiyaç Haritası, Çorbada Tuzun Olsun Derneği, Hayata Sarıl Lokantası/Derneği, Açık Alan Derneği/Derin Yoksulluk Ağı are just a few of them. On the other hand, the increase of poverty with the pandemic increased the number of NGOs working in this field, and led existing NGOs to carry out innovative works, to establish partnerships that will increase the volume of their works and to create collaborations with other non-governmental organizations. For instance, a representative attending our meeting with organizations working in the field of poverty on behalf of İhtiyaç Haritası (Needs Map) explains the impact of the pandemic on needs as follows:

“There has been a huge increase in both the people in need and the products needed with the pandemic. In the cooperative, we try to solve this with corporate collaborations because the number of people in need has increased considerably compared to supporters. If organizations disseminate the Needs Map in their regions, it may be possible to reach more people in need and meet more demands.”

With this approach, the cooperative helps other NGOs in order to make it possible for each organization to reach the people in need in their own target audience. It offers technical capacity support to build their own needs maps and databases.

Deep Poverty Network launched the Change from Home Solidarity Campaign at the beginning of the COVID-19 pandemic, enabling many supporters to deliver basic necessities to poor households such as food, basic care, diapers and baby food through online markets. The campaign, which is carried out primarily based on individual support, continues by incorporating corporate cooperation. The network’s monthly reports on the campaign indicate that more people can be supported through collaborations with other NGOs.¹⁰⁵

The organizations we met stated that they had encountered more and more poor LGBTI+ people recently and more LGBTI+ people applied to them. Similarly,

¹⁰⁵ <https://derinyoksullukagi.org/evdendegistir/> (Accessed on: 23.07.2022).

LGBTI+ organizations offering psychosocial support stated that they started to receive more aid applications, but they could not do anything about it due to the legislation. In order to overcome this problem, it is very important that LGBTI+ organizations come together more frequently with organizations working in the field of combating poverty. The collaborations that can be established can enable both the organizations working with the poor to learn the unique needs of LGBTI+ people and to create more effective solutions, as well as to direct the people in need to the right organizations if LGBTI+ organizations are unable to support them due to the restrictions in the legislation.

LGBTI+ organizations are working to make LGBTI+ community stronger in the face of increasing poverty despite their limited resources. First of all, it should be noted that the fact that organizations have difficulty in providing financial support due to legislation does not mean that they do nothing to combat poverty. For example, May 17 Association collaborated with the Emergency Action Fund in 2020 in order to provide assistance to seven trans women at risk of impoverishment due to the COVID-19 outbreak to enable them to survive and engage in activism.

The meetings of NGOs that bring together psychosocial and legal supports with the LGBTI+ community should also be considered as services to alleviate poverty. Various LGBTI+ organizations offer free psychosocial and legal support to LGBTI+ people through various channels. In addition to these services, May 17 Association organizes various meetings to empower LGBTI+ activists within the scope of the Well-Being Program and offers free psychological support services to activists in need. These services, which will reduce the effects of discrimination even if cash aid cannot be provided, ultimately make it easier for LGBTI+ people to sustain their lives. On the other hand, since these services are either not provided or are insufficient and insecure in public institutions, the support provided by organizations is almost the only mechanism that LGBTI+ people can apply in emergencies. In addition, these supports offered by organizations for queer people who do not have the money to work with an attorney or therapist for a fee are very valuable both in terms of access to justice and access to the right to health.

The fact that the organizations cooperate with municipalities to ensure that LGBTI+ people are included in the scope of social assistance is among the important studies in this field. The cooperation of the Young LGBTI+ Association with the Izmir Metropolitan Municipality during the pandemic process can be shown as an example. Thanks to this cooperation, LGBTI+ community, a large part of which consists of sex worker trans women and refugees, benefited from both the aids provided at the beginning of the pandemic and the winter support

line initiated due to the recent economic crisis. Although municipalities avoid working for and with LGBTI+ people or prefer to carry out these works behind closed doors and without announcing, it is necessary to force these initiatives and spread them to other cities.

In addition to the services offered by the associations, we can also talk about some solidarity initiatives initiated by LGBTI+ people. For example, Hande Kader Solidarity, which was named after the trans activist Hande Kader, who died as a result of hate crime in 2016, is an organization that provides scholarships to trans students studying at the university and meeting specific criteria. At the same time, they help to collect one-time urgent needs (rent, bills, food, books, clothes, etc.) on social media and announce needs such as accommodation and jobs. The initiative also directs those whose rights are violated to LGBTI+ organizations.

Those who initiated Hande Kader Solidarity defined the scholarship they provide to the trans people as "a small return of their usurped rights."¹⁰⁶ The financial support provided by the limited resources of solidarity makes it a little more possible for trans people to continue education without their families. Because, as stated by the representative who participated in our meeting with trans activists in the name of solidarity:

Thinking a little less about money affects people's educational lives. We try to provide a little financial opportunity so that at least they do not think about the financial difficulties and the possibility of them to find a job can increase a little more.

Another initiative recently launched is the Hormone Access Campaign.¹⁰⁷ The campaign, launched by a group of trans people, attempts to make visible the challenges in accessing sex hormones that are vital to the transition process. The campaign demands that authorities and pharmaceutical companies take concrete steps against both the lack of physical availability of hormones and the increase in their prices.

In addition to financial support, organizations are also trying to develop tools where people can manage their own lives and alternatives where they can establish their own production areas. For example, May 17 Association organized "Preparation to Business Life" workshops in 2021 in order for LGBTI+ people to

106 <https://m.bianet.org/bianet/toplumsal-cinsiyet/258680-hande-kader-dayanismasi-gasp-edilen-hakkin-minik-bir-iadesi> (Accessed on: 23.07.2022).

107 https://twitter.com/Hormona_erisim ve <https://catlakzemin.com/hormona-erisim-haktir-hormona-erisim-kampanyasi-ile-soylesi/> (Accessed on: 23.07.2022).

acquire skills that would make it easier for them to find jobs.¹⁰⁸ During our meeting with LGBTI+ organizations, it was emphasized that it is necessary to continue to think about such tools that will save LGBTI+ people from poverty. The participant representing SPOD recalled the past initiatives of the LGBTI+ community, and stated that the work already done or planned by the organizations should be considered in terms of poverty:

“In the past, organizations talked about issues such as organizing vocational training courses, opening cafés, talking to companies to employ LGBTI+ people, opening shelters and nursing homes, however, none of these were discussed as if they were issues related to resolving poverty. Perhaps it is now necessary to consider these issues in a more serious and comprehensive way and think of structural solutions.”

Despite efforts to respond to rising poverty, all of the NGOs we interviewed in the context of the preparation of this report agreed that it was not possible for civil society to find a solution to poverty and overcome this problem alone. In our meeting held with LGBTI+ organizations, the participant representing Positive Space points out that what the LGBTI+ community can do is much more limited:

Recently, organizations and initiatives have created solidarity networks within themselves and tried to meet the needs of queer people such as rent and healthcare expenses. However, even if they solve the problem at the time, there are questions about their effect. None of these works have been correct and sufficient to alleviate poverty. Also, it is not the right approach to place the responsibility of the social state on LGBTI+ people. LGBTI+ poverty is not a problem that can be solved within the community, because the movement has no direct connection with LGBTI+ people with high income. Therefore, at this point, poor LGBTI+ people are trying to fight a huge poverty by helping the poorer LGBTI+ people.

Therefore, it is necessary to force public institutions and local governments responsible for the eradication of poverty to take steps for LGBTI+ community. In addition, when we consider that an organization cannot solve every problem, it is necessary to work together with other organizations working in the field of combating poverty and to maintain regular communication.

¹⁰⁸ <https://www.17mavis.org/haber-duyuru/is-hayatina-hazirlik-atolyesi-ve-workshoplari-tamamlandi-04-10-2021> (Accessed on: 23.07.2022).

5. Conclusion

The idea to prepare this report is based on our curiosity about where LGBTI+ people are positioned in the increasing and widespread poverty in the country. Our interviews with different organizations and groups as well as the sources we reviewed throughout the process indicated that there is a great impoverishment in the LGBTI+ community as well as throughout Turkey, and therefore relevant steps must be taken quickly.

We mainly aimed to identify the problem with this publication, and the main problem that emerged is that the discrimination they face every day both brings LGBTI+ people closer to poverty and prevents poor LGBTI+ people from accessing the necessary tools to escape from this poverty. One of the most important measures to prevent this is the anti-discrimination law, which prohibits discrimination based on equality, sexual orientation and gender identity and acknowledges the existence of LGBTI+ people. Because unless there is such a law, everyone can find the power to discriminate against LGBTI+ people, whether in the public sector, private sector or on the street. In addition, since there are no regulations protecting them, LGBTI+ people avoid applying to support programs with the idea that they will encounter discrimination. In addition, a basic law recognizing the equality of LGBTI+ people paves the way for mainstreaming LGBTI+ rights in policy areas such as health, education, employment, housing, social protection and the fight against poverty. Only in this way, LGBTI+ people can resort to support mechanisms, knowing that they will not be discriminated against.

In the meetings we held, we realized that addressing human rights violations as a concept related to poverty is something new for LGBTI+ organizations. We understand that more work and learning is needed on this subject. On the other hand, the needs are increasing so rapidly and poverty is entering our agenda so quickly that we have learned that we have to avoid wasting too much time to learn these, and start to create various tools and establish various collaborations without delay. However, in addition to these, we are also aware of the problems faced by non-governmental organizations in creating their own resources. Wherefore, when planning the grants, granting organizations should observe the balance between civil and political rights and economic, social and cultural rights and support the initiatives of LGBTI+ organizations to eliminate the poverty of individuals.

Non-governmental organizations should not forget that it is primarily the duty of the state to prevent and eliminate poverty while working in this field. Although there is a strong support and solidarity system within the LGBTI+ movement, what NGOs can do is limited. The primary work that can be carried out within this limitation is to include economic, social and cultural rights, that is, issues related to poverty, as well as civil and political rights in our researches and rights advocacy activities, to think of strategies to protect LGBTI+ people from poverty and to call on public institutions in this direction.