



Kaos GL
Murat Çekiç Human Rights Association
May 17 Association

Joint Written Contribution on the situation of LGBTI+ persons

to the

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in the

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of

REPUBLIC OF TÜRKİYE

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This report examines Türkiye's compliance with international human rights standards, focusing specifically on the situation of LGBTI+ persons. It highlights significant gaps in legal protections, systemic discrimination, and the treatment of LGBTI+ individuals in relation to fundamental rights.

METHODOLOGY

This joint report was drafted in response to the assessments and recommendations from the 3rd Cycle of The Universal Periodic Review of Republic of Türkiye. The overall progress, regression in relevant rights areas and defining new developments are elaborated within the cycle period. The data and information provided in this joint report is based on verified information from the press, international bodies, and human rights reports.

OVERALL ASSESSMENT

The situation for LGBTI+ individuals in Türkiye remains dire, with systemic discrimination and legal barriers. Legal frameworks that exclude LGBTI+ individuals from fundamental rights further entrench their vulnerability and exclusion. The Turkish government must urgently take steps to fulfill its human rights obligations, including implementing comprehensive anti-discrimination laws. The international community must continue to press for accountability and advocate for the rights of LGBTI+ people in Türkiye.

KEY FINDINGS

Legal and Political Framework: Turkey's existing constitutional provisions are insufficient to protect LGBTI+ individuals from discrimination. The lack of legislation addressing hate crimes and anti-discrimination creates significant gaps.

Fundamental Rights: LGBTI+ individuals face violations of basic rights, including the right to life, freedom of expression, peaceful assembly, and employment. Hate crimes and suspicious deaths often go unpunished.

Health and Education: Discrimination in accessing healthcare services and dignity-violating gender recognition processes for trans individuals are prevalent. In education, LGBTI+ individuals lack safe environments to pursue their studies.

Social Perception and Hate Speech: Public authorities perpetuate hate speech targeting the LGBTI+ community, while discriminatory narratives are financially supported through media outlets.

Recommendations and Solutions: Proposed measures include legislative reforms to criminalize hate crimes, the adoption of a comprehensive anti-discrimination law, ensuring dignified gender identity recognition processes, and developing a national action plan to safeguard LGBTI+ rights.

RECOMMENDATIONS

- 1.** Amend article 122 of Turkish Penal Code to include sexual orientation and gender identity among the hate motives listed, within a year.
- 2.** Amend the 3rd article of THREI's founding law, titled "Principle of equality and prohibition of discrimination", to ensure that applications regarding discrimination submitted by LGBTI+ people are also examined, within a year.
- 3.** Amend the THREI founding law to guarantee the independence of its members and the impartiality of the institution.
- 4.** Amend article 40 of Turkish Civil Code to guarantee legal gender recognition available for trans persons, without forced surgical and hormone interventions while guaranteeing free gender affirming healthcare including hormone medications and surgeries covered by social security institutions.
- 5.** Prohibit postnatal interventions on intersex except for medical necessity and provide compensation for damages resulting from such interventions. Ensure that these children can exercise their right to sue after they turn 18, and ensure that the statute of limitations, which has become a protective shield for perpetrators, is not applied.
- 6.** Prohibit so-called conversion therapy practices.
- 7.** End public funding through the Press Advertisement Agency to media outlets spreading hate speech.
- 8.** By amending the founding law of the Radio and Television Supreme Council, change the structure of this institution that encourages hate speech towards LGBTI+ people and set concrete rules for sanctioning broadcasters producing hate speech.
- 9.** Remove the obstacles to LGBTI+ people's freedom of peaceful assembly and expression, and put an end to the systematic banning of meetings by Governorships and District Governorates such as pride parades, May 17 marches, and events organized by LGBTI+ organizations, and make legislation on this issue.



- 10.** Amend regulations allowing assisted reproductive techniques available only to married couples to include access for singles, within the next cycle.
- 11.** Within one year, adopt legal and policy measures, such as regulations and security protocols, to ensure asylum seekers from repatriation to any country where their lives or freedom would be threatened because they are LGBTI+.
- 12.** Eliminate all arbitrary acts against human rights defenders, such as arbitrary detention, ill-treatment and media smear campaigns, and ensure that they are adequately protected against intimidation, threats and violence.
- 13.** Implement and amend verdicts by ECtHR on compulsory military service and conscientious objection, ensure civil service alternatives, and apply WHO ICD 11 when defining justification of exemption from military service for GBTI+ persons, within the next cycle.
- 14.** Take measures compatible with Yogyakarta Principles to implement all-inclusive human rights courses in the school curriculum at primary and secondary education, to prevent bullying, harassment, stigmatization, social exclusion and violence against LGBTI+ students, within the next cycle.
- 15.** Establish a specific mandate to the Ministry of Labour and Social Security to prosecute and sanction discriminatory practices on the grounds of soggiesc at employment processes and work places, within the next cycle.
- 16.** Decriminalize sex work by amending stigmatising and discriminatory legislations in article 225, 226, and 227 of Turkish Penal Code, and guarantee the social security rights and work safety of sex workers, within a year.
- 17.** Enact National AIDS Plan in cooperation with key population representatives from civil society according to UNAIDS 95-95-95 strategy, and make PreP and PeP available and easily accessible for free, within the next cycle.

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