

# LGBT Rights in Turkey: The Long Road To Tolerance

Written by Volkan Yilmaz and Sinan Birdal

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VOLKAN YILMAZ AND SINAN BIRDAL, DEC 14 2012

Turkish society's attitude towards lesbian, gay, bisexual and transgender (LGBT) individuals is hardly tolerant. The findings of two recent surveys, the World Values Survey and a poll by KONDA, evidence this.

In the 2011 World Values Survey, 84% of Turkish respondents stated that they did not want to live with LGBT neighbors.[1] Meanwhile KONDA, a well-respected research company in Turkey, conducted another nationwide survey in collaboration with the youngest LGBT organization in Turkey – that is, the Social Policies, Gender Identity and Sexual Orientation Studies Association (SPoD) – in 2012. One of the questions asked was, “Do you think homosexuality should be criminalized? If yes, what should the penalty be?” Despite the fact that a sexual act between same-sex partners above the age of 18 has never been a crime in Turkey, only 11.2 % of respondents answered that homosexuality should not be a criminal act. Some 32% said that homosexuals should be given the most severe punishment available; 28.9% answered that they should be “cured”; 21.7% said they should be jailed; and 6.2% that they should be fined.[2]

Rampant intolerance for LGBT individuals manifests itself in hate murders and hate crimes. In 2010 alone, LGBT organizations reported 16 hate murders.[3] Given the absence of necessary protection of LGBT individuals from hate murders and crimes, perpetrators rarely receive due punishment, if any.

The interpretation of vague legal phrases such as “public morality,” mainly by judges and the police, also poses a significant threat to the lives and liberty of LGBT individuals. For instance, police arbitrarily subject transgendered women to fines under the Law of Misdemeanor or the Traffic Law.

Gay men and transgender women also face humiliation in military medical screenings for the draft. The authorities have stated that the former practice of Turkish Armed Forces (TSK) of asking for photographic evidence has been abolished.[4] However, other forms of harassment, such as outing LGBT individuals to their family members, remain intact.

Thanks to the successes of the LGBT rights movement and the European Union accession process, there are now six legal LGBT associations in Turkey; Lambda İstanbul, KAOS-GL, İstanbul LBTT, Pembe Hayat, Siyah Pembe Üçgen and SPOD. However, LGBT individuals still face significant impediments in exercising their freedom of association. The Supreme Court of Appeals decision on an infamous closure case against Lambda İstanbul demonstrates just one of these impediments. While refusing the prosecutor's request to close down the association due to its alleged offensive nature to public morality, the court warned that the association could be closed if it engaged in spreading or promoting homosexuality.[5] Despite the patent impossibility of such a thing, this artificial reason could still be used to restrict the association of LGBT individuals in the future.

Discrimination against LGBT people in employment has also been rampant. Discrimination on the basis of sexual orientation and gender identity is not prohibited in the Employment Law. Discrimination in employment manifests itself differently for lesbian, gay and bisexual (LGB) people and transgendered people. Most transgendered women have been forced into sex work, mainly due to their exclusion from all other forms of employment. As for LGBs, most individuals feel the need to hide their sexual orientation for fear of not being hired, losing their job, or not being promoted. One of the best known cases of discrimination against LGBT individuals in employment was the dismissal

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of football referee Halil İbrahim Dinçdağ from the Turkish Football Federation (TFF) due to his sexual orientation. Dinçdağ still cannot work as a referee and is unable to find another job; he has opened a case against the TFF that is still in progress.[6]

Housing is another serious problem area for open LGBT individuals in Turkey. As is the case globally, the trend in Turkey among LGBT individuals is toward migration to metropolitan cities – where possible – in order to escape homophobia and transphobia in their hometowns. However, only small ghettos in these metropolitan cities are available to LGBT individuals. The Turkish government recently initiated urban regeneration projects in some of these ghettos (such as Tarlabası in İstanbul) that will most probably result in the exclusion from these neighborhoods of, in particular, transgendered women and low-income LGB individuals.[7]

Neither gay marriage nor civil partnerships are recognized by law in Turkey. While this is a serious breach of the civil rights of LGB individuals, its negative implications are not limited to this domain. Given that social policy benefits (social security, pensions, etc.) are defined on the basis of family relations in Turkey, the denial of legal recognition of gay couples creates impediment to gay couples gaining access to social rights.[8]

However, there is some light at the end of the tunnel. Political support for LGBT equality is slowly developing. In KONDA's survey, it was reported that on average 11 percent of Turkish society supports LGBT equality. The constituencies of two political parties in opposition are more sympathetic to LGBT equality than Turkish society in general, which are the Republican People's Party (CHP) and the Peace and Democracy Party (BDP).[9] In fact, during parliamentary debates on the new constitution, these two parties openly supported the LGBT organizations' common demand to integrate sexual orientation and gender identity into the clause defining equality on the basis of citizenship.

However, neither the governing Justice and Development Party (AK Party) nor Nationalist Movement Party (MHP) supports the CHP and BDP proposals on this issue. Examples of government hostility toward LGBT individuals and the demands of LGBT rights organizations are numerous. Prominent members of the incumbent AK Party have employed homophobic discourses. For example, Minister for Women and Family Affairs Selma Aliye Kavaf once stated that homosexuality was a disease and needed to be cured.[10] Another example is the statement by Minister for Culture and Tourism Ertuğrul Günay, who referred to the naming of homosexual singer Zeki Müren as best male singer and transsexual singer Bülent Ersoy as best female singer in Turkey as a manifestation of the "cultural decay" created by the 1980 military coup. For Günay, the military regime used sexual "deviance" to legitimize its rule by distorting public opinion.[11]

Neither the AK Party nor its leadership employed overtly homophobic and transphobic discourses initially. Prime Minister Recep Tayyip Erdoğan, before being elected, even made a public statement that "homosexuals should also be brought under legal protection." [12] However, as the AK Party has gained confidence, and thus had less need for support from liberals and the EU, it seems to be pursuing a more assertive conservative agenda. Recent debates on the drafting of the new constitution clearly demonstrate the AK Party's unwillingness to include LGBT demands for equality. In addition, the AK Party government selectively deleted phrases referring to sexual orientation and gender identity from draft laws on anti-discrimination, domestic violence and the establishment of a human rights institution.[13]

In the meantime, three important international developments on LGBT rights occurred in 2011. Firstly, the UN issued its first resolution on LGBT equality.[14] Secondly, the European Parliament declared that LGBT equality is part of EU accession criteria.[15] Thirdly, US President Barack Obama elevated LGBT rights as a foreign policy priority.[16] These positive international developments may facilitate progress in LGBT equality in Turkey; however, they are neither sufficient nor binding enough to provide the incentive for the government to make progress on LGBT equality at the expense of its conservative ideology and constituency. International solidarity is important and valuable, but change has to and will come from within.

Every year more people participate in the Pride march in İstanbul. LGBT organizations, despite their limited financial and human resources, continue to fight for equality. Families have also formed an organization and started to back

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the right to equal citizenship of their LGBT family member. LGBT organizations actively participated in the new constitution making process. For instance, SPoD representatives met with members of the parliamentary commission on the new constitution and the representatives of political parties to garner support for LGBT demands for equality.[17] Although the current picture is bleak, LGBT activists and their allies are working hard to make Turkey a more tolerant place for LGBT individuals.

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**\*NB:** *A version of this article was drafted on a special request from the associate editor of the Turkish Review to be published on the 5<sup>th</sup> issue of the 2<sup>nd</sup> volume of the journal titled “Freedom: Everyone’s right”. Unfortunately, the article has been left outside of the issue without explanation from the Turkish Review editor.*

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