

ILGA-Europe Statement: Turkey is detaining LGBTI+ activists and journalists, and targeting basic rights

[News](#), [Civil Rights and Freedom](#), [Access to Healthcare](#), [Anti-propaganda Laws](#), [Freedom of Expression](#), [Legal Gender Recognition](#), [Turkey](#)

The Turkish government has intensified its repression of LGBTI+ human rights defenders, detaining activists and introducing draconian laws that further restrict legal gender recognition, trans healthcare, and free expression. The proposed measures mirror anti-LGBTI+ laws in Russia and Hungary, prompting urgent calls for action.

The last two weeks have seen an increasingly severe crackdown on LGBTI+ human rights defenders and activists in Turkey. This comes during a time when the Turkish government is eroding civic rights and freedoms, including detaining journalists, opposition politicians, and targeting civil society organisations (CSOs) through smear campaigns and further restrictive legislation.

On 18 February, journalist and Editor-in-Chief of KaosGL.org, a news portal dedicated to LGBTI+ issues, Y?ld?z Tar, was arrested and accused of “membership in a terrorist organisation”. They were arrested alongside a number of journalists, activists (including Erkin – a trans activist), artists and opposition MPs, amounting to 52 arrests that day.

The following week, on 27 February, draft amendments of the Turkish government were leaked to the press which aim to amend the Criminal and Civil Codes to further restrict access to legal gender recognition and trans-specific healthcare, add criminal sanctions to these as well as criminal sanctions for “any person who publicly encourages, praises or promotes attitudes and behaviors contrary to innate biological sex and public morality” and “persons of the same sex [who] perform an engagement or marriage ceremony”.

The further restrictions to accessing legal gender recognition are:

- Increasing the age of eligibility from 18 to 21.
- Reintroducing mandatory sterilisation (a provision previously annulled by the Constitutional Court and found to violate the European Convention of Human Rights by the European Court of Human Rights (ECtHR)).
- Introducing a lengthier process for approval, requiring an official medical board report to be issued by a “full-fledged training and research hospital designated by the Ministry of Health as a result of four evaluations to be made at least three months apart” (previously it was to be obtained from a training and research hospital), with no maximum duration set, potentially allowing indefinite delays.

Additionally, a new requirement for accessing trans-specific healthcare is introduced, stipulating that it can only be carried out after permission is obtained from one of the above-described hospitals designated by the Ministry of Health.

The criminal sanctions being introduced include sentences of:

- 3-7 years imprisonment and a judicial fine from 1,000-10,000 days for anyone who commits gender

reassignment surgery contrary to the new provisions, with the recipient of the surgery facing 1-3 years imprisonment.

- 1-3 years imprisonment for “Any person who publicly encourages, praises or promotes attitudes and behaviors contrary to innate biological sex and public morality”.
- 1.5-4 years imprisonment for “persons of the same sex [who] perform an engagement or marriage ceremony”.

These new legislative restrictions will further restrict the already inaccessible process of legal gender recognition and access to trans-specific healthcare in Turkey (see our previous [statement](#) regarding this), making legal and medical transition nearly impossible.

The requirement for mandatory sterilisation and medical certification in order to access legal gender recognition has already been deemed abusive by international human rights bodies. ECtHR case law is clear that such requirements are in violation of the right to privacy and the right to bodily integrity. The Parliamentary Assembly of the Council of Europe (PACE) has called on its member states to “develop quick, transparent and accessible procedures, based on self-determination”. The UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity has also recommended that legal gender recognition should be based on self-determination, be a simple administrative process, and not require applicants to fulfil abusive requirements such as surgical interventions or requiring medical certification.

A clear discriminatory attack

The new proposal for criminal sanctions for anyone “who publicly encourages, praises or promotes attitudes and behaviors contrary to innate biological sex and public morality” will impact ordinary people wishing to dress or be called in a way that is different from their biological sex assigned at birth, but also it will also target any debate, awareness raising, or portrayal of topics related to challenging gender binarism, which will impact LGBTI+ people, LGBTI+ CSOs, journalists, and other organisations or people defending freedom of expression.

The criminalisation of symbolic engagement and marriage ceremonies represents a clear discriminatory attack against the LGBTI+ community, who simply wish to honour their partnerships and love in a country where there is no possibility for a legal recognition of same-sex relationships.

The proposals’ provisions are similar to the anti-“LGBTI propaganda” laws seen already in Russia, Hungary and Bulgaria. The European Court of Human Rights has already ruled the Russian law to violate freedom of expression and the prohibition of discrimination, and the EU has launched infringement proceedings against both Hungary and Bulgaria for their laws.

ILGA-Europe calls on the Ministry of Justice to indefinitely withdraw the draft amendments and the Turkish parliament to reject the proposed legislative amendments, which introduce further discrimination against the LGBTI+ community, run contrary to international fundamental rights standards and decisions of Turkey’s Constitutional Court, and which will make the lives of LGBTI+ people in Turkey even more arduous, without providing any additional benefits to the general public.

We call on the Turkish government to immediately release Y?ld?z Tar and stop crackdowns on legitimate civil society organisations, journalists and others forming part of democratic checks and balances.

The Turkish government should ensure that everyone is equal under the law, and introduce provisions granting equality in line with the jurisprudence of the European Court of Human Rights, including non-abusive and accessible access to legal gender recognition, trans-specific healthcare, legal recognition of partnerships and the right of all to freedom of expression and information.

How you can help

Bring attention to these developments via media and social media:

- Demand the immediate release of Y?ld?z Tar and Erkin
- Speak out against the crackdown on CSOs, journalists and human rights defenders
- Speak out against the proposed anti-LGBTI+ legislation