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Mr Süleyman SOYLU

Minister of Interior of the Republic of Turkey

Mr Abdulhamit GÜL

Minister of Justice of the Republic of Turkey

Strasbourg, 17 June 2021

Dear Ministers,

I have noted with interest that on 2 March 2021 Turkey launched an Action Plan on Human Rights, which states that “human rights must be dominant in legislation and practice and that the judicial process must be operated with this understanding at all stages”. It also prescribes that “no public duty may be performed by neglecting or violating human rights”. Importantly, the Action Plan explicitly promotes the principle of equality and the freedoms of peaceful assembly, expression and association. With this in mind, I would like to pursue our dialogue on the protection of human rights and fundamental freedoms in Turkey, by bringing to your attention some concerns pertaining to the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

Upholding the freedoms of peaceful assembly, association and expression

I have been informed that LGBTI organisations plan to hold Pride marches in several cities across Turkey in the coming weeks. LGBTI communities have been prevented from exercising their right to peaceful assembly in this manner, due to sweeping restrictions on LGBTI events that the authorities at different levels have enforced over the years. It is regrettable that the Istanbul Pride march, which was held successfully and peacefully from 2003 and had been considered one of the Europe's most important events of this kind, celebrating diversity and promoting equality and inclusion, has been banned since 2015. It is also regrettable that in 2017, the Ankara Governor imposed a general ban on all LGBTI events and that governors in other cities, including Izmir, Mersin, Antalya and Adana, have followed suit by enforcing bans on Pride events. Bans on LGBTI events have also been imposed by the Rectorates of the Middle East Technical University (METU) and Hacettepe University in Ankara. In the discussions with the authorities during my visit to Turkey in 2019, these bans were justified by reference to the need to ensure the safety of participants of such events against terror threats. However, Turkish authorities have reportedly enforced bans for other reasons, too, including “the protection of public morals”, “social sensitivities”, “the risk of LGBTI events inciting hatred and enmity”, and “to prevent crimes being committed”.

I draw your attention in this regard to the fact that under the European Convention on Human Rights, the authorities have a positive obligation to guarantee that LGBTI people can enjoy their right to freedom of assembly as equal members of society including, when necessary, through measures to ensure that they can do so safely. The European Court for Human Rights' caselaw has clearly and repeatedly enunciated member states obligations in this regard. I urge you to ensure that Turkish authorities uphold the right of LGBTI people to peaceful assembly by lifting the bans on LGBTI events and take all necessary measures to ensure the safety of participants during such events.

A series of restrictions on activities of non-governmental organisations (NGOs) and freedom of association imposed by the government in recent years in the name of counter-terrorism have also negatively impacted on the work of LGBTI organisations. A case in point is the Law on Preventing Financing of Proliferation of Weapons of Mass Destruction, in respect of which I shared with you my concerns already last February in a letter (published on 10 March 2021). In that letter, I pointed out that human rights-based organisations were the first to be audited pursuant to this law and I note that at least two of them are LGBTI organisations.

I note with concern that the pattern of the use of judicial proceedings to silence human rights defenders, NGOs and lawyers and curtail civil society activism, which I have repeatedly raised in my work on Turkey, continues and that it has increasingly affected those who have stood up for the rights of LGBTI people. One such example are the criminal investigations against the Istanbul, Ankara and Diyarbakir bar associations on the charge of “inciting the population to enmity or hatred and denigration” in relation to their statements condemning the homophobic language used by the head of the Religious Affairs Directorate in April 2020 (see below). Another example is the ongoing criminal trial against a group of students and an academic from METU for organising and participating in a Pride event inside their campus in May 2019, despite the Ankara administrative court’s decision of 31 July 2019 declaring the ban on the METU Pride march unlawful. However, the most striking example relates to the events during and in the aftermath of the students protests at the Boğaziçi University in March 2021, which were characterised by mass arrests, the use of excessive force by law enforcement officials against protesters and numerous alleged instances of ill-treatment of protesters during the arrests or in detention. I urge you to ensure that all such allegations are adequately investigated and that dissuasive sanctions are taken where appropriate. During these events, the police also raided the Boğaziçi LGBTI club, which was subsequently shut down, while two members of the club have been criminally prosecuted over the display of artwork. Additionally, a group of Boğaziçi students currently stand trial for alleged violations of the Law no 2911 on Meetings and Demonstrations which has reportedly been frequently used by the authorities against LGBTI activists since 2015.

The stigmatisation of LGBTI people

According to the Committee of Ministers’ [Recommendation \(2010\)5](#) on measures to combat discrimination on grounds of sexual orientation or gender identity, public officials should promote tolerance and respect for the human rights of LGBTI people whenever they engage in dialogue with key civil society representatives, including media, sport and political organisations and religious communities.

I am concerned about the visible rise in hateful rhetoric and the propagation of homophobic narratives by some politicians and opinion-makers in Turkey, including high ranking central government and public officials. Portraying LGBTI people as a “threat to family values, religion or the traditions of the nation”, “perverts”, or as “attempt[ing] to undermine the humankind, its nature and the family”, are only a few examples of this language. In his sermon of 24 April 2020, which was aired on TV, the head of the Religious Affairs Directorate said that “Islam curses homosexuality” because “it brings illnesses and corrupts generations”, and added a call to “fight together to protect people from such evil.” I note that this speech occurred at the onset of the COVID-19 pandemic and was widely understood as blaming LGBTI people for the disease. I have also noted reports about censorship of LGBTI content and content that the authorities considered objectionable because it promoted the rights of LGBTI people. For example, in October 2019, the government’s Board for the Protection of Minors banned the sale to minors of a popular children’s book which was reportedly perceived as encouraging homosexuality and awareness of gender identity. The authorities statement concerning Turkey’s [withdrawal](#) from the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) that “the Convention was hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Turkey’s social and family values”, has only exacerbated this worrying situation. I take this opportunity to point out that all the measures provided for by the Istanbul Convention reinforce family foundations and links by preventing and combating the main cause of destruction of families, that is, violence.

While it is positive that Turkish society attitudes towards LGBTI people have improved gradually over the years and that in 2020 the public acceptance of homosexuality was reportedly at its highest level ever, the worrying trends referred to above risk undermining this progress, which is a precondition for the effective enjoyment by LGBTI people of their human rights. I understand that stigmatisation has already had a serious detrimental impact on the lives and the mental health of LGBTI persons and instilled fear within this community. Regrettably, for the third year in a row, Turkey has the second lowest standing in the annual “Rainbow Index” of the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), which measures the level of respect for LGBTI people’s human rights in 49 European countries.

Hate crimes

According to Transgender Europe, 54 transgender people were killed in Turkey from 2008 until September 2020, which makes Turkey the country with the highest rate of killings of transgender people in Europe. Transgender activists have voiced their concern that the actual number of transgender victims of hate crimes is higher, since many such crimes go unreported or are not investigated as such. Although the criminal conviction and life sentence for the perpetrator of the killing of a transgender woman in June 2020 was an important step in fighting impunity for transphobic crime, this is a serious issue that remains to be addressed effectively. As noted by the European Commission Against Racism and Intolerance (ECRI) in its 2016 report on Turkey, the authorities need to establish and operate a system for recording and monitoring all racist and homo/transphobic incidents and ensure that the police thoroughly investigate all such cases, in particular by ensuring that any racist and homo/transphobic motivation in ordinary offences are fully taken into account. I also draw your attention to the recommendations made by ECRI in 2016 concerning the need to bring the criminal legislation in line with its General Policy Recommendation No. 7, as far as homo/transphobic crimes are concerned.

I call on you to endeavour to reverse these negative trends and ensure effective protection of the human rights of LGBTI people in Turkey. This requires, as a first step, that public authorities, politicians and opinion leaders stop engaging in hate speech or any discourse stigmatising LGBTI people and firmly denounce and counter such narratives, including when they originate from private parties. Crucially, it also requires that the commitments enshrined in the Action Plan on Human Rights in relation to freedom of assembly, association and expression are fully honoured for Turkey's LGBTI population.

I look forward to receiving your reply and a continuation of our constructive dialogue on these and other human rights issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a stylized flourish at the end.

Dunja Mijatović