

## The LGBT Community in Turkey: Discrimination, Violence, and the Struggle for Equality

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### Lead Article

*“I believe homosexuality is a biological disorder, an illness and should be treated.”*

- Aliye Kavaf, Minister of State Responsible for Women and the Family, 2010.<sup>1</sup>

### I. INTRODUCTION

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<sup>1</sup> The Minister was quoted during a media interview as saying “I believe homosexuality is a disorder, an illness and should be treated.” Faruk Bildirici, *Eşcinsellik Hastalık, Tedavi Edilmeli*, HÜRRIYET (Mar. 7, 2010), <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=8216homosexual-ity-is-a-disease8217-says-minister-2010-03-07>.

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Turkey is a growing secular force located between a sometimes-Islamophobic Europe<sup>2</sup> and the Middle East.<sup>3</sup> This places Turkey in a unique position to affect both international and domestic policy throughout the region on issues involving finance, trade, and culture.<sup>4</sup> In its quest to gain admission to the European Union, however, Turkey's legal and cultural traditions have been under international scrutiny, especially in the area of equal protection and human rights.<sup>5</sup> One group particularly affected by Turkey's weak human rights record is the country's LGBT community.<sup>6</sup>

The story of Ahmet Yildiz highlights the violence and discrimination faced by many LGBT persons in Turkey. Ahmet, a 26-year-old honors student and gay activist was living in Istanbul when his family first learned of his sexual orientation.<sup>7</sup> His father's initial response was to order his son to return to his

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<sup>2</sup> See *Turkey/Europe-Islamophobia: Turkey Warns Against Rising Racism in Europe*, INT'L ISLAMIC NEWS AGENCY (May 9, 2012), [http://iina.me/wp\\_en/?p=1008278](http://iina.me/wp_en/?p=1008278) (reporting on the Turkish President's perspective on tensions between European views and Turkish EU accession); Muhammad Abdul Bari, Editorial, *Islamophobia: Europe's New Political Disease*, AL JAZEERA (May 6, 2012), <http://www.aljazeera.com/indepth/opinion/2012/05/201255112042394786.html>.

<sup>3</sup> Vyas Ramasubramani, *Democracy in the Middle East: Turkey as a Model for Emerging Governments*, AM. FOREIGN POL'Y. PRINCETON STUDENT EDITORIALS ON GLOBAL POLITICS (Mar. 6, 2012), <https://web.archive.org/web/20120423072925/http://afpprinceton.com/2012/03/democracy-in-the-middle-east-turkey-as-a-model-for-emerging-governments/>

<sup>4</sup> Yaroslav Trofimov, "Turkey's Influence in Middle East Ebbs," WSJ.com, (Oct. 31, 2014) <http://online.wsj.com/articles/turkeys-influence-in-middle-east-ebbs-1414711204>. There are some arguments that Turkey's influence has lessened since the start of the "Arab Spring"

<sup>5</sup> European Commission, *Turkey 2014 Progress Report*, SWD (2014) 307, 58 (Oct. 8, 2014), *available at* [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf).

<sup>6</sup> In this paper, we use the abbreviation "LGBT" as an all-encompassing term to include persons who identify as "lesbian, gay, bisexual, and transgendered," "queer," "questioning," "intersex," "unsure," "curious," "two-spirited," "pansexual," "transsexual," or "transvestite."

<sup>7</sup> Dan Bilefsky, *Soul-Searching in Turkey After a Gay Man Is Killed*, N.Y. TIMES (Nov. 25, 2009), <http://www.nytimes.com/2009/11/26/world/europe/26turkey.html?pagewanted=al>

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hometown where doctors and imams would cure his homosexuality and find him a wife.<sup>8</sup> Ahmet's cousin said that Ahmet loved his family and struggled with the idea of disappointing them, but ultimately decided he could not hide who he was.<sup>9</sup> After receiving death threats from family members, Ahmet sought protection from Turkish authorities, but prosecutors chose not to pursue his case.<sup>10</sup> On July 16, 2008, Ahmet was gunned down outside a café in Istanbul on his way to get ice cream during a study-break.<sup>11</sup> Turkish prosecutors believe Ahmet's father hunted him down, traveling more than 600 miles to kill his son in Istanbul.<sup>12</sup> Although Ahmet's father was eventually charged with the murder, he had already fled the country.<sup>13</sup>

This tragedy has been called Turkey's first "gay honor killing" and is the topic of a feature film, *Zenne*.<sup>14</sup> Ahmet's story has also prompted a flurry of research and prompted discussion of the struggles of the LGBT community in Turkey and throughout the Middle East.<sup>15</sup> Nonetheless, "honor killings," a practice formerly primarily directed at women,<sup>16</sup> are on the rise as families resort to the murder of gay family members in an attempt to restore "family honor."<sup>17</sup>

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1; Nicholas Birch, "Was Ahmet Yildiz the victim Turkey's first honor killing", THE INDEPENDENT (July 19, 2008), <http://www.independent.co.uk/news/world/europe/was-ahmet-yildiz-the-victim-of-turkeys-first-gay-honour-killing-871822.html>.

<sup>8</sup> Bilefsky, *supra* note 7.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Suzan Fraser, "'Zenne Dancer,' Turkey's First Gay Themed Movie, Highlights 'Honor' Killing", HUFF. POST (Jan. 24, 2012), [http://www.huffingtonpost.com/2012/01/24/zenne-dancer-turkey-gay-movie-honor-killing\\_n\\_1227960.html](http://www.huffingtonpost.com/2012/01/24/zenne-dancer-turkey-gay-movie-honor-killing_n_1227960.html). *Id.*

<sup>12</sup> Bilefsky, *supra* note 7.

<sup>13</sup> *Id.*

<sup>14</sup> Ivan Watson, *Shocking Gay Honor Killing Inspires Movie*, CNN (Jan. 13, 2012), <http://www.cnn.com/2012/01/13/world/europe/turkey-gay-killing/index.html>.

<sup>15</sup> Hossein Alizadeh, *'The Other' and LGBT Rights in Turkey*, HUFF. POST (May. 17, 2013), Dr. Binnaz Toprak, "sponsored a motion demanding that the parliament establish a commission of inquiry to identify all forms of discrimination and abuse faced by the LGBT community.

<sup>16</sup> Bilefsky, *supra* note 7.

<sup>17</sup> See generally, Isil Egrikavuk, *Gays and Transsexuals in Turkey Target in Small 'Honor Killings'*, HURRIYET (Sept. 10, 2011),

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Honor killings are not the only form of discrimination faced by members of Turkey's LGBT community. There has also been an increase in documented hate crimes against LGBT persons.<sup>18</sup> In the workplace, there are no legal protections for LGBT employees who are discriminated against on the basis of their sexual orientation or gender identity.<sup>19</sup> LGBT citizens also often face discrimination in housing,<sup>20</sup> including exclusion from government shelters and public housing.<sup>21</sup> LGBT organizations are frequently harassed in the form of frequent government shutdowns and censorship of LGBT publications.<sup>22</sup>

This Article analyzes the social and legal traditions that hinder Turkey's movement towards equality and respect for human rights and suggests reforms necessary to protect all Turkish citizens, including members of the LGBT community. These include: (1) revision of Article 10 of the Constitution to provide express protections based on the categories of sexual orientation and gender identity; (2) revision of the Penal Code to include sanctions for hate crimes and "honor killings"; (3) changes in discriminatory employment and housing laws and practices; (4) sensitivity training for police officers, and (5) collaboration with religious and community leaders in an effort to change societal attitudes towards LGBT citizens. Part II of the paper explores homosexuality within the context of Islam, the Middle East and Turkey.<sup>23</sup> Part III examines the scope of legal and social

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<http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=gays-and-transsexuals-in-turkey-target-in-8216honor-killings8217-2011-10-09>.

<sup>18</sup> Nicholas Cheviron, *Turkey's Gays, Transsexuals Decry Increasing Homophobia* (Apr. 3, 2010), <http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/151866/reftab/149/t/Turkey-s-gays-transsexuals-decry-increasing-homophobia/Default.aspx>.

<sup>19</sup> Yasemin Öz, *Study on Homophobia, Transphobia, and Discrimination on Grounds of Sexual Orientation and Gender Identity: Legal Report—Turkey*, 31-32, DANISH INST. ON HUMAN RIGHTS, [http://www.coe.int/t/commissioner/source/lgbt/turkeylegal\\_e.pdf](http://www.coe.int/t/commissioner/source/lgbt/turkeylegal_e.pdf) (last visited May 5, 2012).

<sup>20</sup> Öz, at 36-37.

<sup>21</sup> AMNESTY INT'L, *'Not an Illness Nor a Crime': Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, 35, EUR 44/001/2011 (June 21, 2011); Interview with Özlem Ezawba, Director, Mor Çati, in Istanbul, Turkey (Mar. 6, 2012); Öz, *supra* note 19, at 36.

<sup>22</sup> Öz, *supra* note 19, at 12-13; Basak Basoglu & Candan Yasan, *National Report: Turkey*, 19 J. OF GENDER, SOC. POL'Y & THE L. 319, 323-24 (2011).

<sup>23</sup> See *infra* footnotes 27-67 and accompanying text.

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discrimination faced by Turkey's LGBT community and addresses the inadequacies of existing legal protections for gays and lesbians.<sup>24</sup> Part IV discusses international obligations in light of Turkey's bid for membership to the European Union.<sup>25</sup> Part V offers recommendations for reforms aimed at protecting and enhancing LGBT rights in Turkey.<sup>26</sup>

II. HOMOSEXUALITY AND GENDER IDENTITY: AN HISTORICAL, RELIGIOUS, AND CULTURAL FRAMEWORK

A. HOMOSEXUALITY IN ISLAM

The holy texts of Islam (the Qur'an and *hadith*) do not directly address the subject of homosexuality.<sup>27</sup> Since the founding of Islam there have been divergent views on the issue of homosexuality, with some Islamic scholars viewing it as a normal and natural part of the human experience.<sup>28</sup> Nonetheless, homosexuality has generally been treated as a crime and forbidden by *Shari'a* since the early days of Islam.<sup>29</sup> Among classical Muslim jurists, the Qur'an's verses recounting the story of Lot forms the basis for the condemnation of homosexuality.<sup>30</sup> In the story, Allah punishes members of Lot's tribe with a "storm of stones" after tribe members rejected Lot as their prophet and engaged in fornication and sodomy, including coercive same-sex acts with male visitors.<sup>31</sup> The tradition of treating homosexuality as a crime<sup>32</sup> is often attributed to a story that, after the death of the

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<sup>24</sup> See *infra* footnotes 68-163 and accompanying text.

<sup>25</sup> See *infra* footnotes 164-83 and accompanying text.

<sup>26</sup> See *infra* footnotes 184-204 and accompanying text.

<sup>27</sup> Samar Habib, ARABO-ISLAMIC TEXTS ON FEMALE HOMOSEXUALITY 850-1780 A.D. 238, 16 (2009).

<sup>28</sup> Habib, at 17 ("Al-Hasan Al Bassri, or Ibn Hazm, who both treated homosexuality among men candidly and positively, and they both wrote about male homosexual relations ordinarily in their writings. There was also Yahya bin Aktham in Baghdad of the ninth century.").

<sup>29</sup> Scott Siraj al-Haqq Kugle, HOMOSEXUALITY IN ISLAM: CRITICAL REFLECTIONS ON GAY, LESBIAN, AND TRANSGENDER MUSLIMS 35, 52 (2010).

<sup>30</sup> Habib, *supra* note 23, at 209 (citing the study by Jamal, 2001).

<sup>31</sup> Kugle, *supra* note 25, at 50-51 (Muslim jurist and scholar Ibn Hazm "asserted that the Tribe of Lot was destroyed for their attitude of infidelity (*kufir*) and their violent rejection of the Prophet sent to them," not expressly for homosexuality.).

<sup>32</sup> *Id.* "[The] well-developed tradition of boy-love is evident in medieval Islamic and Persian literature" suggesting that the prohibition on homosexuality is a modern development. Tarik Bereket & Barry D. Adam, *Navigating Islam and Same-Sex Liaisons Among Men in Turkey*, 55 J. OF HOMOSEXUALITY 204, 210 (2008).

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Prophet, his followers were unsure about how to address the issue when two men were found having homosexual sex.<sup>33</sup> After several of the Prophet's companions were unable to recall any guidance from the Prophet, the leader of the community ordered the men to be stoned.<sup>34</sup> Another asserted basis for the treatment of homosexuality in Islam is the fact that religious texts and tradition make it clear that sexual acts are only meant to take place within the institution of marriage.<sup>35</sup> Because Islam does not recognize the legitimacy of same-sex marriages, homosexuality is likened to adultery, which is expressly banned in Islam.<sup>36</sup>

B. HOMOSEXUALITY IN THE MIDDLE EAST<sup>37</sup>

Today, the norm in Islamic Middle Eastern countries is the rejection of homosexuality in all forms.<sup>38</sup> Within these communities, homosexuality and perceived homosexuality are thought to bring shame to the family and the community.<sup>39</sup> This attitude is reinforced in some "self-proclaimed Islamic republics" where the combination of conservative Islam, *Shari'a*, and national law are openly hostile to homosexuality.<sup>40</sup> Many Middle Eastern countries have made homosexual acts expressly illegal.<sup>41</sup> Homosexual acts have been criminalized in

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<sup>33</sup> Habib, *supra* note 23, at 16.

<sup>34</sup> *Id.*

<sup>35</sup> Bereket & Adam, *supra* note 28, at 208-209.

<sup>36</sup> *Id.*

<sup>37</sup> Habib, *supra* note 20, at 16. ("Most Muslim communities confuse sexual orientation with gender identity.") For this reason, this article focuses on Islamic views of homosexuality in the place of Islamic views of the LGBT community as a whole because the religious views are generally indistinguishable.

<sup>38</sup> *Factsheet: The LGBT Community in the Middle East*, CANADIANS FOR JUSTICE AND PEACE IN THE MIDDLE EAST (CJPME), FACTSHEET SERIES No. 119 (Apr. 2011), <http://www.cjpme.org/DisplayDocument.aspx?DocumentID=1577>.

<sup>39</sup> *Factsheet: The LGBT Community in the Middle East*, *supra* note 34.

<sup>40</sup> See, Bereket & Adam, *supra* note 28, at 205.

<sup>41</sup> See, Daniel Ottoson, *State-Sponsored Homophobia: A World Survey of Laws Prohibiting Same Sex Activity Between Consenting Adults*, ILGA Report, ILGA (May 2010), [http://www.gaylawnet.com/ezone/crime/ilga\\_2010.pdf](http://www.gaylawnet.com/ezone/crime/ilga_2010.pdf). The prohibition of homosexual acts is, in effect, a criminalization of homosexuality.

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Afghanistan,<sup>42</sup> Iran,<sup>43</sup> Kuwait,<sup>44</sup> Lebanon,<sup>45</sup> Saudi Arabia,<sup>46</sup> Syria,<sup>47</sup> Turkmenistan,<sup>48</sup> the United Arab Emirates,<sup>49</sup> Yemen,<sup>50</sup> the Gaza Strip under the Palestinian Authority,<sup>51</sup> and the Turkish Republic of Northern Cyprus.<sup>52</sup> Homosexuality is punishable by death in Iran, Saudi Arabia, and Yemen.<sup>53</sup> Homosexual acts, however, are no longer illegal in Iraq,<sup>54</sup> Jordan,<sup>55</sup> and in parts of Palestine.<sup>56</sup> Although homosexuality is no longer a crime in these countries, there continue to be numerous reports of extrajudicial killings and torturing of LGBT people on the basis of their sexual orientation.<sup>57</sup>

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<sup>42</sup> *Id.* at 23. In addition to the Penal Code, Islamic Shari'a law established in Afghanistan criminalizes homosexual acts with a maximum penalty of death. *Id.* However, there have been no reported cases of death sentences for homosexuality after the end of Taliban rule. *Id.*

<sup>43</sup> *Id.* at 24-25 (sexual intercourse between men is punishable by the death penalty and the penal code also explicitly enumerates lesbianism).

<sup>44</sup> *Id.* at 25.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 28. ("There is no codified Penal Law in Saudi-Arabia. Instead, the country applies strict Islamic Sharia law. According to the interpretation sodomy is criminalised. For a married man the penalty is death by stoning, while the penalty for an unmarried man is 100 blows of the whip as well as banishment for a year... Moreover are all sexual relations outside of marriage illegal in Saudi-Arabia according to the Sharia law, including sexual relations between women.").

<sup>47</sup> *Id.* at 29.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* ("All sexual acts outside of heterosexual marriage are banned in the United Arab Emirates.").

<sup>50</sup> *Id.* at 30.

<sup>51</sup> *Id.* at 24. Punishes homosexuality under the Criminal Code prohibition on "Unnatural Offences" as "sexual intercourse with another person against the order of nature." *Id.*

<sup>52</sup> *Id.* at 31.

<sup>53</sup> *Id.* at 4.

<sup>54</sup> *Id.* at 26. The Iraqi Penal Code of 1969 was reinstated after the American invasion in 2003. *Id.* Under that Penal Code, same-sex relations are not criminalized. *Id.* However, there have been reports of self-proclaimed *Shari'a* judges sentencing people to death for committing homosexual acts. *Id.*

<sup>55</sup> *Id.* at 44.

<sup>56</sup> *Id.* (not including the Gaza Strip).

<sup>57</sup> *Factsheet: The LGBT Community in the Middle East*, *supra* note 34.

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C. HOMOSEXUALITY IN TURKEY

Although the overwhelming majority of Turkish citizens identify as followers of Islam,<sup>58</sup> Turkey's political and cultural traditions make it unique within the Middle East. Turkey has been a secular republic since its founding in 1923.<sup>59</sup> Nonetheless, Islam continues to have a powerful (and arguably growing) influence on Turkish values and norms.<sup>60</sup>

Possibly as a result of Turkish secularism, Turkish law treats homosexuality in a facially neutral way, by failing to mention sexual orientation in much of their national law.<sup>61</sup> Turkey neither criminalizes homosexual behavior nor does it recognize the need for gay and lesbian persons to enjoy special protections under law. Culturally, however, homosexuality remains a taboo subject in most sectors of Turkish society, existing in a state of "don't ask, don't tell."<sup>62</sup> Parents may know their son is gay, but choose to portray his lifestyle as that of a young bachelor, explaining to friends and relatives that the reason that he is living with another man (his "roommate") is that he is saving money for a good marriage.<sup>63</sup>

There are signs, however, that attitudes about homosexuality are shifting toward greater acceptance in Turkey, especially among young people.<sup>64</sup> These changes in perception are also visible in the media and on social networking sites, with

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<sup>58</sup> It is estimated that 99.8% of Turkish citizens are Muslim. *Middle East: Turkey*, World Factbook Turkey, CIA (last updated June 20, 2014), <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html>.

<sup>59</sup> *Id.*

<sup>60</sup> While Turkey is a secular nation, Islam still has a strong influence on Turkish values and norms. Bereket & Adam, *supra* note 28, at 205.

<sup>61</sup> Öz, *supra* note 19, at 3.

<sup>62</sup> Interview with İhsan Kaçar, Activist, Human Rights Association, in Istanbul, Turkey (Mar. 6, 2012); Interview with Fulya Yüksel & Koray Kaplıca, Graduate Students & Activists, Human Rights Association, in Istanbul, Turkey (Mar. 6, 2012).

<sup>63</sup> Interview with İhsan Kaçar, *supra* note 59; see Bereket & Adam, *supra* note 28, at 212.

<sup>64</sup> See Selahattin Gelbal & Veli Duyan, *Attitudes of University Students toward Lesbians and Gay Men in Turkey*, 55 SEX ROLES 573 (2006). Interestingly, the study also showed a more positive view, and acceptance of, lesbians than gay men. *Id.* at 578. See also *Factsheet: The LGBT Community in the Middle East*, *supra* note 34.

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hundreds of Internet sites advertising or recommending LGBT-friendly hotels, bars, clubs, and *hamams*.<sup>65</sup>

Turkey has also experienced a shift in the way that the LGBT community views itself. In the past, homosexuality was linked with traditional “gender” roles, in which the “male” partner did not necessarily label his sexual behavior as “gay,” since he maintained his role within the sexual relationship.<sup>66</sup> More recently, some homosexual Turkish men have begun to use the term “gay” to define themselves.<sup>67</sup> This shift has also contributed to a greater awareness of problems faced by the LGBT community and its struggle for equality within Turkey.

### III. FAILURE OF THE LEGAL SYSTEM TO PROTECT THE LGBT COMMUNITY

The Turkish Constitution grants certain rights and protections to its citizens. Among them, Article 12 recognizes fundamental rights and responsibilities of all persons in Turkish society, while Article 10 guarantees equal protection and prohibits discrimination on the basis of gender, religion, political belief, and other categories.<sup>68</sup> Discrimination on the basis of sexual orientation, however, is not expressly prohibited.<sup>69</sup> This failure to provide express protections for gays and lesbians perpetuates violence and discrimination against LGBT persons.

#### A. VIOLENT CRIMES AGAINST LGBT INDIVIDUALS

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<sup>65</sup> See, e.g., ISTANBULGAY: EVERYTHING ABOUT GAY ISTANBUL, ISTANBULGAY.COM (last visited May 9, 2012); TURKEY GAY GUIDE & FORUM, TURKEYGAYGUIDE.TRIPOD.COM (last visited May 9, 2012); Gay Guide, GayGuide.eu (last visited May 9, 2012) (containing links to gay-friendly dance clubs, hamams (traditional Turkish bathhouses), hotels, restaurants, apartments, etc.).

<sup>66</sup> See Bereket & Adam, *supra* note 28, at 217.

<sup>67</sup> *Id.*

<sup>68</sup> TÜRKİYE CUMHURİYETİ ANAYASASI [CONSTITUTION] Oct. 17, 2001, art. 10, 12 (Turk.).

<sup>69</sup> Yasemin Öz, *Study on Homophobia, Transphobia, and Discrimination on Grounds of Sexual Orientation and Gender Identity: Legal Report—Turkey*, 3, DANISH INST. ON HUMAN RIGHTS, 3, [http://www.coe.int/t/commissioner/source/lgbt/turkeylegal\\_e.pdf](http://www.coe.int/t/commissioner/source/lgbt/turkeylegal_e.pdf) (last visited May 5, 2012)

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As the Turkish LGBT community gathers strength, support, and visibility, its members are increasingly targets of violence.<sup>70</sup> While official data on crimes committed against LGBT persons is not tracked in Turkey,<sup>71</sup> LGBT organizations and Amnesty International have documented and reported such crimes.<sup>72</sup> LGBT groups have identified at least sixteen murders since 2010 that were likely based upon the victims' "real or imputed sexual orientation or gender identity."<sup>73</sup> These include a transsexual woman who was stabbed thirty times in the city of Bursa and another who was murdered and dismembered in Izmir.<sup>74</sup> In March 2009, prominent transgender rights activist Ebru Soykan was killed in her home in Istanbul.<sup>75</sup> Prior to her murder, she had contacted police and prosecutors asking for police protection from her murderer.<sup>76</sup>

"In a survey of lesbian, gay, bisexual, and transgender individuals, over 70% said that they feared they would be attacked due to their sexual orientation or gender identity."<sup>77</sup> Transgender sex workers had this fear particularly, many of whom reported knowing a transgender woman who had been murdered in the

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<sup>70</sup> AMNESTY INT'L, *'Not an Illness Nor a Crime': Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, 30, EUR 44/001/2011 (June 21, 2011). Although beyond the scope of this paper, hate speech is also a problem encountered by the Turkish LGBT community and no specific law exists regarding hate speech in Turkey. Öz, *supra* note 68, at 18. Although Article 216 of the Turkish Penal Code criminalizes hostility, the Article bans provocation of another social group on grounds of social class, race, religion, sect, or coming from another origin. *Id.* Because LGBT groups are not an enumerated group, it is unclear that they can apply this Article when faced with hate speech. *Id.*

<sup>71</sup> AMNESTY INT'L, *supra* note 69, at 30.

<sup>72</sup> *Id.* at 31.

<sup>73</sup> *Id.* at 30.

<sup>74</sup> Jodi Hilton, *Honor Killings Target Turkey's LGBT Citizens*, HUFF. POST (Dec. 12, 2011), [http://www.huffingtonpost.com/2011/10/12/turkey-honor-killings\\_n\\_1007335.html](http://www.huffingtonpost.com/2011/10/12/turkey-honor-killings_n_1007335.html).

<sup>75</sup> Öz, *supra* note 68, at 20; HUMAN RIGHTS WATCH, *Turkey: Transgender Activist Murdered—Government Should Prosecute Violence, Prohibit Discrimination*, (Mar. 12, 2009), <http://www.hrw.org/news/2009/03/12/turkey-transgender-activist-murdered>.

<sup>76</sup> HUMAN RIGHTS WATCH, *supra* note 74.

<sup>77</sup> AMNESTY INT'L, *supra* note 69, at 31.

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course of her work.<sup>78</sup> There are also reports that Turkish police encouraged private gangs to attack transgender women.<sup>79</sup>

Many hate crimes in Turkey go unreported, either because victims fear revealing their identity or because police fail to investigate such crimes actively, even when there are witnesses and documentation.<sup>80</sup> Investigations are also compromised by the prejudicial attitudes of some police officers.<sup>81</sup> In one case, for example, it was reported that a police officer responding to an alleged sexual assault told the victim, “[i]n any case you are gay, you are open to rape.”<sup>82</sup> In addition, law enforcement officials often refuse to share details of an ongoing investigation or relevant documents with lawyers representing the victim’s family.<sup>83</sup>

In the past, even when hate-motivated crimes were prosecuted, perpetrators were acquitted or received lenient sentences because of claims by defendants that the victim requested or initiated sex and that this amounted to “unjust provocation.”<sup>84</sup> According to Amnesty International, such a defense is attempted in many cases involving a crime against an LGBT victim.<sup>85</sup> This may be changing, however, in response to mounting pressure by LGBT organizations and international groups.<sup>86</sup>

B. KILLINGS IN THE NAME OF HONOR: AN EMERGING TREND AMONG TURKISH FAMILIES WITH HOMOSEXUAL FAMILY MEMBERS?

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<sup>78</sup> *Id.*

<sup>79</sup> Öz, *supra* note 68, at 20.

<sup>80</sup> *See generally supra* note 68. These cases include the murder of Ahmet Yıldız, the murder of Dilek, the rape of several gay men and transgender women in Eskisehir, and the stabbing of a gay man in Diyarbakir. *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> AMNESTY INT’L, *supra* note 69, at 34.

<sup>83</sup> *See, supra* note 68.

<sup>84</sup> AMNESTY INT’L, *supra* note 69, at 34.

<sup>85</sup> AMNESTY INT’L, *supra* note 69, at 34.

<sup>86</sup> For instance, the Melek K. Murder Case, in October 2009, was the first case in which the Court determined that the murder was committed with homophobic motivation and rejected the murderer’s argument that the victim offered him sex that he committed the crime under unjust provocation. Öz, *supra* note 68, at 21. The perpetrator was sentenced to life in prison and was the first case in which the murderer was punished because of homophobic motivation. *Id.* However, this could be due to the eyewitness’ testimony, which could refute the claim of the victim’s offering the perpetrator sex.

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Honor killings are a unique kind of hate crime in that they are not solely motivated by hate and misunderstanding. An “honor killing”<sup>87</sup> is a form of intra-family violence, where the victim is killed because he or she is seen to have defiled the family’s honor and must be killed in order to restore it.<sup>88</sup> These types of murders find their origin in tribal custom, not Islam,<sup>89</sup> and are usually directed at women as the repositories of the family honor.<sup>90</sup> As illustrated by the case of Ahmet Yıldız, however, recently the practice has turned against LGBT family members.<sup>91</sup> Since 2004, Turkey has arguably made some small progress to prohibit honor killings. Previously, Article 51 of the Turkish Penal Code, Turkish Law 765<sup>92</sup> provided for sentence reductions for homicides that were the result of “unjust provocation.” Some judges interpreted this language as permitting reductions in cases involving

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<sup>87</sup> The authors of this article have chosen to place the term ‘honor’ in quotations because through interviews and discussions with Turkish human rights organizations and shelters, the use of honor killing provides a justification for the killing within the term. Using “honor” before a crime frames the discussion as if it were something akin to self-defense. This is improper because it is not an honorable act.

<sup>88</sup> Katja Luopajarvi, *Honor Killings as Human Rights Violations*, Akademi University: Institute of Human Rights (2003), 4, available at [http://web.abo.fi/instut/imr/norfa/Katja%20Luopa %20honour%20killings.pdf](http://web.abo.fi/instut/imr/norfa/Katja%20Luopa%20honour%20killings.pdf). A troubling trend has emerged in which families assign the task of the killing to an under aged member of the family because sentencing is less severe for juveniles. *Violence against Turkey’s LGBT Community and the Costs of Social Impunity*, UC DAVIS HUMAN RIGHTS INITIATIVE, <http://humanrightsinitiative.ucdavis.edu/2011/10/16/violence-against-turkey%E2%80%99s-lgbt-community-and-the-costs-of-social-impunity/> (last visited May 9, 2012).

<sup>89</sup> Palash R. Ghosh, *Honor Killings: The Scourge of Turkey (Part 1)*, INT’L BUS. TIMES (July 10, 2011), <http://www.ibtimes.com/articles/177390/20110710/honor-killings-crimes-turkey.htm>.

<sup>90</sup> Luopajarvi, *supra* note 84; Dan Bilefsky, *Soul-Searching in Turkey After a Gay Man Is Killed*, N.Y. TIMES (Nov. 25, 2009), <http://www.nytimes.com/2009/11/26/world/europe/26turkey.html?pagewanted=al> l.

<sup>91</sup> UC DAVIS HUMAN RIGHTS INITIATIVE, *supra* note 87.

<sup>92</sup> Tülin G. İçli, *Policing Challenges in Turkey: Dealing with Honor Killings as Crime or as Culturally Accepted Norm*, in EFFECTIVE CRIME REDUCTION STRATEGIES: INT’L PERSPECTIVES 397, 399 (James F. Albrecht & Dilip K. Das eds., 2011).

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family honor.<sup>93</sup> Under the revised Penal Code, Article 81 provides that “[a]ny person who unlawfully kills another person shall be sentenced to life imprisonment.”<sup>94</sup> Article 82 provides for “aggravated life imprisonment” for acts committed with the motive of “custom.”<sup>95</sup> Article 29 allows for a reduction in punishment for crimes committed out of “anger or asperity” due to an “unjust act.”<sup>96</sup>

Some scholars and organizations believe that the revisions to the Penal Code are the Turkish government’s attempt to deter “honor” killings.<sup>97</sup> The inclusion of custom as an aggravating factor and the change of mitigating language to “unjust act,” at least implicitly condemn “honor” killings and provide a more objective basis for sentence reductions based on “unjust acts.”<sup>98</sup> Others, however, are deeply critical of the changes, which they argue continue to allow for leniency in cases of “honor” killings. They note that while the Unjust Provocation Article states that it may not be used in “honor” killings, the legislative Commentary of that Article directly contradicts it.<sup>99</sup> This ambiguity grants the judge room to “legitimize” honor crimes.<sup>100</sup> Article 82’s aggravating factor for custom killings is also problematic, as the First Criminal Supreme Court has ruled that “the applicable article applied only to custom killings, whereas the case at hand was an ‘honour’ killing because it did not involve a formal family decision.”<sup>101</sup> While this ruling has since been amended to eliminate the family decision requirement, the distinction between an honor and custom killing remains, giving discretion to judges who are inclined to view “honor killings” as justified by provocation.<sup>102</sup>

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<sup>93</sup> *Id.* at 399-400.

<sup>94</sup> CONSTITUTION, *supra* note 67 at Art. 81(1).

<sup>95</sup> *Id.* at Art. 82(1).

<sup>96</sup> *Id.* at Art. 29.

<sup>97</sup> *See id.*; *Sentencing provisions*, UNITED NATIONS EQUITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, <http://www.endvawnow.org/en/articles/739-sentencing-provisions.html> (last visited May 9, 2012).

<sup>98</sup> İçli, *supra* note 91.

<sup>99</sup> Ghosh, *supra* note 88.

<sup>100</sup> *Id.*

<sup>101</sup> *Defining “honour” crimes and “honour” killings*, UNITED NATIONS EQUITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN, <http://www.endvawnow.org/en/articles/731-defining-honourcrimes-and-honour-killings.html> (last visited May 9, 2012).

<sup>102</sup> Rebecca E. Boon, Note: *They Killed Her for Going Out with Boys: Honor Killings in Turkey in Light of Turkey’s Accession to the European Union and*

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C. POLICE BRUTALITY

LGBT individuals in Turkey also face a heightened risk of adverse treatment from state officials.<sup>103</sup> Transgender individuals especially bear the brunt of this adverse treatment due to their greater visibility within the LGBT community.<sup>104</sup> Transgender women have suffered a long history of violence by police in custody. Because police officers who view these women in public places assume them to be sex workers, they are routinely arrested, harassed, and, in some cases, physically abused.<sup>105</sup> In a survey of 104 transgender women conducted by Lambda Istanbul in 2010, 89% reported that they had “been victims of physical violence in police pre-charge detention,” 97% reported being exposed “to verbal abuse, swearing and insult,” 77% reported “that they had suffered sexual violence,” and 86% reported “that the police refused to take records during their detention.”<sup>106</sup> Other reported abuses included destruction of property, beatings, arson of transgender persons’ homes, and torture while in custody.<sup>107</sup>

Prosecutions for such violations are rare. One transgender woman attempting to place a complaint about her treatment in the Alsancak police station in Izmir was told, “Here I take the records. Complain all you want, nothing will happen.”<sup>108</sup> In an unusual case, Chief of Police Süleyman Ulusoy “was indicted for ill-treatment against nine transgender women during his tenure as head of the Beyoğlu police [force] between 1996 and 1997.”<sup>109</sup> His prosecution was

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*Lessons for Iraq*, 35 HOFSTRA L. REV. 815, 839 (2006); Interview with İhsan Kaçar, Activist, Human Rights Association, in Istanbul, Turkey (Mar. 6, 2012); Interview with Fulya Yüksel & Koray Kaplıca, Graduate Students & Activists, Human Rights Association, in Istanbul, Turkey (Mar. 6, 2012); Interview with Özlem Ezawba, Director, Mor Çati, in Istanbul, Turkey (Mar. 6, 2012).

<sup>103</sup> AMNESTY INT’L, *supra* note 69, at 12.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* (“The police stations in the Beyoğlu area of Istanbul and the Alsancak area of İzmir, have been particularly notorious for the torture and other ill-treatment suffered by transgender women picked up by police officers on the street.”).

<sup>106</sup> *Id.*

<sup>107</sup> *Turkey: Transvestite and Transsexual Community Under Continued Police Attack*, Int’l Gay & Lesbian Human Rights Commission (Aug. 1, 1996), <http://iglhrc.org/content/turkey-transvestite-and-transsexual-community-under-continued-police-attack>.

<sup>108</sup> AMNESTY INT’L, *supra* note 69, at 12.

<sup>109</sup> *Id.*

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discontinued in 2004 before its conclusion under the terms of an amnesty law.<sup>110</sup> This suspension was surprising, as “a videotape showing him beating transvestites with a hosepipe in the police headquarters in Istanbul had been broadcast on television in 2000.”<sup>111</sup> According to a 2004 Amnesty International Report, he remained on duty in Istanbul after the incident.<sup>112</sup>

On a positive note, the Amnesty International report cited a general reduction in cases of torture and other ill-treatment in police stations due to activism by citizens, publicizing of violence experienced, and NGOs’ campaigns against police torture.<sup>113</sup> The report found, however, that cases of ill-treatment by law enforcement authorities remain high on the streets and beyond official places of detention.<sup>114</sup>

#### D. DISCRIMINATION IN EMPLOYMENT

The right to work is guaranteed by Article 49 of the Turkish Constitution.<sup>115</sup> In addition, Article 5 of the Labour Act prohibits discrimination by employers against certain groups,<sup>116</sup> but does not include discrimination based upon sexual orientation or gender identity.<sup>117</sup> Of special concern to the LGBT community is Article 125 of the Civil Servants Code, under which public employers may discipline civil servants (such as judges, prosecutors, army officers, police officers, etc.) whose behavior undermines the dignity of their profession or is considered immoral.<sup>118</sup> In addition, Article 27 of the Law on Elementary and High School

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<sup>110</sup> *Id.* See footnote 47 for explanation of law under which prosecution was discontinued. Law No. 4616 on Conditional Suspension of Trials and Sentences for Offences Committed up until April 1999.

<sup>111</sup> Amnesty Int’l, *Annual Report 2004: Turkey, Syria, Iran*, AMNESTY INTL, available at [http://www.kncna.org/docs/word\\_posting/Amnesty04.html](http://www.kncna.org/docs/word_posting/Amnesty04.html) (last visited May 8, 2012).

<sup>112</sup> *Id.*

<sup>113</sup> AMNESTY INT’L, *supra* note 69, at 12-13.

<sup>114</sup> *Id.* at 13.

<sup>115</sup> See generally Öz, *supra* note 68, at 31; CONSTITUTION, *supra* note 67 at Art. 49.

<sup>116</sup> See generally Öz, *supra* note 68, at 31-36 for discussion on employment issues by LGBT community in Turkey; CONSTITUTION, *supra* note 67 at Art. 5.

<sup>117</sup> AMNESTY INT’L, *supra* note 69, at 22.

<sup>118</sup> CONSTITUTION, *supra* note 67 at Art. 125; see Öz, *supra* note 68, at 31. Cases brought by Turkish citizens for employment discrimination on the basis of sexual orientation are rather rare, as many fear “coming out” in this way. *Id.* at 32. These laws have translated into courts dismissing cases in which the employee has been

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Teacher's Promotion and Discipline Number 1702 specifically provides that a teacher may be fired if his or her behavior is "impure" or renders the teacher unfit to teach.<sup>119</sup> Since LGBT persons' sexual orientation or gender identity is [readily] accepted as "immoral" or "impure," this discipline may be imposed on LGBT teachers.<sup>120</sup> In 2009, for example, a teacher challenged his dismissal on the basis of a finding by the Discipline Board of the Ministry of Education that he had entered into a "homosexual relationship."<sup>121</sup> The local administrative court hearing the case rejected the teacher's appeal on grounds that Turkish law permits the firing of a public employee for "impure" homosexual behavior.<sup>122</sup> This decision followed a similar holding by the Council of State, the highest administrative appeal court, in a case involving a police officer.<sup>123</sup> Other cases involving Article 125 are pending before various administrative courts in Turkey.<sup>124</sup>

Transgender Turkish citizens face particular employment challenges.<sup>125</sup> According to an Amnesty International report, most transgender women found securing employment nearly impossible, most turn to the often-times dangerous and unlicensed sex industry, risking violence and possible murder at the hands of their clients and police officers.<sup>126</sup> Transgender women who were employed before changing their gender also reported being forced out of their jobs as a result of the change.<sup>127</sup> A survey conducted by Lambda Istanbul shows that "of the 90 transgender women who were asked why they left their employment, 42 percent... [stated that] they believed they would be fired, 30 percent said that they were fired, 29 percent said that were denied promotion[,] and 24 percent said that they were

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dismissed by his or her employer due explicitly to his sexual orientation, ruling such dismissals lawful. AMNESTY INT'L, *supra* note 18, at 22.

<sup>119</sup> Öz, *supra* note 68, at 29; CONSTITUTION, *supra* note 67 at Art. 27.

<sup>120</sup> Öz, *supra* note 68, at 16.

<sup>121</sup> AMNESTY INT'L, *supra* note 69, at 23.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> See, Öz, *supra* note 68, at 34-35, Sedat Küçüközen Case (case pending involving a bank employee fired for his sexual orientation); A.Ş. Case, Çorum Administrative Court (pending case in which teacher was fired under Article 125); the Halil İbrahim Dinçdağ Case (case pending before the Turkish Football Federation where a referee was not allowed to enter a test to become a nationwide referee in May 2009 due to his sexual orientation).

<sup>125</sup> Öz, *supra* note 68, at 32.

<sup>126</sup> AMNESTY INT'L, *supra* note 69, at 23.

<sup>127</sup> *Id.*

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forced to resign.<sup>128</sup> Further, transgender women are not recognized by the state as female, excluding them from licensed sex work and exposing them to greater risk of violence and physical harm.<sup>129</sup>

E. DISCRIMINATION IN HOUSING

Article 57 of the Constitution guarantees citizens a right to housing.<sup>130</sup> No law, however, prohibits landlords from evicting tenants on the basis of their sexual orientation, sexual identity, or same-sex marital status.<sup>131</sup>

Again, it is transgender women who face the greatest obstacles in obtaining housing. While same-sex “roommates” may often pass for heterosexual men or women who are saving money for school or marriage, transgender individuals’ greater visibility makes them more vulnerable to discrimination.<sup>132</sup> Transgender women are consistently the targets of police harassment if they live in neighborhoods considered “unsuitable for ‘undesirable’ people.”<sup>133</sup> This has resulted in transgender persons being clustered in certain areas of big cities (Istanbul, Izmir, and Ankara),<sup>134</sup> exposing them to more targeted police harassment and frequent raids.<sup>135</sup>

F. FREEDOM OF EXPRESSION AND ASSOCIATION

In the face of hostility and discrimination against the LGBT community, NGOs have organized in some of Turkey’s cities to provide support to LGBT citizens.<sup>136</sup> There is even a LGBT publication, known as the Kaos GL Magazine.<sup>137</sup> These

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<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> Oz, *supra* note 68, at 36. CONSTITUTION, *supra* note 67 at Art. 57.

<sup>131</sup> Öz, *supra* note 68, at 37.

<sup>132</sup> Tarik Bereket & Barry D. Adam, *Navigating Islam and Same-Sex Liaisons Among Men in Turkey*, 55 J. OF HOMOSEXUALITY 204, 212 (2008). AMNESTY INT’L, *supra* note 69, at 20.

<sup>133</sup> AMNESTY INT’L, *supra* note 69, at 20.

<sup>134</sup> Öz, *supra* note 68, at 36-37.

<sup>135</sup> AMNESTY INT’L, *supra* note 69, at 20-21 (These raids are justified “on the grounds that [the homes] were being used for prostitution.” Transgender women reported to Amnesty International “that the police often fabricated evidence showing that the houses were being used as a brothel” and issued orders that forbid entry into the home for a period of 3-6 months at a time.).

<sup>136</sup> See *supra* Oz note 68.

<sup>137</sup> See Öz, *supra* note 68, at 12-13.

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efforts have been hindered, however, by efforts to suppress such publications and to limit the right of free association of groups supportive of LGBT rights.

*1. Freedom of the Press*

Article 26 of the Turkish Constitution protects the freedom of expression and dissemination of thought.<sup>138</sup> Like other areas of Turkish law, however, there is no specific guarantee in Article 26 that LGBT persons are able to use this right without discrimination.<sup>139</sup> While Article 28 protects freedom of the press, it allows censorship for information which threatens the “internal or external security of the state, or the indivisible integrity of the state . . . which tend to incite offence . . .”<sup>140</sup>

The Turkish government, through its police force and prosecutor’s office, has consistently violated the rights of LGBT-friendly publishers. The case of Kaos GL Magazine, which is currently pending before the European Court of Human Rights, is instructive.<sup>141</sup> Kaos GL is a human rights organization dedicated to fighting militarism, nationalism, homophobia, transphobia, and sexism.<sup>142</sup> In July 2006, the July-August edition of Kaos GL Magazine was confiscated by authorities on the same day it was printed.<sup>143</sup> The Ankara 12<sup>th</sup> Criminal Court of Peace authorized the confiscation based on Article 28 of the Constitution,<sup>144</sup> citing the magazine’s content as “pornographic” and breaching “general morality.”<sup>145</sup> Kaos

<sup>138</sup> Oz, *supra* note 68, at 12. CONSTITUTION, *supra* note 67 at Art. 26.

<sup>139</sup> *Id.*

<sup>140</sup> Oz, *supra* note 68, at 13. CONSTITUTION, *supra* note 67 at Art. 28.

<sup>141</sup> *The History Begins*, KAOS GL <http://www.kaosgl.org/page.php?id=10426> (last visited May 7, 2012); Research Director, immigration and Refugee Bd. Of Can., *Turkey: Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available*, IMMIGRATION AND REFUGEE BD. OF CAN. (June 11, 2007), <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&docid=46fa537428&skip=0&category=COI&publisher=IRBC&coi=TUR&querysi=Treatment%20Of%20Gay&searchin=title&sort=date>.

<sup>142</sup> *The History Begins*, *supra* note 141.

<sup>143</sup> *Id.* To create additional problems for the magazine, Umut Guner, vice president of the Kaos GL Association and chief editor of the magazine was indicted with the Ankara Criminal Court of First Instance. Öz, *supra* note 68, at 14. However, he was acquitted because the magazine had been seized before distribution, failing to meet the requirements necessary for the crime of “obscenity.” *Id.* at 16.

<sup>144</sup> Öz, *supra* note 68, at 13.

<sup>145</sup> *The History Begins*, *supra* note 141.

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GL appealed the decision to the Ankara Criminal Court of First Instance, which upheld the lower court's decision.<sup>146</sup> Kaos GL then turned to the European Court of Human Rights (ECHR).<sup>147</sup> After the ECHR's acceptance of the association's appeal, the Turkish government responded saying, "freedom of expression is the cornerstone of a democratic society. However, as it is stated in Article 10/2 of the Convention the exercise of this right may be subject to some restrictions . . . In some circumstances, the limitation on the freedom of expression is a 'must' for society. . . ."<sup>148</sup> The Turkish government went on to state that the measure imposed on the publisher was in compliance with Article 10/2 of the European Convention on Human Rights.<sup>149</sup> The case was still pending before the ECHR as of 2012.

Other publications have encountered problems, as "all publications on gay relationships [are] considered obscene and against morality."<sup>150</sup> Turkish legislation does not clearly define "public morality," a term used by the courts, and what violates that standard.<sup>151</sup>

## 2. *Freedom of Association*

Turkey's three biggest cities—Istanbul, Ankara, and Izmir—boast civil society networks (known as "initiatives") that provide support and advice to Turkey's LGBT community.<sup>152</sup> Despite constitutional protection for the right to associate, these organizations have faced repeated challenges to their operation.

The freedom to associate is found in Article 33 of the Turkish Constitution.<sup>153</sup> Like the freedom of expression, however, this freedom is not absolute. Article 56 of the Turkish Civil Code forbids the establishment of associations against laws and ethics<sup>154</sup> and Article 33 limits the freedom on the grounds of protecting national security, public order, public morals, and public

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<sup>146</sup> *Id.*

<sup>147</sup> Kaos GL Case, ECHR, Case Number 4982/07. Öz, *supra* note 68, at 13

<sup>148</sup> *Id.*, at 14-15.

<sup>149</sup> *Id.* at 15.

<sup>150</sup> *Id.* at 16.

<sup>151</sup> *Id.* For more information regarding cases in this subject, *see* Anıl Alacaoğlu/The Book "Third Class Woman" Case, was pending before the Ankara Criminal Court of Peace as of May 2012. Öz, *supra* note 68, at 16-17; Sel Yayıncılık (Sel Publications)- The Book "Aşkın L Hali" (The 'L' Aspect of Love) Case, Press Division of Istanbul Public Prosecutor's Office, Case No. 2009/66795. *Id.* at 17.

<sup>152</sup> AMNESTY INT'L, *supra* note 69, at 26.

<sup>153</sup> CONSTITUTION, *supra* note 67 at Art. 33.

<sup>154</sup> MEDENI KANUN [CIVIL CODE] Law No. 4963 [2003], art. 56 (Turk.).

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health.<sup>155</sup> The oversight of Turkish associations is delegated to the Directory of Associations, which has the right to make a claim against an association before the city public prosecutor in order to close down the association if it is determined that the association is against the law and ethics.<sup>156</sup> If the prosecutor agrees, he or she may file a claim on behalf of the public with the Civil Court of First Instance, requesting the closure of that association.<sup>157</sup> If the association is shut down, it has the right to appeal the decision to the High Criminal Court.<sup>158</sup> The Directory has unsuccessfully petitioned for the shut-down of five legally registered LGBT organizations, although every LGBT organization has been met with resistance from the Directory.<sup>159</sup>

Despite the lack of success in formally shutting down LGBT organizations, arbitrary sanctions against LGBT associations have been reported to Amnesty International.<sup>160</sup> For instance, some associations were fined for providing the requisite documentation to the local authorities *too* early.<sup>161</sup> The Directory has also required some associations to carry out up to eight separate audits in a span of three years—far more than other human rights associations.<sup>162</sup> In this way, the Directory of Associations retains its power to harass LGBT-friendly associations through indirect means, while continuing its attempts to shut them down for their violation of Turkish morals and family structure.<sup>163</sup>

#### IV. INTERNATIONAL OBLIGATIONS

Since October of 2005, Turkey has been in accession talks to become a member of the European Union.<sup>164</sup> Since the early 2000's, Turkey has enacted a series of economic and political reforms, such as an expansion of civil rights and the

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<sup>155</sup> *Id.* at Art. 33.

<sup>156</sup> Öz, *supra* note 68, at 7.

<sup>157</sup> *Id.* at 7-8.

<sup>158</sup> *Id.* at 8.

<sup>159</sup> *Id.*

<sup>160</sup> AMNESTY INT'L, *supra* note 69, at 27.

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Timeline: Turkey's Long and Winding Road Towards EU*, REUTERS (Jan. 18, 2009),

<http://www.reuters.com/article/2009/01/18/us-turkey-eu-accession-timeline-idUSTRE50H0R320090118>.

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abolition of the death penalty, in pursuit of membership to the EU.<sup>165</sup> However, these attempted human rights reforms were obstructed by a failure to implement them in practice, creating a very serious obstacle to EU membership.<sup>166</sup>

In order to be granted membership to the EU, each candidate nation must adopt, implement, and enforce the entire body of European Community laws, often called the *acquis communautaire*.<sup>167</sup> The *acquis* includes enacting all of the treaties, regulations, and directives passed by the EU and European Institutions, as well as following the judgments of the European Court of Justice.<sup>168</sup> Any country being considered for membership to the EU must meet the conditions of each of the 35 “chapters” of the EU *acquis*.<sup>169</sup> Among the 35 chapters of the *acquis* that every candidate must meet are standards on: the free movement of goods, freedom of movement of workers, free movement of capital, competition policy, transport policy, and social and employment policies.<sup>170</sup>

Over the last two decades, the European Union has been increasingly aware of and committed to protecting the rights of LGBT individuals. In 2000, the EU adopted the EU Charter of Fundamental Rights, explicitly prohibiting discrimination based on sexual orientation in Article 21.<sup>171</sup> The European Commission for Justice, Fundamental Rights and Citizenship then stated that its

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<sup>165</sup> Catherine Boyle, *When Will Turkey Join the European Union?*, CNBC (Aug. 13 2012), <http://www.cnbc.com/id/48608934>.

<sup>166</sup> See Helena Smith, *Human Rights Record Haunts Turkey's EU Ambitions*, GUARDIAN (Dec. 12 2004), <http://www.guardian.co.uk/world/2004/dec/13/eu.turkey1>.

<sup>167</sup> *Acquis Communautaire*, EUROFOUND (Mar. 11, 2007) <http://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/acquis-communautaire>.

<sup>168</sup> *Id.*

<sup>169</sup> *Acquis Communautaire*, A-Z of Europe, BBC (Apr. 30, 2001), [http://news.bbc.co.uk/2/hi/in\\_depth/europe/euro-glossary/1216329.stm](http://news.bbc.co.uk/2/hi/in_depth/europe/euro-glossary/1216329.stm); European Neighbourhood Policy and Enlargement Negotiations, Conditions for membership, EUROPEAN COMMISSION, [http://ec.europa.eu/enlargement/policy/conditions-membership/index\\_en.htm](http://ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm) (last updated Nov. 19, 2014).

<sup>170</sup> *How Does a Country join the EU?*, EUROPEAN COMMISSION, [http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/negotiations\\_croatia\\_turkey/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/negotiations_croatia_turkey/index_en.htm) (last updated Mar. 5, 2012)

<sup>171</sup> Charter of Fundamental Rights of the European Union art. 21, 2010 O.J. c. 83/02.

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priority is to ensure that EU legislation fully complies with this Charter and adopted a Directive banning discrimination in employment and occupation on the basis of sexual orientation.<sup>172</sup>

The lack of anti-discrimination laws protecting LGBT persons is a major point of contention regarding Turkey's ascent to the European Union. Although striving to meet various legal and social standards required for EU ascension, Turkey has resisted efforts in the area of LGBT rights.<sup>173</sup> For instance, in 2011, Turkey refused to amend its Equal Protection law to include protection from discrimination based on sexual orientation and gender identity.<sup>174</sup> Turkey also refused to sign a EU-sponsored statement presented to the United Nations General Assembly that supported the de-criminalization of homosexuality.<sup>175</sup>

Each year, the European Commission issues a report of Turkey's progress regarding compliance to EU standards and regulations. According to the 2011 report:

The principle of anti-discrimination is enshrined in the Constitution and in several laws. However, comprehensive anti-discrimination legislation is lacking, the current legal framework is not adequately aligned with the EU *acquis* and, in practice, discrimination is taking place against various categories of persons. Legislation establishing an antidiscrimination and equality board has not been adopted.<sup>176</sup>

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<sup>172</sup> See Council Directive 2000/78/EC, of 27 Nov. 2002 establishing a general framework for equal treatment in employment and occupation, OJ L 303/16, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

<sup>173</sup> Press Release by European Parliament's Intergroup on LGBT Rights, *Turkey and Montenegro: LGBT Rights Part of EU Accession Conditions* (Mar. 9, 2011) available at <http://www.lgbt-ep.eu/press-releases/turkey-and-montenegro-lgbt-rights-part-of-eu-accession-conditions/>.

<sup>174</sup> *Id.*

<sup>175</sup> Human Rights Watch, *UN Gen. Assembly Statement Affirms Rights for All*, HRW.ORG (Dec. 19, 2008), <http://www.hrw.org/news/2008/12/18/un-general-assembly-statement-affirms-rights-all> (First ever statement on sexual orientation and gender identity at the UN General Assembly.).

<sup>176</sup> European Commission, *Turkey 2011 Progress Report*, SEC (2011) 1201, 35-36, (Oct. 12, 2011), available at

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The report also cites to Turkey's failure to support a "European Union-sponsored amendment to the UN Resolution on extra-judicial executions and other unlawful killings calling on all States to decriminalize homosexuality, despite the fact that homosexuality is not a criminal offence in Turkey."<sup>177</sup> Instances of discrimination against LGBT citizens in the workplace, violence targeting LGBT citizens, and intimidation by the police were also cited as problematic to Turkey's entrance into the European Union and the report finds that further measures are required to increase protections of and participation by Turkish LGBT citizens.<sup>178</sup> According to the EU's 2013 progress report on Turkey, the country still has quite a way to go before meeting the *acquis* standards; the report states that "substantial efforts are needed to effectively guarantee the rights of women, children, and lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals," and that the authorities must "enhance efforts to protect other fundamental rights and freedoms so that all citizens can exercise their rights without hindrance."<sup>179</sup> In the 2014 progress report, the European Commission states that "respect for the fundamental rights of lesbian, gay, bisexual, transgender and intersex ... persons needs to be improved."<sup>180</sup>

Turkey's resistance to EU demands for the codification of protection for its LGBT citizens is consistent with the attitudes of the majority ruling AK party. Some commentators believe that the AKP government is no longer committed to the goal of EU membership, implementing policies that have instead limited separation of powers, judicial independence, and freedom of expression.<sup>181</sup> The AK party has at

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[http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/tr\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf).

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> European Commission, *Turkey 2013 Progress Report*, SWD (2013) 417, 2 (Oct. 16, 2013), available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/brochures/turkey\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/turkey_2013.pdf).

<sup>180</sup> European Commission, *Turkey 2014 Progress Report*, SWD (2014) 307, 67 (Oct. 8, 2014), available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf).

<sup>181</sup> Sergei Stanishev, *European Left: AKP Policies Have Consequently Made Turkey Less Qualified for EU Accession*, BLOGACTIV.EU (Mar. 22, 2012), <http://kadersevinc.blogactiv.eu/2012/02/22/european-left-akp-policies-have-consequently-made-turkey-less-qualified-for-eu-accession/>.

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times labeled the European Union as a “club of Christians”<sup>182</sup> and has moved towards de-secularization of Turkish society.<sup>183</sup> Given the sometimes-strained relationship between Turkey and the European Union, and the AK Party’s desire to maintain conservative Islamic ideals (resulting in discriminatory practices against the LGBT community), Turkey’s accession to the European Union may be a dream of the past. However, because the Turkish government continues its rhetoric of a desire to become an EU member state (fueled by popular pressure), EU recommendations and laws may still have pull among government officials and may result in significant changes in discriminatory laws and practices for the LGBT community. Turkey’s unique position as a candidate for EU membership creates an external pressure on the country to address LGBT issues, which contrasts the approach taken by many of its regional neighbors.

## V. PROPOSALS FOR REFORM

Given Turkey’s struggles in the area of LGBT rights, as well as requirements imposed for EU membership, this article proposes several changes that should be implemented by the Turkish government. These include changes in formal law and policy, as well as practice reforms intended to reduce discrimination and violence on the basis of sexual orientation and identify and to promote LGBT rights.

### A. CONSTITUTIONAL REFORM OF ARTICLE 10 AND THE INCLUSION OF “SEXUAL ORIENTATION” AND “GENDER IDENTITY”

Article 10 was one important battle in the war waged between LGBT activists and the Turkish government over constitutional reform in May 2010. Organizations such as Lambda Istanbul, the Human Rights Association, and Kaos GL have fiercely lobbied for the inclusion of “sexual orientation” and “gender identity” in Article 10’s anti-discrimination language.<sup>184</sup> Specifically, these organizations sought to amend the law to read as follows:

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<sup>182</sup> *Turkey Warns against EU 'Club of Christians,'* MIDDLE EAST ONLINE, Jan. 26, 2008, <http://www.middle-east-online.com/english/?id=24066>.

<sup>183</sup> Bassam Tibi, *Islamists Approach Europe: Turkey’s Islamist Danger*, 16 MID. EAST QUART. 47, 50 (Winter 2009), available at [http://www.meforum.org/2047/islamists-approach-europe#\\_ftn17](http://www.meforum.org/2047/islamists-approach-europe#_ftn17).

<sup>184</sup> *Annex to Article 10: Recognize the Reality of LGBT!*, KAOS GL (Jan. 10, 2012), <http://www.kaosgl.org/page.php?id=10318>; Interview with İhsan Kaçar, Activist, Human Rights Association, in Istanbul, Turkey (Mar. 6, 2012); Rex Wockner,

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*Every individual is equal before the law, irrespective of language, ethnicity, skin colour, gender, sexual orientation, gender identity, political view, philosophical belief, religion, sect, marital status, age, disability etc.*<sup>185</sup>

Unfortunately, the government refused to support the proposed changes to Article 10, instead amending the Article to make it permissible to take positive action to combat unequal treatment.<sup>186</sup> Following the government's rejecting of suggestions for Constitutional amendments the previous year, human rights civil society organizations in Turkey worked with government officials to draft a proposed "Law to Combat Discrimination and Equality."<sup>187</sup> However, the version of the bill posted to the Ministry of the Interior's website had removed protection against discrimination on the basis of gender identity and sexual orientation.<sup>188</sup>

This open resistance to any sort of protection from discrimination for the LGBT community requires constitutional amendment. Amending Article 10 to include "sexual orientation and gender identity" as expressly protected categories would be a meaningful first step towards eliminating discrimination against the LGBT community, especially since discrimination claims in violation of the Constitution can be challenged in court. In addition, such an amendment would demonstrate the government's commitment to equality for all persons and bring it into alignment with the requirements of the European Union.

B. FURTHER REFORM THE PENAL CODE TO EXPAND HATE CRIMES AND INCLUDE THE "HONOR KILLING" LANGUAGE

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*Court: Lambda Istanbul Can Continue Operating*, BETWEEN THE LINE NEWS (May 7, 2009), <http://www.pridesource.com/article.html?article=34943>.

<sup>185</sup> *Annex to Article 10, supra* note 184.

<sup>186</sup> AMNESTY INT'L, 'NOT AN ILLNESS NOR A CRIME': LESBIAN, GAY, BISEXUAL AND TRANSGENDER PEOPLE IN TURKEY DEMAND EQUALITY, 9, EUR 44/001/2011 (JUNE 21, 2011).

<sup>187</sup> *Id.*

<sup>188</sup> Kaos GL and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (European Region), *Submission on the 4th National Report by Turkey on the Implementation of the Revised European Social Charter*, 9 (Mar. 4, 2012), available [https://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Turkey4Add\\_en.pdf](https://www.coe.int/t/dghl/monitoring/socialcharter/Reporting/StateReports/Turkey4Add_en.pdf).

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Turkey has a civil law tradition, meaning that “the primary sources . . . are enacted law and custom, with the former overwhelmingly more important.”<sup>189</sup> Positive law is the preeminent source of law and higher court decisions are not binding in the same way that they bind lower courts in the United States or England.<sup>190</sup> In a civil law tradition, judges have a higher degree of judicial independence from other court rulings. The language and clarity of the law itself is extremely important, as it is the source of legal rights and obligations.<sup>191</sup> To provide greater protections for LGBT citizens experiencing violence in Turkey, the Penal Code must be further reformed to include sexual orientation and gender identity in hate crimes legislation, and “honor killings” must be explicitly included in Article 82 as a form of “custom” killings.

A hate crime consists of two elements: a criminal offense and a biased motive.<sup>192</sup> Hate crime victims are a distinct category because they are unable to alter the characteristic which made them a target in the first place, a fact that causes psychological injury and fosters a sense of vulnerability.<sup>193</sup> Hate crimes also have a negative impact on the targeted group, as all of its members are affected when one of its members is subjected to a hate crime.<sup>194</sup> As other jurisdictions have concluded, hate crime legislation has many benefits, including: (1) increased awareness of the reality of invidious discrimination faced by certain groups; (2) improved data collection; (3) enhanced symbolic value of “society’s rejection of crimes based on bias”; and (4) recognition of the harm done to the crime victim and the community.<sup>195</sup> As part of the government’s second “democratization package,” the Turkish Parliament amended the Turkish Criminal Code in March of 2014 to include hate crimes and to increase penalties for discrimination based on “language, race, colour, gender, disability, political opinion, philosophical belief, religion, sect and similar reasons.”<sup>196</sup> While the country now recognizes hate crimes and punishes

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<sup>189</sup> Mary Ann Glendon, Paolo G. CarÖzza, & Colin B. Picker, *COMPARATIVE LEGAL TRADITIONS: TEXT, MATERIALS AND CASES ON WESTERN LAW* 226 (3rd ed. 2007).

<sup>190</sup> *Id.*

<sup>191</sup> *See generally id.*

<sup>192</sup> OSCE OFFICE FOR DEMOCRATIC INSTS. & HUMAN RIGHTS, *HATE CRIME LAWS: A PRACTICAL GUIDE* 16 (2009).

<sup>193</sup> *Id.* at 20.

<sup>194</sup> *Id.*

<sup>195</sup> *Id.* at 7, 22-23.

<sup>196</sup> European Commission, *Turkey 2014 Progress Report*, SWD (2014) 307, 58 (Oct. 8, 2014), [available at](#)

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this form of violent discrimination, discrimination based on ethnic origin, sexual orientation, and gender identity are still not included.<sup>197</sup> Suggested language for hate crime legislation in Turkey is as follows:

If crimes are committed with the motivation of hatred against, contempt for, or hostility to any individual on the basis of language, colour, race, disability, religion, ethnicity, sexual orientation, gender identity, gender, sex, political opinion, philosophical belief, sect, or any such considerations that against the public morality are aggravating circumstances that may double the penalty of any crime under the Turkish Penal Code.<sup>198</sup>

The addition of specific “honor killing” language is also crucial to combating violence against the LGBT community. Although the adoption of reformed hate crime legislation should cover “honor” killings, it is important to also include “honor” killings in Article 82, as hate crimes would not necessarily protect women who encounter “honor” violence. The Turkish government might consider including the following language into Article 82:

*“Honor”-based violence, defined as that exercised in the name of traditional codes of honor, shall be considered an aggravating factor in sentencing. This includes violence motivated by protection, retention, or restoration of honor of the community, the family, the perpetrator, or the victim.*

C. PROTECTION FROM DISCRIMINATION IN THE AREA OF EMPLOYMENT

In addition to the proposed reform of Article 10, Article 5 of the Labour Act should be amended to include protection against employment discrimination on the basis of gender identity and sexual orientation. Article 125 of the Civil Servants Code should also specifically reference Article 5 language as follows:

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[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)

<sup>197</sup> *Id* at 59.

<sup>198</sup> The Authors based their suggested language on Article 10 of the Turkish Constitution and existing Turkish anti-discrimination law, as well as penal codes of other nations. Other examples of specific penalty enhancements include Articles 33-42 of Belgium’s Law of 10 May 2007 and Article 30.6 of Andorra’s Criminal Code.

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*“Civil servants whose behaviours are against dignity of their profession or whose behaviours in their work place are immoral shall receive disciplinary punishment, except upon the bases enumerated in Article 5 of the Labour Act; namely, no discrimination based on language, race, sex, sexual orientation, gender identity, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship”* (emphasis added).

Finally, teachers should be granted similar protections as outlined above through a process of amending Article 27 of the Law on Elementary and High School Teacher’s Promotion and Discipline to reference Article 5 of the Labour Act.

D. POLICY REFORM: GOVERNMENT SHELTERS, POLICE TRAINING, AND CULTURE CHANGE

While legal reforms are an important component of progress and acceptance, they are only effective if they have a baseline level of societal support. For instance, individuals prosecuted for “honor” killings are sometimes given “heroic” treatment in prisons<sup>199</sup> and rarely express regret for their actions.<sup>200</sup> Given this non-legal dimension, policy, practice, and programmatic changes must be considered in order to achieve real equality for LGBT citizens.

First, government domestic abuse shelters must be reformed to allow admittance of LGBT persons. Currently, shelters deem LGBT persons ineligible for admission, leaving them vulnerable to domestic abuse, violence, and homelessness.<sup>201</sup> Next, the Turkish government should implement sensitivity training for its police force to combat the tradition of police brutality against LGBT individuals. This kind of violence should be unacceptable, regardless of the victims’ sexual orientation or gender identity, and all police violence throughout

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<sup>199</sup> Aysan Sev'er & Gökçeçiçek Yurdakul, *Culture of Honor, Culture of Change: A Feminist Analysis of Honor Killings in Rural Turkey*, 7/9 VIOLENCE AGAINST WOMEN 964, 987 (2001).

<sup>200</sup> FILIZ KARDAM, THE DYNAMICS OF HONOR KILLINGS IN TURKEY: PROSPECTS FOR ACTION 47 (2005).

<sup>201</sup> AMNESTY INT’L, *supra* note 188, at 35; Interview with Özlem Ezawba, Director, Mor Çati, in Istanbul, Turkey (Mar. 6, 2012); Yasemin Öz, *Study on Homophobia, Transphobia, and Discrimination on Grounds of Sexual Orientation and Gender Identity: Legal Report—Turkey*, 36, DANISH INST. ON HUMAN RIGHTS, [http://www.coe.int/t/commissioner/source/lgbt/turkeylegal\\_e.pdf](http://www.coe.int/t/commissioner/source/lgbt/turkeylegal_e.pdf) (last visited May 5, 2012).

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Turkey should be more rigorously investigated and punished. The Turkish government should also implement education programs and initiatives to promote awareness and acceptance of LGBT persons. Several studies have shown that an important indicator of acceptance of an LGBT person is whether that individual has a close friend or family member who knows that the person is gay, lesbian, bisexual or transgender.<sup>202</sup> In a study conducted in a Turkish university, results demonstrated that individuals might change their attitudes towards homosexuality in a positive way after learning about homosexuals and having a positive experience with them.<sup>203</sup> People who know a homosexual have an increased tolerance for homosexuality, even if the person does not fully accept homosexuals or homosexuality.<sup>204</sup> This type of direct contact is very effective in raising awareness, although does not result in a complete shift from intolerance to tolerance.

Finally, given the prevalence of Islam in Turkey and the influence of imams, imams should be encouraged to examine the issue of homosexuality in the context of Islam's traditional focus on social justice and protection of the weak. These principles are consistently found throughout Muslim religious teaching and should be applied to the LGBT community. This is the most ambitious of this Article's recommendations, as adultery will still be a sin and condemned by all imams. However, taking the focus away from condemnation of homosexuality and examining the issue through the lens of protection for a minority group will hopefully turn societal views towards acceptance and aid in a decrease in violence experienced by the LGBT community.

## VI. CONCLUSION

While there have been steps toward equality in the last several years<sup>205</sup>, the LGBT community faces discrimination in many areas of Turkish life. While a

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<sup>202</sup> See Henry J. Kaiser Family Foundation, *New Surveys on Experiences of Lesbians, Gays, and Bisexuals and the Public's Views Related to Sexual Orientation* (2007).

<sup>203</sup> Nuray Sakalli & Özanser Ugurlu, *The Effects of Social Contact with a Lesbian Person on the Attitude Change Toward Homosexuality in Turkey*, 44/1 JOURNAL OF HOMOSEXUALITY 111, 116-18 (2002). The study introduced a lesbian to 89 undergraduate students from Middle East Technical University. *Id.* at 111. The lesbian gave a brief presentation and then allowed for a question and answer session. *Id.* Participants were surveyed regarding their attitudes about homosexuality before and after the presentation. *Id.*

<sup>204</sup> *Id.*

<sup>205</sup> "A self-identified LGBTI person was elected to serve on a municipal council in Istanbul." European Commission, *supra* note at 59. 2014 LGBT pride parades

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change in societal attitudes towards homosexuality will not occur overnight, reforming the law is a first step towards protecting a minority group of citizens facing violence and oppression. Further, for Turkey to achieve European Union membership, it must address its lack of discrimination protections for the LGBT community. For these reasons, the Turkish government must protect LGBT citizens from all forms of discrimination, particularly in the areas of violence, employment, housing, freedom of expression and association. Continued inaction regarding LGBT rights is not simply an issue of protecting the right of an LGBT person to an apartment or retaining a good job – it can be a matter of life or death.

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“went ahead without disruption in major cities.” *Id.* at 53. The LGBT community has also found an ally in the Grand National Assembly in Dr. Binnaz Toprak, who “sponsored a motion demanding that the parliament establish a commission of inquiry to identify all forms of discrimination and abuse faced by the LGBT community.” Hossein Alizadeh, *‘The Other’ and LGBT Rights in Turkey*, HUFF. POST (May 17, 2013), [http://www.huffingtonpost.com/hossein-alizadeh/the-other-and-lgbt-rights-in-turkey\\_b\\_3288724.html](http://www.huffingtonpost.com/hossein-alizadeh/the-other-and-lgbt-rights-in-turkey_b_3288724.html).