

#### SLIDE 1:

Hello, my name is Kerem DİKMEN, I am the human rights program coordinator of Kaos GL Association.

Today I will be presenting the joint report prepared by Murat Çekiç Human Rights Association, Kaos GL Association, 17 May Association. Our joint report focuses on structural and current problems in the field of LGBTI+ rights. The government did not consult with any LGBTI+ organization for the national report. Therefore, you will find information in our report that is not included in the national report. You can also find the information note on our report on the table. Our presentation will focus on the first three recommendations of the report.

#### SLIDE 2:

Our first topic is the investigation of hate crimes and discrimination.

#### SLIDE 3.

During the 3rd cycle, Article 122 of the Turkish Penal Code was in force. You see the article on the slide. The title of the article is hatred and discrimination.

This article regulates as a criminal act the prevention of the sale of goods or services, the refusal of employment or the prevention of commercial activities of persons because of their identity characteristics. Motivations for discrimination are specifically mentioned in the article. Sexual orientation and gender identity are not among them. As such, there is no penalty for committing this act against LGBTI+ persons.

#### SLIDE 4:

In Cycle 3, five states made recommendations to specifically respond to hate crimes and investigate criminal acts.

#### SLIDE 5

After Cycle 3, there was no change. On the other hand, Turkey is experiencing an economic crisis, the impact of which has increased after COVID-19. The housing crisis also accompanies this. The LGBTI+ exclusionary structure of this article causes LGBTI+ people to feel the housing crisis more severely. Discrimination is widespread, especially

in renting. There are also reported violations of rights in the sale of goods and services, especially in public places, where same-sex couples are thrown out.

#### SLIDE 6:

We recommend that the government amend Article 122 of the Turkish Penal Code within one year to prohibit discrimination on any grounds in hiring, renting, and selling goods and services.

#### SLIDE 7

We will now look at the previous and current situation under the heading on the national human rights mechanism, Human Rights and Equility Institution of Turküye , and share our recommendations. We address TİHEK at two points. Functionality and independence for LGBTI+ persons.

#### SLIDE 8

On the screen you see two articles from the law establishing TİHEK. The article is about combating discrimination. The grounds for discrimination are specifically listed. However, “sexual orientation” and “gender identity” are not among them.

Article 8 shows that in Turkiye, which is governed by a presidential system, TİHEK is directly dependent on the president.

#### SLIDE 9

Five States made recommendations to combat discrimination effectively and systematically. The establishment of comprehensive legislation was recommended.

Six states have also made recommendations that the human rights mechanism should meet universal standards

#### SLIDE 10

There has been no progress at the legislative level since the last cycle. There is regression at the policy level. TIHEK systematically rejects the applications of LGBTI+ persons on discrimination with inadmissibility. The reason for this is that sexual orientation and gender identity are not among the forms of discrimination listed in Article 2 of the founding law.

In some decisions of TIHEK, LGBTI+ persons are referred to as deviants. It reports directly to the president and is therefore under the direct influence of anti-LGBTI+ policies produced by the presidency.

#### SLIDE 11

THEREFORE

Within one year, the founding law of TIHEK should be amended to ensure that “applications on discrimination made by LGBTI+ persons are also examined; and

We recommend that TIHEK be given an independent structure. It should be noted that the UN Human Rights Committee made the same recommendation in its report to the State following the review of the Covenant on Civil and Political Rights.

#### SLIDE 12

Finally, I will conclude my presentation by briefly touching on the legal gender recognition.

### SLIDE 13

On the screen, you see Article 40 of the Turkish Civil Code, which is the legal article on gender recognition. According to this article, trans people who demand legal recognition of their gender are forced to undergo surgery. They are forced to accept hormone intervention.

### SLIDE 14

From time to time, courts expect trans men to undergo penis surgeries called phalloplasty. They do not consider uterus and breast surgeries sufficient. And people are forced to accept the permanent termination of their ability to reproduce.

### SLIDE 15

Our recommendation in this regard is to amend Article 40 of the Turkish Civil Code and ensure that the gender of transgender people who do not accept intervention in their bodies is legally recognized.