

# 2012 Report of Human Rights Violations Based on Sexual Orientation and Gender Identity

Social Policies, Gender Identity, and Sexual Orientation Studies  
Association (SPoD) Library on Access to Law and Justice 2

Project to Strengthen Mechanisms of Access to Justice

for LGBT people in Turkey

August 2013

Istanbul

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[LGBTI News Turkey](#)

This publication was supported by the Open Society Foundation, Friedrich-Ebert-Stiftung Association's Representation in Turkey, Matra Fund of the Consulate General of the Kingdom of Netherlands, the Consulate General of Sweden in Istanbul, Olof Palme International Center, Mamacash and Global Dialogue.

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## **PREFACE**

### **2012 Report on Human Rights Violations Based on Sexual Orientation and Gender Identity**

For lesbian, gay, bisexual, and trans people, the year 2012 ended with various rights violations like previous years. In 2012, 11 hate crimes were committed. 6 transgender and 5 homosexual individuals lost their lives because of hate-motivated killings. 8 hate-motivated violence incidents were reported on the Internet and on LGBT news portals. It was a difficult year with lynching attempts, torture, ill treatment, domestic violence, rape and cyber attacks.

Under the “Discrimination” chapter of the report, 3 violations of the right to housing committed against transgender women were detected. In work life, 2 people started their legal struggles after they were fired for their sexual orientation. 4 people were not allowed to enter a place and to receive service because of their sexual orientation or gender identity. In health care services, the Turkish Red Crescent claimed that HIV-positive blood was obtained from a bisexual individual in the “HIV-Positive Blood” case. With the military’s redefinition of homosexuality leading the way, we have encountered discrimination in “state discourse” in 7 different events.

As LGBT associations, we have been working to monitor and report the human rights violations of LGBT people for the past seven years. When we compare the reports compiled since 2007, we observe that there is still no real change. The homophobic and transphobic implementation of law in ongoing cases, law enforcement agencies’ attitudes towards LGBT people, and new hate crimes still constitute a significant part of the reports.

The facts that Ahmet Yıldız’s case still has not closed, that “unjust provocation” reductions in penalties continue, and that killers are not caught are just a few of the problems detected... There were 11 violations of the right to life that were recorded in 2012. As LGBT associations, we will continue to follow the court cases on rights violations in the coming years. In this way, these cases will continue to be on the agenda of the human rights movement.

Human rights monitoring and reporting activities are performed by LGBT associations’ volunteer networks and employees. This may cause us to receive news of rights violations late or not be informed of them at all. For example, we were late to hear about the hate crime in Diyarbakır. We were also late to hear about the death of the young gay man in Ankara after his forced suicide. We are aware that there are rights violations, especially of the right to life, of lesbian, gay, bisexual and transgender people that we have not or could not have heard.

Therefore, this report does not display the entirety of the human rights violations against lesbian, gay, bisexual and transgender (LGBT) people in Turkey. These violations have many layers and the obligation to hide their sexual orientation and gender identity is one

of them. Another aspect is the thought that they will be violated again when trying to access justice against violations based on sexual orientation and gender identity. At the same time, the inability to guess how their legal process will reflect on other parts of their lives is another facet. All these layers continue to make LGBT people defenseless and easy targets against violations and makes their victimization permanent.

Some of the categories under the “Hate Crimes” heading are ones that we have just started reporting on. The obstacles put in place in accessing the websites of LGBT associations from universities and the hacking of news sites by “religious” groups constitute are new fields of violation against lesbian, gay, bisexual, and trans people’s freedom of speech.

In 2012, lesbian, gay, bisexual, and trans people “faced lynching” in Çandarlı, Izmir and in Antalya. Lesbian, gay, bisexual, trans or heterosexual people were attacked due to homophobic and transphobic motivations. The perpetrators defended themselves by saying that the victims were homosexuals.

We emphasize that the long-established judicial practice of giving penalty reductions based on unjust provocation in hate-motivated killings of LGBTs have made LGBT people open targets and as mentioned above, perpetrators continue to be rewarded by the judiciary. As long as this implementation continues, LGBTs will continue to be targets.

This report is entitled “2012 Report of Human Rights Violations Based on Sexual Orientation and Gender Identity.” Our problem of accessing the problems of homosexual and bisexual women and the discrimination and other human rights violations committed against trans men continue. As LGBT associations, we continue to think about ways to overcome this deficiency.

This report consists of 5 parts. In the first part, we assess Hate Crimes. The second part is on Discrimination and Hate Speech. In the third part, we present Ongoing Court Cases in 2013 and in the fourth part, we give place to Cases Concluded in 2012. The fifth part records Positive Developments. In the conclusion, we list the demands of LGBT organizations in the field of human rights.

### **Acknowledgments**

This report is based on the reporting of Pink Life, Black Pink Triangle, Kaos GL, and SPoD. We thank LGBT activists and volunteers, Pink Life, Black Pink Triangle, Kaos GL, and SPoD and their employees who have contributed to this report.

### **Levent Pişkin**

SPoD Coordinator of Access to Law and Justice

## PART I

### HATE CRIMES

Throughout 2012, the hate-motivated killings of 6 transgender and 5 gay individuals, hate-motivated violence (with sharp tools such as knives and cleavers in 6 different incidents) against 10 people, 3 lynch threats, 3 torture and ill-treatment cases, 1 domestic violence, 1 rape and 1 cyber attack were covered by the press.

#### **Hate Crime in Beylikdüzü, Istanbul**

**17 December 2012**

**Location: Beylikdüzü, Istanbul**

Source: Kaos GL

19-year-old transgender woman Günce Hatun was shot in the chest and killed on the Bizimkent Bridge in Beylikdüzü one night ago. The teams of the Beylikdüzü Bureau of Public Order began their investigation after the event and suspected a person who was following the activities around the crime scene from inside his car.

Detecting that the right front window glass was broken, police took İlker Karataş (34) into custody. The murder suspect Karataş admitted to committing the murder.

#### **Transphobic Attack on Esat Bağlar Street**

**23 November 2012**

**Location: Ankara**

Source: Kaos GL

Pink Life Association's Human Rights Violations Rapporteur Belgin Çelik reported that a transgender woman was attacked by 5 people on Esat Bağlar Street two days ago.

Çelik stated that the victim went to the Esat Police Station after the attack. However, the police told the victim "we cannot do anything," because the victim "could not detect the perpetrators' car and there were no witnesses to the violence."

#### **Transgenders beaten in front of Police Station**

**14 November 2012**

Source: Kaos GL

Sex workers, Görkem Ç. and two of her friends, were attacked in front of a police station by two unidentified men before the eyes of the police. They have filed suit against the perpetrators.

**Violence to Trans Woman Sex Worker****19 November 2012****Location: Ankara**

Source: Pink Life

A group verbally and then physically assaulted a trans woman working on Bağlar Street. 5 men in an old red car initially cursed at Görkem. When Görkem asked them not to curse, they physically assaulted her. The last thing Görkem remembers is that she was hit in the face. No judicial process was executed following the event.

**Hate Crime in Antalya****24 October 2012****Location: Antalya**

Source: Kaos GL

25-year-old transgender woman Serap was heavily wounded after two people in Antalya cut her throat. She bled to death.

It is reported that the citizens living in Kışla neighborhood on Street 47 of Muratpaşa called the police when they heard someone crying for help. The police broke into the house and saw a person lying in a puddle of blood. A health unit was called.

**Hate Crime in Bursa****17 October 2012****Location: Bursa**

Source: Kaos GL

Nazir Dalkılıç (35) was found stabbed to death in a grove. His killer turned out to be Ersin Köroğlu (26) who had had sexual intercourse with him.

Ersin Köroğlu was arrested upon the accusation that he stabbed construction worker Nazir Dalkılıç to death in Osmangazi, Bursa.

Admitting to the crime, Ersin Köroğlu said they met the night of the event and went to the grove by Paşacıftlığı via Bursaray and stated, “We consumed alcohol together. Later he performed oral sex on me. When he said “you will give me one as well” we argued. So I stabbed him and ran away.”

**Transphobic Attack by Police in Şişli****14 October 2012****Location: Şişli, Istanbul**

Source: Pink Life

Police assaulted a trans woman who was waiting in her own car by the side of the road with a friend.

Verbally and physically assaulted by the police, the victim was prevented from calling her lawyer. The police officer, who insulted and physically assaulted her, continued this attitude in the station. Furthermore, the police slandered the victim, made an official complaint against her for resisting, and a suit has been filed against her. But the victim's complaint about the police officer has not reached a conclusion.

**“There is no Kurdish Homosexual! If there is, he will die and be soil!”**

**30 August 2012**

**Location: Diyarbakır**

Source: Kaos GL

The killing of 17-year-old R.A. by his father and uncle in Diyarbakır turned out to be a hate-motivated killing.

According to FemînKurd.Net's report, despite the fact that R.A. was a homosexual, local press did not heed this information and mainstream media ignored the background of the murder by portraying it as a judicial case.

The youth's death was presented as a “judicial murder” by the press. His parents were aware that their son was gay. According to FemînKurd.Net, upon learning his sexual orientation, his male relatives killed 17-year-old R.A and were motivated by hate.

**“We are Trans, We are Here; Get Used to It, We are not Leaving”**

**25 June 2012**

**Location: Istanbul**

Source: Kaos GL

The 3<sup>rd</sup> Trans Pride March ended with enthusiasm despite assault attempts by racist fascists. Trans individuals were attacked by a group of fascists at the start of the march and responded with the slogan “Shoulder to Shoulder Against Fascism.”

**LGBTT People Face Lynch Attempt, Gendarmerie Ignores**

**17 August 2012**

**Location: Dikili, Izmir**

Source: Black Pink Triangle Izmir

12 members of the Black Pink Triangle Association in Izmir saved themselves from getting lynched at the last minute in Dikili's Çandarlı township. When members of the association, who were in Çandarlı for meetings and to vacation, called the gendarmerie with the information that they would be attacked, they got the response “there is nothing we can do.”

Demet Yanardağ stated that they went to Dikili's Çandarlı township, on Tuesday, August 14 as a group of 12, rented two houses and split into two groups. After settling in the houses and having their meetings, they went to the seaside after sunset. Yanardağ said that they saw a group of 3-4 people following them. Yanardağ explained that “There were constantly talking on the phone with some people. Their number reached 15 after a



while. We decided to go back to the houses when we realized they were there to attack us. When we got up, they split into two.” She further explained that they called the gendarmerie and told them that they would be attacked but they got the response “Is there an attack? If not, we cannot do anything.” They called the gendarmerie several more times and the group that followed them dispersed after a while. Yanardağ said that one person followed them as they were going home in order to find out where they were staying and ran away when they walked towards him.

**A Transgender Woman Killed in Antalya**

**11 July 2012**

**Location: Antalya**

Source: Kaos GL

Hate killed a trans woman in her home in Antalya with a cut to her throat.

Neşe Dilşeker, born in 1966 and known as Seçil Anne for about 15 years in Antalya, was murdered last night around 11 PM in her own home by a cut to her throat.

Dilkeşer’s death was discovered after her friends, who had not heard from her in a while, called the police.

**Stabbed Him Because He Whistled**

**14 June 2012**

**Location: Seyhan, Adana**

Source: Pink Life

A man in Adana assaulted and stabbed a person he deemed as homosexual for allegedly whistling at him.

Habervitrini.com stated that the crime took place in the Kurtuluş neighborhood of Seyhan, Adana.

According to the allegations, Mustafa M. (28) went out for a walk on Ziyapaşa Boulevard. At that time, Mehmet Ö. (44), who was deemed to be gay by Mustafa M., was walking behind him and whistled at him. Mustafa M. got angry and attacked Mehmet Ö. when he caught him in front of a store and started beating him in front of everyone. Mehmet Ö. tried to get away by running into the store but Mustafa M. went inside the store, dragged him out, and continued to beat him. Then, Mustafa M. took a knife from his pocket, stabbed Mehmet Ö. in the leg, and left the scene. Meanwhile, the people who saw the event called the police. The police caught Mustafa M. with the knife and took him to the police station.

Mehmet Ö. was sent to the Adana State Hospital by ambulance and was discharged after his treatment. Mustafa M. appeared before the court and was set free pending trial.

**The Murder of a Young Man in Aydın no longer “a secret!”****21 May 2012****Location: Aydın**

Source: Kaos GL

21-year-old university student Tamer Uzun was found naked and killed by stabbing to his stomach at his house in Aydın.

Tamer Uzun, a freshman in the Veterinary Faculty at Adnan Menderes University, was found dead in his home during the daytime. His housemate Murat Çelikel, who is a hairdresser, discovered the murder when he came home at noon on 18 May.

**Two Trans Women Attacked with Cleavers in Ankara!****27 April 2012****Location: Ankara**

Source: Black Pink Triangle Izmir

Two men with snow masks and cleavers raped and stole the money and cellphones of two trans women who worked as sex workers in Ankara at two different times. Police apprehended the aggressors Şükrü Ç. and Fatih A who were then arrested. Şükrü Ç.'s brother, İ.Ç. (14), who helped them in the crime was released.

According to Turkish daily newspaper Milliyet, the two trans women with the initials A.C. and Y.D. were raped and robbed twice, in March and April.

**Transphobia in Istanbul****25 April 2012****Location: Şişli, Istanbul**

Source: Kaos GL

LGBT activist Michelle Demishevich was attacked by seven unknown people in Şişli, Istanbul while walking her dog at around 12 PM last night.

According to Pink Life, the perpetrators used intense physical violence, got in their cars and left amid onlookers. The law enforcement officers who got to the crime scene said no procedures could be undertaken because the aggressors could not be identified.

**Gang Against Trans Women in Dikmen****12 April 2012****Location: Dikmen, Izmir**

Source: Pink Life

Gang members forced Hayal and her housemate Ezgi who live in Dikmen into prostitution using threats and violence. Gang members, who sell trans sex-workers, tried to intimidate the trans individuals who resisted their operation using violence. Police did not undertake any proceedings against the gang, which calls itself the Dikmen Gang.

Police also did not assign protection to Ezgi who was continuously assaulted, threatened with death, and had her house raided. Ezgi was assaulted by the gang in the police station under the police's watch and has a battery report for this event.

**Hate Crime in Kuşadası**

**05 April 2012**

**Location: Kuşadası, Aydın**

Source: Black Pink Triangle Izmir

Trans individual Nükhet Kızılkaya was found dead in her house in Kuşadası, Aydın after she was not heard from for several days.

Kızılkaya's friends discovered the murder when they went to her house after they had not heard from her for five days. The perpetrator was found after several days.

**15 Year Sentence Requested for Rape in Army Barracks**

**3 April 2012**

**Location: Diyarbakır**

Source: Kaos GL

4 soldiers are being tried with 15 year prison sentences because they allegedly raped a private by forced "oral sex" in the 7th Corps Command in Diyarbakır.

The four soldiers are accused of forcing private T.A. serving in the 7th Corps Command in Diyarbakır into a barrack and forcing him to perform "oral sex" on them by threats and assaults. The four soldiers are being tried with 15 year prison sentences. T.A. was released early from his military service with the reasoning that "his psychology was disturbed."

**Hate Crime in Izmir**

**30 March 2012**

**Location: Karabağlar, Izmir**

Source: Black Pink Triangle Izmir

A trans woman was found in a car in front of a construction site in Karabağlar, Izmir. She was killed by a shot to the head.

Construction workers coming to the site in the morning discovered the body in the car with 35 AL 9656 license plates and informed the police. Police came to the scene and found out that the body belonged to Tuğçe Şahin (23) who had been killed by a single bullet to the head.

Tuğçe, who was a victim of a hate-motivated killing, was beaten beyond recognition before she was shot.

**Assaulted at the Police Station He Took Refuge In****28 March 2012****Location: Taksim, Istanbul**

Source: Kaos GL

Taking refuge in a police station after being followed in Taksim and feeling a threat to his life, Yasin Keskin claimed that police and the follower physically assaulted him for his homosexuality.

Making a complaint about the police and the follower, Keskin said, “The police said this station is for juvenile delinquencies. You have to call Police Help 155. As I was grumbling over this, the police beat me in front of the station. The follower got courage from this and attacked me. I have made a complaint about the police and the aggressor.”

**“I felt bad when he touched my backside”****7 March 2012****Location: Adana**

Source: Kaos GL

Private security officer İsa U. (33) was put on trial for life imprisonment because he allegedly shot his hunting friend, Osman Salih Savaşoğlu (49), in the head and slit his throat in Adana.

The detained defendant Uçak said “He touched my backside in the forest and said “I have desired you for four years” and I felt really bad,” and argued that he committed the crime because of provocation.

**Transphobic Attacks in Maltepe to be Protested****15 February 2012****Location: Istanbul**

Source: Kaos GL

Upon the second attack to the trans people with swords in Istanbul, Istanbul LBTT and Lambdaistanbul LBTT Association will make a press statement in front of Bağlarbaşı Cumhuriyet Police Station.

A similar attack had taken place in Maltepe Coast Road in Istanbul in December 2011. The police caught the aggressors in their cars and sharp tools such as swords and döner cleavers were found in the trunks.

**Hate-Motivated Killing in Izmit****13 February 2012****Location: Izmit**

Source: Kaos GL

A murder was committed in Çukurbağ, Izmit. Melda Yüksel (26) was killed by her

brother Murat Yüksel.

It is alleged that the Yüksel Family was building a house in Izmit for Melda Yüksel (26) who they did not meet often because of her trans identity. When the house was close to completion the two siblings decided to meet. Murat Yüksel, who is a hunting vendor in Sakarya's Akyazı province, met Melda Yüksel, resident of Izmit, at the house. The two siblings argued while touring the house and the argument ended in murder. Melda Yüksel lost her life at the scene.

**Balyoz (Hammer) Team Assaulted a Transsexual Individual!**

**13 February 2012**

**Location: Ulus, Ankara**

Source: Pink Life

Trans individual Derya was stopped by a police team on her way to her hotel in Ulus. Police threatened, insulted, and physically assaulted Derya who then made an official complaint.

**17-year-old male body found “dressed in tights”**

**31 January 2012**

**Location: Antalya**

Source: Kaos GL

Ali Girgin (17) went missing on 12 August 2010. 2 days later, his body was found, his top naked, his legs and jaw tied with women's pantyhose, wearing green “woman's tights,” with an 8 kg weight on his feet tied by a wire, hung on an oak tree 2 kilometers from his house.

Forensics-expert Professor Dr. Şevki Sözen stated in the autopsy report that there was evidence that “the event was not a suicide but a homicide.”

**“Transgender Collection Vehicle”**

**26 January 2012**

**Location: Beyoğlu, Istanbul**

Source: Kaos GL

According to pembehayat.org's report, undercover police officers in a white transit vehicle belonging to the Balyoz (Hammer) Team have started a procedure of violence on trans women in Istanbul's Beyoğlu district and side streets.

The team organized by Balyoz beat trans women with sticks and bats and force them into vehicles during daytime and nighttime.

**Knife Attack in Izmir**

**13 January 2012**

**Location: Karabağlar, Izmir**

Source: Kaos GL

Transgender S.T. (31) was stabbed 14 times by unidentified people in Karabağlar District, Izmir.

The crime took place on January 11 at 11.30 PM. A car with unidentified license plates approached the 31-year-old victim. 4 unidentified people got out of the car and stabbed the left side of her stomach twice, her left arm 7 times, her back twice, right calf once and left hand twice, totaling to 14 stab wounds.

## PART II

### Discrimination and Hate Speech

**Red of the Rainbow: Kafe Pi, Say You're Sorry!****24 December 2012****Location: Istanbul**

Source: Kaos GL

Red of the Rainbow (Gökkuşağının Kızıllı) has released a statement that demands an apology from Kafe Pi regarding their discriminatory attitude towards LGBT people.

On Wednesday, December 2, a group of 4 people including members of the Red of the Rainbow and LGBTs stated that they were not accepted to Kafe Pi and expressed that they would set in motion a judicial process.

**6 Month Sentence for Transsexual Sex Worker****21 December 2012****Location: Şişli, Istanbul**

Source: Pink Life

Police physically assaulted and detained sex worker Cansel in Şişli. A fake witness gave a statement against her.

Even though it is clear that the police produced a fake witness, Cansel was sentenced in the Public Prosecutor's trial. Cansel is a victim of libel in an arranged trial. Her sentence was delayed by 5 years because she has no prior record.

**Kicked out of House for Being Trans!****19 December 2012****Location: Çankaya, Ankara**

Source: Pink Life

Hazal rented a house in Çankaya by paying a security deposit, realtor's fee, and first month rent in cash. Hazal was kicked out of the house and her money seized with the "house sold" excuse despite the fact that she had paid the second month's rent.

**Groom-to-be on Facebook Turns out to be a Woman****18 December 2012****Location: Istanbul**

Source: Haberturk

Özlem G. (28), created a new Facebook account with the male name Emir Bucak. High

school student P.T. (16) fell in love with Emir. In January, Özlem G. eloped with P.T. who had not understood that Özlem G. was a woman. The couple went to Özlem G.'s family house in Heybeliada. In February, they eloped again and went to the same house. The couple stayed together for 10 days and was found by the police after P.T.'s parents complained to the police. Özlem G. was taken into custody, stated that the correct name was Emir Bucak but had lost the identification. The police believed this story and released Özlem G. upon the public prosecutor's orders that "the girl had eloped with her own free-will." Özlem G. and relatives, with flowers and chocolate, went to the family to ask for their permission to marry P.T. Then the truth surfaced.

The prosecution filed a suit against Özlem G. with a 9 to 27 year prison sentence request based on: "attempt to deprive a person of their liberty, false statements on official documents, insult, threat on the basis that the person made him/herself unrecognizable, disrupting people's peace."

**Attack on KaosGL.Org, The Same Scenario!\***

**17 December 2012**

Source: Kaos GL

Kaos GL's news and association site were subjected to cyber attacks yesterday evening and the LGBT News Site [kaosgl.org](http://kaosgl.org) was shut down for a short while. The attack took place during the closing hours of "The Anti-Discrimination Symposium" organized by Kaos GL Magazine for the Human Rights Week.

Kaos GL readers could not access [kaosgl.org](http://kaosgl.org) for a short time after the attacks. During this time, the attackers put a collage on the homepage of the site that consisted of statements and assumed "hadiths," with the attackers' views on homosexuality. These statements were hate speech.

About a year ago, a similar attack was carried out during the International Anti-Homophobia Meeting Activities. The same "religious" story repeated itself.

According to messages on social media after the attack, the contemporary interpretation of the Turkish and Arabic collage states: "Say no to those who claim homosexuality is normal! No to Homosexual Propaganda!"

\*Even though the attack was "motivated by prejudice," the field of cyber hate crimes remains untouched and uninvestigated within the judicial process.

**"Are You A Man?" Gets 2 years in Jail**

**16 December 2012**

**Location: Antalya**

Source: Vatan Newspaper

Transsexual A.P and her female friend Z.K. went to Olimpos, Antalya for their summer vacation. Under the influence of alcohol, Z.K. and A.P. allegedly talked loudly in the guesthouse and employees warned them. But they did not just warn them; they also



suggested that they have intercourse. Then the argument intensified. The two friends called the gendarmerie. But the two friends ended up being the suspects and the employees became the victims.

#### SENTENCED TO TIME IN PRISON

Gülşah Başdaş, the judge of the Kumluca Court of First Instance, decided that Z.K. and A.P. committed crimes of “insult and threats” after the testimonies. Because the employees did not submit official complaints, the judge withdrew the crime of insult but sentenced Z.K. and A.P. to 25 months of prison without delay for saying, “Are you man enough? Go outside! We will show you!” Once the Supreme Court of Appeals ratifies the decision, the two friends will start their sentence.

#### **Transphobic Attitude in Bureaucratic Procedures**

**13 December 2012**

Source: Pink Life

Trans woman Sudenaz appealed to several state institutions when she could not withdraw money from her bank account and wanted to find out the cause of the disruption. But because of her trans identity, state institutions did not help and stalled her for two days without answering her questions.

#### **Turkish Armed Forces Institutionalizes Discrimination**

**29 November 2012**

Source: Kaos GL

The bill, presented to the Council of Ministers that institutes the penalty point system to the Turkish Armed Forces, shuts down discipline wards dubbed “disko” but continues to consider homosexuality as a crime.

#### PENALTY POINT SYSTEM ON THE WAY

İsmet Yılmaz, the Minister of National Defense of Turkey, submitted the bill to the Council of Ministers. The new system proposes punishment to those who reach a certain level of penalty. The bill also describes homosexuality as “unnatural closeness/sexual relations” and considers it the heaviest disciplinary crime within the military and cause for expulsion from the military.

#### **An Odd “Human Rights Association” in Kocaeli**

**06 November 2012**

**Location: Kocaeli**

Source: Kaos GL

A group carrying out activities under the name Kartepe Human Rights Association continues to target a different group each week with statements made by a group of 10 members and has added a new attack to its roster. Having targeted the LGBTs before, the group targeted people celebrating Republic’s Day (29 October) in Ulus, Ankara.

The group had targeted the Peace and Democracy Party (BDP) and the Republican People's Party (CHP) over the debates in the Constitutional Reconciliation Committee in the past months. The group carried posters that said "We condemn BDP for supporting faggot marriages!" and claimed that homosexuality was an illness to be treated. In this way, a group that carries the words "human rights" in its title opposed the fundamental rights and equality of LGBT people.

**Yeni Akit's Hate Targets Kaos GL and Teachers**

**23 October 2012**

Source: Kaos GL

Turkish daily newspaper Yeni Akit and columnist Furkan Altınok cannot stop spreading hate and disinformation by manipulating [kaosgl.org](http://kaosgl.org) articles.

Yeni Akit, an extension of "Vakit" newspaper, convicted by the Supreme Court of Appeals for insulting homosexuals as "perverts" and "renegades," and [habervaktim.com](http://habervaktim.com) continue their hate publications against the Kaos GL Association.

A brochure prepared to inform teachers on the discrimination LGBT students face based on sexual orientation and gender identity has been announce to Yeni Akit readers as "[Big Threat: The Perverts are Infiltrating the Schools!](#)"

**Lynch Attempt on Trans Individuals in Avcılar\***

**7 October 2012**

**Location: Avcılar, Istanbul**

Source: Kaos GL

The protests against trans individuals in Avcılar's Denizköşkler neighborhood in Istanbul have turned into lynch attempts. Kaos GL's press statement on October 4 asked "Is Avcılar Transforming into a New Lynching Region?"

A 50-person group gathered in front of Meis residential compound, started a fire and hit pots and pans along with threatening slogans in an attempt to lynch trans citizens.

\*Upon these protests, the police raided three houses of trans individuals and sealed them under the claim "prostitution undertaken in the houses." Thereby, the right to housing and privacy protected by the constitution were violated.

**Supreme Court of Appeals in Favor of Penalty Increases for "Oral and Anal sex"\***

**4 June 2012**

Source: Kaos GL

The Supreme Court of Appeals decided that a penalty increase could be applied in the case of a man convicted of selling CDs with pornographic contents due to their oral and anal sex contents.

A longer prison sentence was requested based on the "unnatural sexual behaviors"

criteria in the penal article on pornographic crimes.

According to Turkish daily newspaper Haberturk's report, the Supreme Court of Appeals requested a heavier penalty for defendant S.K., who was sentenced to 1 year in prison for selling pornographic films, due to the oral and anal sex content of the CDs.

\*This decision is a violation of Article 8 (Right to respect for private and family life) of the European Convention on Human Rights. It is a violation of constitutionally protected private life not only for homosexuals but also for heterosexuals.

**Police Officer Prohibited from His Job Due to Gender Identity\***

**10 July 2012**

Source: Kaos GL

The Turkish National Police fired police officer F.B. (28) from the profession after investigations on his gender identity.

The Turkish National Police used current work laws that do not protect sexual orientation and gender identity from discrimination to not only fire the officer but also to sue him.

Using the excuse that the police officer's transvestite identity "provided and facilitated prostitution," Bakırköy Court of First Instance has opened up a suit requesting up to 4 years in prison. F.B. was acquitted of "providing and facilitating prostitution."

\*Discrimination based on gender identity and the violation of the constitutionally protected right to work.

**Transphobic Demonstration in Antalya**

**6 June 2012**

**Location: Antalya**

Source: Kaos GL

A group in Antalya's Altındağ neighborhood staged a demonstration against trans individuals with the reason that they engaged in sex work in the neighborhood. They argued that they cannot go out with their families after dark and unless a solution is found, they will be on watch duty with bats in their hands.

**Felicity Party (SP) Keeps Spreading Hatred in Kocaeli**

**31 May 2012**

**Location: Kocaeli**

Source: Kaos GL

Conservative Muslim Felicity Party (SP) carried a banner that stated, "Homosexuality is immoral, Adultery should be deemed a crime!" in the evening hours of May 17. Between May 29 and May 31, they opened up a booth to collect signatures to proclaim homosexuality and adultery as crimes. SP members explained to the public that homosexuality should be considered a crime and worked to convince them to be

signatories.

**Spreading Hate in Eskişehir!**

**21 May 2012**

**Location: Eskişehir**

Source: Kaos GL

10-15 members of the Felicity Party's Youth Branch gathered in Eskişehir's Hamamyolu on Sunday, May 20. They opened two booths with banners that stated, "Homosexuality is immoral!" and "Adultery should be deemed a crime!"

**"Illogical Transphobia" in Eskişehir**

**15 May 2012**

**Location: Eskişehir**

Source: Kaos GL

Community Volunteers in Eskişehir (TOG) held a "Living Library" event and went to "Eskişehir UP'N DOWN" Café afterwards. However, they were not allowed to enter the place because of the presence of a trans woman within the group.

The employees stated, "we will not allow you to come because this is not a real woman". The group argued and emphasized that this is an act of gender discrimination and transphobia that violates human rights.

**"I got fired for being gay!"**

**30 April 2012**

**Location: Alanya**

Source: Kaos GL

Erhan Karataş states that he got fired from a 5-star hotel in Alanya's Payallar district, where he worked as a choreographer, for being gay and dressing revealingly.

Karakaş stated that he would sue the hotel for his rights and added "They cannot fire me because of my shorts and way of speaking." The general director of the hotel said, "When you wear thong-like shorts, no one would want to work with you!"

**Trans Begüm's Legal Struggle**

**05 April 2012**

**Location: Izmir**

Source: Kaos GL

Begüm (44) was attacked by police in Izmir. As to be expected, the officer has a different story. If the Supreme Court of Appeals accepts the suit, the officer will continue his job and Begüm will be sentenced to over a year in prison in a men's ward.

According to the court documents, Begüm is described as a "transvestite in women's clothing." She lives in Izmir and is 44 years old.

Begüm was attacked by police officers in front of the Romanian Embassy in Alsancak, İzmir at around 6 AM on 13 February 2011. Begüm was beaten, injured with a baton and emotionally traumatized. Begüm went to court and brought a suit against the police officer, H.S., guarding the Romanian Embassy. H.S. was acquitted and Begüm was sentenced to prison for “insulting and preventing someone from performing his/her duty” and fined 1,100 TL for H.S.’s legal fees.

**Mayor Melih Gökçek’s Open Declaration for Discrimination Against LGBTs**

**3 April 2012**

Source: Kaos GL

LGBT organizations have reacted to the discriminatory statements by Ankara Municipality Mayor Melih Gökçek.

On a TV program on 2 April 2012, TV host Okan Bayülgen asked Ankara Mayor Gökçek “When will we have an openly gay mayor in Turkey?” Gökçek was surprised by this question and said, “We have our own lifestyles, traditions and customs. It is different there. I hope there will not and should not be a gay mayor in Turkey.”

SPoD (Social Policies, Gender Identity, and Sexual Orientation Studies Association), Kaos GL and Pink Life Association have criticized Ankara Mayor Gökçek for ignoring LGBT rights.

**Will the Ministry of Family include “Azra” into “Family” as well?**

**28 March 2012**

Source: Black Pink Triangle Izmir

Although gender identity and gender violence are defined in the Istanbul Convention, the Ministry of Family has requested to join the pending case as a joint plaintiff and spoke of the murdered trans woman as “Mustafa Has with the nickname Azra.”

“Though it is good to see the Ministry’s intervention, using the term “nickname” for a transsexual’s name, not emphasizing Azra in their request to join as a joint plaintiff, and not saying anything about attitudes towards trans women raise question marks” said Attorney Kerem Dikmen and Black Pink Triangle Izmir Association.

**LBT Women Still Invisible in Violence against Women Bill**

**7 March 2012**

Source: Kaos GL

The Justice Commission accepted the draft Bill on the Protection of Family and Prevention of Violence against Women. The Bill, however, ignores lesbian, bisexual and trans women. The Republican People’s Party (CHP) ministers’ objection to the bill and the motion to include LBT in the bill were rejected.

With some changes, the Justice Commission of the Grand National Assembly of Turkey accepted the bill, which will allow the use of electronic handcuffs and wristbands on

people who use violence against women. The Republican People's Party (CHP) ministers' objection to the bill and the motion to include LBT in the bill were rejected.

**Facilitating Prostitution Crime is Not Enough!**

**13 February 2012**

Source: Pink Life

Trans woman Derya Karagöz was tried for facilitating prostitution based only on her gender identity. Tried with this crime on the basis of her gender identity, she was acquitted for the lack of evidence.

**Again Red Crescent, Again HIV-Positive Blood**

**9 February 2012**

News: Haberturk

3 people being treated in different hospitals in Istanbul were given HIV-Positive blood via the Turkish Red Crescent.

**THE DONOR HID BISEXUALITY**

The identity of the donor whose blood transmitted HIV to a retiree has been found. The HIV-Positive blood belonged to a donor who donated blood regularly to the Turkish Red Crescent and who had hid "bisexual intercourse" in the survey. The Red Crescent's letter to the private hospital stated, "Despite the finding that all blood examinations of the donor has been negative, HIV infection has been found in the last donation. We ask you to inform the patient who was given this blood product."

**House Sealed for Allegedly Facilitating Prostitution**

**8 February 2012**

Source: Pink Life

On 1 February 2012 a transsexual individual moved into a house with a contract signed on 27 January 2012. In the afternoon of the same day, police came to the house with the intention to seal it on the basis of prostitution. The police gave Derya two days and with the decision of Çankaya District, the house was sealed for facilitating prostitution even though the individual declared that she has no relation to prostitution.

**Police Detain 18 Men in Movie Theater**

**30 January 2012**

**Location: Istanbul**

Source: Kaos GL

Police took 18 men into custody in a movie theater in Istanbul. Police officers raided a movie theater in Kartal for "showing sex films and engaging in prostitution" and took 18 people into custody.

Officers of the Bureau of Public Order's Department of Morality and Gambling raided

the theater upon a tip that a theater in Kartal “showed sex films and engaged in prostitution” on the weekends.

**“Extinguish the Roots of Transsexuals”**

**19 March 2012**

Source: Black Pink Triangle Izmir

A local newspaper in Izmir called to extinguish the roots of transsexuals and accused all trans individuals of prostitution. Though a legal process was brought upon the newspaper, a decision of non-prosecution was declared on the basis of freedom of expression. The trial, opened on the grounds that the Constitutional Court did not fulfill its obligation for an effective investigation and that discriminatory attitudes existed in the right to equality, the right to a fair trial, and the freedom to demand rights, was rejected with the argument that only suspects benefit from the right to fair trials. The case was taken to the European Court on Human Rights.

## PART III

### Ongoing Court Cases in 2013

#### **Rosin's Case Postponed until January 18!**

**9 December 2012**

Source: Kaos GL

The father and uncles of Rosin Çiçek who was killed by his father and uncle 4 months ago in Diyarbakır for his homosexuality have accused each other.

The court commission postponed the proceedings until January 18. Rosin Çiçek ran away from his home in Diyarbakır's Kayapınar district after being exposed to domestic violence. He was then shot 14 times by his father and uncle and dumped at the side of a road. The first hearing in the case was completed.

#### **Rape Case in Eskişehir**

**11 December 2012**

Source: Kaos GL

A MorEl LGBTT activist woman made a complaint after she was attacked. The accused R.A. rejected the claims and said, "I have nothing to do with a transvestite!" The case was postponed to 14 February 2013 for the forensic report.

#### **Referee Dinçdağ's Files Sent to Expert**

**16 October 2012**

Source: Kaos GL

Halil İbrahim Dinçdağ is suing the Turkish Football Federation for being fired due to his sexual orientation. His pecuniary and non-pecuniary damage action for 110.000 TL with the Federation continues. The 6<sup>th</sup> trial was heard in the 20<sup>th</sup> Court of First Instance in İstanbul. His attorney Fırat Söyle joins Dinçdağ. Attorney Petek Akyüz Arslan represents the TFF. Dinçdağ's attorney Fırat Söyle repeated Dinçdağ's legal financial assistance demand in the court and requested that Dinçdağ's file be sent to an expert with the aim of preparing a report on the compensation demand.

The court accepted Dinçdağ's demand for legal financial assistance and the request to send the file to an expert. The case was postponed until 19 February 2013.

#### **Official Complaint from Transsexuals in Avcılar**

**10 October 2012**

Source: Kaos GL



The attacks against transgender people in Avcılar were brought before court. Official complaints against the attackers, the police, and Kanaltürk TV channel have been submitted.

LGBT organizations and transsexuals exposed to the lynch attempts in Avcılar have made an official complaint against the perpetrators, the police officers who remained quiet, and the provocative TV channel Kanaltürk.

The complainants demanded that suits be filed against Avcılar Police Department, Ambarlı Search Authority, Kanaltürk TV, Hürriyet Aydın, Selim Palandöken, Attorney Nusret Cem Işık and Turgut (last name unknown). The complaint states that these people and institutions committed “threat,” “violation of housing security,” “discrimination,” “insult,” “theft,” “damage to property,” “instigating hatred and enmity” and “misconduct.”

**Ahmet Yıldız case postponed to 25 January 2013**

**17 September 2012**

Source: Kaos GL

The case of Ahmet Yıldız, who was killed by his father because of his homosexuality, continued in Üsküdar First Higher Criminal Court for Aggravated Crimes in Bağlarbaşı, Istanbul.

The 11<sup>th</sup> hearing took place today. The information that the defendant’s arrest warrant was “erroneously” cancelled by the Adana Public Prosecutor’s Office was questioned and the following decisions were made: to wait for the execution of the arrest warrant; to reissue a new arrest warrant according to Article 94 of the Code of Criminal Procedure if the arrest warrant has been cancelled; to investigate whether the red notice decision for the defendant has been processed.

Kaos GL’s request to join the pending case as a joint plaintiff was rejected “based on Article 237 and the following articles of the Code of Criminal Procedure, which shows that the plaintiff was not a victim or has not been harmed by the crime.” While attorney Fırat Söyle argued, “The association which requests to join the pending case as a joint plaintiff is an association for the rights of homosexuals. Association members have been seriously affected by this event and we demand that their request be accepted,” the council for the prosecution and the defendant’s attorney objected, “Similar requests have been made before and denied.” Taking this objection into consideration, Kaos GL’s request to join the pending case as a joint plaintiff was rejected.

**Life in Prison Demanded for Hate Crime**

**28 September 2012**

Source: Kaos GL

Fesih Demirhan is on trial for “theft” and the “intentional killing” of trans woman N.L. subject to seven years and life imprisonment respectively. He is being tried for killing N.L. after they met on the Internet and had sex in exchange of money. The trial will begin

in Bakırköy Fourth Higher Criminal Court for Aggravated Crimes.

**Nükhet Kızılkaya Trial Postponed to 23 May 2013**

**28 March 2013**

Source: Black Pink Triangle Izmir

Nükhet Kızılkaya's trial, murdered in Kuşadası, continued in Söke Higher Criminal Court for Aggravated Crimes. Though there are several reports on the defendant's criminal liability, the defendant has applied for a new report from the Institution of Forensic Medicine and therefore, the case remains open.

**“Homosexuals are Perverts” Expression at the Constitutional Court**

**10 April 2013**

Source: Black Pink Triangle Izmir

Hate speech continued in Izmir when a syndicate leader described homosexuals as “perverts.” The official complaint against him resulted in non-prosecution and an objection to it was rejected. A case against the Republic of Turkey was brought to the Turkish Republic's Constitutional Court on the basis that the Republic did not fulfill its obligation for an effective investigation and limited the freedom to demand rights and fair trial due to discriminatory attitudes. There has been no verdict.

**Discrimination Case Against Business Owner for not Serving a Transsexual**

**19 October 2012**

Source: Black Pink Triangle Izmir

A trans woman in Izmir went to an establishment with two friends. She was told that she cannot be accepted because of her identity and was taken outside. The investigation, followed by Black Pink Triangle Izmir, was concluded and a case was filed against the business owner for “discrimination” on the basis of the Turkish Penal Code's Article 122.

## PART IV

### Cases Concluded in 2012

#### **Gay prisoner gets Turkey convicted**

**9 October 2012**

Source: Kaos GL

A gay prisoner got Turkey convicted for discrimination by the European Court of Human Rights for his isolation in prison due to his sexual orientation.

ECHR concluded the case initiated by “X” against Turkey. The prisoner, born in 1989 and dubbed “X” filed a complaint about harassment by heterosexual prisoners but was then put in a cell alone and held in “isolation.” ECHR stated, “Officials from Turkey should not have isolated a prisoner under inhumane conditions because of his sexual orientation,” and put forth that this was a violation of the anti-discrimination article of the European Convention on Human Rights.

The Court sentenced Turkey to pay “X” 18,000 Euros for immaterial indemnities and 4,000 Euros for court charges.

#### **Abatement in Punishment to Gay Killer for “Good Behavior”**

**19 July 2012**

Source: Kaos GL

Mustafa Murat Yüceel was stabbed in the heart and killed after returning home with 6 people he met at a gay bar in Taksim, Istanbul in August 2011.

Cemal Tikici was arrested for killing Yüceel and tried for life in prison.

Cemal Tikici claimed, “The night of the event, Murat Yüceel invited me to his house and told me that there were girls at home. When I arrived, I saw no girl. Yüceel told me “Am I not a girl, what don’t I have that a girl has?” and locked the door. He offered intercourse. I accepted but then he said “it is my turn” and I lost it.” He requested that he benefit from “grievous provocation” abatement.

Tikici was first charged with life in prison. His sentence was reduced to 25 years aggravated prison sentence for “good behavior.”

#### **Turkey Convicted in Conscientious Objection Case Once Again**

**17 July 2012**

Source: Kaos GL

The European Court of Human Rights convicted Turkey in the case of Mehmet Tarhan,

who refused to serve in the military and made the claim that his hair was forcibly cut by seven soldiers, due to inhumane and humiliating treatment and the violation of the freedom of thought, conscience and religion. ECHR ordered Turkey to 12,000 Euros.

“Inhumane and humiliating treatment”

The Court decided that the claim that Mehmet Tarhan’s hair was forcibly cut by seven soldiers in military prison is a violation of the 3<sup>rd</sup> article that bans inhumane and humiliating treatment and the 9<sup>th</sup> article related to freedom of thought, conscience and religion. Mehmet Tarhan has been a conscientious objector since 2006.

The Court decided that Turkey would pay 10,000 Euros for immaterial indemnities and 2,000 Euros for court charges.

**"Lesbianism not a Matter in Mitigation"**

**21 May 2012**

Source: Kaos GL

A university student in Gaziantep stated that he killed his girlfriend for “having a lesbian relationship,” and the court told the defendant “The victim’s natural orientation is not the defendant’s concern.”

“GOOD BEHAVIOR ABATEMENT” IMPLEMENTED

Upon evaluating the defense, witness statements, and the file, the court decided on life in prison for defendant Emrah Gümüş. This punishment was reduced to 25 years in jail for the defendant’s “good behavior” during trial. He was also charged with 3 years and 45 days for committing two armed threats before the crime, and 1 year and 8 months for using an unregistered firearm.

**Penalty for Threatening a Transsexual**

**3 December 2012**

Source: Black Pink Triangle Izmir

For the first time in Turkey, the state ordered protection of a trans woman in the case of threats. The trial has concluded and the person who threatened the trans woman was found guilty and charged with financial penalties for insult and threat. The defendant was imprisoned for not paying the penalty.

**The Supreme Court of Appeals Accepts Insult to Homosexuals as a Crime**

**9 January 2012**

Source: Kaos GL

The Supreme Court of Appeals has agreed that describing homosexuals as “perverts” and “faggots” are insults and has found the Kaos GL Association’s suit against “Vakit” newspaper just and thereby overturned the decisions of the local courts.

The 4<sup>th</sup> Legal Office of the Supreme Court of Appeals has emphasized that the freedom of press does not mean a freedom to violate personal rights. The Court pointed that the newspaper now called “Yeni Akit” overstepped the bounds of criticism by using the terms “sexual pervert” and “faggot” to describe people with different sexual orientations and considered these insults. The Court declared author Serdar Arseven and the newspaper guilty and ordered the payment of indemnification.

The decision described Kaos GL as “an association that defends the rights of people with different sexual orientations.” The attendance of former parliamentarian and the Grand National Assembly of Turkey’s Human Rights Commissioner Zafer Üskül was also noted.

## PART V

### Positive Developments

#### **Hate Crime Bill Proposal Submitted to Parliament**

**6 December 2012**

Source: Kaos GL

CHP Bursa Parliamentarian Aykan Erdemir has submitted bill draft prepared by the Hate Crimes Platform to the Parliament.

#### **Protection for Trans İpek**

**20 March 2012**

Source: Black Pink Triangle Izmir

The state has ordered protection for Buca resident trans woman İpek who was repeatedly threatened and insulted by an aggressor.

#### **Court Accepts the Request of LGBT Organization to Join Pending Case as a Joint Plaintiff**

**26 March 2012**

Source: Kaos GL

Izmir Higher Criminal Court for Aggravated Crimes has accepted Black Pink Triangle LGBT Association's request to join the pending cases of Esra Yaşar, Ayşe Selen Ayla and Azra Has murdered in April 2010 as a joint plaintiff.

Izmir Higher Criminal Court for Aggravated Crimes has responded positively to civil society's request to join the pending case as a joint plaintiff.

The acceptance of the request constitutes a first and serious gain for LGBT Associations. Following the decision, another women's association's request was also accepted.

## CONCLUSION

### **Recommendations for the Reduction of Human Rights Violations Based on Sexual Orientation and Gender Identity**

The Republic of Turkey must make the necessary arrangements in the field of human rights to conform to the agreements that it is party to and that have been incorporated into national law. These agreements are the International Covenant on Economic, Social and Cultural Rights of the United Nations, International Covenant on Civil and Political Rights of the United Nations, and the European Convention on Human Rights.

- The expressions “Sexual Orientation” and “Gender Identity” must be inserted into the Article on Equality in the New Constitution.
- Protocol 12 of to the European Convention on Human Rights must be ratified.
- The expressions “Sexual Orientation” and “Gender Identity” must be included in the draft bills of the Anti-Discrimination Law and the Equality Law. These expressions must be legally recognized.
- The Turkish Human Rights Institution and Ombudsman Institution must deal with every type of human rights, democracy and legal violation by adopting an approach that includes sexual orientation and gender identity.
- The expressions “Sexual Orientation” and “Gender Identity” must be included in the articles that arrange the ban on discrimination in the legal system. Direct and indirect discrimination as well as harassment must be defined.
- The legislative study on Hate Crimes must immediately be undertaken and preventive penalties for hate crimes against LGBT people must be set. Legal arrangements must be made to ensure that “grievous provocation” abatements are not applied to hate crimes.
- Vague expressions such as “public morality,” “obscenity,” “unchasteness,” and “disgraceful offences” must either be removed from the Turkish Constitution, Turkish Penal Code, Civil Code, Law on Misdemeanors or rearranged in a way that cannot be used and construed against LGBT people.
- Turkey, as one of the founders of the Council of Europe, must take all necessary legal and political steps for full compliance with the Recommendation CM/Rec (2010)5 of the Committee of Ministers to member states on measures to combat discriminations on the grounds of sexual orientation or gender identity.
- The discriminatory and prejudicial attitudes of law enforcement officers and legal units, who are responsible for the increased victimhood of LGBTs in investigations and prosecutions following rights violations, such as hate crimes, discrimination, and police violence that LGBTs are exposed to, must be eliminated and prevented.

- The consideration of homosexuality and transsexuality as “advanced psychosexual illness” in the Health Regulation of the Turkish Armed Forces and the degrading and humiliating treatments that homosexuals, bisexuals and transsexuals face during the process of service exemption must be eliminated.
- The Discipline Act of the Turkish Armed Forces, which labels and punishes homosexuality as “unnatural closeness/sexual relations,” and fires homosexual officers from the military and their profession based on sexual orientation must be changed and homosexuality must be decriminalized.
- The government must regulate discriminations based on sexual orientation and gender identity in work life. Regulations banning discrimination against LGBTs in job announcements, employment and lay offs must be enacted. The Labor Law must secure LGBT employees and workers by recording “sexual orientation and gender identity” after “gender” equality.
- Social and institutional training programs in order to eliminate the rights violations of LGBTs in their access to education, employment and health services in private and state institutions, must be implemented and followed as a positive obligation of the state.
- The opinions of the relevant branches of the United Nations, the Council of Europe and the European Union must be sought while implementing regulations that focus on all aspects of human rights and especially in the prevention of discrimination. These studies must be conducted in cooperation with human rights organizations, women’s rights organizations and LGBT associations.
- Statistical studies that help reveal discrimination against LGBTs must be conducted.
- Human rights training based on homophobia, transphobia and discrimination must be provided for law enforcement officers and legal organs for the realization of a fair trial process. The cooperation of NGOs must be sought for this training.
- The prison system must be regulated in a manner that recognizes sexual orientation and gender identity and practices of isolation must be eliminated.