

Hypocrisy

9 LGBTI-related UN UPR recommendations which Turkey accepted

UPR 2010



Review compliance of its national legislation with the principle of nondiscrimination, in particular with regard to women and gender identity, to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public



Accepted



Ensure non-discrimination on the basis of sexual orientation and gender identity



Accepted



Revise laws still containing discriminatory provisions, enact comprehensive anti-discrimination legislation and expressly include the prohibition of discrimination on the grounds of sexual orientation or gender identity in such legislation



Accepted



Take steps to eliminate any discrimination in the enjoyment of all human rights by lesbian, gay, bisexual and transgendered LGBT individuals, including by ensuring that their right to freedom of association is fully respected



Accepted



Develop comprehensive anti-discrimination legislation including a clear definition of discrimination against women and racial discrimination in its legislation



Accepted

UPR 2015



Adopt comprehensive anti-discrimination legislation and take measures to prevent and combat discrimination on any grounds, including based on sexual orientation and gender identity, and religion



Accepted



Ensure that civil society actors, including marginalized groups like those representing LGBT persons, are included in the implementation and follow-up of human rights obligations, including UPR recommendations



Accepted



Promote measures against discrimination based on sexual orientation and gender identity, including the investigation, and, where appropriate, the sanction of those responsible of acts of discrimination and violence against LGBTI persons



Accepted



Ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's sexual orientation or gender identity



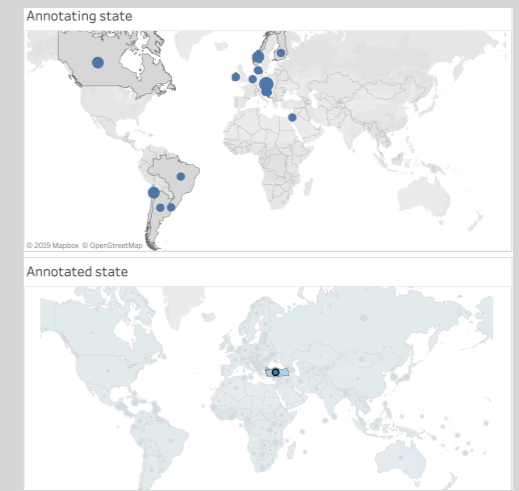
Accepted

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In the United Nations Universal Periodic Review (UPR) process each country is scrutinized by all other countries on a regular basis. Turkey was under review in 2010 and 2015.

A number of countries made LGBTI-related recommendations. A state can accept or reject a recommendation.

The map is from our interactive [Human Rights Annotation Browser](#)



LGBTI-related UPR recommendation from 2010



Develop human rights education and training to members of the police, military, prison and detention staff and judiciary in order to include specific focus on the protection of the rights of women, children and persons of minority ethnicity or sexual orientation and gender identity



Not accepted



Review compliance of its national legislation with the principle of nondiscrimination, in particular with regard to persons of minority ethnicity, sexual orientation to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public



Not accepted



Review compliance of its national legislation with the principle of nondiscrimination, in particular with regard to women and gender identity, to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public



Accepted



Ensure non-discrimination on the basis of sexual orientation and gender identity



Accepted



Revise laws still containing discriminatory provisions, enact comprehensive anti-discrimination legislation and expressly include the prohibition of discrimination on the grounds of sexual orientation or gender identity in such legislation



Accepted



Take steps to eliminate any discrimination in the enjoyment of all human rights by lesbian, gay, bisexual and transgendered LGBT individuals, including by ensuring that their right to freedom of association is fully respected



Accepted



Develop comprehensive anti-discrimination legislation including a clear definition of discrimination against women and racial discrimination in its legislation



Accepted

LGBTI-related UPR recommendation from 2015



Adopt a comprehensive anti-discrimination legislation to prevent all forms of discrimination on the basis of ethnic, religious, sexual orientation or gender identity grounds



Not accepted



Deal with cases of violence and discrimination based on sexual orientation, both in law and in practice, by publishing disaggregated data on complaints of violence against LGBTI persons



Not accepted



Enact comprehensive anti-discrimination legislation, including a prohibition on discrimination on grounds of ethnicity, sexual orientation and gender identity



Not accepted



Focus on the overall implementation of its non-discriminatory provisions and to extend them to include the grounds of sexual orientation and gender identity. The implementation of overall anti-discrimination policies in Turkey should include all forms of discrimination



Not accepted



Ensure that civil society actors, including marginalized groups like those representing LGBT persons, are included in the implementation and follow-up of human rights obligations, including UPR recommendations



Accepted



Ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's sexual orientation or gender identity



Accepted



Adopt comprehensive anti-discrimination legislation and take measures to prevent and combat discrimination on any grounds, including based on sexual orientation and gender identity, and religion



Accepted



Continue to actively prevent discrimination of minorities through enacting comprehensive anti-discrimination legislation, including a prohibition on discrimination on grounds of ethnicity, religion, sexual orientation and gender identity



Not accepted



Adopt measures to prohibit and prevent discrimination on the grounds of sexual orientation and gender identity



Not accepted



Strengthen anti-hate and anti-discrimination legislation in the Turkish Penal Code, specifically article 122, by prohibiting hate crimes and discrimination based on sexual orientation



Not accepted



Review relevant legislation to ensure that discrimination on the basis of sexual orientation and gender identity is prohibited



Not accepted



Promote measures against discrimination based on sexual orientation and gender identity, including the investigation, and, where appropriate, the sanction of those responsible of acts of discrimination and violence against LGBTI persons



Accepted

The United Nations Treaty Bodies and Special Procedures have addressed the situation in Turkey on more occasions and produced a number of recommendations and observations:

- **Human Rights Committee (CCPR) - 2012**
- **Special Rapporteur on extrajudicial, summary or arbitrary executions - 2013**
- **Committee on the Elimination of Discrimination against Women (CEDAW) - 2016**

Human Rights Committee (CCPR) - 2012

8.The Committee is concerned that the current legislation of the State party on discrimination is not comprehensive, thus failing to protect against discrimination on all the grounds enumerated in the Covenant. In particular, the Committee is concerned about the lack of specific reference to the prohibition of discrimination on the basis of gender identity and sexual orientation. (art. 2, para. 1) [CCPR/C/TUR/CO/1]

...

10.The Committee is concerned about the discrimination and alleged acts of violence against people on the basis of their gender identity and sexual orientation, and about the social stigmatization and social exclusion of lesbian, gay, bisexual, and transgender (LGBT) persons in terms of their access to health services, education, or to their treatment in the context of the regulations concerning compulsory military service and while serving in the military (arts. 2 and 26).

...

While acknowledging the diversity of morality and cultures internationally, the Committee recalls that all cultures are always subject to the principles of universality of human rights and non-discrimination (general comment No. 34, para. 32). The State party should therefore state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality, or harassment of or discrimination or violence against persons because of their sexual orientation or gender identity. It should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's sexual orientation or gender identity.

...

The State party should enact legislation on anti-discrimination and equality, ensuring that it includes a comprehensive prohibition of discrimination on all the grounds as set out in the Covenant, as well as the prohibition of discrimination on the basis of gender identity and sexual orientation. The State party should also ensure that reliable and public data is systematically collected on cases of discrimination and their treatment by the competent judicial authorities.

Committee on the Elimination of Discrimination against Women (CEDAW) - 2016

32. The Committee notes the adoption in 2012 of Law No. 6284 on the Prevention of Violence against Women and the Protection of the Family. It notes with concern, however, that the law does not criminalize domestic violence as such, and includes no provision relating to the prosecution or punishment of perpetrators. It is also concerned about the persistence of systematic and widespread gender-based violence against women in the State party, including sexual violence, psychological violence and deprivation of access to essential goods, against women in the private sphere, and notes with concern:

- (a) That a large number of women are murdered by their intimate or former intimate partners or husbands or members of their families;
- (b) That protection orders are rarely implemented and are insufficiently monitored, with such failure often resulting in prolonged gender-based violence against women or the killing of the women concerned;
- (c) That violence is considerably underreported owing to stigmatization, fear of reprisals, economic dependence on the perpetrator, legal illiteracy, language barriers and/or lack of trust in the law enforcement authorities;
- (d) That inadequate assistance and remedies are offered to women seeking to escape violent relationships, reflected, inter alia, in insufficient numbers of shelters in an inadequate geographical distribution, inappropriate conditions for women in shelters including invasive searches, confiscation of the women's cell phones and restricted hours for entering and exiting the shelter, as well as the frequent practice of sending victims back to their abusive partners or compelling them to part with their children;
- (e) That lenient judgments are given to perpetrators of sexual violence, including those found guilty of the rape of girls, and reduced sentences are imposed owing to the perpetrator's "good behaviour" during trial;
- (f) That, despite the State party's ratification without reservations of the Istanbul Convention, which is welcomed by the Committee, discrimination and violence targeted at lesbian, bisexual and transgender women continues; this violence is exacerbated by impunity for the perpetrators of hate crimes, including severe violence against and killings of lesbian, bisexual and transgender women and by the lack of integration of "sexual orientation and gender identity" into legislation on hate crimes or into the prohibited grounds of discrimination in Law No. 6701, which is in violation of article 4 (3) of the Istanbul Convention, and by the courts' acceptance of the applicability of article 29 of the Penal Code on "unjust provocation" to cases of killings of lesbian, bisexual and transgender women, thus providing mitigating circumstances for perpetrators of such crimes.

33. In line with its general recommendation No. 19 (1992) on violence against women and with Sustainable Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party strengthen its efforts to combat gender-based violence against women, including the underlying causes of such violence. It also recommends that the State party:

- (a) Effectively implement its national action plan on combating violence against women (2016-2019);
- (b) Adopt the necessary legislative amendments that explicitly criminalize domestic violence, so as to enable the prosecution and punishment of perpetrators;
- (c) Vigorously monitor protection orders and sanction their violation, and investigate and hold law enforcement officials and judiciary personnel accountable for failure to register complaints and issue and enforce protection orders;
- (d) Encourage reporting of domestic violence against women and girls, inter alia by launching awareness-raising campaigns through the media and public education programmes and by increasing the number of female judges and law enforcement officials, and ensure that reports are effectively investigated and victims provided with adequate assistance and protection;
- (e) Provide women who cannot safely return to their homes with assistance to build an independent life; such assistance may include psychosocial support, vocational training to enable them to engage in income-generating activities and, if necessary to ensure their safety, a changed identity;
- (f) Establish a hotline, operating 24 hours a day, seven days a week, on gender-based violence against women, with operators who also speak Kurdish and Arabic;
- (g) Ensure that irrelevant criteria, such as good conduct in court, do not serve as grounds to reduce the sentences of perpetrators of gender-based violence against women;
- (h) In line with its general recommendations No. 19 and No. 28 (2010), on the core obligations of State parties under article 2 of the Convention, as well as the Istanbul Convention, exercise due diligence to protect lesbian, bisexual and transgender women against discrimination and violence, by including "sexual orientation and gender identity" in the legislation on hate crimes and among the grounds for prohibited discrimination in Law No. 6701, and ensure that perpetrators of violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code.

48. The Committee, drawing attention to its statement on sexual and reproductive health and rights (2014), recommends that the State party:

- (a) Ensure equal and full access to sexual and reproductive health information and services for all women, including Kurdish women and women belonging to minority groups, which respect women's rights to autonomy, privacy, confidentiality, informed consent and choice, are safe and include access to modern forms of contraception, including emergency contraception, in all parts of the State party, including rural and remote areas;
- (b) Take all measures necessary to safeguard the existing legal right to abortion and contraception, monitor hospitals and ensure that they respect their legal obligations to terminate pregnancies up to the tenth week, and up to the twentieth week in cases of rape, without imposing any additional conditions;
- (c) Collect data on the prevalence of HIV and renew the national strategic action plan on HIV/AIDS (2011-2015) and set up counselling centres for HIV and sexually transmitted infections in all parts of the State party, including rural and remote areas.

Special Rapporteur on extrajudicial, summary or arbitrary executions – 2013

Right to life and non-State actors There can be no justification under any circumstances for acts of terrorism. All groups engaged in terrorism should cease such activity with immediate effect. Article 82 , paragraph k , of the Penal Code should be understood to include honour killings under “custom . ” Uniform legal interpretation of the provisions of this article should be provided to ensure the highest penalty is always applied in cases of honour killings. Turkey should enact comprehensive and specific legislation on hate crimes in accordance with international standards , in particular , articles 19 and 20 of the International Covenant on Civil and Political Rights . **To reduce the vulnerable situation of LGBT individuals , Turkish legislation should be reviewed to include language sensitive to gender identity and sexual orientation.** All complaints of violence and death threats should be promptly registered by the security officers, as well as fully and effectively investigated. Turkey should develop a monitoring system on the registration and investigation of such complaints. Where there is sufficient evidence of violations, the professionals of the judiciary should be seized of the matter and should initiate criminal investigations and prosecutions, irrespective of the willingness or ability of the victim to lodge or maintain a complaint. Turkey should prioritize improving the protection orders system . Protection orders should be issued promptly and enforced effectively. There should be a mechanism to regularly monitor their functioning. Security officers and the professionals of the judiciary should be investigated and held accountable systematically in cases of failure of due diligence and in action with regard to the registration of complaints as well as the issuance and enforcement of protection orders. Awareness-raising campaigns as well as training of security officials and professionals of the judiciary should continue with regard to the rights of women and gender equality, and should be launched on the rights of LGBT individuals .

Fight against impunity An independent body which enjoys wide public support and representation should be established to investigate political killings that are unaccounted for and to make recommendations regarding possible prosecution and other measures to promote transitional justice and a culture of accountability. The process of establishing such a body and determining its mandate should be open, transparent and inclusive. Allegations regarding mass graves and violations that occurred in the 1990s should be considered as falling within the remit of the institution. An independent and urgent forensic investigation into identified mass graves in south-east Turkey and other relevant parts of the country should be conducted in accordance with the Minnesota Protocol. Families should be thoroughly involved in this process and have access to victims’ remains. The statute of limitations should be removed at least for all violations of the right to life. Crime scene investigation procedure should be improved and monitored so that violations by State actors are investigated independently without the bias of colleagues or delay in official reporting. The Forensic Medicine Institute should be provided with institutional independence, as well as with an increased capacity to conduct forensic and autopsy procedures in a swift, effective, impartial and transparent manner. Parties to a legal proceeding should be able to present alternate evidence reviews . The possibility of presenting forensic reports performed by institutions that are not Government-affiliated should be fully ensured and facilitated . In cases of unlawful killing, the prosecutor should always bring charges for killing and never for a lesser crime instead. **“Unjust provocation” should not be misused as a mitigating factor in cases which involve alleged morality motives as a cause of killing, in particular in cases of honour killings and killing of LGBT individuals .** “Good conduct” during legal proceedings should also not be used to reduce the sentences in such cases. Positive developments introduced by the Third Judicial Reform Package should be implemented without delay to address the problem of lengthy judicial proceedings. If it is indeed correct to say that law enforcement officials may be tried without administrative authorization, the Government should make this fact more widely known and prosecutors should immediately cease the practice of continuing to require such authorization. When a public official is the subject of investigation of a violation of the right to life, he or she should not be allowed to remain on active duty and should not receive promotion. Care should be taken to ensure that the Law Enforcement Oversight Commission envisaged by the current draft law has organizational and not merely functional independence, including independence from the Government. A similar monitoring mechanism should be established to examine complaints regarding all acts of the Turkish Armed Forces, as well as the military duties of the Gendarmerie. Steps should be taken to reverse and stop the trend of reprisals against those who lodge complaints. Investigation and accountability should be ensured for all cases of threats and coercion against witnesses, families , lawyers and non - governmental organizations. The practice of counter-charges should be ceased when it is used selectively against those who bring complaints. A stronger and effectively implemented protection programme should be prioritized to provide witnesses, victims and their families, and other parties that feel threatened with a safe haven.

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[Equality for 1.3 billion people - 30 years of legal recognition of same-sex relations](#)