

Stonewall

ABOUT THIS RESOURCE

This resource is produced by Stonewall, a UK-based charity that stands for the freedom, equity and potential of all lesbian, gay, bi, trans, queer, questioning and ace (LGBTQ+) people.

At Stonewall, we imagine a world where LGBTQ+ people everywhere can live our lives to the full.

Founded in London in 1989, we now work in each nation of the UK and have established partnerships across the globe. Over the last three decades, we have created transformative change in the lives of LGBTQ+ people in the UK, helping win equal rights around marriage, having children and inclusive education.

Our campaigns drive positive change for our communities, and our sustained change and empowerment programmes ensure that LGBTQ+ people can thrive throughout our lives. We make sure that the world hears and learns from our communities, and our work is grounded in evidence and expertise.

To find out more about our work, visit us at www.stonewall.org.uk

Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)

Stonewall is proud to provide information, support and guidance on LGBTQ+ inclusion; working towards a world where we're all free to be. This does not constitute legal advice, and is not intended to be a substitute for legal counsel on any subject matter.



TURKEY



Population: 80+ million people



Stonewall Global Diversity Champions: 40

THE LEGAL LANDSCAPE

In Stonewall's **Global Workplace Equality Index**, broad legal zoning is used to group the differing challenges faced by organisations across their global operations.

Turkey is classified as a Zone 2 country, which means sexual acts between people of the same sex are legal but no clear national employment protections exist.

Two further zones exist. In Zone 1 countries, sexual acts between people of the same sex are legal and clear national employment protections exist on grounds of sexual orientation. In Zone 3 countries sexual acts between people of the same sex are illegal.

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

The Constitution protects the **rights to freedom of expression, association and assembly** under Articles 26 and 34.

There are **no LGBT-specific restrictions or additions** to these rights.

However, **general provisions** can be used to **restrict rights of LGBT people and groups**, subject to individual circumstances.

For example, Article 56 of the Turkish Civil Code (2002) states that **'no association can be formed** for an object **contrary to laws and ethics'**.

Another example is Law No. 5651 (2007), which allows for the **blocking and removal of online content**, including material **related to 'obscenity'**.

Recently, **LGBT events have also been banned** for 'public security concerns'.

FAMILY AND SAME-SEX RELATIONSHIPS

Same-sex sexual acts are not criminalised.

There is an **equal age of consent** of 18 years for sexual acts regardless of gender under Article 11 of the Turkish Civil Code.

Same-sex marriage is not legal under Articles 124-144 of the Civil Code.

Same-sex relationships are **not** otherwise **recognised** by law.

Same-sex couples have **no legal right to adopt** children under Articles 305-320 of the Civil Code.

EQUALITY AND EMPLOYMENT

Article 10 of the Constitution states that **everyone is equal before the law** but it **does not explicitly refer to sexual orientation and gender identity.**

Employment discrimination based on **several grounds** is **prohibited** under Article 5 of the Law on Labour. However, **sexual orientation and gender identity** are **not listed as prohibited grounds.**

Hate crimes based on sexual orientation or gender identity are **not considered aggravating circumstances** in sentencing.

GENDER IDENTITY

Trans people can change their legal gender on all identification documents through a court decision according to Article 40 of the Civil Code.

The legal gender **can only be changed to male or female.**

The change of legal gender is **subject to sterilisation, medical opinion, compulsory divorce** and being **over the age of 18.**

Trans people can change their legal name on all identification documents under Article 27 of the Civil Code.

Legal name change is **subject to an application to the National Registration Office**, a **'valid reason'** and having a **witness.** What constitutes a 'valid reason' is not defined in the Civil Code.

IMMIGRATION

Dependant visas are not available for same-sex partners of people working in the country.



A VIEW FROM TURKEY

Sedef Çakmak is on the board of the Social Policy, Gender Identity and Sexual Orientation Studies Association (SPoD) and is also a councillor of the Beşiktaş municipality in Istanbul. SPoD was formed to combat oppression and discrimination in society with a specific focus on sexual orientation and gender identity based violence.



What is the biggest problem facing LGBT people in Turkey?

The equality article in Turkey's constitution does not include sexual orientation and gender identity, which means LGBT people can be lawfully discriminated against in a number of public spheres, including the workplace. This lack of protection makes it extremely difficult to secure positive outcomes in court cases, and is at the heart of homophobia, biphobia and transphobia in Turkish society.

What are some of the specific issues lesbians, bi women and trans people face?

The majority of lesbians and bi women are forced to live in the closet until they gain financial independence, which is also true for women forced into heterosexual marriages. There are several court cases in which women lost custody of their children after a divorce, with the excuse that their sexual orientation made them 'unfit' to be a parent. There is still much work to be done regarding the legal, social and economic rights of lesbians and bi and trans women. The widespread transphobia in society as well as the lack of anti-discriminatory laws narrow down job opportunities of trans people. Many trans women have no choice but to become sex workers. Even though prostitution isn't a crime in Turkey, rights of the sex workers aren't well protected either. This situation causes many trans women sex workers to work in extremely unsafe environments, deprived of basic social securities.

How are LGBT people portrayed in the media?

There is oppressive censorship of a range of subjects by the government, and independent media is tightly controlled. Even some forms of social media, such as Twitter and YouTube, have been temporarily blocked in recent years. In 2011, when the constitution was being re-written, television journalists were extremely reluctant to cover stories about the inclusion of LGBT protections, for fear of losing their jobs. Although there has been some positive change and objective discourse in newspapers, it's still common to find hate speech towards LGBT people on social media.

What is the workplace like for LGBT people?

LGBT people often feel the need to hide their sexual orientation and gender identity at work, and those who don't, or are unable to do so, may face repercussions. Even where discrimination is obvious, it will often be ignored because unemployment rates are high in Turkey and people don't want to risk their livelihoods. Trans people in particular will find it nearly impossible to be open about their gender identity at work. Some positive precedents have been set in the courts, although these mainly relate to the police and the army. However, the private sector is becoming increasingly aware of LGBTI employees and is cooperating with NGOs advocating for LGBTI rights. For example, organisations are seeking to partner with LGBT groups to deliver LGBT rights training to their employees.

Do international or Turkish organisations publicly support LGBT equality?

SPoD has held LGBT training sessions for international organisations, and many of these organisations also have LGBT-inclusive non-discrimination statements on their public recruitment websites. But for most businesses, LGBT equality is not a priority and relationships between the LGBT community and businesses are hard to establish. SPoD would like to see greater cooperation between the public and private sectors and LGBT groups. Employers should create a more inclusive working environment and shouldn't shy away from explicitly condemning discrimination based on sexual orientation and gender identity.

LGBT INCLUSION IN THE WORKPLACE

THE FOUNDATIONS

There are several steps employers can take to start creating a supportive workplace environment for their LGBT employees in Turkey:

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| <ul style="list-style-type: none"> ✓ Consult local LGBT organisations to understand the local context for LGBT people ✓ Introduce explicitly LGBT-inclusive anti-discrimination and bullying and harassment policies | <ul style="list-style-type: none"> ✓ Train HR staff and promote inclusive policies ✓ Carry out LGBT-inclusive diversity training ✓ Encourage senior managers to promote their commitment to LGBT inclusion and equality |
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NEXT STEPS

Once a foundation has been built, there are further steps employers can take to bring about positive change for LGBT people. For example:

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| <ul style="list-style-type: none"> ✓ Audit and extend partner benefits to same-sex partners ✓ Establish employee engagement mechanisms like LGBT networks and allies programmes ✓ Carry out LGBT awareness-raising events | <ul style="list-style-type: none"> ✓ Partner with local LGBT groups to advance LGBT equality beyond the workplace ✓ Work with suppliers and partners to advance LGBT workplace equality |
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Employers can improve their initiatives by participating in Stonewall's Global Workplace Equality Index - a free benchmarking tool offering a clear roadmap to LGBT inclusion in the workplace. www.stonewall.org.uk/gwei



LEARN FROM STONEWALL'S GLOBAL DIVERSITY CHAMPIONS

IBM IBM's commitment to diversity is manifested in its global policy, which expresses explicit commitment to sexual orientation and gender identity equality and prohibits discrimination on these grounds. This policy is applied throughout IBM in Turkey. IBM diversity events include LGBT topics. IBM also provides support to its LGBT staff when posting or relocating them to and from Turkey. All internal job descriptions make clear that candidates are not discriminated against on the grounds of sexual orientation or gender identity, reinforcing IBM's diversity policy. If an LGBT employee has to decline a transfer or assignment for reasons relating to their sexual orientation or gender identity, IBM ensures that it will not have a negative impact on their career. If an assignment is accepted or a person moves permanently, IBM treats the person's same-sex partner in the same way that it treats opposite-sex partners.

Baker McKenzie Since its inception in 2014, the Baker McKenzie Istanbul office has been unequivocal in its position as a positive advocate for LGBT+ equality. Every year, a large rainbow flag proudly adorns the front of the building in celebration of Pride week. This way, Baker McKenzie externally displays its support for the LGBT+ community. The local Diversity & Inclusion committee, which has a strong LGBT+ focus, plans a series of internal events visited by clients, NGOs and Baker McKenzie colleagues alike. Each year, the office also joins the annual Istanbul Pride parade carrying 'Baker McKenzie supports Pride week' banners and badges. Many internal film screenings have taken place at the Istanbul office. For example, a screening of the LGBT+ themed documentary *Benim Cocugum/My Child* took place in 2014. This was followed by a Q&A session with the families of some of the trans children featured in the documentary. In 2015, Baker McKenzie organized an LGBT+ panel event, which was attended by colleagues, clients and the then US Consul General to Turkey. 2016 again saw screenings and events rolled out specifically in support of the LGBT+ community. In 2017, the office held an LGBT+ and allies networking event bringing together colleagues, clients and leading local LGBT+ NGOs, helping to educate attendees about LGBT+ equality and build a supportive network.



GET INVOLVED



THE ANNUAL LGBT CALENDAR

January - Pink Life KuirFest is a queer film festival.
www.pembehayatkuirfest.org

June or July – Istanbul Pride.

Note that in 2016-17 these events were banned. For more information, visit www.pembehayatkuirfest.org. Check the events websites for the most up-to-date information on dates.



FIND LGBT GROUPS AND COMMUNITIES

KAOS GL – an LGBT group offering support through conducting cultural, educational, artistic and sports activities and providing information on LGBT rights issues. www.kaosgldernegi.org

Lambdaistanbul LGBTI Solidarity Association – an LGBT organisation focusing on community work, campaigns and the organisation of Pride events. Lambdaistanbul runs a community centre, library and LGBT helpline. www.lambdaistanbul.org

LISTAG (Families of LGBTs in Istanbul) – a voluntary support and solidarity group for families and friends of LGBT people in Turkey. www.listag.org

Mersin LGBT 7 Renk – an LGBT group working to raise awareness of LGBT issues, report instances of discrimination and positively influence laws and policies. www.mersinyedirenk.org

Pembe Hayat – an organisation and community group focusing on trans rights. www.pembehayat.org

Siyah Pembe Üçgen İzmir – an LGBT association focusing on legal and social advocacy work. www.siyahpembe.org

SPoD – a national LGBT organisation focusing on economic and social rights, legal issues, political participation, research, visibility in the media and international solidarity. SPoD's activities also include LGBT training sessions for international businesses. www.spod.org.tr



GET LOCAL LGBT UPDATES

Kaos GL Magazine – a magazine discussing LGBT issues. www.kaosgldergi.com/anasayfa.php

LGBTI News Turkey – a group of volunteer-translators providing English translations and sources on LGBTI issues in Turkey for journalists, activists, scholars and the general public. www.lgbtinewsturkey.com



STONEWALL'S GLOBAL DIVERSITY CHAMPIONS PROGRAMME WORKS WITH 40 ORGANISATIONS OPERATING IN TURKEY.

Our team of workplace advisors offers tailored one-to-one advice on how to create LGBT-inclusive workplaces globally. If you would like to receive support or want to be featured as a case study in one of our Global Workplace Briefings, contact Stonewall.

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Every effort has been made to ensure that the information contained in this Global Workplace Briefing is correct as of February 2018. Introducing any new initiative requires careful consideration and the safety of staff should always be of paramount importance. This overview is for guidance purposes only and does not constitute, nor should it be interpreted as a substitute for, detailed legal advice. If you have any specific legal concerns, always consult with local legal experts. Stonewall Equality Ltd, Registered Charity No 1101255 (England and Wales) and SC039681 (Scotland)