

TPQ SEMINAR REVIEW: WOMEN'S RIGHTS AND LGBT FREEDOMS IN TURKEY – PROGRESSING OR REGRESSING?*

On 6 November 2013, Turkish Policy Quarterly (TPQ) held a seminar to debate the trends in women's and LGBT individuals' rights in Turkey with a wide range of activists, decision makers, and journalists. This event, which was made possible with support from the MATRA Fund of the Consulate General of the Kingdom of the Netherlands in Istanbul, featured discussion on topical issues such as European benchmarks for LGBT and women's rights, Turkey's polarization as it relates to clothing and lifestyle choices of women, and law enforcement problems faced by LGBTs. This review aims to capture the expertise shared and recommendations voiced. It concludes that mainstreaming women and LGBT rights in every policy area is the only solution to discrimination.

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* The complete video of the seminar is available at TPQ's website:

<http://www.turkishpolicy.com/article/933/women-and-lgbt-rights-in-turkey-progressing-or-regressing/>

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In Turkey, it is not common that a platform brings together leading names from the conservative/pious civil society, liberal feminists, LGBT activists, parliamentarians from government and opposition, journalists, and diplomats for an open, uncensored debate on sensitive social issues. The seminar held by TPQ on 6 November 2013 did exactly that.

From the dismal situation of women's rights to various kinds of discrimination against LGBTs, many concerns were voiced during the two-session seminar. While the strong women's movement is concerned about rising political pressures, the rather recent visibility of LGBT NGOs face conservative backlash. The following analysis offers highlights from the presentations and the discussions of this event, depicting both movements' trajectories within civil society in Turkey.

The first session of the TPQ Seminar, titled "Women's Rights in Turkey", featured prominent women's rights activists, such as the moderator Selen Lermioğlu Yılmaz, and as panelists feminist activist Hülya Gülbahar, Fatma Bostan Ünsal, and two members of parliament, Emine Bozkurt from the European Parliament and the Dutch Labour Party, and Aylin Nazlıaka from the Republican People's Party (CHP).

The seminar was covered extensively in Turkish news media, mainly due to remarks by Fatma Bostan Ünsal, who is also one of the founders of the Justice and Development Party (AKP), criticizing the controversial declaration by Prime Minister Erdoğan that governors and the police would look into complaints of male and female students living under the same roof, and take necessary precautions.¹ Ünsal is a women's rights activist who is still an active member of the Capital City Women's Platform (*Başkent Kadın Platformu*), an association famous for defending women's freedom to wear the headscarf in public and a member of the Penal Code Women's Platform (*Türk Ceza Kanunu [TCK] Kadın Platformu*) that brought together conservative and secularist women's groups towards the making of a new Penal Code in 2004. Ünsal argued that the Prime Minister's repressive attitude creates a dangerous situation for society.²

Ünsal had criticized the Prime Minister on his unwillingness to lift the ban on headscarves in the past.³ In this seminar, Ünsal likened Erdoğan's approach to liberal choices among students today to the past secularist interference in the choices of conservative students who were living in the "community" houses (*cemaat evleri*)

1 "Başbakan'dan 'kızılı-erkekli evler' açıklaması," [Prime Minister's Statement on Mixed Houses], *Zaman*, 5 November 2013, http://www.zaman.com.tr/politika_basbakan-dan-kizili-erkekli-evler-aciklamasi_2162376.html

2 "AK Parti kurucusundan Erdoğan'a: Çok Tehlikeli durum," [From a Founder of AK Party to Erdoğan: A Very Dangerous Situation], *Hürriyet*, 7 November 2013, <http://www.hurriyet.com.tr/avrupa/25062899.asp>

3 "Başbakan'a türban çıkışı," [Turban inveigh against the Prime Minister], *Milliyet*, 18 October 2013, <http://www.milliyet.com.tr/basbakan-a-turban-cikisi/siyaset/sondakika/18.10.2010/1302939/default.htm>

where practices such as praying together was encouraged (during the February 28 period in the run-up to the following “postmodern *coup*”). Ünsal stated that, just as the type of pressure exerted upon those (conservative) student houses was detrimental for Turkey, it is even more damaging to introduce repressive measures imposing “morality” on students today. She described this attitude as dangerous, because it undermines trust and tolerance in society.

Ünsal also criticized conservative activists for not questioning Erdoğan’s declaration that he does not believe in equality among sexes. Ünsal implored, “We should have all asked what he meant by that. Did he mean that men and women are biologically different?” She admitted her view that women and men are biologically different but stated that this does not mean that they are not equal in terms of rights. She also added that Erdoğan’s comments about the inequality of men and women influenced ordinary conservative citizens in a fundamental way, rendering the attempts to address the disadvantages women face in public life futile.

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Hülya Gülbahar, who in 2007 was accused by the Prime Minister for “being unfair” in her calls for gender quotas in political parties, reminded the audience of Erdoğan’s stance on the equality of the sexes.⁴ Gülbahar is a lawyer and a women’s rights activist who also acted as the president of the Association to Support Women’s Candidates (KADER), and is active in the *Eşitiz* (We are Equal) movement that raises awareness against policies that target women’s bodies, such as abortion rights and caesarian operations. She argued that AKP has regressed in its stance towards the notion of women’s equality. This was also reflected in the change of the name of the Ministry for Women and Family to “the Ministry of Family and Social Policy”. The abortion bill that provoked large-scale protests, including the regulation of cleaning ladies in the ministry dealing with social policies rather than the Labor Ministry and the Law on Protection of the Family and Prevention of Violence which puts emphasis on “protecting the family” rather than the individual are other examples of recent controversial changes brought on by the government.

The audience was reminded that the women’s movement in Turkey consisted of the first civil society activists who found the courage to be on the streets after the 1980

⁴ “Erdoğan kadın kotası talebine kızdı,” [Erdoğan was Angry for the Demand of Women’s Quota], *Radikal*, 2 October 2007, <http://www.radikal.com.tr/haber.php?haberno=234565>

military *coup* which had led to the imprisonment of over 30 thousand people for political activity. Gülbahar asserted that the women's movement's top priority today is to protect existing rights and make sure that gained rights are not lost.

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Gülbahar pointed out that notions such as shame and obscenity in laws are open to interpretation, which has and can lead to the imprisonment of women for the exposure of a part of their body. All laws have “mines” embedded in them which can be used in various repressive fashions in the future, she claimed. She detailed the efforts that have been made on behalf of the women's movement to prevent ambiguous and problematic wording from being planted in new laws.

Emine Bozkurt, who is also the European Parliament's Rapporteur on Women's Rights in Turkey, and Aylin Nazlıaka, Member of the Turkish Grand National Assembly from the CHP, were the two parliamentarians on the first session. Bozkurt made the point that while the emphasis of this Seminar is on Turkey, even in Europe, gender inequality persists and has to be fought for every day. Bozkurt structured her remarks around five main points: addressing violence against women, participation of women in the labor force, trade unions, political parties, and local politics.

Turkey's goal of having 35 percent of women [of working age] in the labor force by 2023 is a low benchmark to set and ultimately well below EU standards, according to Bozkurt. Turkey also aims to be one of the world's 10 largest economies by 2023. This latter goal can only be achieved if Turkey addresses its gender equality obstacles. Bozkurt underlined the importance of having more women in trade unions, stating “We cannot expect only men to fight for better working conditions for women.”

Bozkurt also underscored the low level of women's participation in local politics. As a nominee for candidacy to be Ankara's mayor for the upcoming local elections in March 2014, parliamentarian from CHP, Aylin Nazlıaka, stressed the importance of women's participation in politics. Underlining that only one out of 81 governors in Turkey is a woman, and that there are no female labor union managers in Turkey,

Nazlıaka said that women's issues should not be approached with a partisan attitude, whereas, she said, the ruling party categorically rejects any proposals by CHP on related issues. Announcing that CHP is working toward implementing their 33 percent female quota, Nazlıaka reaffirmed that support from men is also essential to improving women's conditions in Turkey.

Bozkurt's fifth point –the problem of violence and intimidation against women– was addressed by Nazlıaka as well. Nazlıaka pointed out that, young women face social pressures not to participate in the labor force. She quoted some of them saying, "I want to work, but my family doesn't let me." This reflects the conservative view that a woman is more likely to become sullied if she enters the work force, consequently becoming a less valuable marriage candidate.

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Referring to the Employment Package proposed in parliament, Nazlıaka stated, "When you look at the employment package, women are still seen as an incubation machine." She argued that rather than promulgating women's rights in the work place, this package took away from their potential.

In order to increase women's labor force participation rate, it is important for women to remain part of the labor force while preserving the family order. Nazlıaka pointed out that the recent employment package raises the maternity leave to 18 weeks and unpaid leave to one year. In order to help encourage women's participation in the labor force, Nazlıaka stated that increasing the number of kindergartens and day care centers would be a prerequisite. However, as Gülbahar explained, the government is deliberately shutting down these institutions. She said that in 2005, there were 419 public kindergartens; in 2006, the number decreased to 410, and by 2010 there were only 148 public kindergartens. Providing further statistics, Gülbahar stated that by 2008, the government had shut down 1428 public preschools.

Gülbahar explained that the new employment package will enable public officials to work part time for 69 months (5.75 years) per child. According to Gülbahar, "It is a project to force women out of employment," because it is aimed to have women work only part-time and informally.

As for how to proceed in advancing women's status, the Dutch MEP Bozkurt mentioned the EU accession process, noting the opening of chapter 22. "I seriously hope [chapters] 19, 23 and 24 will be opened soon," she affirmed. These chapters which pertain to fundamental rights, social policy, and freedoms are important for advancing women's rights.

The second session, "LGBT Freedoms in Turkey", featured Prof. Binnaz Toprak from the CHP who proposed a motion in the Turkish Parliament this year to establish a commission of inquiry to identify discrimination faced by the LGBT community, Serdar Manavoğlu, former policy advisor on Emancipation, Diversity, and "Honor" Crimes at the Municipality of Amsterdam, Yasemin Öz, a legal consultant on LGBT rights and Deputy Chairperson of Kaos GL, and Rojda Tekin, spokesperson for Anti-Capitalist Muslims, as well as again Emine Bozkurt, who is also a member of inter-party group on LGBT rights in the European Parliament.

Leading the discussion, moderator Diba Nigâr Göksel, the Editor in Chief of TPQ, remarked that in light of trends in Europe granting basic rights for LGBT individuals, the gap between Turkey and EU member states was becoming wider. Although in the past 10 years, active LGBT NGOs have advocated for concrete legal changes and that there are now MPs from mainstream parties (namely the CHP) proposing solutions to discrimination, the conservative backlash and homophobic rhetoric in the political arena persists.

Highlighting that the EU still has a long way to assure LGBT rights, Emine Bozkurt reminded the audience that it was only recently that the World Health Organization removed being transgender from the list of mental illnesses. Bozkurt argued that while achieving equality for LGBTs in legal texts should be the goal in the EU countries, implementation is largely up to the member states themselves. Commenting on the Netherlands, she pointed out that it is a problem that only after a homosexual has come out in his or her own country and faces threats on these grounds can he/she apply for asylum from the Netherlands.

Binnaz Toprak, member of Turkish Parliament under the CHP, pointed to the difficulty in including terms that imply LGBT communities in legislative proposals. Although there are some parliamentarians from AKP who are empathetic, they are afraid of supporting such causes, she said. Drawing on a focus-group study she had conducted in her previous position as a political science professor, Toprak highlighted how hard it is to be "the other" in Turkey. She retold many instances of discrimination against LGBT people, and drew parallels between women and LGBT people who are subject to similar types of violence and social pressures. For example,

“honor” killings are also committed against LGBT persons by family members, however the related laws do not cover them.

Toprak also underlined that discrimination in the workforce leads LGBT individuals to pursue sex work, resulting in their marginalization and making them susceptible to even more violence. Earlier this year, Toprak had proposed to establish a committee to investigate the problems faced by the LGBT community. Her motion was rejected. She notes that she planned to suggest changes to the Misdemeanours Law, which enables police to fine transgender persons arbitrarily.

The Anti-Capitalist Muslims’ participation on the LGBT panel provided a new and interesting take on the discussion. Activist and spokesperson Rojda Tekin argued that homophobia in Turkish society does not stem from religion itself. Rather, she argues, “People who have appropriated religion for their own agendas have created this approach.” and warns against the current situation where defining “the practice of Islam lies in the hands of the authorities.”

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Referring to the Koran, she said that if God created a person, it is not in vain and therefore in the world of Islam, it is possible to have a breakthrough in regards to LGBTs. Reminding the audience that “[Islam] is a religion of tolerance,” Tekin pointed out the negative attitude towards all marginalized identities in Turkey and argued that a “common sense approach” on behalf of the LGBT community would help them to integrate into society and encourage conservatives to overcome their prejudices against them. Yet, in assessing Tekin’s words, a caution should also be noted. Implying the ones who are “different” should try to gain tolerance of those who are not is rather controversial.

Yasemin Öz, a prominent LGBT activist and legal consultant on LGBT rights reflected on the legal situation and the underlying mentality about LGBT people in Turkey through examples of laws and cases. In fact, she said, there is practically no mention of LGBTs in Turkish legislation, except for the military regulations and laws related to sex-reassignment surgeries.

Relatively early on, in terms of European practices, Turkey legalized gender-reassignment surgeries and the legal change of gender identity. Öz explained the reason

behind this “front-runner” status of Turkey: the famous Turkish singer, Bülent Ersoy, could not take the stage because of an article introduced in the aftermath of the 1980 military *coup* in Turkey that banned males dressed as females from performing in public. Bülent Ersoy was one of the favorite singers of Semra Özal, the wife of Turgut Özal, then Prime Minister of the period, and had had a gender reassignment surgery in London. For her to be able to take stage, the law was amended therefore enabling Ersoy to assume a female identity. Öz mentioned that in order to perform operations on transgenders, doctors need to confirm that the applicant is already infertile, and therefore transgenders have to first make themselves infertile through medication, and then apply for the surgery.

Öz also highlighted that in numerous laws in the Penal, the Civil code, the public servants law, the laws governing media, etc. there is mention of “public morality”. Given that there is no clear definition of “public morality”, it is left to the discretion of the persecutors and judges to decide which acts (and to what extent) violate public morality. This vacuum in the legal framework is usually utilized to the detriment of LGBT citizens, she pointed out.

While she agreed with the framing of this problem, Binnaz Toprak said that she would be concerned if the government set out to define “public morality”, as they would likely come up with a definition that is even more detrimental than the lack of a definition.

Serdar Manavoğlu, a former policy advisor at the Municipality of Amsterdam, explained that in the Municipality, in line with the inclusiveness principle, all minorities are included in the decision making process. Manavoğlu’s presentation was particularly enlightening in that he underlined how the municipality of the city of Amsterdam started in the 1980s to focus on LGBT issues with specific LGBT policy and shifted to an integrated approach of embedding and mainstreaming LGBT priorities in each policy sector. From LGBT rights in the work place to increasing police officers’ and Public Prosecution Services’ LGBT consciousness, the Amsterdam Municipality undertook actions to raise awareness, foster tolerance and acceptance, fight discrimination, and to make the city LGBT friendly. Amsterdam works on LGBT policy on three levels of leadership. At the municipality level under the leadership of an Alderman for Diversity, on a national level with 40 Dutch municipalities with a LGBT policy (together with the Ministry) and on the international level, promoting LGBT rights in all international organizations and forums. Amsterdam apparently won awards for best LGBT municipal policies in the Netherlands and is the frontrunner in the Rainbow Cities, a European network of active LGBT cities.

LGBT rights within a migration context as in the Netherlands poses new and different questions on how LGBT emancipation will develop. Visibility and participation are still important goals and tools within the migrant LGBT communities in the Netherlands.

While these types of advances seem like a distant future for Turkey and Turkish municipalities, since Turkey was unable to start gender-mainstreaming for women's policies despite the relatively long history of women's rights defense in Turkey, the visibility of the LGBT community has actually risen considerably, especially after the *Gezi* protests in Turkey. This year's trans pride and gay pride walks in the city center drew an unprecedented amount of people and for the first time, there is a gay mayoral candidate in the upcoming local elections, for the Bulancak municipality in Giresun, a city in the Black Sea region.

The first panel's main conclusion was that women's rights have suffered a significant backslide, especially since the second time that AKP came into power during 2007. Turkey has been steadily declining in the UNDP's Gender Empowerment Index, as well as the World Economic Forum's Gender Gap Index, for more than half a decade. As the panelists pointed out, not only has Turkey declined in such international rankings, but violence against Turkish women is also on the rise, and discrimination remains rampant. The overt verbal attacks on women's rights and the subtle changes introduced in laws and regulations, especially during a pious government's third term in power, worry women's rights activists from both conservative/pious and liberal camps.

Though they have not been able to forge legislative advances, the visibility of LGBT groups in Turkey is growing. The LGBT community's ability to have its voice heard on a national level stems mostly from their participation in the *Gezi* protests, when they skillfully used humor as a protest tactic in creating bonds with other activists. It would not be an overstatement to say that LGBT groups' humorous, lighthearted way of protest, observed in gay pride walks in previous years, has taught activists in other issue areas to communicate their demands in a different way, with more color than the traditional leftist style of protesting in Turkey. Joining women, environmental groups, and students mostly with no political

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affiliation, LGBTs were the most colorful group represented at *Gezi* Park, and their glorification of freedom and love unified the *Gezi* activists and supporters around a discourse that has been absent in the Turkish political space for a long time. Anti-Capitalist Muslims' popularity and the attention they have attracted from among mainstream society is also due to their presence and demeanor during these protests. Criticizing AKP's rich new Islamic bourgeoisie and accusing Erdoğan of venality, Anti-Capitalist Muslims dented Erdoğan's efforts to frame *Gezi* protests as a secularist attack against his piety. In addition, young Anti-Capitalists' solidarity with Kurdish and Alevi young activists during the protests, including, on an interpersonal level, was an example of the harmony that has been missing in the divisive and polarizing political environment.

Unfortunately, the current political atmosphere looks discouraging for both the women's movement and the LGBT community as the divisive discourse continues, exemplified in the student housing discussions. While the role of heterosexual women in society is being reconstituted as a mother of at least three children, presenting a modest body, while also working part-time in order to maintain the subsistence of the family both economically and morally, those of the LGBT community, as abject members of the society, cannot expect much more than a baseline "tolerance".