

Ms. Irene Khan,
Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Ms. Gina Romero
Special Rapporteur on the Rights to freedom of peaceful assembly and association

Ms. Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Ms. Ana Brian Nougreres
Special Rapporteur on the right to privacy

Mr. Graeme Reid
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Ms. Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ms. Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences -

Dear Madame/Sir,

(Oslo, March 7, 2025) We request your intervention regarding the draft of the proposed anti-LGBTIQ legislative changes within the framework of the 4th Judicial Reform in Türkiye. The draft of the proposed changes to the Turkish Penal Code, Turkish Civil Code, and other laws targeting LGBTIQ individuals in Türkiye has serious human rights implications. **We kindly urge the United Nations Special Procedures to issue a joint statement raising human rights concerns and calling for the withdrawal of the proposal.**

The year 2025 has been designated as the "Year of the Family" in Türkiye, and several related measures have negatively impacted the LGBTIQ community. The latest concerns the preparations for the Draft Law Proposal on Amendments to the Turkish Penal Code and Certain Laws. This draft law is based on the 4th Judicial Reform Strategy Document, prepared by the Ministry of Justice and announced by President Recep Tayyip Erdoğan on January 23, 2025. The leaked draft proposal contains highly concerning provisions. If enacted, the law would, among others:

- change the age of starting the gender affirmation process from 18 to 21;
- make sterilisation mandatory for those who wish to start the gender affirmation process by ‘certifying that they are permanently deprived of the ability to reproduce and that gender affirmation is compulsory in terms of mental health with an official medical board report issued by a full-fledged training and research hospital determined by the Ministry of Health as a result of four evaluations to be carried out at least at three-month intervals’;
- require that no medical intervention for gender affirmation will be performed without authorisation;
- make it more difficult for trans people to change their gender on official documents;
- amend Article 225 of the Turkish Penal Code, which is titled ‘Immoral Acts’, and add the expression ‘biological sex’ to the Penal Code. Consequently, LGBTIQ expressions will be defined as ‘immodesty’ and making these expressions visible will be penalised.

For a detailed review of the proposed changes, see the [analysis](#) by Kaos-GL.

According to Lawyer Kerem Dikmen, Human Rights Programme Coordinator of Kaos GL Association, the proposed amendment would prohibit gender expression in the public sphere. He [argues](#) that

With this amendment, a person who publicly encourages, praises or promotes attitudes and behaviours contrary to innate biological sex and public morality will be sentenced to imprisonment from one year to three years.

Accordingly, trans people whose gender is not yet legally recognised, cross-dressers, behaviours, expressions, clothing preferences and forms of address that are identified with a gender other than the gender assigned according to gender roles are punished. To explain with examples, it is penalised for a person who is a man in the civil registry to wear a skirt or make-up that can be described as feminine; for a person who is a woman in the civil registry to use a name identified with masculinity according to gender roles and norms or to publicly express her expectation to be addressed as such.

We are deeply concerned that the proposed provisions of the draft legislation will have an adverse effect on the rights of LGBTIQ individuals and broader human rights in Türkiye.

Interference in the right to non-discrimination and equality

Criminalising and further marginalising LGBTIQ persons through the proposed changes will violate Türkiye’s obligations to uphold the right to non-discrimination and equality that prohibit discrimination based on sexual orientation and gender identity (**Articles 2, 3 and 26 of ICCPR**).

Suppression of freedom of expression and association

Laws restricting LGBTIQ activism, media representation, and public advocacy would infringe on freedom of expression (**Article 19 of the ICCPR**). If this leads to civil society organizations advocating for LGBTIQ being restricted, this would violate freedom of association Article 22 of the ICCPR).

Increased risk of arbitrary arrests

Vague legal provisions criminalizing LGBTIQ-related activities could lead to arbitrary arrests and prosecutions, violating the right to liberty and security (Article 9 of the ICCPR). There is a risk of selective enforcement and misuse of these laws to silence activists, journalists, and organizations working on LGBTIQ rights, thus endangering **human rights defenders**.

Eroding the right to privacy and bodily autonomy

Criminalisation of LGBTIQ identities and same-sex relationships would infringe upon the right to privacy and family life (**Article 17 of ICCPR**). Potential surveillance of LGBTIQ gatherings could further violate the right to privacy.

Increased risk of heightened violence and impunity

Legal measures further stigmatising LGBTIQ are likely to legitimise discrimination and increase hate crime, harassment and violence. When the state fails to prevent and hold perpetrators accountable through proper investigation of attacks against LGBTIQ persons, this will lead to a violation of the right to life and protection from inhuman and degrading treatment (**Articles 6 and 7 of ICCPR**)

We sincerely urge the UN Special Procedures to issue a joint statement addressing this critical matter and stand in solidarity with those affected, reinforcing the commitment to fundamental human rights and non-discrimination.

With best regards,



Berit Lindeman
General Secretary

Dr. Mine Yildirim
Senior Advisor