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ANKARA

INFORMATION NOTE ON HUMAN RIGHTS VIOLATIONS AGAINST TRANS PEOPLE IN TURKEY – 3¹

This information note has been prepared on the occasion of LGBTI Pride Week and sent to the relevant state institutions in Turkey.

RED UMBRELLA IN SUMMARY...

Red Umbrella Sexual Health and Human Rights Association is an NGO which aims to inform, mobilize and organize sex workers about the issues which male, female and trans sex workers are exposed to regarding social exclusion, stigmatization, discrimination, violence and sexual health and reproductive health and to advocate towards public officials in accordance with the needs and demands of sex workers.

The Red Umbrella has adapted the issues such as the termination of every kind of right violations that sex workers are exposed, acceptance of sex work as a form of labor and ability of sex workers to live within a fair system equal to other citizens as her **visions**.

The **mission** of Red Umbrella is to visibilize the problems of sex workers and the solutions to these problems to be put within the agenda of the broader society and the relevant authorities, to maintain the advocacy activities to develop laws and policies in accordance with the interests of sex workers; to strengthen the capacities of sex workers against the human rights violations they experience and to enable them to reach out to various support mechanisms.

Our association produces and implements projects in accordance with her vision and mission. The

¹Relevant information note was prepared within the scope of the project called “Monitoring Human Rights Violations against Transgender People in Turkey from an Advocacy Perspective” implemented by Red Umbrella Sexual Health and Human Rights Association and supported by the Swedish Consulate General in Istanbul and the Open Society Foundations financially.

association currently has various ongoing projects; such as monitoring, reporting and documenting the human rights violations that trans people experience. Owing to those projects, the human rights violations against trans people has been monitored and collected systematically and with the data collected, the reports are prepared. With those reports, the Association does advocacy work to improve the present situation of trans people in Turkey.

The second work of Red Umbrella is to carry out advocacy and lobbying. In that context, it is aimed to improve trans people's living conditions, to strengthen their capacity towards the violence they face and to organize them. In addition to that, the association has lobbying activities to raise the awareness of state institutions on this issue.

Red Umbrella also informs relevant state authorities in regard to administrative fines applied against sex workers by law enforcement officials. In addition to that, the association meets the relevant state officials to inform them about human rights violations against trans people.

Red Umbrella also provides sex workers whose human rights are violated with legal counselling and support by her lawyers. In this way, the association aims to support them and to strengthen their information capacities regarding legal support.

One of the Association's goals is to improve the capacity of sex workers in various areas in order them to have a proper life. Within this framework, training programs are developed and conducted in various areas such as access to justice mechanisms, access to sexual health and reproductive health services, advocacy and lobbying, etc.

One of the aforementioned training programs is about the improvement of sex worker's sexual health and reproductive health, which is implemented together with the UNFPA Country Office in Turkey. Within this program, sex workers from different provinces are informed about sexually transmitted infections, access to health and public health services. In addition to that, the needs of sex workers are discussed with the decision-makers in provinces which are visited..

Another field of work of Red Umbrella is to organize seminars, training programs and workshops with stakeholders to raise awareness. In that extend, some activities are organized for bar associations, lawyers, health professionals, public officials, etc. and Red Umbrella's ties with them get improved.

Red Umbrella, between the years 2016-2017, under European Union EIDHR Programme, aims to reach at many trans sex workers in various provinces in Turkey, to provide them with trainings about access to justice, sexual health and reproductive health, advocacy, lobbying. Also she aims at organizing seminars, training programs and workshops with bar associations and lawyers to raise future capacity of them and to provide legal counselling to sex workers who are victims of violence. After implementation of the project, with the collected data, Red Umbrella aims to produce new advocacy and visibility materials and to use them for future works.

One of the important studies of Red Umbrella is a field research, which is conducted together by Ege University Medicine Faculty, İzmir CYBH and AIDS association. The research aims to map the vulnerable key populations and their spots and risky sexual behaviors including sex workers in terms of HIV and to survey how frequently they encounter with HIV.

Within the scope of works of Red Umbrella, Red Umbrella organizes training programs for sex workers on various subjects as well as holds panels open to public, and round table meetings for the public authorities regarding March 3 International Sex Worker Rights Day and December 17 International Day to End Violence against Sex Workers. In addition, Red Umbrella also carries out activities for visibilizing the issues of sex workers in other important days such as the March 8th International Women's Day, the May 17th International Day Against Homophobia and Transphobia, the LGBTIQ Pride Week, November 20th Transgender Day of Remembrance, the November 25th International Day for the Elimination of All Forms of Violence Against Women, the December 1st World AIDS Day, etc.

HUMAN RIGHTS VIOLATIONS AGAINST TRANS PEOPLE IN TURKEY: BACKGROUND

Red Umbrella aims to ensure that all trans people can benefit from their basic human rights without any restrictions. Trans people are marginalized due to many dynamics surrounded by discourse such as the “public morality”, “national and moral values”, “religious values”, “the Turkish family structure” and so on. Discourses of trans people, who are forced to be invisible, are trivialized and they are stigmatized, discriminated and are exposed to violence in many areas. Trans people need to benefit from the rights equally which are expressed in all of the international conventions which Turkey has signed and ratified and in the recommended texts produced by various inter-governmental organizations and from which each citizen in Turkey is expected to enjoy. However, even though being trans in Turkey is not illegal, trans people are subjected to inhumane treatment while their rights are violated. Social exclusion, marginalization and stigmatization lead trans people to work as sex workers. Unregistered sphere in the sex industry, existence of continuous violence and discrimination in this unregistered field and the fact that there is lack of access to justice by sex workers due to several barriers increase the victimization of trans people who do sex work. The breached human rights of trans people are the rights of personal security and respect to dignity, which are secured under the 9th and 10th articles of the ICCPR. In addition to that, physical, sexual and psychological violence carried out by the law enforcement officials form cruel, inhumane or degrading treatment or penal actions. These actions are banned under the Convention Against Torture, Other Cruel, Inhumane or Degrading Treatment or Punishment and the 7th article of the ICCPR.

Human Rights violations against trans people differentiate from other violations because of its different form of discrimination. Trans women and trans men face different types of discriminations. Trans men can be respected in a patriarchal society because they are masculine however, in transition process with the ambiguity of their sex they can be discriminated or stigmatized. Transition progress once more highlights the need for well-equipped hospitals and professional services. However, there are not enough services in every province. According to the legislation, people in transition progress, should take a health professionals committee report and be sterilized which is a very long-continued progress that brings many economical burdens.

Because of the living conditions of sex worker trans women, they are under many risks in terms of health. Irregular eating habit, sleeplessness, acute respiratory infections, dermatological diseases, physiological problems and sexually transmitted infections are some of the examples of them.

Furthermore, in access to health services, the discrimination and stigmatizing on these people are also one of the serious problems. The service quality does not meet with the expectations because health staff is not well equipped/informed about special health care of trans people and their needs.

There is no health policy which meets the needs of people living with HIV, elderly people, people with special needs: poor, homeless, people with disability, sex workers and people with similar identities or work fields.

Trans people are seen as one of the marginalized groups in Turkey. The reason for this marginalization can be given as follows: transphobia, whorephobia, lack of legal and de facto protection for trans people. Also, most of the trans women are criminalized because they work as sex workers which is another reason for marginalization of trans women. Transphobia causes discrimination, marginalization and physical violence for trans people in their family, education life and also causes peer violence and hate crimes. Trans people who are in the gender reassignment process are not able to finish their school so they are stigmatized as “unqualified”. In addition to that, they are not hired to any kind of job positions or if they get hired they are fired if gender identity is exposed.

As it is mentioned before, most of the trans women are sex workers. Sex work is legal in Turkey, however unrecorded sex work is forbidden. According to current legislation, which regulates sex work, sex workers can work if they are registered in a brothel and have pink ID card. Many trans women who work as a sex worker do not undergo sex reassignment surgery, so they have blue ID card and they cannot work as legal sex workers. Moreover, the trans women who have pink ID cards, had even some legal boundaries although their ID cards are similar to IDs of ciswomen. So many trans women face violence and discrimination by the authorities.

The legislation on sex workers, instead of protecting sex workers’ rights, aims to inspect and end sex work. So it can be said that, the policies and attitudes on sex workers is very parallel to this aim. Sex worker trans women face with administrative fines, house raids and sealing, disrespects to their private life in the name of applying the misdemeanor law. This kind of legislation and it’s application increase the torture and mistreatments against sex worker trans women by law enforcement officers. There is no respect for the private lives of the trans women who are targeted through house raids and sealing; sex worker trans women face with disrespect to their private life, their immunity of domicile get threatened and their rights on housing are breached. The trans women are pushed into poverty through administrative fine. The insecure social working conditions of sex worker trans women push them into insecure lives.

In addition to all kinds of infringement referred above, trans women face with the murders preventing their right to live. In Turkey, between the years 1 January 2008 and 1 January 2016, 40 trans women were murdered. In most of these murders, monstrous methods were used. Unfortunately, perpetrators of the murders were awarded with “unjust provocation” and “good conduct abatement” reductions. This situation increases the impunity and encourages murderers to commit a murder.

The impunity, which appears after infringement and targets trans people, makes these people vulnerable against infringements. In short, trans people are unable to reach justice mechanisms. Reasons in the following make accessing to justice difficult for trans people: Lack of knowledge on justice mechanisms, lack of economic capacity, not being able to reach lawyers and bars, the judges’

public prosecutors' and lawyers' lack of knowledge on trans people's problems or the fact that they are "transphobic", "whorephobic"

MONITORING HUMAN RIGHTS VIOLATIONS AGAINST TRANS PEOPLE: DATA

Red Umbrella Sexual Health and Human Rights Association monitors the aforementioned rights violations systematically. Red Umbrella started to monitor the human rights violations against trans people within the scope of the project titled as "ProTrans: Protection of Trans People Against Violence in Eastern Europe" in 2014 with Transgender Europe through an online database. It has started a new monitoring study supported by the Swedish Consulate General in Istanbul and the Open Society Foundations as of 2015. It is aimed within the scope of this study that the news published by 3091 national, local newspapers and magazines operating in Turkey will be monitored based on keywords around gender identity/expression and sex work and all positive or negative news will be monitored in accordance with the principles of journalism. The news are monitored day by day and the relevant data is collected. This information note was prepared based on the data entered in the database.

Data entry was performed by processing the cases which are possibly rights violations depending on certain categories, which can provide the information of the survivor, offender and the incident. These categories include; a short explanation in Turkish and English about the gender identity, age range, relation with the LGBTIQ community and the situation of self-disclosure regarding the victim, and the date, hour, place and the type of the incident regarding the case; and bias indicators and their explanations and the source of the information regarding the bias; and the number, identity and the definition of the offenders. This also includes the data regarding the impact of the case, whether medical aid was required after the case, the approach of health professional if any aid was provided, and the reason if no aid was acquired, other received/not received aids, whether the police was contacted and the approach of the police if so, the reactions of local authorities, whether the prosecution process started, its result and whether this case is a violation of rights².

²Sub-categorization belonging to these categories are as follows:

1. Gender Identity: a) From male to female: Trans, Cross dresser, Drag queen, Other b) From female to male: Trans Cross dresser, Drag king, Other c) Other: Male, Female, Intersex, Transgender, Third Gender, Agender, Polygender Gender Queer, Native/local identity, Other, Unknown; 2. Age Range: under 10, 10-14, 15-18, 19-25, 26-30, 31-40, 41-50, 51-60, 61-70, 71-80, over 80, Unknown; 3. Relation with LGBTIQ Community: Very close relation, Participating in some events, Participating in pride, Working for an LGBTIQ organization, No relation, Unknown; 4. Privacy: Yes, No; 5. Short Explanation (Turkish and English); 6. Date of the incident; 7. Hour of the incident: Morning (05:00-12:00), Noon (12:00-17:00), Evening (17:00-21:00), Night (21:00-05:00), Unknown; 8. Place of the incident; 9. Space of the incident; 1. Location of the incident: Internet, Published Newspapers, House, Vicinity of the House, School, Workplace, Vicinity of LGBTIQ venues, LGBTIQ organization building, Places of prostitution, Places of police and authorities (Police Station, Hospital, Military Camp, Jail, Court), State Building, Public Areas, Streets, Public Transport Vehicles, Restaurant/Cafe/Bar, Unknown; 10. Type of the incident: Murder, Excessive physical violence (serious physical damage, sexual assault), Assault, Damage to property (Assaulting on the property, Desecrating, Arson), Threats and Psychological violence, Hate Speech (Hate speech open to public, hate speech through social media and internet, harassing actions, harassing literature or music), Discriminatory treatment, Other; 11. Explanation of prejudice indication: Victim, Witness, Media, Police, NGO, LGBTIQ community, Other, Unknown; 12. Number of Offenders; 13. Identity of Offenders: Doctor, Public Official, Military Personnel, Police, Spouse, Parent, Sister or Brother, Child, Other family/affinity relation, Partner, Friend, Neighbor, Person living in the same community, Work Partner, Employer, Employee, Customer, Customer of the sex worker, Teacher, Student, School mate, Natural Person, Organized Crime Syndicates, Gang, No relation, Other, Unknown; 14. Definition of offenders; 15. Impact; 16. Is medical aid necessary?: Yes/No; 17. If yes, approach of the medical team: Medical aid supplied (Supportive, Proper, Unreliable, Insensible to Sexual identity, Hostile/Snappish/Insulting, Accusing, Violent/firm, Other; Medical aid not supplied; (Unreliable, Hostile/Snappish/Insulting, Accusing, Violent/firm, Other); Unknown; 18. Other aids: Psychologist, Victim Support Groups, Friends, Family Members, Other, Unknown; 19. Informing the police: Yes/No; If no, the reason: Distrust in police, Bad experience with the police, Fear of being subject to Violence and mocked, Fear of being accused because of the accusing laws, Other, Unknown, If yes, the approach of the police: (Supportive, Regular, Insensitive to the sexual identity, Unreliable, Hostile/Snappish/Insulting, Accusing, Violent/firm, Other; Police not informed; 20. Reaction of local

In this study, the data entry of the most significant 267 incidents was performed between 30 November 2014 and June 2016 through these categories. Seven of these 267 cases are cases resulted in murder in January, April, September, November and December 2015 and March 2016.

Others are; 32 Serious Physical Damage; 5 Serious Physical Damage/Sexual Assault; 1 Serious Physical Damage/Assault/Threats and psychological violence/Hate speech on public/Harassment/Extreme physical violence/Hate speech; 3 Serious Physical Damage/Assault/Threats and psychological violence/Extreme physical violence; 1 Serious Physical Damage/Assault/Threats and psychological violence/Extreme physical violence/Hate Speech; 1 Serious Physical Damage/Assault /Harassment/Extreme physical violence; 1 Serious Physical Damage/Assault/Discriminatory treatment /Extreme physical violence/Hate speech; 5 Serious Physical Damage/Assault/Extreme physical violence; 2 Serious Physical Damage/ Threats and psychological violence; 1 Serious Physical Damage/ Threats and psychological violence/ Discriminatory treatment; 2 Serious Physical Damage/ Extreme physical violence; 2 Serious Physical Damage/Criminal damage on property/Assault on private property includes desecration; 1 Sexual Assault; 2 Sexual Assault/Assault; 1 Sexual Assault/Assault/Criminal damage on property/Harassment/ Assault on private property includes desecration/Other; 1 Sexual Assault/Assault/ Threats and psychological violence/Harassment/Discriminatory treatment/Hate Speech; 1 Sexual Assault/Assault/ Threats and psychological violence/Harassment/ Assault on private property includes desecration/Other; 1 Sexual Assault/ Threats and psychological violence; 17 Assault; 1 Assault/Criminal damage on property/ Threats and psychological violence/Harassment/ Serious Physical Damage/Assault on private property includes desecration; 3 Assault/Criminal damage on property/Threats and psychological violence/Harassment/Assault on private property includes desecration; 1 Assault/Criminal damage on property/Threats and psychological violence/Excessive Physical Violence/ Assault on private property includes desecration; 1 Assault/Criminal damage on property/ Assault on private property includes desecration; 9 Assault/ Threats and psychological violence; 1 Assault/Threats and psychological violence/ Hate speech on public/ Hate speech through social media and internet /Harassment/Hate speech; 1 Assault/Threats and psychological violence/ Hate speech on public /Discriminatory treatment/Excessive Physical Violence/Hate speech; 1 Assault/Threats and psychological violence/ Hate speech on public/ Excessive Physical Violence/ Hate Speech; 6 Assault/Threats and psychological violence/Discriminatory treatment; 1 Assault/Threats and psychological violence/Harassment/ Discriminatory treatment/Extreme physical violence/Other; 1 Assault/Threats and psychological violence/Harassment/Discriminatory treatment/Assault on private property includes desecration, Hate speech; 2 Assault/Threats and psychological violence/Harassment/Discriminatory treatment/ Hate speech; 1 Assault/Threats and psychological violence/Harassment/Assault on private property includes desecration; 7 Assault/Threats and psychological violence/Harassment/Hate speech; 2 Assault/Threats and psychological violence/Harassment/Other; 1 Assault/Threats and psychological violence/Discriminatory treatment; 1 Assault/Threats and psychological violence/Discriminatory treatment/Extreme physical violence/Hate speech; 3 Assault/Threats and psychological violence/Extreme physical violence; 5 Assault/Threats and psychological violence/Extreme physical violence/Hate speech; 2 Assault/Threats and psychological violence/Assault on private property includes desecration; 4 Assault/Threats and psychological violence/Hate speech; 1 Assault/ Hate speech on public/Harassment/Discriminatory

authorities; 21. Were other institutions informed?: Yes/No; Other institutions informed: International (UN, Organization for Security and Co-operation in Europe, Human Rights Organization, LGBTIQ or Trans NGOs, Other); National (Equality Organizations, Human Rights Organizations, LGBTIQ or Trans NGOs, Other); 22. Has the processing started? Yes/No; Processing and the declaration of the decree; 23. situation on violation of right: Confirmed (confirmed/not confirmed as a violation of right), Possible violation of right/not a violation of right, Possible violation of right

Treatment; 1 Assault/ Hate speech on public/Harassment/Hate Speech; 2 Assault/Harassment; 1 Assault/Harassment/Extreme physical violence/Hate speech; 2 Assault/Harassment/Assault on private property includes desecration; 1 Assault/Harassment/Hate speech; 1 Assault /Discriminatory Treatment; 13 Assault/Extreme physical violence; 3 Assault/Extreme physical violence/Assault on private property includes desecration; 1 Assault/Extreme physical violence/Hate Speech; 1 Assault/Assault on private property includes desecration; 8 Threats and psychological violence; 1 Threats and psychological violence/Hate speech/Harassment; 1 Threats and psychological violence/Hate speech on public/Harassment/Hate Speech; 1 Threats and psychological violence/Hate speech on public/Hate Speech; 1 Threats and psychological violence/Hate speech through social media and internet/Harassment/Hate speech; 2 Threats and psychological violence/Hate speech through social media and internet/Hate speech; 6 Threats and psychological violence/Harassment; 2 Threats and psychological violence/Harassment/ Discriminatory Treatment; 1 Threats and psychological violence/Harassment/Assault on private property includes desecration; 1 Threats and psychological violence/Harassment/Assault on private property includes desecration/Hate Speech; 5 Threat/psychological violence/Harassment/Hate speech; 2 Threats and psychological violence/Discriminatory treatment; 2 Threats and psychological violence/Assault on private property includes desecration; 4 Threats and psychological violence/Hate speech; 1 Threats and psychological violence/Hate speech/Other; 1 Hate speech on public; 1 Hate speech on public/Harassment/Hate speech; 1 Hate speech on public/Harassment/Hate speech/Other; 1 Hate speech on public/Discriminatory treatment; 1 Hate speech on public/Discriminatory treatment/Hate speech; 3 Hate speech on public/Hate speech; 3 Hate speech through social media and internet; 1 Hate speech through social media and internet/ Discriminatory treatment/Hate speech; 2 Hate speech through social media and internet/Hate speech; 2 Harassment; 1 Harassment/Discriminatory treatment/Other; 1 Harassment/Assault on private property includes desecration/Other; 1 Harassment/Other; 14 Discriminatory treatment; 3 Discriminatory treatment/Hate speech; 8 Discriminatory treatment/Other; 1 Extreme physical violence; 1 Assault on private property includes desecration; 1 Arson; 2 Hate Speech; 10 Other cases.

The table of distribution of the cases in summary is as follow

Table 1.: Distribution of the cases

TYPE OF CASE	NUMBER OF CASES
Murder	7
Serious Physical Damage	32
Serious Physical Damage/Sexual Assault	5
Serious Physical Damage/Assault/Threats and psychological violence/Hate speech on public/Harassment/Extreme physical violence/Hate speech	1
Serious Physical Damage/Assault//Threats and psychological violence/Extreme physical violence	3
Serious Physical Damage/Assault//Threats and psychological violence/Extreme physical violence/Hate Speech	1
Serious Physical Damage/Assault /Harassment/Extreme physical violence	1
Serious Physical Damage/Assault/Discriminatory treatment /Extreme physical violence/Hate speech	1
Serious Physical Damage/Assault/Extreme physical violence	5
Serious Physical Damage/ Threats and psychological violence	2
Serious Physical Damage/ Threats and psychological violence/ Discriminatory treatment	1

Serious Physical Damage/ Extreme physical violence	2
Serious Physical Damage/ Criminal damage on property/ Assault on private property includes desecration	2
Sexual Assault	1
Sexual Assault/Assault	2
Sexual Assault/Assault/Criminal damage on property/Harassment/ Assault on private property includes desecration/Other	1
Sexual Assault/Assault/ Threats and psychological violence/Harassment/Discriminatory treatment/Hate Speech	1
Sexual Assault/Assault/ Threats and psychological violence/Harassment/ Assault on private property includes desecration/Other	1
Sexual Assault/ Threats and psychological violence	1
Assault	17
Assault/Criminal damage on property/ Threats and psychological violence/Harassment/ Serious Physical Damage/Assault on private property includes desecration	1
Assault/Criminal damage on property/Threats and psychological violence/Harassment/Assault on private property includes desecration	3
Assault/Criminal damage on property/Threats and psychological violence/Excessive Physical Violence/ Assault on private property includes desecration	1
Assault/Criminal damage on property/ Assault on private property includes desecration	1
Assault/ Threats and psychological violence	9
Assault/Threats and psychological violence/ Hate speech on public/ Hate speech through social media and internet /Harassment/Hate speech	1
Assault/Threats and psychological violence/ Hate speech on public /Discriminatory treatment/Excessive Physical Violence/Hate speech	1
Assault/Threats and psychological violence/ Hate speech on public/ Excessive Physical Violence/ Hate Speech	1
Assault/Threats and psychological violence/Discriminatory treatment	6
Assault/Threats and psychological violence/Harassment/ Discriminatory treatment/Extreme physical violence/Other	1
Assault/Threats and psychological violence/Harassment/Discriminatory treatment/Assault on private property includes desecration, Hate speech	1
Assault/Threats and psychological violence/Harassment/Discriminatory treatment/ Hate speech	2
Assault/Threats and psychological violence/Harassment/Assault on private property includes desecration	1
Assault/Threats and psychological violence/Harassment/Hate speech	7
Assault/Threats and psychological violence/Harassment/Other	2
Assault/Threats and psychological violence/Discriminatory treatment	1
Assault/Threats and psychological violence/Discriminatory treatment/Extreme physical violence/Hate speech	1
Assault/Threats and psychological violence/Extreme physical violence	3
Assault/Threats and psychological violence/Extreme physical violence/Hate speech	5
Assault/Threats and psychological violence/Assault on private property includes desecration	2
Assault/Threats and psychological violence/Hate speech	4
Assault/ Hate speech on public/Harassment/Discriminatory Treatment	1

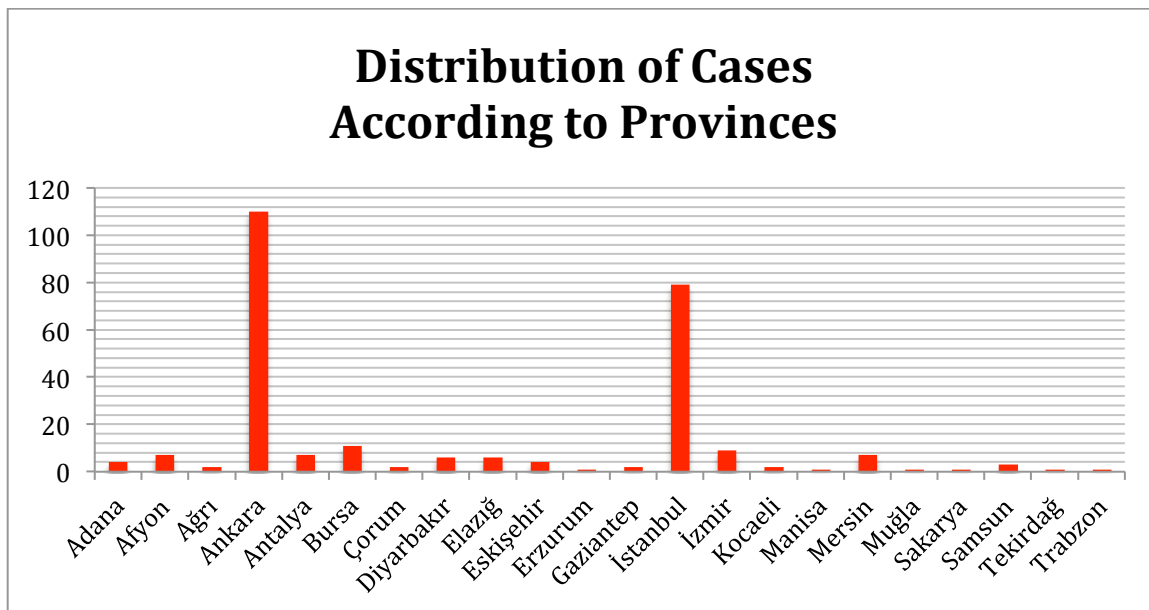
Assault/ Hate speech on public/Harassment/Hate Speech	1
Assault/Harassment	2
Assault/Harassment/Extreme physical violence/Hate speech	1
Assault/Harassment/Assault on private property includes desecration;	2
Assault/Harassment/Hate speech	1
Assault /Discriminatory Treatment	1
Assault/Extreme physical violence	13
Assault/Extreme physical violence/Assault on private property includes desecration	3
Assault/Extreme physical violence/Hate Speech	1
Assault/ Assault on private property includes desecration	1
Threats and psychological violence	8
Threats and psychological violence/Hate speech/Harassment	1
Threats and psychological violence/ Hate speech on public/Harassment/Hate Speech	1
Threats and psychological violence/Hate speech on public/Hate Speech	1
Threats and psychological violence/Hate speech through social media and internet/Harassment/Hate speech	1
Threats and psychological violence/Hate speech through social media and internet/Hate speech	2
Threats and psychological violence/Harassment	6
Threats and psychological violence/Harassment/ Discriminatory Treatment	2
Threats and psychological violence/Harassment/Assault on private property includes desecration	1
Threats and psychological violence/Harassment/Assault on private property includes desecration/Hate Speech	1
Threat/psychological violence/Harassment/Hate speech	5
Threats and psychological violence/Discriminatory treatment	2
Threats and psychological violence/Assault on private property includes desecration	2
Threats and psychological violence/Hate speech	4
Threats and psychological violence/Hate speech/Other	1
Hate speech on public;	1
Hate speech on public/Harassment/Hate speech	1
Hate speech on public/Harassment/Hate speech/Other	1
Hate speech on public/Discriminatory treatment	1
Hate speech on public/Discriminatory treatment/Hate speech	3
Hate speech on public/Hate speech	3
Hate speech through social media and internet	3
Hate speech through social media and internet/ Discriminatory treatment/Hate speech	1
Hate speech through social media and internet/Hate speech	2
Harassment	2
Harassment/Discriminatory treatment/Other	1
Harassment/Assault on private property includes desecration/Other	1
Harassment/Other	1
Discriminatory treatment	14
Discriminatory treatment/Hate speech	3
Discriminatory treatment/Other	8

Extreme physical violence	1
Assault on private property includes desecration	1
Arson	1
Hate Speech	2
Others	10
TOTAL	267

The table of distribution of the cases depending on the provinces is as follow:

Table 2: Distribution of cases depending on the provinces

PROVINCES	NUMBER OF CASES
Adana	4
Afyon	7
Ağrı	2
Ankara	110
Antalya	7
Bursa	11
Çorum	2
Diyarbakır	6
Elazığ	6
Eskişehir	4
Erzurum	1
Gaziantep	2
İstanbul	79
İzmir	9
Kocaeli	2
Manisa	1
Mersin	7
Muğla	1
Sakarya	1
Samsun	3
Tekirdağ	1
Trabzon	1
TOTAL	267



HUMAN RIGHTS VIOLATIONS FROM THE PERSPECTIVES OF TRANS PEOPLE

"I live in Ankara. But I went to Yozgat to work. I sing in different places since I am a singer. I am a trans woman. I make a living in this way. In the venue I work in Yozgat, I subjected to insults, discriminative treats and hate speech by a group of women and men who mocked me by saying that 'Look at that; What it looks like; Man became a woman!'. Thereupon I left the stage by leaving the microphone behind. I replied to their insults. After I had a verbal argument with them, I approached to the venue's manager and asked to terminate my contract because I would like to leave. When the manager asked me what the problem is I explained the situation briefly. Then, the manager told me that I am not the person who should leave, but the people who mocked me should leave the venue and the manager threw away those people as well as 2 other girls who worked there."

Gülcan, Trans Woman, Yozgat

"I have not been loitering on the streets for a long time, due to the police repression and gangs popped up recently. Obviously I am not afraid any longer, but I am sick of it. I have no one to trust. I cannot do anything. A week ago two people forcibly tried to make me to get into the car. They hold my arms and told me that they are the bouncer men of Ökkeş. I resisted them. Then my clothes were torn down due to the argument. They said "we are the men of Ökkeş, you should let us to screw you', I exposed to sexual harassment and bullying. If I got in car, they would have raped me. I'm tired of police repression already at the street, Again, when I was going to the hotel I stayed; by the way this is a new incident happened 2 weeks ago, a man from a red old car dissed me. I approached the car, because I thought he was a client. He told that 'you are shemale, buster' and he attacked me after he got off the car. Nobody helped me. He pulled out my wig there. I was shocked. But I was able to take my wig back from his hands and I ran out. There are bruises on my body, bruises on my face. Now I'm so sick of that and tired. "

Oya, Trans Woman, Ankara

"I do not work as a sex worker at the moment. I have worked in the past, of course. I exposed to the unfair treatments. I experienced everything. I was beaten up by the police officers many times. Many times I arose from the dead. I was attacked with guns. I exposed to administrative fines



**AÇIK
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VAKFI**

even though I did not commit a crime. My house has been sealed. We were attacked. I experienced a case in 2007 that I will never forget. 4 people came to my house and they directly entered my house. Their ages were ranging from 17 to 18. These people suddenly attacked me. Two of them entered the rooms while others assaulted and kicked me. They took my phone and my money even they took the beer in my fridge. Neighbors heard the voices and after they heard that I wept they had called the police. These people were caught while fleeing. But what happened already happened. One of the kicks ruined my eye. Due to that I was about to lose my eye since it came out from its orbit. I was hospitalized for many days in the ophthalmic hospital, where I got a treatment. This is unforgettable trauma in my life. Currently I am not working as a sex worker. But during the times I was a sex worker I experienced so many things that it is a chance for me to be alive today".

Elçin, Trans Woman, İstanbul

"I never felt like a woman ever since I was a child. From primary school until high school all my life, I was called and ridiculed as 'tomboy, army friend'. Then I passed the university exam and I started to embrace my identity as a trans man. I changed my style. I shaved my hair as a man. I started hiding my breasts with bandages. I started to grow a beard on my face. I had a girlfriend. After I enrolled the university in Manisa, even though I tried to hide my identity as trans man, I have always been in trouble. In a place like a university, I have always been exposed to same mocking as being in the primary school. So I cannot approach to anyone. Because of my identity I had bad days. I was expelled from my first dorm. The manager of dorm told me that 'you're gay, masculine' so I was expelled. Even the manager expelled another two bisexual friends from the dorm. At school my friends always tell me that 'a girl wears a skirt, does make-up, sits by crossing the legs, wears high-heeled shoes'. I'm not comfortable. So I do not know how long I can handle it. I'm tired of this oppression and these questions: 'Why are you wearing men's clothes? Why do not you wear high heels? Why your hair is e-ton crop? Why are you behaving manly'. I have to stop my education. I am sad due to this hateful, discriminatory, biased, petty, traditional, oppressive circle of friends, the city, university and dorm I am in. Hope for the best..."

Berk, Trans Man, Manisa

"The life is difficult with a trans identity. It can not be helped within the bounds of impossibilities. For instance, I'm walking on the road and people gaze at me. The disses are everywhere. They told that 'you have a short hair like a guy but you have tits!'. If I try to cover my tits it is still hard. Due to my gender identity I fight a lot. For instance we were in a place to have fun with my girlfriend on her birthday. A group of men started to argue with us there. Following that, the verbal harassment turned into physical harassment and it turned into a fight because they said "hey girls what you do, what you can do as two girls!". Then they stabbed me while we were leaving. I was stabbed twice in my life. I do not fight easily but when I encounter with a sarcastic discriminatory treatment with harassment, it turned into the fight, I cannot stand that. There is nothing done for us as trans men. Trans women are always apparent. We are not seen. There is no celebration, nights, parties being held for us. No one sees us. I do not have much trouble with the police because my uncle has an important position in security dept. It has advantages, believe me. In fact, the most distress I faced as a trans man is in toilets. In some places I have problems because I'm going to the toilet. I do not have these problems in places where I am recognized, but in others it really does cause problems."

Ateş, Trans Man, Ankara

TRIAL OF KEMAL ÖRDEK

a. Who is Kemal Örddek?

Kemal Örddek has been working professionally in the field of advocacy of LGBTI and sex workers' rights within various national and international NGOs from 2006 until today. Kemal Örddek, who is also a sex worker, is the co-founder and the current chairperson of Red Umbrella Sexual Health and Human Rights Association. Kemal Örddek, has implemented studies between September 2011 and May 2015 in the board of Transgender Europe on sex work, hate crimes and sexual and reproductive health rights, while working in projects implemented by various LGBT NGOs in Turkey on discrimination against trans people, violence and hate crimes, Kemal Örddek, who also worked as a policy officer at the NSWP on the problems of trans sex workers and male sex workers and their rights, has been involved in joint activities between May 2012 – January 2014 with NGOs like Global Youth Coalition on HIV/AIDS, ILGA-Europe, International Gay and Lesbian Human Rights Commission, TGEU, SWAN. Currently, Kemal Örddek is working at Red Umbrella Sexual Health and Human Rights Association on mapping violence against sex worker trans women and providing legal support to survivors. They also works in organizing capacity building trainings for sex workers on sexual health and carrying out advocacy towards provincial health directorates and against arbitrary practices of law enforcement agencies on sex workers which violate their human rights and doing advocacy for improvement of the overall human rights situation of sex workers registered in brothels.

b. Background

On 5 July 2015, in their own apartment, when Kemal Örddek was with the men whom they already know, these men called another one. Kemal Örddek argued against it, then one of the men sexually attacked Kemal Örddek and another man usurped their cellphone. The perpetrators who left no stone unturned in that house did not stop with that and they forced them to withdraw money. While they were in the street, Kemal Örddek ran towards police officers and complained about those men. But this time, when Kemal Örddek was taken to the police station, on the way to the station and within the police station, they have been exposed to ill treatment and humiliation by police officers.

Thereupon, with an indictment on defamation (article md.125 / 1 of Turkish Penal Code), qualified sexual assault (article 102 / 2 of Turkish Penal Code), threat (article 106 / 1-1 of Turkish Penal Code), depriving people of freedom by using threats, coercion or fraud (article 109 / 2-5 of Turkish Penal Code), a suit has been commenced.

c. Course of the Trial

The first hearing of the trial took place on Ankara 1st High Criminal Court on 27 October 2015, the request of Kemal Örddek's lawyers for the arrest of perpetrators was declined. For the examination of the surveillance system records and taking the statements of perpetrators, the second hearing took place on Ankara 1st High Criminal Court on 26 January 2016.

In the period until the third hearing, due to the fact that after their sexual assault the perpetrators disturbed Kemal Örddek through social media and cellphone in a systematic manner by breaching the protection order, there was another trial took place on 12 May 2016 at 10.15at Ankara 41st Criminal Court of First Instance, and in first hearing, the perpetrators did not show up. Therefore, it was decided the perpetrators to be brought by force to the second hearing which will take place on 13 October 2016, 10:45.

The third hearing, in which three perpetrators who imposed on LGBT activist Kemal Örddek a sexual violence attended took place on 19 April 2016. In that hearing, the lawyers of Kemal Örddek submitted a report to discuss the sexual assault and to inform the court about that. In that report, the lawyers highlighted where the consent disappeared. In that hearing, a police witness and two of the perpetrators attended including the perpetrator of sexual assault. Also the report of Kemal Örddek's psychiatrist was also presented to the court. The perpetrators are still free. The next hearing will take place on 28 June 2016 at 11.00 at Ankara 1st High Criminal Court. In that trial, until now, the request submitted by Federation of Turkish Women's Associations and Red Umbrella Sexual Health and Human Rights Association for intervention was declined. The request of arrest of perpetrators has also been declined.

In parallel, there was a complaint filed against the police officers who were on duty on the mentioned day and this resulted in nol pros. The appeal was made against this decision of nol pros regarding the mistreatment of the police. The appeal was rejected by the Ankara 1st Criminal Court of Peace. This will be referred to the Constitutional Court.

At the same time, when the protection order for Kemal Örddek came to an end on 6 December 2015, the request for the extension of this decision was duly rejected by Ankara 8th Family Court. As it was mentioned above, since the perpetrators violated the protection order, another trial was opened and the perpetrators did not attend the hearing but Kemal Örddek's request to be on the trial was admitted. Therefore, the hearing was postponed to the date of 13/10/2016.

LEGAL SUPPORT FOR TRANS PEOPLE FROM LAWYERS' PERSPECTIVES

"In 2015, I participated the lawyer network of Red Umbrella Sexual Health and Human Rights Association. As of then, within EU project implemented, I have been providing on telephone or face to face legal consultancy services for sex workers. The scope of this service is between 16:00 and 18:00 every weekday. Also, we are reporting the cases to form a legal database. In addition to that, from time to time I become a spokesperson to provide methods of advocacy for sex workers, which includes solutions to the problems they experienced.

Sex workers face many obstacles in accessing to justice. The main obstacles are; the fact that they do not know their rights, that they have difficulty in getting legal assistance and that they are living in constant trouble with law enforcement. As an example, we can mention on a case that occurred in Elazığ. The client (sex worker trans woman) was taken from her house by police at night and she was taken to the police station. The client did not know what to do so she contacted our association. She does not know that she has the right to request a lawyer so we explained her that right. After the police persistently refused her and she thought that no lawyer would help her, we helped her through a phone call by providing legal assistance. We ensured the removal of the matters against her behalf in the records of statement. Many cases like this occur throughout Turkey each day. These cases typically cause victimization of sex workers, the unjustly accusations on them and / or cause them to be faced with arbitrary fines."

Emrah Şahin, Lawyer

"We are providing legal support to sex worker trans people whose house is sealed, who face administrative fines and police brutality and discrimination in multiple areas. Sometimes we are with them in hearings, sometimes we also provide verbal consultancy. In 2013, we personally followed a process of a trans woman who survived by a second after she realized the rifle, otherwise she would have been shot behind the apartment door an inch under her door viewer.

In such cases, we observed that how important a lawyer to intervene in the case from the first moment, how important working as a team - which also includes health professionals. After the violence the client experienced, her life was ruined, she suffered the trauma as well as permanent physical losses. The first instance court convicted the perpetrator by attempting murder and imposed a maximum sentence, without no room left for unjust provocation or good conduct. The Supreme Court reversed the judgment by finding the sentence as excessive. The sentence was reduced by one year. The file was appealed again and currently still pending for the decision of the high court "

Nihan Erdoğan, Lawyer

"Since 2013, the scope of the legal support I provided through Red Umbrella has included the face to face interviews with sex worker trans people, legal advice through phone calls or e-mails and the support what we call the crisis advocacy in police stations. In addition, I become a lawyer in the campaign trials agreed with the association alongside with my other colleagues to help the survivors. As of January 2016 we started to provide legal consultancy services each day within two hours with shifts regularly. In addition, we are regularly reporting the cases to form a legal database. Finally, I am participating as a spokesperson in briefing meetings on legal issues and remedies for sex workers trans people from time to time.

Since 2013, the scope of the legal support we provide has included to combat police violence against sex workers. Police violence, unfortunately, can be faced both in the streets and the sex workers' houses, which are raided by the police and in the police station. Moreover, this violence can sometimes also turn to the lawyers and activists who provide the advocacy for sex workers. From Red Umbrella Association's campaign trials, trial of Çisem who is a sex worker trans woman is an important criminal case related to the punishment of police's ill treatment. Just it should be told at this point that the most important evidence in this case which is a voice recording showing the threats of the accused police officers has been achieved thanks to Çisem's experience and skills. Çisem has always experienced problem with the police in Esat Police Station and she exposed to psychological and physical violence. But Çisem applies judicial authorities in every case and she is a sex worker who is conscious for struggling her rights. On November 2014, police chief and the officers she faced problems before stopped her vehicle and tried to take her to the police station forcibly. Çisem resisted this unlawful arbitrary detention and police insulted and threatened her and those were recorded by the voice recorder of the phone of Çisem. She was forcibly taken to the police station then, where she was beaten and was released after she was imposed on administrative fine. Çisem got a medical report immediately after the incident to prove the physical violence. The third hearing of her case has taken place on May 31, 2016, the perpetrator police officer did not attend and provided his testimony before the court."

Sinem Hun, Lawyer

"Regarding Çisem's trial, in the hearing took place on 31 May 2016, the statements of the perpetrator policemen were taken. Third police at the scene provided the testimony in favor of the perpetrators. Police officers stated that Çisem accused them for anything. They questioned why she did not make a complaint at the police station. They stated that only Çisem filed a complaint whereas other trans women did not.

They evaluated the struggle of Çisem for her human rights while comparing it with the others who did not complain and they tried to create the impression as if this is a fiction.

The judge, in interlocutory decision, decided that to send a warrant to Esat Police Station to determine the exact date and time of the case and whether there was a camera record regarding the case; and to request from prosecution office the file of Çisem regarding her case where she faced armed assault. The next hearing will take place on 11 August 2016."

Nihan Erdoğan, Lawyer



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RECOMMENDATIONS

Red Umbrella Sexual Health and Human Rights Organization has proposed several offers in order to terminate the conditions of social exclusion, stigmatizing, being ignored and every kind of violation of rights to which trans people are exposed; to make trans people have access to a social, economical and political system in which the human dignity of trans people are secured and to bring the problems to which trans people are exposed and solution offers to these problem to the agenda of the society and the concerning authorities, to make them visible; to maintain advocacy activities for legislations and policies compliant with the interests of trans people to be developed; to perform lobbying activities; and to enhance the capacities of trans people against the violation of rights to which they are exposed and to make them able to access to various support mechanisms. These proposals are as follow:

Every kind of stigmatization, marginalization, exclusion, discrimination and violence against sex worker trans women must be hindered. It is imperative that the rights of this group must be recognized and secured as the rights of sex worker women and trans women. Every kind of legal and de facto protection mechanism must be formed and obstacles to access these mechanisms be removed. It is very important that every kind of social support programs, which trans women sex workers who are victims of violence needed, and policies in this direction are developed in cooperation with and for trans sex workers.

10th Article of the Constitution must be changed in a manner that it includes the expressions of “*sexual orientation*” and “*gender identity*” to be regulated in a way that the right of not being exposed to discrimination which is secured under the constitution includes trans women, too.³ In order to be able to struggle against the discrimination and hate crimes against trans women, it is important that the expressions of “*sexual orientation*” and “*gender identity*” are added in the section of the fields in which discrimination shall not be applied of the Draft Law of Struggle Against Discrimination and Equality prepared by the Government. Regulations of struggle against discrimination in the national legislation must be changed in a manner that they include the expressions of “*sexual orientation*” and “*gender identity*”. Similarly, it is important that the amendment that came to the fore lately on the Article 122 of the Turkish Penal Code, which regulates the discrimination and that makes hate crimes explicit is regulated in a manner that it includes the expressions of “*sexual orientation*” and “*gender identity*” or that a separate Law on Hate Crimes is prepared in a way that it includes these expressions.

It is required that every kind of expressions which are available in all of the laws, legislations, directives or similar texts included in the Turkish law and can be interpreted in a discriminatory manner against trans women must either be defined clearly or removed from the legislation. It must be prevented that the expressions of “*Turkish family values*”, “*national and moral values*”, “*traditions and customs*”, “*Turkish customary rules*”, “*infamous crimes*”, “*inappropriate behavior*” and so on are interpreted in a manner that they will consolidate the discrimination against sex worker trans women.

The Law on the Protection of Family and the Elimination of Violence against Women prepared by the Government in 2012 in parallel with the Istanbul Convention of the European Commission must be

³Even though the expression of “*Sexual Orientation*” concerns gays and bisexuals, the fact that the difference between the identities of gays/bisexuals and the identity of trans people are not known by the law enforcers and decision makers may cause some confusions in terms of the application of laws and trans women may be referred to as “*gays*”. This is why it is crucial that both of the expressions are added in the concerning legislation to ensure a more integrative protection.

amended in a manner that it includes the expressions of “*sexual orientation*” or “*gender identity*” and does not allow discrimination by keeping in mind that the matter of violence against sex worker trans women is also the matter of violence against women. Ministry of Family and Social Policy should develop strategies regarding that.

Trans people are having a lot of problems with the transition and sex reassignment process. The legal process includes interventions to physical integrity of these people, additionally there is a requirement of being single (not married) and diagnosis process makes the transition progress much harder. Because sex reassignment is a long-term process considering the medical process, the lack of knowledge of health staff can lead to discriminations of trans people. Therefore, Turkish Civil Code should be revised in order to end arbitrary practices on the bodies of trans people and be revised to end the problem. The necessity for being continuously deprived of the ability to reproduce should be removed from the Civil Code and all trans should have the right to change their gender expression with official documents. The divorce and diagnosis requirements prior to the transition should be moved from Civil Code. Every kind of intervention against trans people’s private life should be ended. Health staff should be trained on discrimination and trans-specific health care.

Judges and public prosecutors should be informed about the needs and vulnerabilities of trans women and men.. Judges and public prosecutors should be informed about discrimination and violence cases against trans people. There should be training programs in order trans people to enjoy their human rights and to raise awareness on the human rights violations against trans people.

The perpetrators who is responsible from violence and hate crimes against trans people should be sentenced impartially, they should not be awarded with abatement. It should be considered that “*unjust provocation*” and “*good conduct*” abatements can increase violence and hate crimes against trans people.

Hate crimes with the motivation of transphobia or whorephobia should be considered as a social issue. An intervention program about the hate crimes against trans people should be formed, data should be collected and reported perpetually about hate crimes against trans people and it is important to develop mechanisms to prevent violence and provide protection that trans people needed. Social support services for trans people who are victims of violence should be activated. The discrimination behind fact that trans people who are the victims of violence cannot enter the shelters because of the color of their ID should be ended. In the same manner, social support services should be formed for trans people who can be a victim of violence in the past or present as well as for elderly, immigrant, alcohol user, drug user, handicapped, HIV + people and so on. Facilities such as guesthouses, health centers, rehabilitation programs and many other similar facilities concerning the group’s needs should be designed for these groups.

Government should contact with non-governmental organizations, which work with trans people and the possible cooperation should be built. Government should contact with trans men and trans women via these nongovernmental organizations so that the needs of them should be identified and find solutions for the needs. Government should support the non-governmental organizations who works on trans people’s human rights and do projects on this issue and cooperate with them. Government should create programs to create awareness and inform the public to prevent violence against trans people and protection of trans people. It is important these studies to be conducted in line with demands of NGOs which works with trans people.

It is important highlight the problems and the needs of trans people in the provinces apart from big cities such as Ankara, İstanbul and İzmir by NGOs. NGOs should conduct projects on the needs and demands of trans people, prepare reports, collect data, make field researches, testimony sharing and through these should do advocacy of trans people in Turkey.

It is important to highlight the problems and the needs of sex worker trans women in the provinces apart from big cities such as Ankara, İstanbul and İzmir by NGOs.

NGOs should prepare projects on the needs and demands of sex worker trans women, create reports, collect data, make field researches, testimony sharing and through these, they should do advocacy for sex worker trans women in Turkey.

It is important to make sex worker trans women who are victims of violence is visible and give importance to their experiences to be shared with the help of NGO's advocacy work which targets trans people. It is important for NGOs to pay attention to the works on violence and advocacy to make sex worker trans women who are victims of violence visible and give importance to their experience to be shared. For NGOs it is a requirement to carry out advocacy and lobbying campaigns to change the relevant legislation and policies.

Funding institutions, should not hesitate to provide financial support the projects of NGOs which are directed by trans people which aim to prevents administrative fines against trans people, inhuman treatments, and to make them visible and to stop physical, sexual, psychological and economic violence against trans people.

Media should be trained by NGOs who works in that field to abolish the negative language and publications. Perpetrators of hate speeches against trans women and trans men through media should be penalized and they should not be rewarded by impunity.

It is crucial that the legislation regulating the prostitution is regulated in a manner that it decriminalizes the prostitution completely. It is required that the “*anti-prostitution*” policies must be eliminated which contrast with the current regulative legislation. In other words, the fact that state that recognizes the prostitution legally and that tries to struggle against the unrecorded prostitution at the same time causes some contradictions in terms of both the current legislation and the policies and applications developed through this legislation. These contradictions aggrieve all of the sex workers.

Prostitution must be decriminalized. “*Prostitution*”, which is defined as a crime under the current Turkish Penal Code, even though it is not defined in this way, is regulated in a manner that every kind of steps that sex workers take in order to work is a crime and it is interpreted in this way. So, it is required that the actions defined as “*pandering*”, “*mediating prostitution*”, “*procuring place for prostitution*”, which are mentioned within the crime category available under the Turkish Penal Code, is interpreted by the law enforcers and judicial bodies in a manner that they target sex workers. These expressions must be defined clearly or removed from laws. It must be terminated that the actions such as “*mediating*” or “*procuring place*”, which have an important role in terms of the nature of the sex industry and considered as imperative by sex workers, are available under the crime category in case that these actions are performed by sex workers or don't cause abuse of any groups.

In addition to these, every kind of persons and groups that are formed with the purpose of physical or economical abuse of people and oppressing the physical integrity of sex workers, their income and life style and that perform these without the consent of sex workers, must be fought off. With this purpose, the expressions of “*mediating*” or “*procuring place*” available under the Turkish Penal Code must be

amended in a manner that the actions of these people which can be defined as a crime are defined in a clear way.

Every kind of legal and actual precautions must be taken in order to prevent the commercial and sexual abuse of children. It is crucial that the concerning provisions of the current Turkish Penal Code must be applied in this point. However; while the availability of under 18 trans women or other children in this sector is struggled against, requests of these people regarding effective information supply for them and their consent must be taken into account. That these people are defined only as “*victims*” and some legislation examples or policies are formed “*on behalf of them*” is unacceptable. It is crucial that these people are considered as a subject as much as they are considered as a “*victim*”. An approach, which subjects these people to rehabilitation but does not care an evaluation, to be performed with them regarding their requests and needs is unacceptable.

Human trafficking must be struggled to the last point. The legal articles in this matter must be used effectively. However; the prostitutions and the human trafficking must be differentiated and these two notions be considered separately. So every kind of legislation and application example, which is introduced as human trafficking but target sex workers, must be eliminated. It is essential that every kind of persons or groups that desire to gain interest through the bodies or labor of these people by using threats, force or violence without their consent and believe they have the right to perform every kind of actions must be fought off. Laws and policies to be formed in this regard must be prepared in a manner that they will eliminate the actual crime and offenders not targeting sex workers.

Considering the needs, rights and demands of sex workers, the current Legislation on Anti-Venereal Diseases and Prostitution must be restructured. The fact that prostitution field is tried to be kept under control through a legislation dated in 1961 causes serious troubles on sex workers as mentioned above and on the social structure. The legislation must recognize the prostitution as a labor type as it is now and restructured in manner that it takes the rights of social security, protection against physical, sexual, economical abuse and violence and the right of protection against every kind of discriminatory treatment as the basis. Performing this restructuring, trans women sex workers must also be taken into account and the condition of “*having a pink identity card*” which is now required to be able to work as a sex worker in the recorded field must be removed. It is crucial that the prostitution legislation is structured in a way that it prevents every kind of discrimination depending on sexual orientation, sexual identity and gender.

Any kind of applications which targets sex worker trans women and assault them by the law enforcement powers should be ended. Raiding houses and sealing houses and administrative fines, which are arbitrary and unlawfully imposed on the sex worker trans women should be ended. They should be respectful trans people’s housing rights and right to have a private life, also the economical violence over administrative fines to Trans people should be ended. The police officer who discriminates, violates sex worker trans women should be investigated and punished appropriately. Every kind of impunity policies, which protect perpetrator police should be ended. Police should be educated about the needs and vulnerabilities of women and men trans people.

Necessary conditions should be provided to sex worker trans women to work as a sex worker in safe places. Places should be allocated for sex worker trans women, which they can work according to their need and also obstacles to the entry of sex workers trans women to brothels should be removed. Sex worker trans women should work with having social security, in specific limited working hours considering their depreciation and all the rights should be recognized. The relevant legislation should be revised according to meet these necessary requirements.

It is important to deal with discrimination, which is made intensively and systematically that trans women face in education an employment field. For sex workers trans women, who do not want to work as sex worker, considering with needs and demands of these people, support should be provided to stop doing sex work. It is important to provide support for trans women to continue their education who left school before because of transphobic discrimination practices or other reasons. It is compulsory to make education programs for trans women, who want to stop working as a sex worker to strengthen their capacity. To struggle with the discrimination in employment field, social policies should be developed so that the awareness of people on public and private sectors can be raised via education programs. By the government, the needs of trans women should be added to employment policies and affirmative action practices should be carried out by The Ministry of Labor and Social Security

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