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February 22, 2010

Mr. Recep Tayyip Erdoğan
Prime Minister
Prime Ministry
Ankara
Turkey
Tel: +90 (312) 413 70 00

Re: Murders of Fevzi Yener, Derya Y., Şinasi Halimoğlu, and others

Dear Prime Minister Erdoğan:

On behalf of Pembe Hayat, Human Rights Watch (HRW), the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), and the International Gay and Lesbian Human Rights Commission (IGLHRC), we are writing to express our deepest concern over the recent violence and murders targeting transgender people in Turkey.

Two transgender women have been murdered within the past two weeks. The most recent murder took place on February 16, 2010 in the Fatih area of Istanbul. According to reports from Turkish media, a transgender woman known as Aycan (legal name Fevzi) Yener was stabbed seventeen times and had her throat slit. Her roommate, Seyhan Özmemiş, a 32-year-old woman, was also stabbed multiple times. She has been hospitalized but survived. Eyewitnesses reportedly observed three people fleeing the scene.

On February 8, 2010, an unknown person stabbed to death 35-year old Derya Y. in her home in the Altındağ district of Antalya. According to reports from Turkish lesbian, gay, bisexual, and transgender (LGBT) activists, police found Derya Y. in her bedroom with her throat cut and with multiple knife stabs in her face and body. Pembe Hayat, a Turkish transgender rights organization, was informed by friends of Derya Y. that she died due to loss of blood.

Since November 2008, at least eight transgender women have been murdered in Ankara, Istanbul and Antalya. In two cases, suspects were arrested, convicted, and sentenced to life imprisonment. In two other instances, suspects remain in pre-trial detention. The remaining murders are being investigated.

The targeted killing of transgender women is part of a broader pattern of violence against LGBT people in Turkey. On January 28, 2010, colleagues found Şinasi Halimoğlu, a 56 year-old-man, dead on his bed, the victim of multiple knife wounds to his back and neck. According to Turkish media, the alleged murderer informed police that he had arranged a sexual liaison with Halimoğlu with the intent to rob him.

Turkish authorities has an obligation to conduct an effective investigation into all murders of LGBT people and prosecute those responsible, and we acknowledge and are grateful for police efforts to investigate and resolve these crimes. However, it is deeply troubling that incidents of murder and violence against LGBT people in Turkey, especially transgender people, continue unabated [See Appendix 1].

Documentation by Human Rights Watch, Pembe Hayat, and other organizations has established that transgender people face repeated and severe violence from both private citizens and some sectors of the police.¹ All people in Turkey, including transgender people, are entitled to full and equal protection by the law. It is incumbent on your government to address and to combat the conditions that place transgender people at risk of violence.

International inter-governmental bodies have drawn attention to patterns of such violence. For example, the European Commission acknowledged in its 2009 Progress Report on Turkey that transgender people are subject to continued violence in Turkey. It further spelled out that the provisions of the Turkish Criminal Code on "public exhibitionism" and "offences against public morality" are sometimes used to discriminate against LGBT people. It highlighted that the State does not have specific protections against discrimination on the grounds of sexual orientation.² More recently, during the 2009 discussion of Turkey's progress toward EU membership, the European Parliament drew attention to transgender killings.³

¹ Human Rights Watch, *"We need a Law for Liberation:" Gender, Sexuality, and Human Rights in a Changing Turkey*, May 21, 2008, available at: <http://www.hrw.org/en/reports/2008/05/21/we-need-law-liberation-0>; IGLHRC, "Turkey: Change Law of Misdemeanors to End Abuse of Trans People," November 19, 2009, available at <http://www.iglhrc.org/cgi-bin/iowa/article/takeaction/globalactionalerts/1018.html>. These reports also address instances where the police have used the Law of Misdemeanors (No. 5326) to target the LGBT community. Turkish LGBT Rights Platform, "Press Release on Murder of Dilek Ince," November 12, 2008, available at http://www.ilga-europe.org/europe/guide/country_by_country/turkey/protest_the_murder_of_a_turkish_transgender_in_ankara_turkey; LGBT Rights Platform of Turkey, *Statement regarding a Transgender Murder in Ankara*, May 22, 2009, available at <http://news.kaosgl.com/item/2009/5/26/again-a-transgender-murder-in-turkey>; Human Rights Watch, *Turkey: Transgender Activist Murdered*, March 12, 2009, available at <http://www.hrw.org/en/news/2009/03/12/turkey-transgender-activist-murdered>.

² Commission of the European Communities, *Turkey 2009 Progress Report*, SEC(2009)1334, November 14, 2009, p. 26, available at http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf.

³ See European Parliament, "Resolution P7_TA-PROV(2010)0025," February 10, 2010 on Turkey's progress report 2009, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0025+0+DOC+XML+V0//EN&language=EN>. The European Parliament asked Turkey to "continue and intensify its efforts to fully meet the Copenhagen criteria and to bring Turkish society together in support of the necessary reforms, uniting it on the basis of the equality of every human being irrespective of gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation;" It also manifested its concern "about the lack of guarantees against discrimination on the basis of sexual orientation," calling on Turkey to "ensure that discriminatory provisions are removed from legislation and that hatred and violence based on homophobia are duly punished;"

Turkey's obligations to take positive steps to protect transgender people's lives are incorporated in several international human rights instruments.

- a) Working to overcome prejudice, in the general public and in state officials.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that states must enact "policies and programs geared towards overcoming hatred and prejudice against homosexuals, and sensitizing public officials and the general public to crimes and acts of violence directed against members of sexual minorities."⁴

Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) calls on states to eliminate "[p]rejudices and customary and other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."⁵ In its 2005 report on Turkey, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), that oversees states compliance with CEDAW, called on Turkey to "provide in its next report information, sex-disaggregated statistics and data relating to women in the judiciary, trafficked women and girls, as well as Kurdish women *and other groups of women* subject to multiple forms of discrimination and their access to health, employment and education, as well as various forms of violence committed against them."⁶

- b) Other legal measures to ensure investigation and punishment of crimes

Article 4(c) of the 1993 UN General Assembly Declaration on the Elimination of Violence Against Women urges States to "exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or private persons."⁷

The United Nations Committee Against Torture, which monitors the implementation of the Convention against Torture and Other Cruel, Inhumane, or Degrading Treatment or Punishment, clearly indicated in a 2007 General Comment that States need to take legal measures to address violence and ill-treatment toward marginalized populations including LGBT people.⁸

The Council of Europe Commissioner for Human Rights, Thomas Hammarberg, recommended in the *Issue Paper on Human Rights and Gender Identity* that the Council of Europe Member States, "[e]nact hate crime legislation which affords specific protection for

⁴ Report of the Special Rapporteur on Extrajudicial, summary or arbitrary executions, UN Doc. E/CN.4/2002/74, January 9, 2002, para. 148.

⁵ Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), G.A. Res. 34/180, U.N. Doc. A/34/46, acceded by Turkey on December 20, 1985, article 5(a).

⁶ Concluding Observations of the Committee on the Elimination of Discrimination Against Women, Turkey, sixtieth session, A/60/38, January 2005, para. 381.

⁷ General Assembly, *Resolution 48/104*, adopted on December 20, 1993, available at [http://www.unhchr.ch/huridocda/huridoca.nsf/\(symbol\)/a.res.48.104.en](http://www.unhchr.ch/huridocda/huridoca.nsf/(symbol)/a.res.48.104.en)

⁸ Committee Against Torture, General Comment 2, Implementation of article 2 by States Parties, U.N. Doc. CAT/C/GC/2/CRP. 1/Rev.4 (2007), para. 21, available at http://hrlibrary.ngo.ru/cat/general_comments/cat-gencom2.html.

transgender persons against transphobic crimes and incidents.’’⁹ The European Commission (EC) reiterated in Turkey’s 2009 Progress Report Turkey’s international obligation to provide genuine protections to all minorities, including LGBT people.¹⁰ The European Parliament reaffirmed this obligation during its plenary session on February 10, 2010.

In order to end the ongoing violence and murders of transgender people in Turkey, we respectfully urge the Turkish government to take the following measures:

1. Ensure an effective investigation into the murders of Fevzi Yener, Derya Y., and Şinasi Halimoğlu, which will be capable of leading to the identification and prosecution of the alleged perpetrator(s) of these crimes. Ensure similar steps are taken in the event of any future crimes against the LGBT community.
2. Enact anti-discrimination legislation that includes sexual orientation and gender identity as protected status.
3. Collect, analyze and disaggregate national and local data on violence, including violence on the grounds on sexual orientation and gender identity as a recognized category.
4. Provide training to law enforcement authorities on issues of sexual orientation and gender identity.
5. Include sexual orientation and gender identity in school curricula as a way to combat gender stereotypes.
6. Establish permanent communication mechanisms between the police and Turkish LGBT organizations.
7. Revise the Law of Misdemeanors (No. 5326) that provides police the option to fine or otherwise treat individuals as criminals on the grounds of their sexual orientation or gender identity and expression. The vagueness of this law—which purports to “protect public order, general morality, general health, the environment, and the economic order”—allows for prejudicial enforcement by police.

We respectfully request that the Minister of Justice inform us of progress in the criminal investigation into the cases of Fevzi Yener, Derya Y., and Şinasi Halimoğlu. We ask the government to communicate with us as well regarding the above-mentioned recommendations and any other actions taken to stop the murder of transgender people and to protect lesbians, gays, bisexuals and transgender people from violence and discrimination.

⁹ Gender Identity and Human Rights Issue Paper (2009) p. 44, available at <https://wcd.coe.int/ViewDoc.jsp?id=1476365>

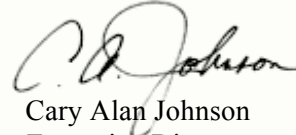
¹⁰ See above fn 2; Gay and Lesbian Rights Intergroup, “European Parliament reaffirms LGBT rights are a condition to join the European Union,” February 18, 2010, available at <http://www.lgbt-ep.eu/news.php>.

Copies of this letter have been sent to Minister of Justice Mr Sadullah Ergin, Minister of the Interior Mr Beşir Atalay, Minister responsible for human rights Mr Cemil Çiçek, Head of the Parliamentary Human Rights Investigative Commission Professor Zafer Üskül, Head of the Parliamentary Commission on the Constitution Mr Burhan Kuzu, and Head of the Security General Directorate Mr Oğuz Kağan Köksal.

Sincerely,



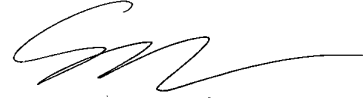
Baris Sulu
Chairperson
Pembe Hayat LGBTT Solidarity Association



Cary Alan Johnson
Executive Director
International Gay and Lesbian Human Rights
Commission



Evelyne Paradis
Executive Director
ILGA-Europe



Scott Long
Director of the Lesbian, Gay, Bisexual and
Transgender Rights Program
Human Rights Watch

APPENDIX 1

1. On June 29, 2009, **Hadise** was murdered in her house in Istanbul. Turkish LGBT organizations have no further information on this case.
2. On May 22, 2009 **Çağla**, born under the name **İlyas Çağan**, was murdered in her house in Ankara. Police arrested a suspect and an Ankara court found him guilty of murder and sentenced him to life imprisonment.
3. 25-year old **Melek Köklü**, born under the name **Turgut Köklü**, was stabbed to death in front of her house in Ankara on April 11, 2009. Police arrested a suspect and an Ankara court sentenced him to life imprisonment for murder.
4. 38-year old **Eda Yıldırım** was found dead on March 23, 2009 in Bursa. Her head and her genitals were cut from her body. Police captured a suspect who is currently being prosecuted. In court, the prosecutor asked for life imprisonment
5. On March 10, 2009, 28-year old **Ebru Soykan**, a prominent transgender human rights activist, was stabbed to death in her home in Cihangir, a neighborhood in central Istanbul. Prior to her murder, Soykan had asked the Prosecutor's Office for protection from a man who had beaten her on several occasions and threatened to kill her in her home. The alleged killer confessed and surrendered, and is currently subject to prosecution.
6. On the night of November 10, 2008, an unknown man shot **Dilek İnce**, a transgender woman while she was in her car in the İskitler-Etlik district in Ankara. An eyewitness told Turkish LGBT organizations that she saw two men in a black car shooting İnce. Doctors found eight shots in her head. Dilek İnce was one of the witnesses in a series of attacks against transgender women living in Eryaman in 2008. Police have not found the killers.