

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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TÜRKIYE: PRIDE MARCH BY STUDENTS AT MIDDLE EAST TECHNICAL UNIVERSITY MUST GO AHEAD

Amnesty International has [called](#) on the Turkish authorities and Middle East Technical University (METU) administration to ensure that a student-organized Pride March on 10 June goes ahead without any hinderance, including possible intervention by law enforcement. International human rights standards oblige Turkey to protect the rights to freedom of peaceful assembly and freedom of expression, and the principle of non-discrimination.

The METU administration sent an email on 7 June to all of the university's students and staff, prohibiting the march and threatening students with police intervention should the march proceed. The email claimed that the university has a peaceful, productive, and creative academic environment, and that METU's reputation would be damaged should students convene and participate in a Pride March.

The University's approach is discriminatory and unlawful, and creates fertile ground for an intolerant, prejudicial atmosphere at the school. The METU administration has itself done damage to the University's reputation by opposing a lawful peaceful demonstration and discriminating against LGBTI+ people and supporters of Pride.

There is precedent for this University's animosity toward LGBTI+ students. On 10 May 2019, METU's students and academic staff attempted to hold a peaceful Pride March on the campus, but instead were met with excessive police force, prohibited from marching, and subsequently charged with "participating in an unlawful assembly" and "refusing to disperse despite warning."

The June 2022 Pride March at METU is organized by METU LGBTIQAA+ Solidarity, which opposes discrimination based on sexual orientation and/or gender identity and promotes diversity and tolerance, and equality before the law for all.

PRIDE MARCHES ARE PEACEFUL

There is no legal ban on pride marches in Ankara. The Governorate of Ankara's blanket prohibition on protests, which was imposed under a state of emergency in 2017, was lifted by the Ankara District Administrative Court No. 12 on the grounds that it violated fundamental rights and freedoms.

However, it appears that the police retain a high level of discretion to impose or enforce bans on protests, demonstrations and other public assemblies. The authorities in Ankara, including police and other law enforcement, have a responsibility to safeguard the rights of LGBTI+ people, including the right to freedom of peaceful assembly.

According to members of METU LGBTIQAA+ Solidarity, during a meeting with the group on 29 April the university administration urged them not to stage a march or organize events open to the public. The administration instead offered the group the option of hosting indoor events and also advised them to only distribute their information to other LGBTI+ individuals. Official emails from the METU administration, reviewed by Amnesty International, discouraged others in the university community from participating in events organized by LGBTQAA+ Solidarity.

THE RIGHT TO FREEDOM OF ASSEMBLY AND PRINCIPLE OF NON-DISCRIMINATION MUST BE RESPECTED

The rights to freedom of expression, association and peaceful assembly are protected in numerous international human rights conventions, including Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), to which Turkey is a signatory.

The prohibition of the Pride March at METU is a violation of human rights such as freedom of peaceful assembly, freedom of expression, and the principle of non-discrimination enshrined in several international human rights treaties.

Although the rights to freedom of peaceful assembly, expression and association are not absolute rights, any restriction on them must be prescribed by law and necessary and proportionate to achieve a legitimate objective.

The European Court of Human Rights (ECtHR) has issued at least six judgments¹ in response to numerous applications alleging that bans on LGBTI+ rights-related marches or gatherings violated the European Convention on Human Rights. In all those cases, the ECtHR ruled in favour of the applicants, concluding that a breach of the convention had occurred, particularly with respect to Article 11 on freedom of assembly and Article 14 on protection against discrimination.

States have a positive obligation to facilitate peaceful assemblies in law and in practice. As is the case in Turkish law, the exercise of the right to freedom of peaceful assembly is not subjected to permission of government authorities. Any decision to disperse an assembly should be taken only as a last resort and carefully in line with the principles of necessity and proportionality, i.e. only when there are no other means available to protect a legitimate aim, which outweighs the right of people to assemble peacefully. In any event, the police must as far as possible avoid any use of force and must always restrict it to the minimum level necessary.

BACKGROUND

The celebration of METU Pride took place peacefully on an annual basis between 2011 and 2017.

On 18 November 2017, under the state of emergency decree, Ankara Governorate imposed a blanket indefinite ban on all LGBTI+ activities in the city, including movie screenings, theatre plays, panels, interviews and exhibitions that might cause "social sensitivities."

The Ankara District Administrative Court No. 12 issued a ruling on 21 February 2019 that ended Ankara's blanket ban. The court determined that the restrictions were unjustified because they restricted rights and freedoms in unconditional, vague, and excessive ways.

On 6 May 2019, the METU administration used the initial ban as the legal basis to prohibit that year's Pride March. The METU LGBTIQAA+ Solidarity group challenged this ban at the Ankara Administrative Court on 7 May 2019.

In response to a decision by the Pride march organizers to proceed with the May 2019 march, the METU administration contacted the Ankara Security Directorate to request its intervention in order to prevent the event.

On 10 May 2019, the day of the assembly, the police used excessive force against non-violent participants, effectively blocking the METU Pride March. The police informed the students that they were not permitted to stand under tents, fly a rainbow flag, sit on the lawn, or read a statement. The police later attacked the crowd with tear gas and rubber bullets, and also dragged students across the ground, pressed them against trees, and inflicted head injuries on them. The arrested individuals included members of METU LGBTIQAA+ Solidarity group.

Amnesty International called on the Turkish authorities to conduct a thorough, impartial, and prompt investigation into the excessive use of force by police on campus that day, but such a probe was not carried out.

The police arrested 22 people at the march, and all of them were released on the same day. Three months later, 19 people were charged with "participating in an unlawful assembly" and "refusing to disperse despite warning," under Article 32 of the Law on Meetings and Demonstrations (No. 2911).

The defendants were called to appear in court for a lengthy trial that has had a detrimental impact on their daily lives, both personally and academically.

The 19 individuals charged were subsequently acquitted by the Ankara Penal Court of First Instance No 39. The prosecutor has appealed the case at the Ankara Regional Court of Appeals, where it is still pending.

Turkey decriminalized homosexuality in the 19th century, long before many other nations. Neither the Ottoman Penal Code of 1858 nor the prevailing Penal Code of 2004 include provisions for criminalizing consensual same-sex sexual practices between consenting adults. In practice, however, LGBTI+ people have little legal protection from discrimination and face hostility and exclusion on a daily basis.

¹ ECtHR, (2022) Guide on the case-law of the European Convention on Human Rights, LGBTI rights https://echr.coe.int/Documents/Guide_LGBTI_rights_ENG.pdf