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AMNESTY INTERNATIONAL PUBLIC STATEMENT

Date 19/12/2024 Index number EUR 44/8760/2024

TÜRKİYE: ACTIVISTS REMAIN DEFIANT DESPITE CHILLING EFFECT OF UNLAWFUL BANS OF PRIDES

The 2024 Pride Season in Türkiye (June-July 2024) was met with bans on gatherings, violence against protestors and public vilification by authorities, proving to be no different from previous years when similar restrictions took place. LGBTI rights activists in particular, but also those who stood in solidarity with them were targeted, vilified and prevented by the authorities from fully exercising their right to peaceful assembly. Whilst the number of individuals who were detained was less than those detained in 2022 and 2023, the impact of previous years' repression played a significant role in the reduced numbers of protesters in the streets. Pride organisers and participants found innovative ways to circumvent the unlawful bans and protect themselves from arbitrary detention. Solidarity actions in defence of LGBTI rights were also notable but limited.

Ahead of the 2024 Pride season, Amnesty International publicly called on the authorities, both local and national, to ensure the right to peaceful assembly of LGBTI rights activists and others was not only respected but their pride marches facilitated, in line with the state authorities' positive duty as outlined in international human rights law. Tens of thousands of signatures were collected in Türkiye and other countries, calling on the Minister of Interior to protect the Prides around the country and allow them to proceed. However, Türkiye continued to unlawfully ban pride marches and law enforcement officials used unnecessary and arbitrary force against protesters in violation of their rights to freedom of expression, peaceful assembly and non-discrimination. This statement aims to outline these violations that occurred during the 2024 Pride season in Türkiye.

UNLAWFUL AND DISCRIMINATORY BANNING DECISIONS

Amnesty International monitored the planned Pride marches in seven provinces in the run up to the publicly announced events.[1] In Istanbul (both for Trans and LGBTI Prides), Antalya and Eskişehir, the authorities unlawfully prevented the marches from taking place as detailed in this section.

The Istanbul governorate closed the roads and metro stations in Beyoğlu district on the planned days of both marches, the Istanbul Trans Pride (23 June) and the 22nd Istanbul LGBTI Pride (30 June). On 23 June, the announced date of the Istanbul Trans Pride march, all side streets with access onto the pedestrianized Istiklal Avenue in Beyoğlu district were closed off with metal barriers. A trans Pride march did not take place due to security concerns for the trans rights activists, but activists gathered in small groups and shared videos on social media on the day. Two trans rights activists were detained and released from police detention on the same day. On 14 August, an Istanbul prosecutor requested that the two activists detained on 23 June, be prosecuted 'for participating in a demonstration in contravention of the Law on Meetings and Demonstrations' (Law No. 2911).[2] The first hearing in their prosecution will be held on 28 January 2025.

The governorate's decision to close roads in the centre of Istanbul on the day of the 22nd Istanbul LGBTI Pride march (30 June) was published on the authority's website as a press release on the same day and read as follows: "It has been noticed that various illegal groups have made appeals on social media to call for an unauthorized protest march and press statement on Sunday 30 June in the Taksim – Istiklal Avenue area. Our governorate has taken a series of precautions to prevent this unlawful event."[3] While the governorate's reference to 'illegal groups' in the press release does not directly mention the LGBTI Pride March, the march was publicized by LGBTI rights groups, and it is widely understood that the

[1] Pride marches in Istanbul (23 and 30 June), Ankara (12 June), Izmir (29 June), Eskişehir (9 June), Antalya (14 June), Adana (hasn't happened), and Mersin (hasn't happened). Amnesty International observers were present at the Istanbul LGBTI Pride march on 30 June 2024.
[2] Istanbul Chief Public Prosecutor's Office, Indictment, 14 August 2024. Document seen by Amnesty International.
[3] Istanbul Governorship, Press Statement, 30 June 2024, http://www.istanbul.gov.tr/basin-aciklamasi-202447.

governorate's press release referred to LGBTI rights groups as 'illegal'. Amnesty International believes the reference to 'illegal groups' is therefore discriminatory and baseless, aiming at criminalizing and stigmatizing LGBTI rights organizations and activists. The governorate's decision provides no evidence to justify, nor does it outline the legal basis for the so-called precautions taken to prevent the march.

On 30 June hundreds of LGBTI rights activists and allies gathered in a different part of the city, in the Kadıköy district and marched albeit briefly on Bağdat Avenue, a busy main street on the Anatolian side of Istanbul. The protesters gathered quickly and ended the march before law enforcement officials were able to arrive and prevent the march from taking place. After the protest ended, 11 people including three children were detained from the side streets and taken into police custody. They were released later that evening after giving their statements at the police station.

In Antalya, the authorities issued a decision banning all LGBTI events between 1-15 July. The decision was initially published on the provincial governorate's website on 1 July but then removed the same day, stating that "all events (marches, press statements, hunger strikes, sit-ins, stands and gatherings and picnics for any purpose) organized by communities, platforms and various NGOs would be banned between 1-15 July during the so-called Antalya 10th Pride Month."[4] The ban relied on Article 17 of the Law on Meetings and Demonstrations (Law No. 2911) and Article 11 of the Law on Provincial Administration (Law No. 5442), which both permit provincial and district governors to postpone public meetings and demonstrations for a month on the basis of "protecting national security, public health and public morals or for the protection of the rights and freedoms of others" or even outright "ban them where there is a clear and imminent threat of crimes to be committed."[5] Amnesty International considers the ban on all Pride events for 15 days on such grounds as overly broad and without justification. The Antalya governorate's decision is in violation of Turkish authorities' obligation to ensure the exercise of the right to freedom of peaceful assembly as guaranteed under both domestic and international human rights law.

On the day of the Antalya Pride march on 14 July, the police detained four people, including three lawyers, who gathered despite the ban and released them later that day. On 12 August, the same four individuals were indicted under the Law No. 2911 for 'organizing, directing and participating in an unlawful demonstration.'[6] The first hearing in their prosecution will be held on 10 April 2025 at the Antalya Criminal Court of 1st Instance No. 23.

Eskişehir Pride March on 9 June was subject to a de facto governorate ban but no formal decision was published on the authority's website, nor was it given to the organisers on the day. After the activists gathered for the Pride March at the Ulus Square in the city centre, riot police officers used shields to form a barricade. Through a loudspeaker announcement, the police stated that the area was not among those designated for meetings and demonstrations by the Eskişehir governorate, therefore the event was against Law No. 2911.[7] The police used force to detain 10 people before the march was able to take place; they were released later that day. Protesters requested the police to see a banning decision, but none was provided. On 21 August, the 10 detained protesters were indicted under the the Law No. 2911 for "participation in unlawful assemblies and marches" and "refusal to disperse despite warning."[8] The first hearing in their prosecution will be held on 18 February 2025.

A total of 27 people were detained during the pride marches in Istanbul, Antalya and Eskisehir. All of them were released on the same day with five placed under court-issued judicial control orders, including foreign travel bans and requirements to report at a police station.

BANS IMPACTING PRIDE WEEK AND RELATED LGBTI EVENTS

Besides Pride marches, other Pride events were also subjected to bans and prevented from taking place. In Istanbul, Hot Queer Day, an indoor event in the Kadıköy district planned to take place on 26 June was banned by the district governor 'in order to maintain public order, prevent the commission of crimes and protect the rights and freedom of others' on grounds that "if it were to take place, it would create an uproar in society, would impact national, conscientious and human values, threaten public peace and that there may be verbal and physical provocative incidents between the individuals and groups organising the event and our citizens."[9]

[4] Kaos GL, Antalya Valiliği'nden Onur Ayı etkinliklerine yasak kararı!, 3 July 2024, https://kaosgl.org/haber/antalya-valiligi-nden-onur-ayi-etkinliklerine-yasak-karari.
[5] Law on Provincial Administration (Law No. 5442), Article 11, https://www.mevzuat.gov.tr/MevzuatMetin/1.3.5442.pdf
[6] Antalya Chief Public Prosecutor's Office, Indictment, 12 August 2024. Document seen by Amnesty International.
[7] Gazete Duvar, Eskişehir'de Onur Haftası yürüyüşüne polis müdahalesi: 10 kişi gözaltına alındı, 10 June 2024, https://www.youtube.com/watch?v=KyefuZbVcjo.
[8] Eskişehir Chief Public Prosecutor's Office, Indictment, 21 August 2024. Document seen by Amnesty International.
[9] Kadıköy District Governor, Notification Report, 26 June 2024. Document seen by Amnesty International.

Another event, Pilates in the Park due to take place on 28 June in Maçka Park in Şişli district in Istanbul was also banned by the district governorate upon the request of the district security directorate. The request dated 28 June 2024 refers to 'information obtained through open-source searches that included virtual patrols, that there are calls relating to various events within the borders of the district as part of the so-called LGBTI Pride March events including 'we are doing Pilates in Maçka Park'.[10] Like the decision to ban the Hot Queer Day event, the request also relied on the unsubstantiated grounds of possible unrest and asked the district governor to ban the event under Articles 17 and 22 of the Law on Meetings and Demonstrations as well as the Article 32/ç of the Law on Provincial Administration. The deputy district governor's signature can be seen on the request document, with the word 'approved'. This ban was imposed on an LGBTI event despite the fact that, in January 2024, the Istanbul regional appeals court overturned a similar ban of a picnic in Maçka Park during the 2021 Pride week events. The legal challenge to that banning decision was successfully brought by the LGBTI rights NGO SPoD.[11]

The exhibition Turn and Look Back: Revisiting Trans Revolutions in Turkey organised by the 10th Trans Pride Week Exhibition Collective was banned by the decision of the Beyoğlu district governorate.[12] Depo, the venue where the exhibition had already opened and was scheduled to run until 27 July, was forced to close with immediate effect on 11 July. Depo initiated a legal challenge to overturn the ban.

IMPLEMENTATION OF THE BANS

Under international human rights law,[13] law enforcement agencies have a duty to respect, protect and facilitate protests.[14] Genuine facilitation includes both the obligation to refrain from undue interference as well as taking measures to ensure the effective exercise of peaceful assembly rights, including enabling and supporting participants to protest as they intended.[15]

CLOSURE OF TRANSPORT SYSTEMS IN LARGE PARTS OF THE CITY IMPACTING FREEDOM OF MOVEMENT OF ALL

The authorities took measures to prevent the LGBTI rights activists and their allies from exercising their right to peaceful assembly in Istanbul. The large-scale road closures impacted all those who wanted to access the busy Taksim Square and surrounding area.

Metro Istanbul (the subsidiary company that operates metro, tram, funicular and cable car lines in Istanbul) announced on its X account that in line with the decision taken by the Istanbul governorate, the Taksim and Şişhane metro stations and Taksim- Şişhane funicular line would be closed on 23 and 30 June, during the days of the Istanbul Trans and LGBTI Pride marches.[16] The governorate decision, restricting access to public spaces which are important sites for the Istanbul LGBTI Pride, announced a "series of precautionary measures were taken to prevent the march from taking place" including the closure of Taksim Square, İstiklal Avenue, Gezi Park and the area between the side streets that lead to Istiklal Avenue. Further, a total of nine main streets were announced to be closed to traffic in and around Taksim Square from 8am on the day. Transportation restrictions imposed on the day of peaceful protests may violate the protesters' right to peaceful assembly as well as their and others' access these areas. As an indirect and additional effect of this discriminatory practice, the closure of the Taksim and the surrounding areas has a disproportionate impact also on all people using public transportation to visit this popular shopping and tourism area.

Authorities must ensure any restrictions on time, place, and manner of assemblies must be made on a case-by-case basis and allow participants to assemble within sight and sound of their target audience or whatever site is important for the purpose of the assembly.

POLICE EXCESSIVE USE OF FORCE

[10] Şişli District Governor District Police Directorate appeal submitted to Şişli District Governor, Subject: Ban Decision, 28 June 2024. Document seen by Amnesty International.
[11] SPOD, "SPoD ve İstanbul LGBTİ+ Onur Haftası, 2021 Maçka Parkı Yasağına Dair Davayı Kazandı!", 11 January 2024, https://spod.org.tr/spod-ve-istanbul-lgbti-onur-haftasi-2021-macka-parki-yasagina-dair-davayi-kazandi/.
[12] Depo, X post, 11 July 2024, https://x.com/depo_istanbul/status/1811405302115250608.
[13] The right to freedom of peaceful assembly is enshrined in major human rights treaties to which Türkiye is a party to, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR).
[14] UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Report: Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, 31 January 2024, UN Doc. A/HRC/55/60. Para 68.
[15] Amnesty International, *Under protected and over restricted: the state of the right to protest in 21 European countries*, 8 July 2024, https://www.amnesty.org/en/documents/eur01/8199/2024/en/, pages 27 and 104.
[16] Metro Istanbul, X Post, 22 June 2024, https://x.com/metroistanbul/status/1804544974505058799 and Metro Istanbul, X Post, 30 June 2024, https://x.com/metroistanbul/status/1807270816230338940.

On 9 June, activists who gathered for the Eskişehir Pride March, which was not subject to an official ban, were detained and subjected to excessive use of force by the police. Shortly after the announcement by the police calling the protesters to disperse, riot police first contained the assembled activists and then proceeded to detain them, pulling and pushing them, pressing on their heads towards the ground and roughly holding their arms behind their backs. Video footage shared by a journalist shows police officers rough handling protesters, including by excessively bending their arms on their backs and one activist being held by the neck.[17]

Law enforcement officials' use of excessive force not only violates the right to freedom of peaceful assembly but may also violate the rights to life, liberty and security of person and freedom from torture and other ill-treatment which are protected under International Covenant for Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and the European Convention on Human Rights.

CHILLING EFFECT AFTER ALMOST TEN YEARS OF RESTRICTIONS

Türkiye's LGBTI movement is resilient and defiant. However, after almost a decade of blanket bans, excessive use of force by police directed at those who defy the bans, arbitrary detentions, and abusive criminal prosecutions, fewer people are taking to the streets. The large numbers of detentions in 2022 and 2023 have impacted on the level of participation in Pride marches this year.[18]

The increasingly hostile and discriminatory public debate has also created an atmosphere in which LGBTI rights activists fear for their physical safety.[19] A number of prominent activists have reported to Amnesty International the systematic police harassment, threats and surveillance that have impacted their daily lives. One trans rights activist who spoke to Amnesty International said: 'the threatening phone calls I have been receiving have been made possible because the police have targeted me for the last two years; videos of me were shared and I have been particularly singled out. For the last month and a half, I have been worried about leaving my house; I have not been able to go to work and have lost my job. As a result, I have not been able to pay my rent. It has impacted my entire life."[20]

The restrictions have also impacted the sharing of information between activists who suspect and fear surveillance by the authorities, leading to limited information being shared in the run up to the pride marches. Several activists have told Amnesty International this is severely hindering their ability to organize and mobilise.[21]

LESS PARTICIPATION, MARCHES CANCELLED

After nearly a decade of bans, mass detentions, prosecutions, use of excessive force and discrimination by the authorities and law enforcement officials,[22] this year Pride marches in Ankara, Eskişehir, İstanbul, İzmir and Antalya were less well attended than previous years. In Mersin and Adana, the announced marches did not take place to ensure the safety of the activists.

One LGBTI rights activist from Adana told Amnesty International that arbitrary detentions and police violence during Pride marches last year created a chilling effect in Adana, and made activists worry about their safety and security. As a result, activists decided not to organize a Pride March or any public Pride week event this year.[23]

In previous years, activists in Mersin found new and innovative ways to celebrate Pride despite the bans and police use of force. In 2023, the authorities banned the pride march and events for the publicly announced dates by the organisers. However, the organisers circumvented the bans by realizing the pride events one month before the announced time. This year, one LGBTI rights activist in Mersin told Amnesty International that LGBTI rights activists decided to only organize pride week events and cancelled the march due to concerns about their safety.[24]

RESILIENCE AND INNOVATIVE RESPONSES OF LGBTI PEOPLE

[17] Gazete Duvar, "Eskişehir'de Onur Haftası yürüyüşüne polis müdahalesi: 10 kişi gözaltına alındı", (previously cited).
[18] During the 2023 Pride season, at least 224 people were arbitrarily detained across the country. In 2022, LGBTI rights organizations documented at least 10 Pride events banned across the country and over 530 people were detained during the Pride season. For further information see: Amnesty International, Türkiye: 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of Protesters, 17 May 2024, https://www.amnesty.org/en/documents/eur44/8049/2024/en/.
[19] 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of Protesters, 17 May 2024, (previously cited).
[20] Phone interview with a trans rights activist, 12 August 2024.
[21] Online meeting with LGBTI rights activists in Istanbul, 16 April 2024.
[22] 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of Protesters, 17 May 2024, (previously cited).
[23] Phone interview with LGBTI rights activist, 3 September 2024.
[24] Phone interview with LGBTI rights activist, 12 September 2024.

Despite all the violations documented by Amnesty International in this statement and the chilling effect of the violent, hostile and discriminatory environment created by the authorities' unlawful restrictions, LGBTI rights activists continue to seek alternative and innovative ways to exercise their right to peaceful assembly and to maintain their visibility in the public sphere, which they view as essential for reclaiming all their rights.

Last year in Adana, Eskişehir, Istanbul and Izmir, peaceful protesters were arbitrarily detained shortly after gathering for Pride or in some cases, after the march had ended. Amnesty International documented law enforcement officials' excessive and unnecessary use of force in violation of their rights to peaceful assembly and to be free from torture and other ill-treatment during the 2023 Pride season.[25] This year, the organizers had to take additional measures to ensure the safety and security of all participants.

On 23 June, the announced day of the Istanbul Trans Pride (23 June), trans rights activists gathered in small groups in a number of neighborhoods in Istanbul without publicly announcing themselves, and shared videos on social media afterwards.[26] Trans rights flags were unfurled in different parts of the city.[27] On 30 June, the Istanbul LGBTI Pride march took place in a different part of the city rather than in the Taksim area, a symbolic location for protests where protests were regularly held in the past. Pride organizers did not announce the time and the place in advance. İzmir Pride took place one day prior to the announced date in a different part of the city. Most of the Pride week events across the country were shared publicly on social media but the organisers did not disclose the exact locations in order to protect the security of the participants.

RECOMMENDATIONS TO THE TURKISH AUTHORITIES

The Turkish authorities must:

- Respect, protect and facilitate LGBTI people's right to peaceful assembly as protected under Article 34 of the Turkish Constitution[28], Article 11 of the European Convention of Human Rights and Article 21 of the International Covenant on Civil and Political Rights.
- Put an end to the violations of the rights of LGBTI people to freedom of peaceful assembly, liberty and security of person and non-discrimination, and ensure that everyone, including LGBTI people, can enjoy their right to peaceful assembly without discrimination, including by adequate protection to organize and participate in peaceful assemblies.
- Repeal all domestic provisions that are at odds with international human rights law and standards on peaceful assembly, including provisions criminalizing participation in peaceful assemblies that have not been notified to the authorities or are otherwise considered "unlawful" by the authorities.
- Ensure that all public spaces are available for peaceful assemblies and participants are able to conduct assemblies within the sight and sound of their target audiences.

The Ministry of Interior must:

- Refrain from imposing blanket or de-facto bans on Pride marches and events, as they are a disproportionate restriction on the right to peaceful assembly and may have a discriminatory impact on LGBTI people. Instead, authorities must adopt an enabling approach to the exercise of the right to peaceful assembly rather than preventing and restricting it. Any restriction on the right to peaceful assembly should be based on an individualized assessment of the conduct of participants and the assembly concerned.
- Ensure the use of force by law enforcement officials complies with the fundamental principles of legality, necessity, proportionality, precaution and non-discrimination.
- Ensure that peaceful assemblies are not dispersed, including if the assemblies are considered unlawful under domestic law. Law enforcement officials may disperse a public assembly only when it is no longer peaceful, i.e. only when violence is manifestly widespread within the assembly, or when there is clear evidence of an imminent threat of serious violence that cannot be reasonably addressed by more proportionate measures, such as targeted

[25] 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of Protesters, 17 May 2024, (previously cited).
[26] transprideistanbul, Instagram post, 23 June 2024, https://www.instagram.com/p/C8jhlaDA9tA/, https://www.instagram.com/p/C8jm5-hoFJn/ and https://www.instagram.com/p/C8jbK3jAa7U/.
[27] transprideistanbul, Instagram post, 23 June 2024, https://www.instagram.com/p/C8joNoXIbrw/?img_index=1 and https://www.instagram.com/p/C8jjs4xo0yi/.
[28] Constitution of the Turkish Republic, https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2709&MevzuatTur=1&MevzuatTertip=5.

detentions. In these instances, the use of force by law enforcement officials must be strictly necessary and proportionate to address the widespread violence or risk of imminent threat of serious violence.

- Ensure that law enforcement officials avoid practices of arbitrary arrest and detention prior to, during or following an assembly. Ensure that detentions are carried out only when there is reasonable suspicion of the commission or the threat of a criminal offence. Arrests and detentions of LGBTI peaceful protesters based solely on the exercise of their human rights and/or their sexual orientation or gender identity amount to arbitrary arrest and detention – such people, if detained, must be released immediately and unconditionally.
- Ensure that law enforcement officials may resort to containment only where it is necessary and proportionate to address actual violence or an imminent threat from specific protesters. Indiscriminate and punitive containment violates the rights to freedom of peaceful assembly and freedom of movement may violate the right to liberty and security of person.