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FACTSHEET ON LEAKED LAW PROPOSALS AGAINST LGBTI+ RIGHTS IN TÜRKİYE

This factsheet by Amnesty International offers an analysis of the leaked draft legal amendments that, if approved, would lead to the criminalisation of LGBTI+ people and those advocating for their rights. The draft proposals are contained in the “11th Judicial Package” and were leaked to the media in October 2025.

Amnesty International

BACKGROUND

A 66-page draft document entitled “Draft law proposal on amendments to Turkish Penal Code and Some Laws”, also known as the “11th Judicial Package”, was leaked to the Turkish media in mid-October 2025.

It is the third time the rights of LGBTI+ people are targeted in proposed legal amendments in 2025. The first draft was also similarly leaked and subsequently not submitted to the Justice Commission as per the procedure in Parliament. A second set of proposals were submitted but were not considered in the Commission, thus not presented to the Parliamentary General Assembly.

This latest draft proposes amendments to the Turkish Penal Code, the Turkish Civil Code and six other laws.

In this factsheet, Amnesty International offers an overview of the most recently leaked proposed amendments in October 2025 and the serious risks they pose for LGBTI+ people, their communities and allies.¹

LEGAL GENDER RECOGNITION AND BODILY INTEGRITY: WHAT ARE THE PROPOSED CHANGES IN EXISTING LEGISLATION AND WHAT IS NEW?

Turkish Civil Code (Law No. 4721), Article 40 – “sex change”



Current Article 40 states that the applicant must seek the administrative court’s permission for the procedures provided that they are 18 years old and not married; that they have an official medical report from a state designated hospital that they are “**of transsexual nature**” and that the procedure is necessary for their mental health.



The leaked amendment proposes that the minimum age for a person to initiate legal gender recognition procedures to be increased from the 18 years to **25 years old**. In addition to “having a transsexual nature” and unmarried, the individual must also be “**permanently**

¹ Amnesty International, “Türkiye: Leaked proposals that would criminalize LGBTI people “must never see the light of day””, 17 October 2025, [amnesty.org/en/latest/news/2025/10/turkiye-leaked-proposals-that-would-criminalize-lgbti-people-must-never-see-the-light-of-day/](https://www.amnesty.org/en/latest/news/2025/10/turkiye-leaked-proposals-that-would-criminalize-lgbti-people-must-never-see-the-light-of-day/).

deprived of the ability to reproduce” in contradiction with the 2017 Constitutional Court ruling.²



The above process **does not apply** to individuals who have been officially diagnosed in a medical report prepared in a university and research hospital with “a developmental disorder in their genital organs due to genetic and/or hormonal diseases” and necessary medical interventions would be carried out. However, if **a change in their civil registry is required**, the administrative **court order is required**.

Turkish Penal Code, Law No 5237, Article 93/A – “unlawful sex change”



The “**perpetrator**” who performs any medical intervention aimed at changing a person’s sex in violation of the conditions set by the law shall be sentenced to **imprisonment from 3 to 7 years** and to an **administrative fine from 1,000 to 10,000 days**.³



If an intervention is performed against a child or by a person who is not authorised, the imposed sentence shall be **increased by one-fold**.



Individuals having the medical procedures shall be sentenced to **imprisonment of 1 to 3 years**.



It is important to remember that “interventions” also include **non-surgical procedures**, such as the administration of hormones and other medication.

WHAT IS THE JUSTIFICATION PROVIDED ON THE PROPOSED AMENDMENTS?

The justification provided in the leaked draft for the amendments to Article 40 of the Civil Code and the introduction of new Article 93/A of the Penal Code are the following:

1. To prevent “**physiological and psychological negativities**” that they may experience in the future due to gender-affirming healthcare.
2. To **protect** primarily the **individuals** and, more widely, the institution of **family, youth and society**, to ensure that individuals reach “a **level of maturity**” to make decisions in a “healthier manner” about “**irreversible**” procedures that “carry **serious health risks**”.

² normkararlarbilgibankasi.anayasa.gov.tr/Dosyalar/Kararlar/KararPDF/2017-165-nrm.pdf

³ The Turkish Penal Code Article 52/2 states “The amount of a judicial fine corresponding to one day, which is at least one hundred and at most five hundred Turkish Lira, shall be determined by taking into account the person’s economic and other personal circumstances.” In other words, the maximum fine foreseen would be 5,000,000 TL and the minimum fine would be 100,000 TL. The court judge has discretionary power to decide on the final due amount.

HOW DO THESE PROPOSALS VIOLATE THE HUMAN RIGHTS OF LGBTI+ PEOPLE?

If adopted, the draft law proposals would severely restrict or make impossible transgender and gender-diverse people's access to healthcare including gender-affirming processes in Türkiye. Their rights to equality, non-discrimination and dignity, the right to health and bodily autonomy would be violated.

THE PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION

- ❖ Amnesty International highlights concerns that the proposed new law is justified on the grounds of “protecting the family and societal structure”. Such justifications, as acknowledged by the European Court of Human Rights (ECtHR) in various cases⁴, are **vague provisions which cannot justify discriminatory practices**, restrictions of accessing healthcare and the criminalisation of individuals and communities.
- ❖ The UN Independent Expert on SOGI has also highlighted that attacks on LGBTI+ people often “emerge as both precursor and symptom of a **broader crackdown** on human rights” and adds that “the false and dangerous narratives of threats against “tradition”, “family” and “children” by sinister forces intent on “propaganda” and “promotion” serve to perpetrate **harmful stereotypes** and fuel **prejudice and misunderstanding**” which heightens the vulnerability of LGBTI+ people.⁵
- ❖ In Türkiye, 18 years old individuals are considered as adults. The proposal to increase the age limit to 25, as “reaching a certain level of maturity,” **limits the agency of young** adults and fails to recognise that an adult aged between 18–25 years old is **capable of making informed decisions about their bodily integrity and health**. Provided that the proposed age limit increase lacks a legitimate basis, Amnesty International states that it constitutes a **blanket age restriction** towards gender-affirming healthcare and legal gender recognition, and it is a retrogressive measure that harms the mental and physical health of the individuals. Such restrictions are **discriminatory and incompatible** with international human rights standards⁶.
- ❖ Although the proposal has cited articles of the Turkish Constitution to demonstrate the obligation of the state to protect the family and the youth, human rights treaty

⁴ ECtHR cases of *Bayev and Others v. Russia* (2017), *Ünal Tekeli v. Turkey* (2004), *X and Others v. Austria* (2013); also see ECtHR, *Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention: Prohibition of Discrimination*, updated on 28 February 2025, ks.echr.coe.int/documents/d/echr-ks/guide_art_14_art_1_protocol_12_eng.

⁵ UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: *Protection against violence and discrimination based on sexual orientation and gender identity in relation to the human rights to freedom of expression, peaceful assembly and association*, UN Doc. A/HRC/56/49, 18 April 2024, paras. 18-19.

⁶ Amnesty International, *My Life, My Health, My Education, My Choice, My Future, My Body, My Rights* (ACT 35/001/2014), 6 March 2014, amnesty.org/en/documents/ACT35/001/2014/en/; Amnesty International, *Europe: The state decides who I am: Lack of legal gender recognition for transgender people in Europe* (EUR 01/001/2014), 4 February 2014, amnesty.org/en/documents/EUR01/001/2014/en/; UN Office of the High Commissioner, *Free & Equal, Transgender factsheet*, unfe.org/en/know-the-facts/challenges-solutions/transgender.

bodies have called on states to “provide **equal access** to healthcare and access to gender-affirming treatment to those who seek it”.⁷

- ❖ International human rights treaties and UN treaty bodies consistently affirm the **state obligation** to ensure access to accessible, affordable and quality healthcare without discrimination.⁸
- ❖ Considering that medical prescriptions of hormone regulators are generally allowed for different medical reasons other than gender-affirming healthcare (e.g., thyroid and gynaecological issues) regardless of the adults’ age, the proposed increase of the age limit has a **discriminatory impact** on those seeking to access gender-affirming healthcare.

ACCESS TO HEALTHCARE

- ❖ **All people have the right to the enjoyment of the highest attainable standard of health.** For transgender and gender-diverse people, such healthcare might include accessing gender-affirming healthcare that supports and affirms an individual’s gender identity.
- ❖ The Turkish authorities **must comply with international human rights law and standards to ensure all people have access and enjoy the highest attainable standard of health, which includes permitting and ensuring access to gender-affirming healthcare for transgender and gender-diverse people.**⁹
- ❖ They also have positive obligations to create a **safe and enabling** environment for transgender and gender-diverse people to make autonomous and informed decisions about their health and grow up as equal members of society.
- ❖ The law proposals make legal gender recognition and gender-affirming healthcare **extremely complex and de facto impossible to access in an environment where transgender and gender-diverse people already face barriers in accessing healthcare.** The proposal would further raise **significant risks for their physical and mental wellbeing.**¹⁰
- ❖ In 2015, the ECtHR ruled an Article 8 violation in the case of *Y.Y. v. Turkey* (14793/08) on “forced sterilization” where the Court found that requiring a transgender man to be permanently incapable of reproduction as a precondition to undergoing gender reassignment surgery violated his right to private and family life. In 2017, the Constitutional Court also ruled that the requirement to be permanently deprived of

⁷ Council of Europe, “Embrace diversity and protect trans and gender diverse children and adolescents”, 16 May 2017, coe.int/en/web/commissioner/-/embrace-diversity-and-protect-trans-and-gender-diverse-children-and-adolescents.

⁸ ICESCR, Art.12; UN General Assembly, Protection against violence and discrimination on sexual orientation and gender identity, 12 July 2018, UN Doc. A/73/152.

⁹ UN Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 4 April 2016, UN Doc. A/HRC/32/32, para. 94.

¹⁰ UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: *Protection against violence and discrimination based on sexual orientation and gender identity*, 12 July 2018, UN Doc. A/73/152, paras. 17–18; UN General Assembly, Protection against violence and discrimination based on sexual orientation and gender identity, 15 July 2021, UN Doc. A/76/152, para. 53; CESCR General Comment 14: The Rights to the Highest Attainable Standard of Health (Art. 12), para. 12b.

reproductive capacity is **unconstitutional**. Forced sterilization, when prescribed in law, constitutes a **violation of the right to health, the right to be free from torture and other ill-treatment and violates the right to form a family/family life**. It can also constitute a **medical abuse**¹¹.

- ❖ The amendment proposes the criminalisation of healthcare professionals who provide any gender-affirming healthcare without fully complying with the law which creates a **chilling effect** in the provision of gender-affirming healthcare services.
- ❖ Efforts to criminalise or restrict or impose legal and practical barriers on access to gender-affirming healthcare for transgender and gender-diverse people are a threat to their human rights. For example, limiting of provision of these procedures to designated state authorised hospitals poses risks to the **geographical coverage and availability** of gender-affirming healthcare services for transgender people across Türkiye.
- ❖ Transgender and gender-diverse people must equally enjoy the highest attainable standard of health and access to trans-specific healthcare and such restrictions limit access to healthcare. The process rather must be a **quick, accessible and transparent** administrative process based on an individual's self-determination.¹²
- ❖ According to the Law on the Human Rights and Equality Institution in Türkiye (Law 6701), enacted in 2016, medical needs are among the **protected characteristics** and should not be the grounds for discrimination.¹³ Sex characteristics and gender identity are also protected characteristics according to international legal standards.¹⁴
- ❖ If these law proposals are passed, it **remains a concern** that young people between 18–25 years old, who have already initiated gender-affirming healthcare, will face disruptions to their ongoing healthcare. Amnesty International notes that **restricting or withholding access to gender-affirming healthcare** for young transgender people can have a **significant negative impact on their health**.¹⁵
- ❖ The law proposals on legal gender recognition need to be examined in conjunction with the administrative directive of the Turkish Medicines and Medical Devices Agency from the Ministry of Health on the restrictions to specific hormones. The directive was introduced in November 2024 with a requirement of **e-prescription** to access certain hormones for transgender people, while it increased the age limit to

¹¹ Amnesty International, European Institutions Office, *Note to the attention of the Parliamentary Assembly Committee on Social, Health and Family Affairs Committee, in relation to the draft report on "Putting an end to coercive sterilisations and castrations"*, 17–18 November 2011 (IOR 61/014/2011), November 2011, [amnesty.org/es/wp-content/uploads/2021/07/ior610142011en.pdf](https://www.amnesty.org/es/wp-content/uploads/2021/07/ior610142011en.pdf); Amnesty International, *The State Decides Who I am* (cited above).

¹² CoE, "Embrace diversity and protect trans and gender diverse children and adolescents" (cited above).

¹³ Amnesty International, *Türkiye: 2023 Prides Took Place Amid Discriminatory Restrictions and Abuse of the Rights of Protesters* (EUR 44/8049/2024), 16 May 2024, [amnesty.org/en/documents/EUR44/8049/2024/en/](https://www.amnesty.org/en/documents/EUR44/8049/2024/en/).

¹⁴ Freedom from discrimination as enshrined in the UDHR (art. 7), ECHR (art. 14), ICCPR (art. 2), ICESCR (art. 2).

¹⁵ Lucas Shelemy, Sue Cotton, Catherine Crane & Matthew Knight, "Systematic Review of prospective adult mental health outcomes following affirmative interventions for gender dysphoria", *International Journal of Transgender Health*, 3 April 2024, Volume 26, Issue 3, [tandfonline.com/doi/full/10.1080/26895269.2024.2333525](https://doi.org/10.1080/26895269.2024.2333525); Tiffany A. Ainsworth & Jeffrey H. Spiegel, "Quality of life of individuals with and without facial feminization surgery or gender reassignment surgery", *Quality of Life Research*, 7 September 2010; Volume 19, Issue 7, [jstor.org/stable/40835679?seq=1](https://doi.org/10.1007/s10835-010-9789-4); World Health Organization, *Sexual health, human rights and the law*, 2015, p. 25, iris.who.int/bitstream/handle/10665/175556/9789241564984_eng.pdf.

accessing hormones in cases of gender-affirming healthcare **to 21 years old** in June 2025¹⁶. The restrictions brought by the Agency have already started to abruptly halt young people's access to hormones.

RIGHT TO BODILY AUTONOMY AND PRIVACY

- ❖ Deciding upon one's gender identity is part of their **dignity** and **freedom to privacy** and should be based on **informed consent**¹⁷. The right to control one's health and body and ability to make decisions regarding our bodies without undue government intrusion is central to all best practice models of healthcare access.
- ❖ The Turkish government has positive obligations to create a safe and enabling environment for transgender and gender-diverse people to make autonomous and informed decisions about their health and grow up as equal members of society. People's ability to determine their own lives and exercise autonomy is impacted by the conditions of their social and physical environment. States have an obligation to ensure that these conditions **enable people to make informed and autonomous decisions that align with their life aspirations and to realise and enjoy their human rights**.
- ❖ As recognised by the UN, access to hormone treatments, as part of the overall access to gender-affirming healthcare, is "part of the measures to ensuring **bodily autonomy** for transgender persons" and "any effort to criminalise or restrict such access are concerning and represent an **imminent threat to their human rights**"¹⁸.
- ❖ The proposed amendment promotes **pathologizing language** by making explicit references to "hormonal diseases" and "developmental disorder in the genital organs", thus perpetuating harmful stereotypes and facilitating unnecessary and potentially damaging surgeries on intersex bodies. UN Experts have called for the eradication of the conception of gender and sexual diversity as a pathology and highlighted pathologisation's stigmatising and discriminatory effects on individuals.¹⁹
- ❖ The government has an obligation to **combat perceptions and stereotypes and protect all transgender and gender-diverse people's rights**, including respect for

¹⁶ ILGA Europe, "New changes from the Turkish Authorities to the accessibility of hormones for trans people further threaten health and lives", 09 December 2024, ilga-europe.org/news/new-regulations-pose-greater-risks-to-trans-people-in-turkey/; TGEU, "Trans rights and freedoms under threat in Türkiye", 27 March 2-25 (updated on 15 July 2025), tgeu.org/trans-rights-and-freedoms-under-threat-in-turkiye/#:~:text=UPDATE%2015%20July%202025:%20In,has%20not%20yet%20been%20confirmed.

¹⁷ UN Population Fund, *My body, my rights: International treaties and declarations provide foundations for the right to bodily autonomy and integrity*, April 2021, pp. 62–64, un-ilibrary.org/content/books/9789216040178c005.

¹⁸ UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity – IESOGI, Report: *Bodily Autonomy & Integrity*, 2021, p. 2, ohchr.org/sites/default/files/2021-11/Summary-Bodily-Autonomy-Integrity.pdf.

¹⁹ UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: *Protection against violence and discrimination based on sexual orientation and gender identity*, 12 July 2018, UN Doc. A/73/152, para. 77; UN Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 28 March 2017, UN Doc. A/HRC/35/21, para. 48.

their bodily autonomy, and access to gender-affirming healthcare services and legal gender recognition.²⁰

INDECENT ACTS: WHAT CHANGES ARE PROPOSED?

Turkish Penal Code (Law No. 5237) Article 225 – “indecent acts”



Prison sentences for people who engage in sexual intercourse in public or exhibitionism would be **increased to 1–3 years** (from 6 months–1 year).



Introduces a paragraph to Article 225, that a person who acts or behaves in “**a manner contrary to their biological sex assigned at birth and to public morality**”, or who “**publicly encourages, praises or promotes such behaviour**” shall be punished with **imprisonment from 1 to 3 years**.



Another paragraph introduced to Article 225 states that when persons of the same sex hold an **engagement or marriage ceremony**, they shall be sentenced to **imprisonment from 1.5 to 4 years**. The sentence shall be applied to them individually.

WHAT IS THE JUSTIFICATION PROVIDED ON THE AMENDMENT TO ARTICLE 225 OF THE TURKISH PENAL CODE?

1. A new paragraph criminalising behaviours or acting contrary to “biological sex assigned at birth” and to “public morality”, or “publicly encouraging, praising, or promoting” such behaviour is introduced to combat “more effectively” against the “movements of **uniformity** and **anti-genderism**.”
2. The third paragraph is introduced because it is claimed that **marriage as an act between a man and a woman**, even though Article 41 of the Constitution states that “the family is the foundation of Turkish society and is based on equality between spouses.” In Türkiye, same-sex marriage is already not legal.
3. To ensure “the upbringing of **physically and mentally healthy** individuals and generations” and to protect the **family** and the **structure of society**.

²⁰ UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity - IESOGI. Reports on Gender: The Law of Inclusion & Practices of Exclusion. Reports presented in 2021 at the 47th UN Human Rights Council and 76th UN General Assembly (2016) available from ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/IESOGI/Reports_on_Gender_Final_Summary.pdf.

WHAT ARE THE RISKS AND HUMAN RIGHTS IMPLICATIONS WITH THIS PROPOSAL?

The proposed amendments on “indecent acts” (Article 225 of the Penal Code) and gender legal recognition raise similar concerns as well as additional risks for LGBTI+ people.

THE PRINCIPLE OF LEGALITY

- ❖ Crimes and punishments must be defined by law in a manner that is accessible to the population and people must be able to foresee what conduct is criminalised and the scope of possible penalties.²¹
- ❖ Laws, such as generic public morality laws that aim to prevent unclear “social harms”, often serve to punish a wide range of harmless behaviours and are often misinterpreted or used deliberately in a discriminatory and abusive manner against certain groups.²²
- ❖ References to “general/public morality”, “acts or behaviours in a manner contrary to their biological sex assigned at birth” and “publicly encouraging, praising or promoting such behaviour” are **vague, overly broad and open to arbitrary interpretation**.²³

RIGHT TO FREEDOM FROM DISCRIMINATION

- ❖ The law proposal directly **criminalises** and may be misused to **disproportionately target** transgender and gender-diverse people solely because of who they are, their sex characteristics or how they look, or express their identities. Vague references to “contradicting one’s biological sex” are subject to interpretation and **can be applied to anyone** irrespective of their sexual orientation, gender identity and gender expression. Anyone who is seen as “failing” to abide by “traditional gender norms” could be targeted, namely all elements of their appearance, clothing and general demeanour might fall within the terms of Article 225 of the penal code. Transgender and gender-diverse people or anyone who does not conform to strict gender norms could face prosecution, arrest and harassment under this provision.²⁴ Civil society organisations and human rights defenders who advocate for the rights of LGBTI+ people could be criminalised if such human rights works are targeted for “publicly

²¹ Amnesty International, *Body politics: a primer on criminalization of sexuality and reproduction* (POL 40/7763/2018), 12 March 2018, <https://www.amnesty.org/en/documents/POL40/7763/2018/en/>.

²² Amnesty International, *Body politics: a primer on criminalization of sexuality and reproduction* (cited above).

²³ Amnesty International South Africa, *There Is No Help For Our Community: The Impact of States’ COVID-19 Responses On Groups Affected By Unjust Criminalisation*, 31 May 2022, <https://amnesty.org.za/research/there-is-no-help-for-our-community-the-impact-of-states-covid-19-responses-on-groups-affected-by-unjust-criminalisation/#:~:text=A%20global%20report%20focusing%20on%20the%20impact%20of,who%20experience%20homelessness%20and%20people%20seeking%20an%20abortion.>

²⁴ Amnesty International, *“There is no help for our community”: The impact of States’ Covid-19 responses on groups affected by unjust criminalization: Report* (POL 30/5477/2022), 31 May 2022, amnesty.org/en/documents/pol30/5477/2022/en/.

encouraging, praising or promoting such behaviour”, **in violation of their rights to freedom of expression, peaceful assembly and association and the protection of HRDs.**

- ❖ Media outlets reporting on human rights of LGBTI+ people and social media posts could be targeted, thus interfering with **freedom of press** and the **right to freedom of expression**.
- ❖ As confirmed by multiple UN entities²⁵, including the UN Office of the High Commissioner²⁶ and UN Independent Expert on protection against violence and discrimination based on SOGI, criminalising consensual same-sex relations between adults **violates their rights to privacy and freedom from discrimination** and have called for their decriminalisation. The Independent Expert also stated that “arrests and detentions on the basis of sexual orientation, gender identity or expression are to be considered arbitrary” and same-sex relations and gender identity and expression should be decriminalised²⁷.
- ❖ The **mere existence** of laws that criminalise people on the basis of their gender identity or expression contributes to stigma and discrimination and violates several human rights, including the rights to access to healthcare and bodily autonomy.²⁸
- ❖ Even in the absence of harmful and discriminatory laws, LGBTI+ people often face **violence, stigma, homophobia and transphobia**, particularly when claiming their human rights. If these laws are passed, such acts will be further legitimised and thus will increase the risk of discrimination and marginalisation, and even criminalisation, of LGBTI+ people.²⁹

RIGHT TO PRIVATE LIFE AND FAMILY

- ❖ Considering the vagueness of the law proposal’s second paragraph, what people do in their private lives, their **intimate lives** in closed spaces, **could also be criminalised**. As the ECtHR has stated, the concept of “private life” can also include an individual’s “physical and social identity³⁰, the right to private life “applies fully to gender identity, as a component of personal identity” and “the right of transgender persons

²⁵ Joint United Nations statement on ending violence and discrimination against LGBTI persons, 2015, [ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf); UN Committee on the Elimination of Discrimination against Women (CEDAW), General Recommendation 33: on women’s access to justice, 3 August 2015, UN Doc. CEDAW/C/GC/33, para. 8.

²⁶ UN Office of the High Commissioner, *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*, 2nd edition, 2019, [ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf).

²⁷ Amnesty International, *Body Politics: A Primer on Criminalization of Sexuality and Reproduction* (POL 40/7763/2018), 12 March 2018, [amnesty.org/en/documents/pol40/7763/2018/en/](https://www.amnesty.org/en/documents/pol40/7763/2018/en/); UN Report of the Independent Expert on protection of violence and discrimination based on sexual orientation and gender identity, UN Doc. A/72/172, 2017, paras.32–34.

²⁸ Amnesty International, *Body politics: a primer on criminalisation of sexuality and reproduction* (cited above); United Nations, “End Criminalization of Consensual Same-Sex Relations, Transgender People, Says Secretary-General in Message for World Day against Homophobia” (SG/SM/21792), 11 May 2023, press.un.org/en/2023/sgsm21792.doc.htm.

²⁹ UN General Assembly, Report on SOGI (cited above), UN Doc. A/72/172, 2017, para. 35.

³⁰ European Court of Human Rights (ECtHR), *Y.Y. v. Turkey*, Application 14793/08, Grand Chamber judgement, 10 March 2015, hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-153134%22%5D%7D, para. 56.

to personal development and to physical and moral security is guaranteed by Article 8” of the ECHR.³¹

- ❖ In Türkiye, same-sex couples are denied the right to marry or enter into civil partnerships, effectively depriving them of the right to found a family.³² The proposed law goes further by criminalising symbolic ceremonies, aiming to **suppress both formal and informal** expressions of same-sex love.
- ❖ As confirmed by the UN, “moral reasons” **shall not form the grounds for proscribing same-sex marriages and clearly contravene human rights norms in law**. Similarly, religious convictions **cannot define** the rights of other humans in the case of opposing same-sex marriages³³.

HOW IS AMNESTY INTERNATIONAL RESPONDING TO THESE PROPOSALS?

Amnesty International is alarmed about the disproportionate and far-reaching risks posed by the recent draft proposals, which threaten to criminalise LGBTI+ people. If adopted, these measures would effectively criminalise individuals based on their real or perceived identities and expressions and could render access to gender-affirming healthcare in Türkiye virtually impossible. In addition, the proposed amendments to the law on ‘indecent acts’ raises serious risks for anyone perceived by authorities as violating so-called ‘traditional gender norms,’ enabling arbitrary targeting without a legitimate aim.

Amnesty International urges law makers to reject these law proposals from the outset and further asks the Turkish authorities to:

- Abolish blanket age restrictions to legal gender recognition, gender expression and gender-affirming care.
- Ensure that transgender and gender-diverse people can obtain legal recognition of their gender through quick, accessible and transparent procedures based on self-determination, while preserving their right to privacy. Turkish authorities should make sure that all documents are issued with correct gender markers, and gender-related information stored in state-run registries is updated.
- Ensure transgender, gender-diverse, and LGBTI people are not discriminated against while accessing healthcare services.
- Ensure access to quality healthcare for all people, including the specific therapies that transgender and gender-diverse people need, including hormone therapy, gender-affirming surgeries, and free mental health counselling support.

³¹ ECtHR, *A.P., Garçon and Nicot v. France*, Applications 79885/12, 52471/13 and 52596/13, Grand Chamber judgement, 6 April 2017, [hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-172913%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-172913%22]}), paras. 93 and 95.

³² Protected by international human rights standards, such as The Yogyakarta Principles, Principle 24, The Right to Found a Family.

³³ UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Report: *Freedom of religion or belief and freedom from violence and discrimination based on sexual orientation and gender identity*, UN Doc. A/HRC/53/37, 24 January 2024, Section E.

- Develop national, provincial and local level campaigns to increase awareness about mental health and reduce stigmatization and discrimination against transgender and gender-diverse people, for example by partnering with professional medical and psychological support organisations to promote gender affirming care.
- Ensure that all people can access sexual and reproductive healthcare whenever they need to.
- Ensure the sensitisation of medical workers and healthcare providers so that transgender and gender-diverse people have equal access to healthcare.
- Ensure that the right to family life should be accessible to everyone, without any discrimination including on grounds of gender identity and sexual orientation.
- Put in place the necessary legal protections for transgender and gender-diverse people, including specific anti-discrimination provisions.
- Publicly counter and do not use pathologizing language and discriminatory and harmful speech against LGBTI+ people which stigmatises and promotes harmful stereotypes against them.
- Ensure that the state does not interfere with how individuals express their gender identity and their private lives.
- Guarantee the rights of freedom of expression and association for LGBTI+ people and LGBTI+- organisations, Allies, bodies and the press.
- Develop clear guidelines to ensure the full, equal, meaningful, and effective participation of LGBTI+ people, through civil society organisations and community representatives, in decision-making and in the development, monitoring, and implementation of all laws and policies related to their rights.