

## **Statement by Buse Kilickaya**

*(Translated from Turkish)*

Greetings. My name is Buse Kilickaya, and I am one of the founding members of Pembe Hayat (Pink Life) LGBTT Solidarity Association. At the same time, I am a member of religious, ethnic, and sexual minority groups: I am a Kurd, an Alevi Muslim, a trans woman and a sex worker. I would like to talk about the fundamental struggles and demands of trans people in Turkey.

### **Hate Crimes / Hate Speech**

Pink Life primarily fights hate crimes and hate speech. This year so far, at least 7 known trans people were murdered. The widespread trans phobia at the societal level and the indifference of government bodies to trans murders has fuelled further incidents.

The court system in Turkey gives reduced sentences to murderers, practically blaming the victim for their murder based on a law that refers to so-called “grievous provocation.” The law enforcement agencies are reluctant to prosecute perpetrators, such as in the case of Dilek Ince, killed in 2008, whose murderer is still on the loose.

The authorities do not take any legal or practical measures to protect our community. Instead, they openly ignore our demands. Despite the continuous demand by NGOs for passage of a hate crimes law – one that would attempt to prevent and severely punish murder, harassment and hate speech -- the policymakers take no action. Yet, hate speech in the media is widespread. Though the trans population faces intense violations of their rights, they are openly targeted by media’s vicious hate campaigns.

Even worse, the minister responsible for Women and Family Affairs, Selma Aliye Kavaf, recently made a statement to major newspapers in Turkey saying that homosexuality is a disease that should be cured. This is an example of how hate speech is propagated by high-ranking government officials.

### **Discrimination**

Similarly, trans individuals are victims of intense discrimination in other realms. Trans people face grave discrimination in education institutions in which they are denied their fundamental right to education because of their sexual identity. Trans students who are excluded and alienated by school administrations are left with no choice but to leave school.

Another area where discrimination is common is in the workplace. Because of the widespread hatred and prejudice that exists in society, a significant number of trans individuals are forced out of the formal workplace and into work under hazardous conditions, such as the sex industry, which may be their only source of income.

Similarly, there is discrimination in healthcare. During the transitional period in particular,

trans individuals face monumental challenges such as undergoing humiliating procedures, long psychiatric evaluations, and discriminatory conduct by medical professionals. I think the possibility that the International Code of Diseases (ICD) and the Diagnostic and Statistical Manual of Mental Disorders (DSM) by the World Health Organization will in 2012 reconsider listing trans-sexuality would have a positive impact in Turkey.

The struggle of LGBT people in prison living under continuous social isolation and hate-inspired violence is another topic that deserves recognition.

The anti-discriminatory laws that we have - for years - been advocating for is a solution to all of these problems. Unfortunately, the passage of such legislation is still not on the legislators' agenda. The lack of legislation that would prevent discriminatory practices makes the trans community vulnerable.

### **State-Sponsored Violence / Police Brutality**

Police continue to commit severe violence against trans individuals. Torture and inhuman and degrading treatment of trans people is common.

The Ministry of the Interior and the police do not require internal investigations into torture and inhuman and degrading treatment of trans people by police. The abuse by trans phobic police is covered up by public prosecutors when they dismiss complaints by trans victims.

According to the Police Duty and Responsibility Law, trans individuals can be rounded up, become victims of police violence and even end up in jail. Police can violate trans people's right to freedom of movement without giving any reasons, can lawfully raid their residence and can commit acts of violence against them.

For instance, on 17 May 2010, in Ankara, 5 trans human rights defenders from Pink Life, including myself, were pulled over while driving, arbitrarily arrested, pepper sprayed and violently beaten by up to 60 police officers. We were taken into police custody overnight and charged with resisting authorities. Conviction could have resulted in 3-year prison terms. Following the incident, which drew significant national and international attention, we filed an official complaint with the Office of Public Prosecutor, but the Public Prosecutor decided to dismiss our complaint. This once again demonstrates the discrimination we face. However, in October, a court threw out the charges, citing the lack of evidence against us and reprimanding the officers for conduct that was, in the judge's words, "totally wrong."

This was a victory, but I am still not safe. Again in June 2010, myself and another Pink Life member were pulled over while driving and beaten by the police. Again we have been wrongfully accused of resisting authorities and again we could be imprisoned. The next court hearing on this case will be in Ankara on December 29th, 2010. I have every reason to fear that this time I could be unjustly imprisoned.

We see that trans individuals are not only subjected to police violence, as in these two cases, but that police use the *Law of Misdemeanours*, a very broad public order law, to disproportionately harass and discriminate against us. Under the law, we can be fined 70 – 140 Turkish lira. In other words, it is legal to fine trans people because of their identity.

## **Conclusion**

In conclusion, I would like to talk about the discrimination that I faced trying to attend this event. There was opposition by some countries sponsoring this event to my participation and presentation of a speech at the UN as a trans sex worker. Such a negative reaction insulted my dignity yet also showed me again how important it is to fight for human rights, something that I have been doing for years.

I would like to particularly thank the International Gay and Lesbian Human Rights Commission as well as other LGBT organizations that have done a tremendous amount of work to organize this event.

If I would have had the life of a butterfly, I would still spend my life fighting for the freedom of oppressed people.

I would like to end my speech with a quote full of sorrow from the mother of my late friend, Irem Okan, a trans woman, who was recently brutally murdered: “I can’t believe there was no place for my child to live in this big world.”