

“It’s always a crisis”

IMPACT OF 6 FEBRUARY EARTHQUAKES ON LGBTI+ PEOPLE



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ACKNOWLEDGEMENT

LGBTI+ people face rights violations during times of crisis, as well as throughout their lives. In the aftermath of the 6th February 2023 earthquakes in Southeastern Türkiye, it became clear that the services provided were inadequate and did not adhere to human rights standards for the LGBTI+ community. Drawing from a well-known pattern of social exclusion and discrimination, we shifted our attention to examining the impact of the earthquakes on LGBTI+s and their experiences. The report aims to expose the human rights violations inflicted on LGBTI+ individuals during the earthquake and aftermath. Also, it highlights the barriers that prevented them from accessing social protection, goods, and services. Additionally, it showcases the intervention plan developed by LGBTI+ organizations during the crisis period. The plan serves as a fundamental resource and advocacy tool that can be employed in future disaster management situations.

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In solidarity,

1. EXECUTIVE SUMMARY

After the 6 February earthquakes, we were confronted with a mass of information. Whether or not it contained accurate information or misinformation, we came across a lot of news and support information. *How inclusive was this support for lesbian, gay, bisexual, transgender, intersex and + (LGBTI+) people? Were LGBTI+ survivors/ LGBTI+s affected by the earthquake able to access this support information and news?*

Social worker D.I.'s response to these questions was; *"It is always a crisis"*. Despite LGBTI+ individuals being able to access support information and services, there are still challenges surrounding whether refugee LGBTI+s can apply for such services. After the 6 February earthquakes, *"crises"* continued for LGBTI+s in the areas of access to health services, adequate housing, employment, education, social security, information and communication technologies and justice. LGBTI+ survivors of the earthquake faced ill-treatment. As various violations of rights emerged, it became more and more difficult to organize and promote human rights.

The monitoring work we carried out showed that:

A violation of a right brought along other violations of rights. Refugee LGBTI+s whose right to travel was violated were also led them to be prevented from accessing health services. Lack of adequate housing created security problems and ill-treatment such as insult or physical violence against LGBTI+s. Although the right to work and education are crucial for accessing human rights in other areas, no special legal or administrative measure have been taken to address the challenges confronted by LGBTI+s affected by the earthquake in the fields of education and employment. The absence of social security, social protection and support services resulted in inadequate living standards and heightened LGBTI+' vulnerability to poverty. Not being able to access information and communication technologies meant that LGBTI+s affected by the earthquake could not access social support mechanisms. Restrictions imposed on civil society organizations in receiving donations and collecting humanitarian aid made it difficult for civil society organizations to promote human rights.

There were no specific legal or administrative measures for ensuring LGBTI+ individuals to access health services, adequate housing, employment, education and social security before the earthquake. No regulations were implemented during the earthquake period to ensure LGBTI+s had access to these rights. Prior to the earthquake, serious threats existed regarding the freedom of expression and right to organize for LGBTI+s that were further exacerbated during the disaster. The authorities took no steps to prevent ill-treatment. LGBTI+ survivors/ LGBTI+s affected by the earthquake were unable to utilize the existing justice mechanisms due to their lack of trust in the justice system.

Following the earthquake, media and social services failed to provide necessary support information for LGBTI+s. Discriminatory practices were faced by those seeking assistance. Discrimination was either directly experienced from support providers or caused by their beneficiaries. Therefore, support providers were tasked with the responsibility to prevent discriminatory behavior among beneficiaries. Supporters of LGBTI+ survivor/ LGBTI+s affected by the earthquake had to verify the information they received due to discriminatory practices. This verification process created significant barriers before accessing valid support information and mechanisms. Experts and volunteers providing support were burdened with the confirmation process, leading to demoralization due to discriminatory reactions.

The condition that receiving donations and collecting humanitarian aid is subject to permission according to the legislation restricted the freedom of association of LGBTI+ organizations and thus their ability to provide social support. This practice created a barrier between LGBTI+ organizations and those seeking to establish solidarity with them, thereby limiting access to services for LGBTI+ people affected by the earthquake. Even if some flexibility was provided for organizations and institutions working in the earthquake zone, similar flexibility was not provided for organizations and institutions in other cities. On the other hand, the earthquake triggered a migration process. Big cities such as Istanbul and Ankara received a lot of migration.¹ Approximately 2.7 million people in the earthquake zone were displaced.² The lack of legislation to encourage civil society work in times of disaster and crisis prevented those affected by the earthquake from accessing social services in the first place. In the absence of legislation, civil society had difficulties in sustaining and expanding its work to increase welfare and social functionality.

Throughout the process, the majority of LGBTI+ rights holders were unable to access psycho-social support services from public or civil society actors. A small number of LGBTI+ rights holders affected by the earthquake were able to access psycho-social support services through LGBTI+ associations. Despite facing limited resources, these associations invested significant effort in fulfilling the high demand for their services. LGBTI+s affected by the earthquake avoided contact with the public in order not to face discrimination and violence based on their sexual orientation, gender identity and expression, and sex characteristics. This process was also accompanied by the presupposition and sense of insecurity that their applications would be rejected.

After the earthquake, LGBTI+ survivors reported that they were barred from entering the tent cities and temporary shelter facilities set up for displaced individuals. Discrimination, verbal abuse, and physical violence were rampant in these areas. Conspiracies floated around that blamed the earthquake on the LGBTI+ community, which were fueled by hateful rhetoric that used different religious and cultural references. LGBTI+ survivors avoided being in public living spaces, considering the danger of discrimination and violence. So much so that they could not even go to the fire lit for warmth in public living spaces. In some occasions, they were forced to stay alone in damaged houses, fearing discrimination and violence in shared areas. They could not access protective and preventive measures and were forced to live in precarious environments.

Access to clean drinking water, public health conditions related to adequate treatment and disposal of wastewater and sewage (sanitation), HIV suppressive drugs (antiretrovirals) used by people living with HIV (Human Immunodeficiency Virus), hormone drugs to be used by transgender people in the process of hormone therapy, and primary health care services

1 <https://www.dengedenetleme.org/dosyalar/file/Afetlerde%20Sivil%20Toplum%20%20Birarada%20Dayanışma%20Toplantıları%20Sorunlar%20Deneyimler%20ve%20Çözümler.pdf>

2 <https://dergipark.org.tr/tr/download/article-file/3080488>

including diagnosis–treatment–rehabilitation services were all problem itself. LGBTI+s affected by the earthquake faced discrimination while trying to access these health services and medicines. Mobile pharmacies established in the earthquake zone did not identify the mentioned medicines as a priority need and did not keep them ready for distribution. Again, these medicines were not prioritized in the emergency health kits sent to the earthquake zone.

Considering the negative impact of increasing poverty on LGBTI+'s, LGBTI+'s did not have appropriate means of communication before the earthquake. During the earthquake, they were unable to access these means of communication resulting in limited access to information and services. This, in turn, gave rise to communication problems, coupled with several rights violations.

LGBTI+ persons affected by the earthquake had to return to their family homes, and sometimes they had to shelter in shared living spaces or damaged houses instead of returning to their family homes. As a result of the opening of KYK (Credit and Dormitories Institution / General Directorate of Credit and Dormitories) dormitories to earthquake survivors, all students were removed from the dormitories, which necessitated LGBTI+ students to return to their family homes, even though they were not affected by the earthquake. Those who returned to the family home were once again faced with the violence they were trying to get rid of. In some cases, trans people who returned to their family homes had to postpone/stop their gender affirmation process.

LGBTI+s affected by the earthquake refrained from using protective and preventive application mechanisms against the discrimination and violations they faced during the earthquake, especially in common spaces. LGBTI+ people who have already faced obstacles in accessing justice before the earthquake could not use these application mechanisms, believing that these conditions would not change during the earthquake. Similar to this finding, the *LGBTI+'s Access to Justice Report*, published jointly by Kaos GL and May 17 Association³, states that access to justice is a process in which intersectional rights violations are produced when it comes to LGBTI+s.

A reconstruction process was initiated to ensure the regular flow of life in the earthquake zone, but LGBTI+ organizations were not involved in the coordination of this reconstruction process. There was no space for the work and proposals of LGBTI+ organizations that could support the well-being of LGBTI+s in the region. The existence and support of these organizations were ignored. A restructuring process that does not include LGBTI+ perspective; it continues to implement a city structuring that does not take into account the needs of LGBTI+ people and does not put gender equality at the center.

In summary, the rights violations experienced by LGBTI+ people during the 6 February earthquakes brought other violations with them. For example, the issue of shelter and violations of the right to housing became a security issue. Forcing LGBTI+s affected by the earthquake to return to their family homes also violated personal freedoms, security and privacy. The necessary legal and administrative solutions were not produced for LGBTI+s who could not access health services, adequate housing and social security to access labour and education without discrimination. No steps were taken to ensure LGBTI+'s access to information and communication technologies, which are essential for communication and access to support in such emergency situations. While LGBTI+ people have been subjected to ill-treatment, they have not been able to exercise their right to assembly and promote human rights, nor have they had access to justice. In the 6 February earthquakes, LGBTI+ people faced multiple discrimination on grounds such as age, living with HIV and being a refugee.

³ <https://kaosgldernegi.org/images/library/access-to-justice.pdf>

2. INTRODUCTION AND BACKGROUND

On 6 February 2023, 7.7 and 7.6 magnitude earthquakes occurred with epicenters in Pazarcık and Elbistan, Kahramanmaraş. On 20 February 2023, a 6.4 magnitude earthquake occurred with the epicenter in Yayladağı, Hatay⁴. We prepared this monitoring report primarily to reveal how these earthquakes affected LGBTI+ persons in the earthquake zone. Our goal with this report is to highlight the violations of rights suffered by LGBTI+s who were displaced and lost loved ones, cities, and memories, and who were even left without the necessary time and space to grieve. Following our objectives, we conducted interviews with social workers, LGBTI+ activists, psychologists and lawyers who work with LGBTI+s affected by the earthquake both during and after its occurrence. We have compiled the findings of the interviews into the report to make a note on the human rights agenda of LGBTI+ persons and to make a reference point in the intervention to future disasters or crisis periods.

According to the official data of the 6 February earthquakes, more than 50,000 people lost their lives in Türkiye⁵. The earthquake caused great destruction in many cities. 14 million people were affected by these earthquakes⁶, and 6 February earthquakes turned into a disaster. While these earthquakes, in which the fourth level alarm was declared, brought destruction, loss of life and property, injuries, negligence and various violations, unfortunately, no measures were taken to prevent or compensate for the loss of rights for LGBTI+ people.

The impacts of crises caused by a natural disaster like earthquake on LGBTI+ persons and the violations faced by LGBTI+s during crises such as increasing poverty, climate change, COVID-19 pandemic and conflict periods are similar. During these periods of crisis, discrimination and violence against LGBTI+s increase. There are some studies that reveal how such situations affect LGBTI+s:

The report *Discrimination to Poverty: LGBTI+s in Türkiye*, which explains poverty not only in terms of income level, minimum living conditions and access to basic needs, but also in terms of access to education, health, social assistance and housing, and analyses the link between poverty and discrimination, reveals that there is already a great impoverishment in the LGBTI+ community. While discrimination brings LGBTI+s closer to poverty, poverty also prevents LGBTI+s' access to the necessary tools to get out of poverty.⁷

4 https://deprem.afad.gov.tr/assets/pdf/Kahramanmara%C5%9F%20Depremi%20%20Raporu_02.06.2023.pdf

5 https://deprem.afad.gov.tr/assets/pdf/Kahramanmara%C5%9F%20Depremi%20%20Raporu_02.06.2023.pdf

6 <https://www.sbb.gov.tr/wp-content/uploads/2023/03/2023-Kahramanmaraş-ve-Hatay-Depremleri-Raporu.pdf>

7 <https://www.17mayis.org/images/publish/pdf/ayrimciliktan-yoksulluga-turkiye-de-lgbti-lar-27-09-2022.pdf>

Increasing poverty, on the other hand, makes LGBTI+ people more open to the destructive effects of disasters, which have deepened even more with the impact of the climate crisis⁸. Due to reasons such as social stigmatization, unregistered employment and limited access to safe spaces, LGBTI+ persons cannot prepare for disaster situations because they cannot access appropriate tools. In addition to pressing agendas such as poverty and climate crisis, it is necessary to remember the COVID-19 pandemic, which negatively affects the human rights situation all over the world. The Young LGBTI+ Association revealed in its previous report that the COVID-19 pandemic negatively affected the psychological well-being of LGBTI+ persons. The report also showed that LGBTI+s were subjected to violence and discrimination in areas such as education and employment under conditions specific to the COVID-19 pandemic.⁹ Similarly, there are studies showing that attacks against LGBTI+s have doubled during periods of armed conflict.¹⁰

In addition to this series of rights violations that LGBTI+s were dragged into, a disaster management sensitive to the needs and demands of LGBTI+ individuals was not carried out during the 6 February earthquakes. In this respect, it is very important to mention the disaster and emergency management standard to be carried out and how this management should be inclusive. The stages of disaster management include **mitigation, preparation, rescue and first aid, recovery** and finally **reconstruction**¹¹. Türkiye, which is known as an earthquake country, was not adequately prepared for the earthquake before the earthquake, and the lack of search and rescue organizations after the earthquake caused problems such as delays in meeting basic needs such as shelter, heating, food and clothing, and this situation caused violations of rights of the people affected by the earthquake.

The Civil Society in Disasters Report prepared by the Checks and Balances Network¹² identified the following situations:

- Search and rescue equipment and supplies were not sufficient. Bureaucratic problems were encountered in relief activities. Audit systems disappeared.
- Polarization between central and local governments created problems in effective response after disasters. A re-urbanization process focused only on reconstruction was initiated. Public buildings and infrastructure could not survive after the disaster. Damage assessment of schools was not done.
- Women could not access the right to health. They were subjected to violence. Children referred to hospitals could not be identified. Basic needs of disabled people such as accessible toilets were not taken into consideration.
- Primary health care services could not be provided effectively. The need for clean water could not be met.
- Animal rescue work could not be carried out effectively.

During the earthquake, discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics prevented LGBTI+s from accessing the already

8 <https://www.17mayis.org/images/publish/pdf/iklim-101-tavsiyeler-kilavuzu-23-12-2021.pdf>

9 <https://genclgbti.files.wordpress.com/2020/09/covid-19-salgininda-lgbti-toplulugunun-durumu.pdf>

10 <https://demos.org.tr/savasta-ve-barista-lgbtiller-gecis-donemi-adaletine-diyarbakirdan-bakmak/>

11 <https://idari.adu.edu.tr/db/idarimaliisler/webfolders/topics/Afet%20Y%C3%B6netimi.pdf>

12 <https://www.dengedenetleme.org/dosyalar/file/Afetlerde%20Sivil%20Toplum%20%20Birarada%20Dayan%C4%B1%C5%9F-ma%20Toplant%C4%B1lar%C4%B1%20Sorunlar%20Deneyimler%20ve%20C3%87%C3%B6z%C3%BCmler.pdf>

insufficient shelter and heating facilities. The monitoring report includes evidence of how LGBTI+ organizations have assisted those affected by the earthquake in terms of social services after the February 6 natural disasters. Additionally, the report highlights how these organizations have taken action to counteract non-inclusive disaster management.

What happened in the earthquake zone and what the needs were could only be understood as a result of communicating with LGBTI+ organizations in the region such as Antep Queer and Keskesor and women's organizations, LGBTI+ inclusive NGOs and activists going to the field. On 10 February 2023, LGBTI+ organizations based in Ankara came together and established the Ankara LGBTI+ Earthquake Solidarity Network based on voluntary effort of the activists. One of the first priorities of the network was to work on the solution of the temporary accommodation problems of LGBTI+s coming or trying to come to Ankara from the earthquake zone. The Solidarity Network first opened an e-mail account with the address [ankaralubunyadayanismasi\[at\]gmail.com](mailto:ankaralubunyadayanismasi@gmail.com). A call to action has been created for dissemination on social media, allowing those who wish to support the network to do so. Those interested in supporting the network are invited to send an email to the specified address, including the desired subject and their contact details. Additionally, LGBTI+s who have relocated to Ankara from earthquake-stricken areas are advised to contact the same email address to communicate their specific needs or request assistance if currently residing within the earthquake zone.

Following the publication of the first call, a list of people who want to support, who can open/share their homes to those in need temporarily, and a list of LGBTI+ persons coming or planning to come to Ankara were created. People who both demanded shelter and could share their homes were interviewed and the accommodation problem of LGBTI+s coming to Ankara was temporarily solved by providing appropriate matches. Psycho-social support and peer counselling support were also prioritized, taking into account the access to other basic services and rights of people whose accommodation problem was temporarily solved, and their relationship with the house / landlord / other living beings living in the house.

Many clothing support and food support for earthquake victims who came to Ankara were tried to be provided by municipalities. However, considering the risks such as LGBTI+ inclusiveness and the possibility of discrimination, the support of the people who provided clothing support to the Ankara LGBTI+ Earthquake Solidarity Network was collected in the Dilek Ince Clothes Bank which was established by Pink Life Association in 2014. Clothing needs were met through this clothes bank. The clothes bank worked both as a support mechanism where people coming to Ankara could go to the Pink Life Association's office to take clothes and as a support mechanism where clothes were shipped to people staying in the earthquake zone.

Although accommodation/ housing support was tried to be provided by municipalities and KYK (...) facilities, LGBTI+s could not benefit from these inadequate support services due to the risk of not being safe there. For this reason, the temporary shelter solution evolved into a search for longer-term temporary solutions. Ankara LGBTI+ Earthquake Solidarity Network started to work in sub-groups in order to accelerate its work effectively. These sub-groups consisted of verification group, social work group, peer support group, fundraising and resource group and advocacy group. The working order of the subgroups was as follows:

- The social work group received applications via the e-mail address of the solidarity network. It carried out the communication and relationship between those who need shelter and those who can provide shelter support. It provided psycho-social and legal counselling for LGBTI+ persons who came to Ankara and were affected by the earthquake. It coordinated other sub-groups as an umbrella group.

- The verification group ensured the follow-up of circulated support information that changed rapidly during the earthquake and checked the accuracy of the information. It investigated how inclusive the services were for LGBTI+ persons. If the service or support is inclusive and valid, the group shared the confirmed information with the social work group.
- The peer support group acted with the guidance of the social work group in cases where LGBTI+s coming to Ankara needed to have contact with any public institution and organization. The peer group acted as a companion to provide a safe space for LGBTI+s affected by the earthquake during their visits to institutions such as district governorships, mukhtar offices (elected neighborhood representative), hospitals and banks.
- The fundraising and resource group worked on raising funds and resources for the LGBTI+ earthquake survivors. It ensured sustainability of the supports provided by researching and listing LGBTI+ inclusive supports.
- The advocacy group met with organizations such as trade unions, MPs, political parties, human rights organizations. The advocacy group conveyed the problems and needs of LGBTI+ people affected by the earthquake through their visits.

When assessing the entire process of the earthquake from the perspective of social work which aims to protect and develop human rights, it is evident that the institutional capacity failed to address the specific requirements of LGBTI+ individuals. Consequently, humanitarian aid works were conducted by LGBTI+ organizations during this period to uphold human rights. The conducted works have highlighted the crucial nature of providing humanitarian aid to the LGBTI+ community. The works carried out also revealed that it is essential to carry out humanitarian aid activities in the field of LGBTI+. On the other hand, based on the prediction that we will face similar crises again, it is very important to turn the work of LGBTI+ organizations during the earthquake into a written source. As a matter of fact, written sources of this diversity strengthen the ability to adapt to the crisis quickly, to identify problems and to take quick action against the problem. Recording the information learned during the earthquake facilitates the transfer of information to both us LGBTI+ organizations and all other non-governmental organizations in future crises.

Similar to our observations and findings, *Resistre* research reveals that feminist organizations and LGBTI+ organizations played an important role in mitigating the gender-based effects of crises during the pandemic crisis and the February 6 earthquakes. The same research also states that feminist organizations and LGBTI+ organizations are more adaptable in times of crisis due to their networks, connections and experiences in the field, and as a result of this adaptability, they are better equipped to respond to emergencies¹³. The monitoring study we conducted confirms these findings. We note that 17 May Association continues its activities to accompany LGBTI+'s affected by the earthquake in support and solidarity mechanisms, and we wish patience and condolences to all those who lost their lives in the 6 February earthquake.

¹³ <https://zenodo.org/records/8364550>

METHODOLOGY AND HUMAN RIGHTS 3. FRAMEWORK

The first step of the study was to research national and international literature; in-depth readings on disasters and social work, crisis management and earthquakes. After the preliminary study on the literature, the study team came together and made interviews on the question areas. Then in-depth interview questions were created. This research was designed qualitatively as the nature of qualitative research enables to discover deep information on the subject to be researched. Interviews were conducted with experts (lawyers, social workers and psychologists) and human rights defenders who provide support to LGBTI+s affected by the earthquake. In-depth interviews were conducted in a semi-structured format, and as face-to-face and online interviews with experts and activists working with LGBTI+ survivors directly affected by the earthquake. In total, 17 experts and activists were interviewed. Rather than focusing only on the Ankara experience, the interviews were diversified with support providers residing in Istanbul and Mersin in order to shed light on the work carried out outside Ankara after the earthquake.

- **Human Rights Framework**

Within the scope of this monitoring study, the International Covenant on Civil and Political Rights¹⁴; the International Covenant on Economic, Social and Cultural Rights¹⁵; the Yogyakarta Principles¹⁶ and the Equality Article of the Constitution (Article 10)¹⁷ were determined as human rights standards.

The impact of 6 February earthquakes on LGBTI+s was interpreted through the right to health, right to housing, right to work, right to education and right to social security within the scope of the International Covenant on Economic, Social and Cultural Rights.

Within the scope of the International Covenant on Civil and Political Rights, the right to enjoy human rights related to information and communication technologies in the context of the right to freedom of expression, the prohibition of ill-treatment in the context of the prohibition of torture, the right to peaceful assembly and association in the context of freedom of association, the right to promote human rights and the right to access to justice were examined. The titles

14 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

15 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

16 <https://yogyakartaprinciples.org/>

17 https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf

of rights other than Access to Justice and Prohibition of Ill-Treatment were named according to the conceptualization in the Yogyakarta Principles. Situations that violate the human dignity and physical integrity of LGBTI+ persons were grouped under the Prohibition of Ill-Treatment, and the obstacles encountered in accessing justice mechanisms were grouped under the title of Access to Justice.

In Türkiye, the public administration does not have any progressive/progressive development plan for economic and social rights. We observe that the use of these rights is also regressing in conjunction with civil and political rights, which are also regressing day by day. There are no LGBTI+ sensitive performance or process indicators shared by the public. Regarding disasters or earthquakes, the public administration did not communicate with LGBTI+ organizations during the preparation period, acute period or reconstruction period. In Türkiye, there is also no communication with LGBTI+ organizations during periods of national human rights strategy development or processes such as Universal Periodic Review¹⁸. On the contrary, the government is constantly bringing forward various constitutional and legal amendments that could further regress and prevent the promotion of LGBTI+ rights. ILGA Europe's Annual Review of the Human Rights Situation of LGBTI Persons in Europe and Central Asia showed that Türkiye ranked second to last in LGBTI+ rights in 2021 and 2022.¹⁹

The testimonies of people who contributed to the monitoring work and provided support to make violations visible were reported in a way to reflect multiple discrimination and intersecting violations of rights and to reveal the obstacles in accessing social services.

¹⁸ <https://www.stgm.org.tr/sites/default/files/2022-04/evrensel-periyodik-inceleme-yoluyla-saglik-hakkinin-gelistirilmesi.pdf>

¹⁹ <https://kaosgl.org/haber/turkiye-ayrimcilikta-istikrarli-lgbti-haklarinda-yine-sondan-ikinci>

IMPACT OF 6 FEBRUARY EARTHQUAKES ON 4. LGBTI+ PEOPLE

In the examination of the impact of the 6 February earthquakes on LGBTI+s, the categories of rights are firstly the rights mentioned in the International Covenant on Economic, Social and Cultural Rights (access to health services, adequate housing, the right to work, education, social security and other social protection measures); and then the International Covenant on Civil and Political Rights (right to enjoy human rights in relation to information and communication technologies, prohibition of ill-treatment, right to peaceful assembly and association, right to promote human rights, access to justice). Violations were assessed on the basis of the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics, and relevant international conventions.

LGBTI+s affected by the earthquake were subjected to multiple discrimination not only because of their sexual orientation, gender identity and expression, or sex characteristics, but also because of their status as refugees or living with HIV. The research we conducted showed that the violations experienced by LGBTI+ persons affected by the earthquake during the earthquake period paved the way for other violations to occur.

4.1. Right to Access Health Services

According to the International Covenant on Economic, Social and Cultural Rights, everyone should enjoy the highest attainable standard of physical and mental health without discrimination based on sexual orientation or gender identity. Access to sexual and reproductive health services is the most important element of this right. States must take all necessary legislative, administrative and other measures to ensure that everyone, without discrimination on the basis of sexual orientation or gender identity, enjoys the right to the highest attainable standard of health.

States should also ensure that those seeking physical changes related to gender affirming process have access to competent and non-discriminatory treatment, care and support. Just as it should ensure non-discriminatory access to treatment, including PRePs and PePs that can prevent HIV transmission²⁰. The Human Rights of LGBTI+s 2022 Report prepared by Kaos GL emphasizes that health legislation and policies implemented in the field of health reveal unquantifiable numbers of violations, especially for transgender and intersex people.²¹

²⁰ <https://kaosgldernegi.org/images/library/yogyakarta-web.pdf>

²¹ <https://kaosgldernegi.org/images/library/lgbti-larin-i-nsan-haklari-raporu-2022.pdf>

Interviews with the support providers showed that LGBTI+s affected by the earthquakes of 6 February had difficulties in accessing sexual health, HIV and hormone medications during the earthquake period as before. There are also no practices to facilitate the access of transgender people to hormone medications, which are vital for trans people and are getting more expensive day by day. In the kits delivered to the earthquake zone and mobile pharmacies established in the region, hormone therapy and HIV medications were not prioritized. While it is relatively easier to access medicines for other chronic diseases other than HIV medicines, the state's abandonment of the HIV field in HIV policies and public health studies has brought difficulties.

Article 12 of the International Covenant on Economic, Social and Cultural Rights emphasizes that everyone should have access to the highest standard of health. It is possible to say that LGBTI+ persons face obstacles in access to health, including psychological support, in the face of this right, which reveals the prevention, treatment and control of diseases, the existence of adequate health facilities, materials, services and medical care. As a matter of fact, LGBTI+s who did not feel safe even if they suffered an injury did not prefer to access treatment until they had a safe space. LGBTI+ organizations played an important role in ensuring access to health for those affected by the earthquake. The fact that refugees need to obtain a travel permit in order to access a hospital in a province other than their province of residence also showed that flexible regulations do not exist in an acute situation and that there are violations of travel as well as access to health.

"We contacted the Turkish Pharmacists Association, for example. Regional pharmacies were established. We reach mobile pharmacies, there is no HIV medicine. We have medication for diabetes, which is a chronic disease, but we do not have access to HIV medication. We will get them from other cities and warehouses. There was absolutely no prioritization. This was one of the biggest problems we encountered in the field." (R.Ç., Social worker, NGO staff)

"Along with hormones, we also got HIV medication. It was really a great solidarity there. If there was a demand, we would send it in the kit." (A.A., Finance Expert, NGO staff)

"In a system that is late in providing health services, LGBTI+ persons preferred not to enter crowded areas due to practices such as fear, being shown as the cause of the disaster, and being exposed to violent looks. I witnessed this in the narration of a trans woman who came to Ankara from the earthquake zone, which we experienced closely. Her foot was broken, but she wanted to escape from there so fast that she did not say a single thing about her foot until she came to Ankara. For example, she was able to access health services after she came here. There was counselling via e-mail, asking what to do if they could not access medication. This is a complete violation of rights. LGBTI+ associations and Positive associations also made an intense effort to deliver HIV suppressive drugs to the region. Health services provided in a cis-hetero order were prioritised for cis-heteros during the earthquake, and hormones were not accessible at first. At this point, LGBTI+ associations worked on sending hormones to the region." (E.G., Social worker, NGO staff)

"This was a problem that we faced a lot before the earthquake in terms of LGBTI+ people because they had to go to the hospital in another city first. When they cannot access services in their own cities, there is an issue called travel permit for refugees.

They need to get a road permit first. Sometimes they give this travel permit, which they normally have to give. If you have an appointment, you can get a travel permit to that city, but sometimes some Provincial Migration Administrations reject it from the system. They call for a face-to-face interview, make an enquiry, and then issue the permit. They question too much and make their own judgements. We encounter a lot of things like 'You say you are going to an appointment, but you are actually going sightseeing'. It was already difficult to access the hospital in the city they travelled to. They do not know the city, they stay with an acquaintance, but in fact the house is not very safe. After the earthquake, we also had clients who went to their relatives, were attacked there and returned to the earthquake zone. People who were in the earthquake zone and did not leave there could neither access the hospital nor hygiene products. It took a long time for them to access. Again, it was not at the time of the crisis, but after a certain period of time had passed. At that time, there were clients whose eyes were damaged in the earthquake and whose condition progressed because they could not access treatment. A few of my clients had to take a break regarding hormone medication. They could not reach them in any way. A few people were delivered through associations, or UNHCR stepped in and sent them. But there were some who could not reach, had to take a break, had problems." (D.I., Social worker, NGO staff)

"Access to hormones has been reset. It has become inaccessible because it is already very difficult to access, which will affect the gender affirming process of the person. These could not be provided locally. Access to HIV medicines, access to needs in case of a chronic health condition was provided from here. It was already very little locally. It became impossible with the earthquake. It was solidarity that ensured this." (KCE, psychological counseling and guidance expert, NGO staff)

● Access to Psychosocial Support

While psychological support services were of vital importance for LGBTI+s affected by the earthquake, these services were generally not LGBTI+ inclusive and adequate. For this reason, LGBTI+ organizations offered support through their own expert networks. It was difficult to provide guidance for LGBTI+s affected by the earthquake and showing post-traumatic stress disorder due to the lack of experts. In addition, those who provided support to LGBTI+s affected by the earthquake needed psychological support due to secondary trauma.

"We have even witnessed debates on whether psycho-social support services are needed or not in such a short time. In a field where the importance of psychological first aid is being debated, I do not think that the existing service is sufficient and accessible. The Ministry of Social Services assigned social workers, psychologists and sociologists to the earthquake zone a few days after the earthquake. However, the ministry has a patriarchal, heterosexist, cissexist structure, just like other ministries. Therefore, the ministry cannot have the knowledge and competence to cover LGBTI+ persons and prioritize their specific needs. Our social worker friends working in the public sector work in an environment where social work cannot exist. Therefore, this support service for LGBTI+s is not safe." (A.B., Social worker, NGO staff)

“At that time, we contacted SPoD, May 17, Pink Life, associations with counselling lines, and Red Umbrella and Kaos, which provide counselling to LGBTI+ persons. As far as I know, all the associations with counselling lines put a quota for ‘people affected by the earthquake’ and directed the earthquake victims there. As Lubunya Earthquake Solidarity, we were directing to these associations for psycho-social support, because that was not something we could do. It was also inclusive. Was it sufficient? Was it enough for everyone? No. But I think the associations did their best in this regard and they still do.” (A.A., Finance Expert, NGO Staff)

“There was group therapy on May 17, and people who applied were also brought together. In the process after the earthquake, we were a little tired and our psychologies were worn out. That’s why our friends realized this and created a solution. We received a support process that was calming and taught us how to proceed. It was very effective for me. Because it was a time when I lost control and had sleep problems. It helped me a lot in that process.” (S.T., Organization and Capacity Development Coordinator, NGO staff)

“Symptoms of post-traumatic stress disorder were very common in the people I interviewed. I sat and listened to them at the very beginning. In order to make this follow-up, it evolved from the initial disconnection to a process where I experienced secondary trauma from a place where I had much more contact. But rather than local institutions, rather than institutions that are not clear whether they are LGBTI+ inclusive or not... I was more associated with World Human Relief and WHR approached LGBTI+ in an inclusive way. I benefited from them the most.” (KCE, psychological counseling and guidance expert, NGO staff)

“Our routine work was mostly on post-traumatic stress disorder because refugees have faced many punishments and violations such as harassment, rape, detention, imprisonment in the countries they came from. The field we work on is post-traumatic stress disorder, and we refer to associations working on this issue. For example, IKGV has been in this field for years. Their psychologists do not change very often, there is not much turnover in this field. We are a little more comfortable when referring to these organizations because we know their working systems. Apart from that, we have a lot of problems in associations that have a lot of circulation and change employees. Because working as a psychologist is not an easy process anyway.” (D.I., Social worker, NGO staff)

4.2. Right to Adequate Housing

Article 11 of the International Covenant on Economic, Social and Cultural Rights guarantees everyone the right to an adequate standard of living, including adequate food, clothing and housing, and the right to the continuous improvement of living conditions, and requires States to provide guarantees for the realization of this right²². The Yogyakarta Principles, on the other hand, state that temporary accommodation in emergencies should be habitable, accessible, culturally appropriate, and that states should guarantee safe shelter and access to shelter²³. The housing crisis for LGBTI+ persons has been going on for a long time. While real estate agents do not rent houses to LGBTI+s, LGBTI+s cannot establish a life on their own due to economic insufficiency²⁴.

²² <https://www.ihd.org.tr/ekonomik-sosyal-ve-ktel-haklar-uluslararasi-sleesi/>

²³ <https://kaosgldernegi.org/images/library/yogyakarta-web.pdf>

²⁴ <https://bianet.org/haber/lubunya-ogrenciler-fobik-ev-sahibi-ve-emlakcilar-kiskacinda-283818>

During the earthquake period, LGBTI+'s lack of adequate shelter caused them to face security problems and ill-treatment. Not being able to stay in common areas due to security concerns also prevented LGBTI+'s access to support. Having to return to the family home left LGBTI+s alone with the cycle of violence again and violated the right to live a life worthy of human dignity and privacy.

- **Tent Cities and Temporary Shelter Facilities**

As examined under the heading of prohibition of ill-treatment, attacks and threats against LGBTI+ persons, in general, prevented LGBTI+s affected by the earthquake from sheltering in common living spaces and tents. According to the research "Temporary Shelter Spaces After the Earthquake, LGBTI+s Surviving the Earthquake in Diyarbakır" prepared by the Association for Cultural Research for Peace and Keskesor Amed LGBTI+²⁵, no measures were taken for the safety of LGBTI+s in any of the shelter areas. In addition, LGBTI+ survivors stated that although they wanted to go to collective shelters, they could not go to these areas due to the possibility of their identity and/or orientation being recognized, so they continued to stay in their homes.

"We are constantly hitting the wall. Either with a new law or with different practices in different cities... There were periods when we could not provide proper counselling. I mean, when they ask 'how is the situation in that city?', we cannot say anything about that city because we do not know what the situation is there. There are too many situations where the law is violated. After the earthquake, the most difficult issue – more precisely, the issue that I had difficulty as a professional expert – was to not knowing where to direct people, because LGBTI+ persons were not taken to the tent areas. Even though they were accepted, they were exposed to attacks. We also encountered situations such as harassment a lot and there are no places they can go. Normally, hotel support is provided. There is no hotel either, it was demolished. It was a process in which we were completely without a solution. So, the only place we can direct them to is that tent area. There is also the right to a tent there, but somehow, they do not allow us to use this right. Everything is clear in the law, but not in practice. There were a lot of people who stayed on the streets and this made me, as a social worker, feel helpless, without a solution, without an exit, and sometimes very helpless." (D.I., Social worker, NGO staff)

"I did not go to the earthquake zone, but according to the reports provided, there were problems in reaching the needs, especially in the tent areas. We were sending needs by taking addresses, we could not send them to the common area. Trans people also had special needs, such as hormones. They also had needs such as daily care. They also had to be met separately. Not only hunger. Transgender and LGBTI+ persons also have extra needs. There was already no approach that took this into consideration. But they had difficulty in obtaining even vital needs. They could not even shelter in common areas." (N.E., Business Owner, NGO staff)

"They could not reserve one tent and say that this is a safe area for LGBTI+s. It would have been good to do these. It would be very effective if the MPs present there, whose voices are very vocal, made a voice on the spot on this issue. Not everything is solved by shouting from the rostrum of the parliament. Solutions can be produced by going and intervening at the scene of the incident. But LGBTI+s were seen there as a drop in the sea. When there is a thought that 'they complain too much', we can think why this is the case." (A.D., Translator, NGO staff)

²⁵ https://drive.google.com/file/d/1sAeY2fM1jeSq0ebor4x6QMMDOasf3OWn/view?fbclid=PAAaYvgyi_XMvsFDZy1RH1X80es7c-3ZZontOh1nlcKcf1FMSk3ZLqPfnxqsf

- **Returning to the Family Home**

Returning to the family home often means entering into a cycle of violence for LGBTI+ persons. With the opening of KYK dormitories to earthquake victims, LGBTI+ students, like many students, had to return to their family homes. Returning to the family home also increased the need for psycho-social counselling. As a matter of fact, LGBTI+ persons returning to the family home had to stay closeted. If they were openly identified, they were subjected to domestic violence. Returning to the family home also violated the right to privacy of LGBTI+ persons affected by the earthquake.

“It was a process in which the post-traumatic stress of those who had to return to their families combined with the minority stress and became very deep. There was an increase in applications similar to the pandemic process. The main reason was not being seen by the family. People needed to feel that they were not alone with a written sentence. I have seen this particularly with students. Their wellbeing deteriorated again just when they thought they had overcome something. Returning to the assigned family home meant that the person lost their support mechanisms”. (KCE, Psychological counseling and guidance expert, NGO staff)

“We had a consultant who was going to start the harmonisation process. He returned to his family home after the earthquake. KYK dormitories were opened to earthquake victims and students returned to their family homes. That client postponed this process and had to hide his identity. She had to change her appearance and physical behaviour. We also witnessed that the biggest thing about the closure of LDA dormitories was the increase in domestic violence, psychological and physical violence.” (U.K., Peer Counsellor, NGO staff)

“Considering the LGBTI+ students staying in KYKs, LGBTI+ persons who had to return to their homes after the government placed the earthquake victims in dormitories sought shelter support in order not to return to their family homes. Both LGBTI+ persons who lived in the earthquake zone and had to leave their homes and LGBTI+ persons who lived in KYK and left their dormitories had to return to the homes of their families where they were subjected to violence. LGBTI+’s who applied for not returning and demanded housing support solidarised with the form opened by Üni Kuir for temporary housing support. However, considering the LGBTI+’s who were not aware of this, who had nowhere else to go, they were negatively affected in terms of mental health, considering closure, being exposed to their identity names, physical and psychological violence.” (E.G., Social worker, NGO Worker)

“A few things happened after the earthquake. For example, refugee LGBTI+s went to their acquaintances. Because the view and treatment they encountered there was very bad, that is, some were attacked by their families. They had to return to the earthquake zone. For LGBTI+ persons from Türkiye, many of them had to return to their family homes. After the earthquake, there were issues of city change from Eskişehir. One of these cities was Mersin. Mersin received a lot of migration from Adana and Hatay after the earthquake. Naturally, rents skyrocketed. Before the earthquake, refugees could not find a house in Mersin. They could rent a house with two or three people, but now it has become unaffordable.” (D.I., Social worker, NGO Worker)

4.3. Right to Work

The research on the Status of LGBTI+ Public Sector Employees in Türkiye 2022²⁶ and the research on the Status of LGBTI+ Private Sector Employees in Türkiye 2022²⁷ prepared by Kaos GL reveal that LGBTI+ persons cannot be completely open in terms of their sexual orientation, gender identity and gender characteristics in the institutions they work. LGBTI+ persons also face discriminatory attitudes and practices in the organisations they work for. LGBTI+ persons are forced to follow a strategy of compulsory secrecy in recruitment processes. There is no legal or administrative regulation to eliminate discrimination on the basis of sexual orientation and gender identity in the private and public sectors.

The 6 February earthquakes brought violations of the right to work for LGBTI+ persons affected by the earthquake, as well as for many others. LGBTI+ persons' access to employment after the earthquake was not addressed by the public. As no policy was produced for the employment of LGBTI+ persons, hate policies became more evident during the earthquake. No positive action was taken, especially in terms of access to employment for LGBTI+ persons who were in the earthquake zone or migrated from the earthquake zone. LGBTI+ organisations tried to provide the necessary opportunities for employment through solidarity.

"The people I interviewed were already engaged in sex work. Employment and accommodation are very difficult in this whole process. It became very difficult when the house was damaged and destroyed. Those whose rights were not respected in terms of employment before the earthquake also felt powerless after the earthquake. In other words, I think there was no support in terms of education and employment."
(KCE, psychological counseling and guidance expert, NGO staff)

"Regarding employment, including those who came to Ankara, we tried to direct them with our own human resources and means. I believe that what we did were the right steps. But when you look at it, I would have experienced the same thing. It is already difficult for a queer to start a job. It was also difficult for someone who came here from the earthquake to start a job. That's why we tried to find a job by using our own resources, and we actually did. The next process was shaped as the person wanted."
(G.A., Filmmaker, NGO staff)

4.4. Right to Education

The Yogyakarta Principles emphasise that everyone has the right to education without discrimination on the basis of and taking into account sexual orientation and gender identity. However, today, gender equality trainings of trade unions are banned and no official data is kept on discrimination against LGBTI+ persons in educational settings. Extracurricular activities, which are elements of the education process at universities, are banned for LGBTI+ persons. We are also witnessing a period in where rainbow colours are criminalised at schools. Public officials in the field of education target LGBTI+'s. This regression in LGBTI+ rights in the field of education also violates the right of LGBTI+s to benefit from technological developments and scientific advances.

²⁶ <https://kaosgldernegi.org/images/library/kamu-c-alis-anlari-2022.pdf>

²⁷ <https://kaosgldernegi.org/images/library/o-zel-sekto-r2022.pdf>

During the earthquake period, the allocation of KYK dormitories to earthquake victims and the economic difficulties experienced by LGBTI+ students also turned into an obstacle in accessing the right to education during the earthquake period.

“We, as Ankara LGBTI+ Solidarity, provided exam preparation books to an LGBTI+ upon the necessity of book support after social service interviews with a student preparing for university who came to Ankara from the earthquake zone. In addition, by meeting one-on-one with the exam preparation courses of the municipality, it was possible to ensure that the lubunya I just mentioned was enrolled in the free course. However, unfortunately, due to the fact that the people who reached them were few and the existing services were very few, unfortunately, it was possible for them to be included in the training with individual efforts on a case-by-case basis.” (A.B., Social worker, NGO staff)

“As Lubunya Earthquake Solidarity, we opened a scholarship fund for education, and instead of using the existing resources, we told this to our friends we knew around us. When there was a student client, we asked him/her for a transcript or a document showing that he/she was enrolled in a school. Regarding employment, we tried to make these matches by directing them to cafes that we know and trust, or to fine arts, social media, an NGO has opened an advertisement. We tried to make these matches by directing that advertisement to the client and saying that you can show us as a reference. There were also queer people whom we were successful and whose employment we provided in a safe, non-phobic place.” (A.A., Finance Expert, NGO staff)

4.5. Right to Social Security and Other Social Protection Measures

States are required to take all necessary legislative, administrative and other measures to ensure equal access to social security and other social protection measures, including employment rights, parental leave, unemployment insurance, health insurance, care or assistance (including gender-affirming surgery), other social security benefits, family allowance, funeral allowance, pension, assistance to compensate for loss of spousal support as a result of death or illness, without discrimination based on sexual orientation or gender identity.²⁸

As before the earthquake, social support mechanisms were far from being accessible for LGBTI+ persons during the earthquake. LGBTI+ persons were not provided access to the most basic services such as food, clothing, and financial support. In addition, public services did not respond to the specific needs of LGBTI+ persons. LGBTI+ persons could not benefit from the services that can be utilised by declaring their residence address. Social support mechanisms did not respond to the specific needs of LGBTI+ persons, nor did they develop policies and practices for LGBTI+ persons to benefit from basic needs. Not being able to benefit from social security, protection and support also prevented LGBTI+ persons from having an adequate level of living and being protected from poverty.

“Even the municipality did not provide food aid because they did not have a residence. Here, for example, we were accompanied by Ankara earthquake solidarity once after the earthquake and they returned immediately. Even the municipality employee

²⁸ <https://kaosgldernegi.org/images/library/yogyakarta-web.pdf>

cannot find a solution for this. The issue of residence is the issue of queers. Because this is something that has been happening for years, we cannot notify our own address. We cannot rent a house ourselves. We keep it in someone else's name. This is something that has been known for years, something very understandable, but this could not be expressed and a solution could not be found. Therefore, even the little support from local administrations or the public could not be utilised." (K.Y., Lawyer, NGO Worker)

"At the time of the earthquake, we received condoms directly from Antakya and Diyarbakir. Actually, as activists, we know that in such events, sexual assaults increase a lot and can cause victimisation. Condoms are a need. The fact that basic needs are seen only as shelter and eating and drinking, and because of this, we look at the tent areas and see that they are incredibly exclusionary for women and queer people. A trans person's make-up needs may be related to the dysphoria they have been dealing with all their lives and may be ahead of hunger and food. Collecting make-up materials made people say, 'what's wrong with them' and made us angry." (S.T., Organisation and Capacity Building Coordinator, NGO staff)

"The point of whether the services were inclusive unfortunately brings us to a situation where it is not possible to call it inclusive. For example, we stayed in touch with our contact acquaintances in Çankaya Municipality during this process. Or I can say that the situation of the Community Centres was similar and perhaps more negative. Work was carried out with the classical 'aid' understanding. For example, it would unfortunately not be possible to direct a trans man in need of sanitary pads to these centres. Therefore, we actually tried to find solutions for the special needs of LGBTI+s. Dilek İnci Clothes Bank provided the delivery of support by cargo to the queers who came to Ankara from the earthquake and to the queers in the earthquake region who reached us and requested support." (E.G., Social worker, NGO staff)

"If a LGBTI+ person has just had an operation, they need a strap-on. They need hormones, and while lorries were leaving from all cities, I don't think dildos were sent, hormones were sent. Such a thing has never happened. No one can send medical supplies anyway. It was not LGBTI+ inclusive. People questioned the need of a pair of heels of a trans sex worker but as queer solidarity, we bought a dildo for a client, asked what size it was and sent it by car. Because she needs this after the operation." (A.A., Finance Expert, NGO staff)

"The first thing I observed from the counsellors was that they could not benefit from it because they were already under threat. When a public or state aid arrived there, it could not reach the victims in any way because they did not feel safe. I know that they were hiding on the edges for weeks and had difficulty even coming to the fire to warm themselves." (KCE, psychological counseling and guidance expert, NGO staff)

"After the earthquake, we met with Dilek İnce Clothes Bank to make a request for the municipality's clothing support. Unfortunately, we learnt that all the clothes they had were used in sports halls for people affected by the earthquake. Dilek İnce Clothes Bank was able to support queer people affected by the earthquake with the donations of queer people." (E.G., Social worker, NGO Worker)

Applying for a public service has become impossible for LGBTI+ persons. The presumption of discrimination led to violations of rights. Support providers formed a solidarity group and implemented the accompaniment system to prevent discrimination in access to public services. The lack of a system to sanction the discriminatory practices of service providers in the access of LGBTI+ persons to public services paved the way for violations.

“Since most of them already stayed away from the public sphere and tried to stay in the safe space, they were discriminated against by the society when they tried to access public assistance. I did not hear that they were subjected to discrimination directly from public employees, but one of the reasons for this is not going to public organisations with the fear of being discriminated against. I think it’s social discrimination that persists, not public support, Many queer people would rather stay away from public services than deal with minority stress.” (KCE, psychological counseling and guidance expert, NGO staff)

“There was discrimination especially at the migration office. Others could be handled online, such as city change and accommodation applications. It was not very difficult for Turkish people, but the Provincial Migration Administration was really challenging.” (U.D., General Coordinator, NGO staff)

“Firstly, when I first arrived the earthquake scene, I realised that I should also be involved in this process. Again, when we went to apply to other institutions, I got the feeling that children and families were more vulnerable and had more priority.” (N.E., Business Owner, NGO staff)

4.6. Right to Benefit from Human Rights Related to Information and Communication Technologies

Everyone has the right to access and use information and communication technologies, including the Internet, without violence, discrimination or other harm based on sexual orientation, gender identity, gender expression or sex characteristics. Secure digital communication, including the use of encryption, anonymity and pseudonymization tools, is essential for the full realisation of human rights, in particular the rights to life, physical and mental integrity, health, privacy, access to due process of law, freedom of opinion and expression, peaceful assembly and association.

Before the earthquake, the public had systematically targeted LGBTI+ persons in daily life and during the earthquake did not respond to the needs of LGBTI+ persons, nor did it play an active role in disseminating correct information in general during the earthquake process. The extent to which the existing support information covers LGBTI+ persons had to be learned by the organisations providing support to LGBTI+ persons affected by the earthquake. Moreover, the support information that became widespread did not cover LGBTI+ persons. If LGBTI+ persons accessed these supports, there was a risk of discrimination and violence. The need to confirm the inclusiveness of the services offered was also born from here. The fact that LGBTI+ organisations allocated their resources to the verification process turned into a serious obstacle in terms of the workload in accessing support. Discriminatory responses demoralised those providing support. Since not being able to access information and communication technologies means not being able to access news and support mechanisms, other rights of LGBTI+ persons affected by the earthquake (such as access to health services, housing, social security) were also violated.

"This place is a complete mystery. I keep asking this question. There is a support. It says you can apply here. Can refugees apply for this? Because this is where the main discrimination comes from. OK, they can apply. But can refugee LGBTI+ persons apply?" (D.I., Social worker, NGO staff)

"After the earthquake, a lot of information was instantly available. There was a very fast information circulation. A lot of right and wrong information. Therefore, first of all, we had to filter what was true and false, and then we had to filter whether the correct information was LGBTI+ inclusive or not." (A.B., Social worker, NGO staff)

"I made interviews with LGBTI+ earthquake victims, we published them. I tried to get information about the current situation in the cities through the Women's Coalition and other organisations. The general information we reached was not LGBTI+ inclusive. We tried to find information as if we were digging a pool with needles." (Y.T., Journalist, NGO Worker)

"The informative posts about the earthquake by organisations such as the Psychiatric Association of Türkiye, WHR (World Human Relief) and the Turkish Psychologists Association are inclusive for. Taking reference from these posts, we published a small information note including LGBTQ+ persons." (A.K., Psychologist, NGO staff)

"Even the organisations that we have been cooperating with for years quickly dropped these identities. Truly, that hierarchy was very sharp. The cities and identities with an ideology close to the ruling party, those that were more successful in the elections, were at the top in terms of this. We also felt that hierarchy among the lower ones: Alevi, Kurds, refugees... Then the queers. This was a serious thing. But sometimes our voices were united. Most of the time they didn't. I'm not sure if we could have organised so strongly had we not felt so alone. When we look into such strong solidarity, we saw how much loneliness there was, how much it was ignored." (U.D., General Coordinator, NGO staff)

LGBTI+ persons, who are among the groups most affected by increasing poverty, could not access computers, internet and telephones after the earthquake. While some LGBTI+ rights holders affected by the earthquake did not already have these tools, others' communication tools were damaged. Solidarity networks carried out activities for LGBTI+ persons to access communication tools. The fact that LGBTI+ persons affected by the earthquake could not benefit from these tools was also an obstacle to access to information and support. While the public does not even act as a bridge between solidarity networks and LGBTI+ persons affected by the earthquake, it has become impossible for LGBTI+ persons with little or no internet and technology literacy to access information and support.

"Especially the laptop, for example, online education was going on. Laptops were needed for the queers who were already at the university. I think one of them was found from Pink Life. But there were too many shortcomings in terms of internet packages, such needs, or channels through which support could be accessed. And we always met them with the solidarity budget." (A.Ö., Social worker, NGO staff)

"Poverty is a big problem in these days and LGBTI+ persons are much more vulnerable in the face of this poverty. Poverty is a big problem for LGBTI+s, considering their

inability to participate in education, and even if they can, their inclusion in business life is yet another obstacle. For this reason, when we think of queer people who do not have an internet package and cannot pay their bills, they cannot reach the right information at the point of requesting support and they may not be able to apply online for a support they have somehow learnt. Three computers donated to the association were given to young queers so that queers who came to Ankara could actively seek work.” (E.G., Social Worker, NGO staff)

“One of our clients contacted us through her friend’s phone. In another case, the person was sent to another city for treatment. They stay in the same room with their family. The person does not have access to medication. Since his family is always with him, he is not in a position to get up, he is being treated in bed. He cannot tell a health personnel or a doctor that he needs HIV medication. He cannot communicate with me. Both privacy concerns and the lack of a telephone and communication channel were a great difficulty.” (R.Ç., Social Worker, NGO Worker)

“ This is always a crisis. We normally make Zoom calls for the cities we don’t visit. So that we can meet people from many places, but since many of them do not have internet access, we call them by phone. We make a fifty-minute call, but at that time there were people who didn’t even have a phone. So when we accessed any information, we kept calling people to ask if they have heard about something, a support they can apply for...but they lacked the tools to access support.” (D.I, Social Worker, NGO Worker)

4.7. Prohibition of Ill-Treatment

While no one can be subjected to torture or cruel, inhuman or degrading treatment or punishment, LGBTI+ persons in Türkiye today are the target of hate attacks and hate speech. So much so that these hate speeches against LGBTI+ persons have almost become a public policy. These discourses also prevent LGBTI+ persons from accessing justice and benefiting from social security.

When we interviewed experts who provided support to LGBTI+ persons affected by the earthquake, they stated that they could not provide services in the earthquake zone due to the risk that both LGBTI+ persons affected by the earthquake and themselves could become targets of violence. For this reason, experts continued to provide support remotely or provided support to LGBTI+ persons affected by the earthquake who came to their cities. Feminist organisations and LGBTI+ organisations in the region stated that LGBTI+ people could not benefit from any protective and preventive measures against violence. During the earthquake, violence against LGBTI+’s continued to be produced in the region. Mechanisms against sexual harassment and assault in camps and residential areas were not implemented. Similarly, refugee LGBTI+ persons were affected by this violence and discrimination in a more aggravated manner due to refugee hostility. The security problem also directly affected accommodation. Threats against LGBTI+ persons in tent areas prevented them from utilising tents and common areas.

“Cases of sexual violence have also increased a lot. The law enforcement officers, I mean they are the gods of the place right now. No one can interfere with them and they enter and exit the tent as they wish. When I went there, there was nothing to

encourage people struggling for food and survival to apply for sexual violence. My observation was that families and relatives preferred to stay in tents side by side. When there was a case of sexual violence, since they were from the same village or the same neighbourhood, they had a lot of difficulty in telling the perpetrator, such as their husband's brother, father, etc. They had a very difficult time even telling us. Because it is very difficult to speak out when it is within the family.” (A.A., Finance Expert, NGO staff)

“The appointed prosecutors do not have a room. For example, I know that they asked the lawyers there, not knowing what to do. There was no law there anyway. They were already saying that violence, harassment and sexual assault cases had increased in the region.” (K.Y., Lawyer, NGO Worker)

“While all available power should have been brought to the area from the first moment of the earthquake, we witnessed that the survivors froze and died under piles of concrete. Therefore, it showed us from the very beginning that no step taken could be preventive. Unfortunately, the experiences have also been in this direction. Women, LGBTI+ persons and children naturally hesitated to go to the toilet and bathroom areas established far from the tent areas. We have seen that the distance is both far and the roads are not well lit. Therefore, no measures could be taken against gender-based male violence.” (E.G., Social Worker, NGO Worker)

4.8. The Right to Peaceful Assembly and Association and the Right to Promote Human Rights

Currently, in addition to the hate speech raised by public authorities in Türkiye, another issue on the agenda is the termination of the activities of LGBTI+ associations or the ban on “propaganda” with the Constitutional amendment. In addition to this serious threat to LGBTI+’s freedom of expression and association, LGBTI+ events and protests continue to be banned. While LGBTI+ protests are banned by the governorship, district governorship or rectorate, LGBTI+ protesters face law enforcement violence and detention. Associations working in the field of human rights are classified as “high-risk” and legitimate activities such as receiving funds from abroad are criminalised, acting as a deterrent to organising.

However, everyone, regardless of their sexual orientation or gender identity, has the right to assembly and association, including peaceful demonstrations. Persons may, without discrimination, establish and register associations based on their sexual orientation and gender identity, or associations that provide information to, facilitate communication with, and advocate for the rights of persons of various sexual orientations and gender identities. Furthermore, everyone, without discrimination on the basis of sexual orientation or gender identity, has the right, individually or in association with others, to promote the protection and realisation of human rights at the national and international levels. This right includes activities to promote and protect the rights of persons of diverse sexual orientations and gender identities, as well as the development, discussion and advocacy of new human rights norms.²⁹

The restrictions imposed on donation and aid collection processes, which can be considered as a violation of freedom of association, critically hindered the access of LGBTI+ persons affected by

²⁹ <https://kaosgldernegi.org/images/library/yogyakarta-web.pdf>

the earthquake to goods and services, social protection and social services. LGBTI+ associations faced obstacles in developing and mobilising resources due to these restrictions. The lack of access to shelter, clothing, hygiene products, etc. for LGBTI+ people affected by the earthquake has undermined human dignity. In addition, LGBTI+ persons could not benefit from the rent support offered as a public service.

“The lack of authority to collect donations and the strict supervision of LGBTI+ organisations was a challenging factor in terms of donations and aid. The inability to make a call for financial support created a great difficulty in accessing basic rights such as clothing, temporary shelter, access to hygiene products that could be provided due to financial insufficiency.” (A.B., Social worker, NGO staff)

“Unfortunately, the limiting legal framework has turned into an obstacle to the mobilisation of aid for those affected by the earthquake. It has been a challenging process for both those directly affected and those who organised to access resources due to situations such as being subject to permission, the lack of a flexibility policy for acute periods such as earthquakes, the fact that LGBTI+ organisations are under threat, and the fact that the inspection mission of the current legislation is used as an excuse for punitive and oppressive practices against human rights organisations.” (U.G., General Coordinator, NGO staff)

“Unfortunately, the processes of collecting aid and donations had an overwhelming effect. It forced us to think about things that we should not have thought about at that time, but we had to think about it in the crisis. How to respond to people, for instance, those who said they wanted to provide financial support, to whose account should this support be deposited, to which association account should it be deposited under the name of donation.” (E.G., Social worker, NGO staff)

After the earthquake, the reconstruction process started in the earthquake zone in a hurry. the public administration cooperated with various institutions in these activities, it did not contact LGBTI+ organisations in any way. LGBTI+ organisations were not informed about the cooperation meetings held. In this way, an approach that prioritises gender equality was not put forward in the restructuring. LGBTI+ organisations were prevented from promoting human rights.

“There is no water supply to Antakya at the moment. I wish we could be involved in the restructuring. But they are closed areas. LGBTI+ organisations are not included. It is not done with rights-based civil society. If we were invited, LGBTI+ organisations would be happy to go and get involved.” (S.T., Organisation and Capacity Building Coordinator, NGO staff)

“There was no such co-operation. They are trying to close down LGBTI+ associations that provide the services they are supposed to provide, and therefore no co-operation is possible.” (E.G., Social worker, NGO Worker)

“The restructuring process itself is a very problematic process. When it comes to including LGBTI+ persons, it proceeds invisibly. The reorganisation did not differ much from its predecessors.” (KCE, psychological counseling and guidance expert, NGO staff)

The Ankara LGBTI+ Earthquake Solidarity Network

The existence of the Ankara LGBTI+ Earthquake Solidarity Network, its rapid emergence, its quick response to problems and needs have created positive feelings among those who provided support. This feeling of well-being, the state of confidence and solidarity brought about by the ability to do so is also very connected to the historical struggle of LGBTI+'s in Türkiye. The ability of LGBTI+'s to produce a rapid and organised response to the discrimination and violence they are subjected to was also reflected in the earthquake solidarity. On the one hand, Ankara LGBTI+ Earthquake Solidarity Network in Ankara established solidarity with LGBTI+ people affected by the earthquake who came to Ankara and provided psycho-social support and carried out activities for LGBTI+ people who stayed in the earthquake zone as well as those who migrated to other cities to access information and access to clothing and hygiene products, while on the other hand, Lubunya Earthquake Solidarity was organised in Istanbul. During the earthquake, Lubunya Earthquake Solidarity worked to meet the basic needs of LGBTI+ persons directly affected by the earthquake in all cities of Türkiye. Both solidarity networks established a working system with similar methods.

The participant from Lubunya Earthquake Solidarity expressed their methods as follows:

"We opened a form and an Instagram account. We posted a link to the form on that Instagram account and wrote a description including a contact number, e-mail or a notice saying contact us from the DM of the Instagram page and we made it multilingual. We translated it into Turkish, English, Kurdish, Arabic, Farsi because we worked hard to make it inclusive in the earthquake region. The consultants who filled out the form from there, we call them consultants, but let's call them queers affected by the earthquake. This was a form in which they filled in their contact details, and then we were divided into teams. Search team, basic needs team, transport team, resource development team. The first person they contacted was the search team. That's how they reached us, and whatever they needed, we used to organise and take care of it, which is still the case. (A.A., Finance Expert, NGO staff)

The feedback of the participants about the Ankara LGBTI+ Earthquake Solidarity Network were as follows:

"The organisation provided a safe space where I could express myself and take action. While I was experiencing great fear, anxiety and mourning, the idea of being together and being part of a network to take action brought me to life. It took me out of that feeling of helplessness that I could not take my head off the television screen and made me able to help myself and others. The discourse that "we are alive thanks to solidarity" was of great meaning. (A.B., Social worker, NGO staff)

"No matter what happens, within a few days, the organisation of the institution, the queer people organise really fast. We also witnessed this in the earthquake. It was not a simple organisation by the way, but one with an incredible structure, it was successful and professional in terms of division of labour and thinking of fine details." (U.D., General Coordinator, NGO staff)

"Every day is an earthquake for queers! Everyone we support comes with their own earthquake. Therefore, I think our response to the earthquake is also related to how

we can cope with other crises. It also made us reconsider our ability to organise as organisations and volunteers. I think it was a good experience in managing and mobilising our resources. At the same time, acknowledging our own reality and knowing our limitations helped us to be less worn out by this process and to carry out the support effectively for the people we support.” (U.G., General Coordinator, NGO staff)

“It made me feel very, very good. I admire the working discipline and functioning of LGBTI+ organisations in general. I have been in this community for five years and I have learnt a lot. I have changed myself a lot and I am still trying to change my surroundings. We were able to do something concrete in the earthquake solidarity. Of course, this increases our motivation.” (A.D., Translator, NGO staff)

“As earthquake solidarity, it has been a process in which we have strengthened our bonds and our support and love for each other. This allowed us more bonding that eliminated hierarchy, that is more equal, we came together for a difficult process, but we proved once again that our trust in each other was renewed, our strengths increased even more, and we proved once again how the support brought by that sense of solidarity in that suffering and how being together actually creates restorative effects. This, like Gezi, like the healing effect of Gezi, really had a very healing effect on my soul . It was a process in which I personally experienced the sincerity of people in the civilian sphere, the extent of the givingness of people working as activists in this field, how they integrate their lives with this, how they labour and sacrifice to raise other lives. For me, I experienced a great empowering effect of feeling the power of working in solidarity with people who increase my trust in humanity, not only in their own LGBTI+ field, but also in the spirit of friendship and solidarity.” (N.E., Business Owner, NGO staff)

4.9. Access to Justice

Everyone everywhere has the right to be recognised as an individual under the law. People of various sexual orientations and gender identities have legal capacity in all aspects of life. Each person’s self-defined sexual orientation and gender identity is an integral part of their personality and one of the most fundamental aspects of self-determination, dignity and freedom.

LGBTI+ persons affected by the earthquake could not use mechanisms to report violations of rights. One of the main effects of this was the insecurity of LGBTI+ persons in accessing justice and the possibility of being discriminated against again. The situation was not different for refugee LGBTI+ persons. While refugee LGBTI+ persons refrained from using these mechanisms in order to prevent their migration process from being negatively affected, the increasing hate speech against LGBTI+ persons also damaged LGBTI+ persons’ trust in access to justice. Obstacles in access to justice also mean that human rights violations cannot be revealed.

“We tried to make it available through us as much as we could. I’m sure all queer organisations also tried to make it available, but this is not the answer to the question of whether they were able to access it.... Normally, you give information about something that you have the right to, but because it is a queercx person, you are suddenly confronted with the situation that he/she does not have the right. Now the

system is so bad that nothing in the written legislation is our right. If the state gives it, it is our right. The information we provide no longer has much validity. This is also the case in the standard counselling process, and it has doubled during this period.” (K.Y., Lawyer, NGO staff)

“I can say that LGBTI+ persons have always had a hesitation in accessing remedies before the earthquake. They may have been harassed, they may have been subjected to sexual violence, for example, but the rate of application to judicial authorities is very low. The fact that a group that is most exposed to violence is the group that seeks rights the least is actually a part of the systematic violence of the state. For this reason, I can state that LGBTI+s did not try to access any means of seeking rights either before or after the earthquake, especially with the increasing hatred after the elections.” (A.B., Social worker, NGO staff)

“LGBTI+’s access to justice is already a big problem. Even the Esat-Eryaman case has been going on for seventeen years. In such an environment, no one cares about LGBTI+ persons, earthquake victims or whoever. If you go with a problem arising from your LGBTI+ identity in access to justice, it is already a huge issue. It is also a big problem if your LGBTI+ identity is detected. I think LGBTI+ and justice are not concepts that can come side by side.” (A.D., Translator, NGO Worker)

“Very, very few. There is the Provincial Directorate of Migration Management with which they are constantly involved, whether it is for signature authorisation, to convey their sensitive situations, to meet, for the status determination interviews they have to make. Even there, when they are subjected to ill-treatment, they cannot claim their rights in any way. Because it turns into a very personal relationship, that is, when a person receives a complaint from a refugee, he/she can make bad decisions about him/her. Because he has the authority to make a decision, so he can close his file. Therefore, something like seeking rights, very few refugees dare to do so, I don’t know if it is right to say dare, but very few of them dare to do so.” (D.I., Social worker, NGO Worker)

5. CONCLUSIONS AND RECOMMENDATIONS

The earthquakes of 6 February and 20 February caused deaths of tens of thousands of people and injuries of hundreds of thousands of others. Hundreds of thousands of people had to migrate from the earthquake zone. LGBTI+ persons affected by the earthquake could not access their human rights protected by international law in this turmoil and chaos.

LGBTI+ persons affected by the earthquake could not use the existing mechanisms due to distrust in justice and the risk of being discriminated against again in the process of seeking rights. Employment and education became a problem for LGBTI+ persons who migrated from the earthquake zone. Public policies for facilitating the employment and education processes of LGBTI+ persons were not implemented. Those who provided support to LGBTI+ persons affected by the earthquake continued their efforts to facilitate employment and education through initiatives such as finding a job or providing books and laptop support.

Similar to access to justice, there were obstacles in access to public services for LGBTI+ persons affected by the earthquake due to the risk of discrimination. LGBTI+ persons who could not access public services were also deprived of social support. Due to the risk of attacks, LGBTI+ persons affected by the earthquake were not close to common areas for warmth or tent areas. LGBTI+ persons were forced to shelter in houses at risk of collapse. They faced attacks in common areas and LGBTI+ persons affected by the earthquake were shown as the cause of the earthquake. The support could not be utilised due to the problems encountered in the residence address. The urgent needs of LGBTI+ persons, such as access to hormones, were not taken into consideration.

There were also serious obstacles to access to psychological support. The insufficient number of LGBTI+ friendly experts and institutions that could provide guidance became a burden for LGBTI+ organisations in that they had to undertake this huge task. for providing consultancy. LGBTI+ persons affected by the earthquake who had to return to their family homes were faced not only with stress but also with violence. In this process, some transgender people affected by the earthquake interrupted the adaptation process compulsorily. Having to stay in the family home also violated privacy of LGBTI+ people.

LGBTI+ persons who could not have appropriate means of communication and could not even pay their bills could not access support information. While LGBTI+ persons living with HIV could not access their medication, the fact that refugee LGBTI+ persons had to obtain a travel permit became an obstacle to accessing the hospital or migrating to find a safe area.

In this process, legislative obstacles to donations and aid collection made it difficult for LGBTI+ organisations to provide comprehensive support to LGBTI+ people affected by the earthquake. In addition, LGBTI+ organisations were not included in the reconstruction processes. This situation created a barrier for defending human rights.

It is vital to establish psycho-social support mechanisms for people who have lost their cities, loved ones and memories, and are experiencing mourning after mourning. LGBTI+ persons were also excluded from these services that were already inadequate and were not provided access during the crisis. A specific intervention plan was absent for LGBTI+ persons affected by the earthquake to access services, resulting LGBTI+ persons being left alone in this process. The natural disaster also brought other disasters for LGBTI+ persons. LGBTI+ associations in cities such as Izmir, Bursa, Istanbul, Ankara, Mersin, LGBTI+ organisations in the earthquake zone, rights-based non-governmental organisations with LGBTI+ inclusive policies and services, and solidarity networks established by LGBTI+ activists have implemented support mechanisms with limited resources. Those who were in solidarity with LGBTI+ persons were LGBTI+ persons and their relatives.

During the earthquakes and aftermath, hate speech was turned into an election strategy and public policy. Hate speeches against LGBTI+'s were spread from the rostrums of the parliament and rally stages. The rage created by these hate speeches raised from the highest levels of the state found LGBTI+'s in the earthquake zone with various violations of rights.

Those who showed solidarity endeavoured to provide tent support to LGBTI+'s and open their homes to LGBTI+'s during this whole process. They created suitable means for those who wanted to leave the city. They prioritised shelter, food and psycho-social support. In Ankara, those who came side by side in a network revealed a support model divided into five groups. On a ground where even the prioritisation of LGBTI+ persons was criticised, those who provided support continued solidarity by strengthening each other. The ongoing support activities in various cities, with various networks and structures showed that LGBTI+ activists can respond quickly and effectively to the crisis.

Recommendations

Recommendations to international organisations (Intergovernmental):

Make your strategy and action plan preparation processes participatory for LGBTI+ organisations in Türkiye to provide information and opinions. Establish meaningful and structured channels of ongoing dialogue with Turkish LGBTI+ organisations.

- Create opportunities for cooperation with LGBTI+ organisations to make your humanitarian work LGBTI+ sensitive.
- Create indicators to make your monitoring, evaluation and learning processes LGBTI+ sensitive.
- Support LGBTI+ organisations financially to be used in disaster work.
- Bring up the needs and demands of LGBTI+ persons in your dialogue and cooperation with Turkish public authorities.
- Take a public position in favour of human rights against hate speech and discriminatory attitudes towards LGBTI+ persons, especially in disaster situations.

Recommendations to national and local public organisations:

- First of all, avoid hate speech and discriminatory discourse. Such attitudes cause a group already suffering from institutional and social prejudices to suffer even more critical material and moral damage during a disaster. It may even lead to loss of life.
- *Training and Awareness Programmes: Provide training programmes on LGBTI+ awareness and sensitivity for staff responding to disasters. This can help to understand the specific needs and challenges that LGBTI+ persons may face in disaster situations.*
- *Review of Policies and Regulations: Make recommendations for the creation of disaster management policies and regulations that take into account the needs of the LGBTI+ community. This can ensure that disaster relief and recovery efforts are more inclusive and effective for all.*
- *Participatory Decision-Making Processes: Ensure that representatives of LGBTI+ organisations are included in disaster management planning processes. Thus, the voice of this group, which struggles with disadvantages even in the ordinary course of life, can be heard in decision-making processes and real needs can be taken into consideration.*
- *Recognition of Special Needs: Create opportunities for LGBTI+ individuals in disaster situations, such as special accommodation needs, psychological support services and provision of safe areas. For this purpose, create resources including human resources consisting of professional experts sensitive to LGBTI+ rights.*
- Protection against Discrimination: Take the initiative to implement policies that support the fight against discrimination and the protection of the rights of LGBTI+ persons. Create meaningful, structured and sustained channels of dialogue with LGBTI+ organisations.
- Communication and Information Sharing: Provide recommendations for improving disaster-related information and communication channels for the LGBTI+ community. This will facilitate access to accurate information. Consider these suggestions together with LGBTI+ organisations.
- Local Collaboration and Networking: Suggest ways to collaborate with other civil society organisations, local authorities and relevant institutions to create a wider impact and build support networks.

Recommendations to civil society:

- Training and Awareness: Organise LGBTI+ awareness and sensitivity trainings for all staff. These trainings should include basic information on sexual orientation and gender identity issues, common prejudices and discrimination.
- Privacy and Security: Develop policies to protect the privacy and security of LGBTI+ individuals. Confidentiality of sexual orientation and gender identity information is especially important.
- Equal Access: Develop methods to ensure equal access of LGBTI+ persons to health, shelter and other humanitarian services.
- Community Engagement: Include LGBTI+ community members in humanitarian planning and implementation processes.

- Policies Against Discrimination: Establish and implement clear policies to prevent discrimination against LGBTI+ persons.
- Recognition of Special Needs: Recognise the special health and psycho-social needs of LGBTI+ persons and provide services to address these needs.
- -Inclusive Communication: Use inclusive language in all communication and information materials.
- Partnership and Collaboration: Respond better to the needs of local communities by collaborating with LGBTI+ organisations.