RESEARCH REPORT ON DISCRIMINATION TO TRANS+ STUDENTS AT UNIVERSITIES

July 2021

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RESEARCH REPORT ON DISCRIMINATION TO TRANS+ STUDENTS AT UNIVERSITIES

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Published by

University Queer Research and LGBTI+ Solidarity Association
(UniKuir)

July 2021, ANKARA

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Who Are We?

University Queer Research and LGBTI+ Solidarity Association (shortly UniKuir NGO) was founded in February 2020 by a university-based LGBTI+ activist group and is the only university-based LGBTI+ organization in Turkey. UniKuir NGO aims to create a safe and inclusive space for LGBTI+ university students, to prevent hate speech and hate crimes on campus, to produce anti-discrimination policies and measures, and to defend the rights of LGBTI+s at both national and international levels. Activities for the right of LGBTI+ university students to access basic needs such as education, housing, scholarship, and health, psycho-social support services, LGBTI+ rights advocacy, and activities to combat hate crimes are among the main fields of activity of the organization. It fights against discrimination based on sexual orientation, gender identity and gender, transphobia, homophobia, biphobia and LGBTI+ phobia, cissexism, cisnormativity, discrimination against sex workers, hate speech wherever there are LGBTI+s and especially in universities. UniKuir NGO calls for solidarity to prevent stigma and social isolation and to build a society where equality and human rights are respected as fundamental values against the erasure of psychological, economic, physical and sexual violence against LGBTI+s.

INTRODUCTION

1.1. Purpose of Research

The study titled *Research Report on Discrimination Against Trans+ Students at Universities* aims to monitor the transphobia and discrimination that trans+ students are exposed to at universities, and to form a resource for future studies on transphobia and LGBTI+phobia in universities. In line with these purposes, UniKuir NGO enhance to bring up the problems that trans+ people experience at universities, to proclaim their demands and needs, and to enable creating solutions and reparative measures together with the subjects and decision makers.

1.2. Summary of Research

A total of 47 people participated in the online research conducted in April-May 2021. Two of the data obtained were excluded from the research sample because the participants stated that they were not trans+, and the data obtained from 45 participants were analyzed. While 22 participants (48.9%) defined themselves as non-binary; 13 (26.9%) were trans; 6 (13.3%) agender; 4 (8.9%) define them as genderfluid. Sample mainly consists of young and undergraduate-level participants. The majority of the participants are young people (37) between the ages of 19-25. 80% of the participants are undergraduate students; undergraduate students are followed by postgraduate students (17.7%) and graduates (2.3%), respectively. 6 of the participants (13.3%) were fresher; 12 (26.7%) were sophomore; 8 (17.8%) were junior; 8 of them (17.8) are senior; 6 (13.3%) Master's student; 2 (4.4%) PhD student; 2 of them (4.4%) were English Preparatory School students; 1 (2.2%) of them graduated.

All of the participants continue their education in universities located in metropolitan cities. The distribution of cities is as follows: 18 of the participants are in Ankara, 18 in Istanbul, 6 in Izmir, 1 in Antalya, 1 in Kayseri, 1 in Malatya. Among participants, students of the Faculty of Arts and Sciences were 12 (26.7%), students of Engineering faculty were 6 (13.3%); students of Faculty of Medicine were 5 (11.1%); students of

Institute of Social Sciences 4 (8.9%); students of Faculty of Education were 4 (8.9%); students of Faculty of Political and Administrative Sciences were 3 (6.7%); students of Faculty of Law were 2 (4.4%); student of Faculty of Architecture were 2 (4.4%); students of Graduate School of Natural and Applied Sciences was 1 (2.2%); student of Faculty of Aeronautics and Astronautics 1 was (2.2%); student of Faculty of Communication was 1 (2.2%); student of Faculty of Civil Engineering was 1 (2.2%); student of Faculty of Fine Arts was 1 (2.2%); student of Faculty of Sports Sciences was 1 (2.2%); and 1 (2.2%) student is from the Faculty of Veterinary Medicine.

In order to monitor the discrimination and transphobia experienced by trans+ students in the research, questions were asked about campus security; their relations with the lecturers, university administration and staff, and other students. Twenty-four (53.3%) of the participants answered the question of how often trans+ students experience discrimination at universities as “always” and 17 (37.7%) as “often”. There were no participants who answered “never” and “very rarely”. In the question of where discrimination is faced most on campuses to which participants can respond with multiple answers; the responses were as follows; 29 participants classrooms; 28 participants toilets; 23 participants dormitories/guesthouses; 16 participants health centers such as medico; 16 participants dining halls/cafeterias; 15 participants gyms; 13 participants areas such as shopping centers and banks in campuses; 6 participants libraries; 6 participants rings/shuttles. The 6 participants who marked the other option mentioned university clubs/communities, security at the campus/faculty entrances and walking areas on the campus.

According to the results; the biggest of the problems trans+ students have with in their relations with the lecturers is that the lecturers allow discriminatory comments and hate speech to be made during the classes. 14 (31.1%) of the participants stated that the lecturers "often" allowed discriminatory comments and hate speech to be made. 10 (22.2%) stated that those were "never" allowed, and 9 (20%) participants stated that discriminatory comments and hate speech were "always" allowed. The second most common problem is that lecturers address trans+ students with their assigned names and with the pronouns of their assigned gender in courses where the language of lectures is not Turkish. Fifteen (33.3%) of the participants stated lecturers "always" used their assigned name or the pronoun of assigned gender in non-Turkish courses; 13 (28.9%) "often" encountered this situation, 6 (13.3%) stated that they have never experienced this.

While 18 (40%) of the participants stated that there is no unit in their university where they can report sexual harassment and discrimination, 15 (33.3%) have no idea whether there is a unit, and 12 (26.7%) participants stated that there is a unit. While 30 participants (66.7%) stated that they were not exposed to discrimination by the administrative staff (student affairs officer, dormitory officers, etc.) at universities, 15 participants (33.3%) stated that they were exposed to discrimination.

According to the results, 15 (33.3%) participants stated that they were "never" discriminated based on their gender identity by other students; 9 (20%) participants faced "very rarely" with this situation; 8 (17.8%) "occasionally"; 9 (20%) "often"; four of them (8.9%) stated that they "always" encountered that. 40 (88.9%) participants stated that they were "never" exposed to physical violence based on their gender identity by other students on campus; 1 participant "very rare"; 1 other participant "often"; 3 (6.7%) participants stated that they were "always" exposed. While 12 (26.7%) participants "frequently" witnessed that their other trans+ friends were exposed to violence and discrimination on campuses; 11 (24.4%) "never", 10 (22.2%) "always"; 8 (17.8) "occasionally"; 4 (8.9%) stated that they witnessed "very rarely".

1.3. Abbreviations

LGBTI+: Lesbian Gay Bisexual Trans Intersex Plus
SOGI: Sexual Orientation, Gender Identity
ECHR: European Convention on Human Rights
ECtHR: European Court of Human Rights
UN: United Nations
UNESCO: United Nations Educational, Scientific and Cultural Organization

1.4. Dictionary

Sexual Orientation: It is a concept that expresses the person's sexual attraction towards whom.

Gender Indentity: It is the gender identity that the person feels themselves to be, defines themselves.

Trans+: It is an umbrella term that refers to the identification of one's own gender identity in a gender other than the one assigned at birth.

Non-binary: It is gender identity that refers to people who do not define their gender within the binary gender system. Non-binary people may express their gender identity in other terms such as genderfluid or agender .

Cisgender: It is the definition of one's gender identity in the same way as the gender assigned at birth.

Intersex: An overarching term used to describe a set of natural differences that affect the genitals, gonads, hormones, chromosomes or reproductive organs. Sometimes these qualities are visible from birth, sometimes they appear in adolescence, and sometimes they are not physically visible.

Plus (+): It is a symbol that refers to people who are trans and/or non-heterosexual, and who define themselves with other sexualities.

Transphobia: It is a concept that expresses negative feelings, thoughts, attitudes and behaviors towards trans+ indivuduals.

Cissexism: It is the ideology that accepts and imposes that gender consists of only "female" and "male" genders, that "biological factors" determine these genders and that this is "essential" and "fixed".

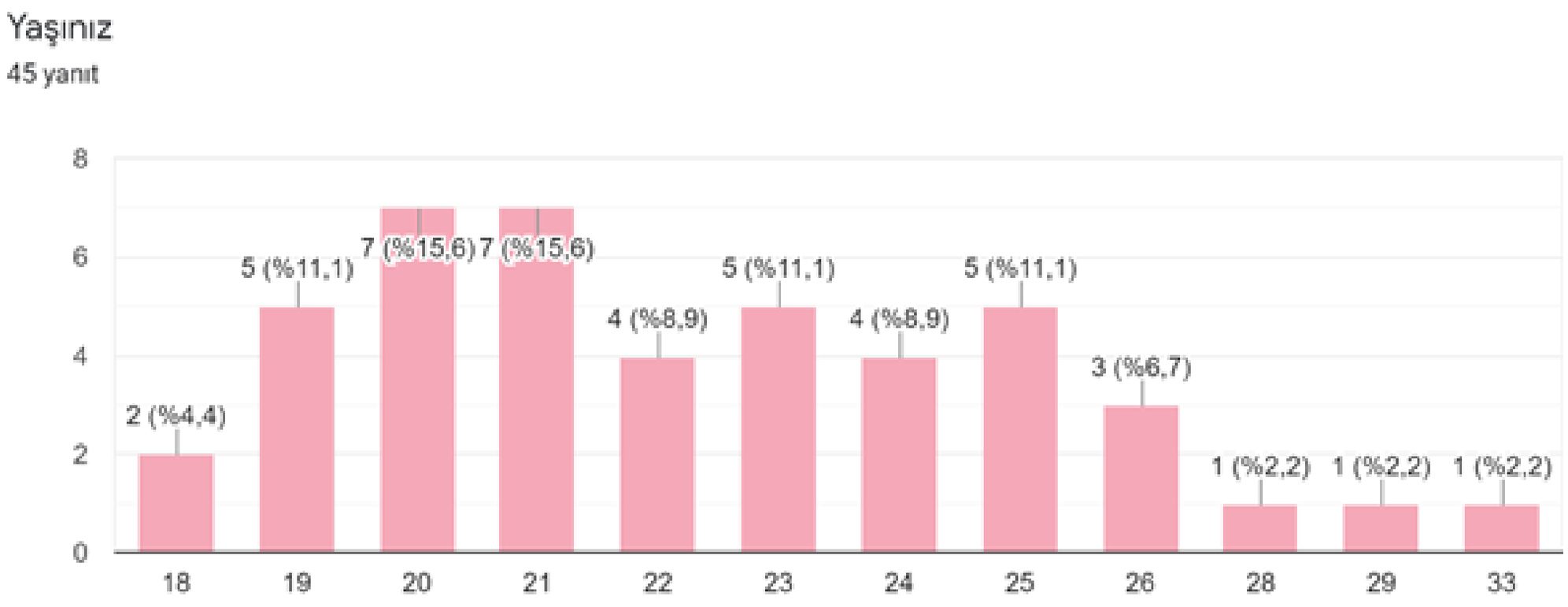
Cis Normative: It is used to describe the structural and everyday expressions imposed by seeing cissexism as a normal and single sexual identity, such as the imposition of roles determined by the binary gender system and the construction of social structures by accepting everyone as cisgendered.

Heterosexism: It is an ideology that asserts that heterosexuality is the only "natural" sexual orientation, ignoring and suppressing other sexual orientations.

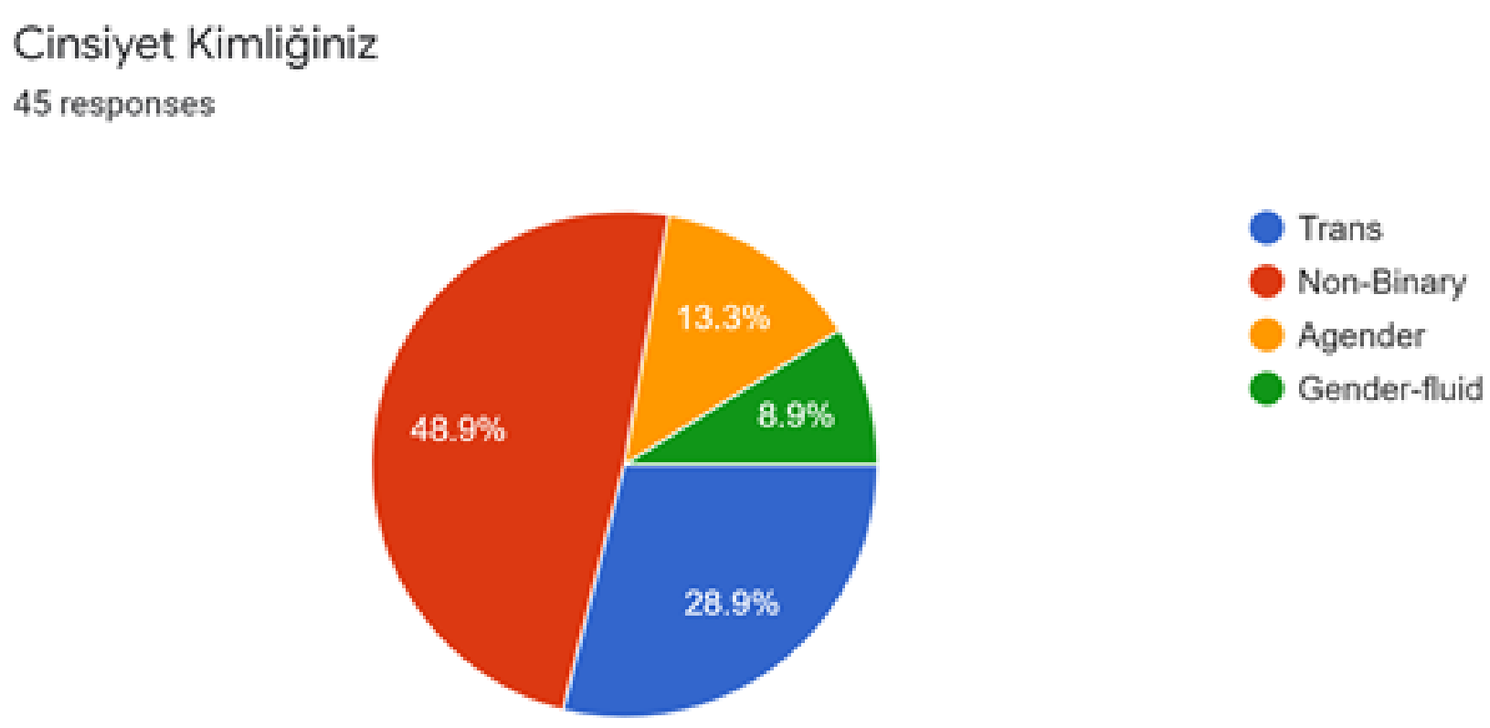
Heteronormative: It defines aspects of heterosexism that are reflected in structural and everyday practices. Such as, seeing and imposing heterosexuality as the normal and only sexual orientation, constructing social values by accepting that everyone is heterosexual.

2. DEMOGRAPHIC INFORMATION

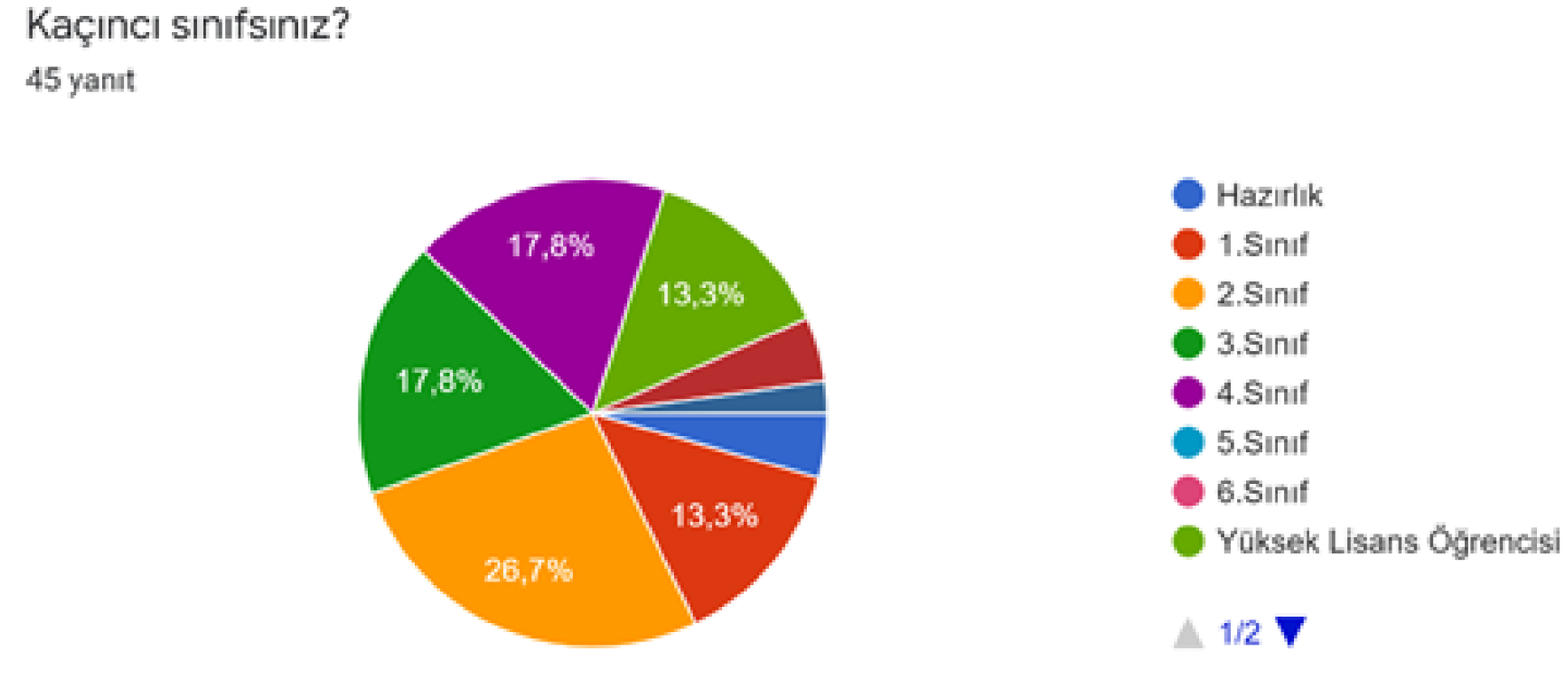
The demographic characteristics of the 45 participants in the study are as follows:



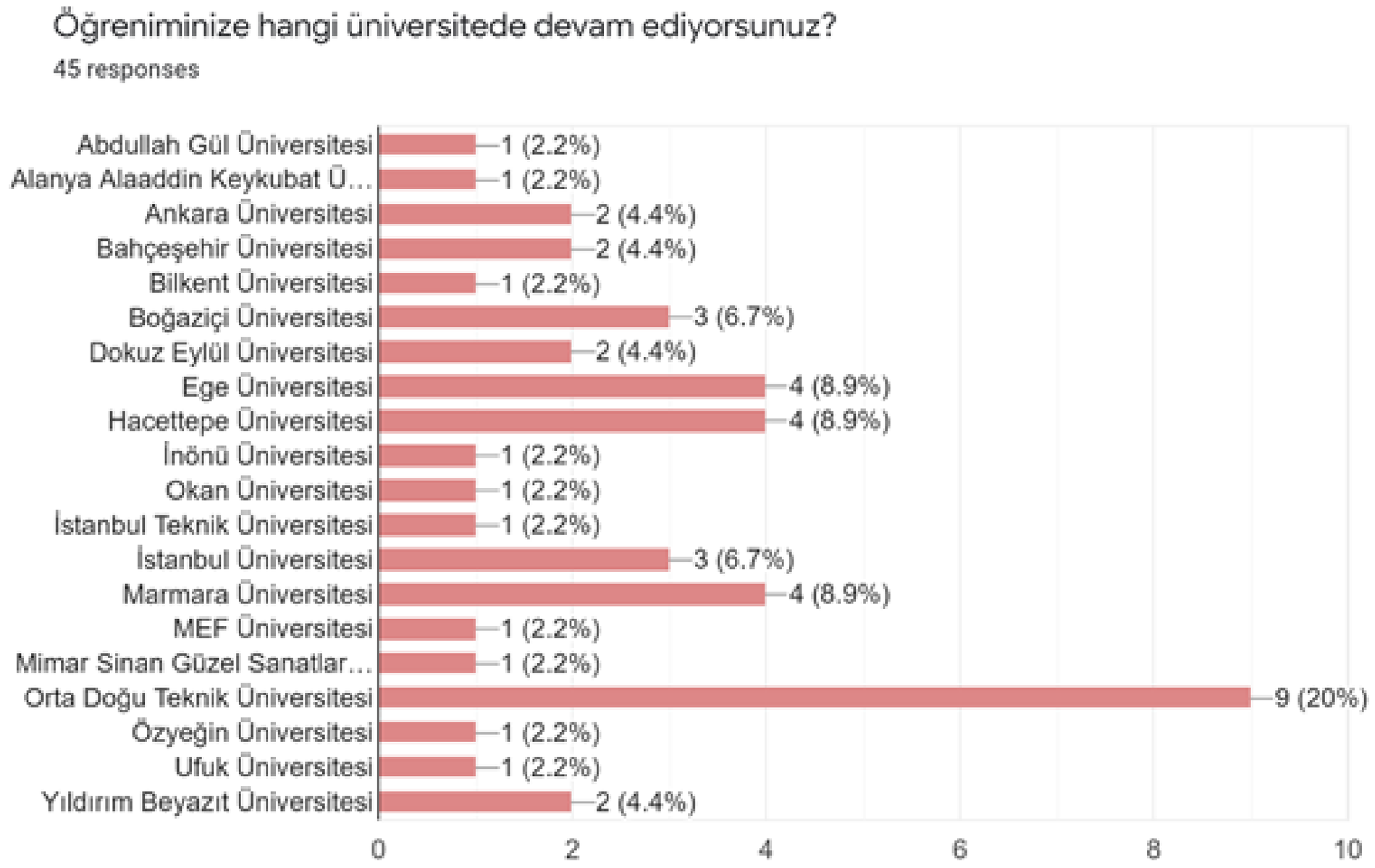
The majority of the participants in the study are young people (37) between the ages of 19-25.



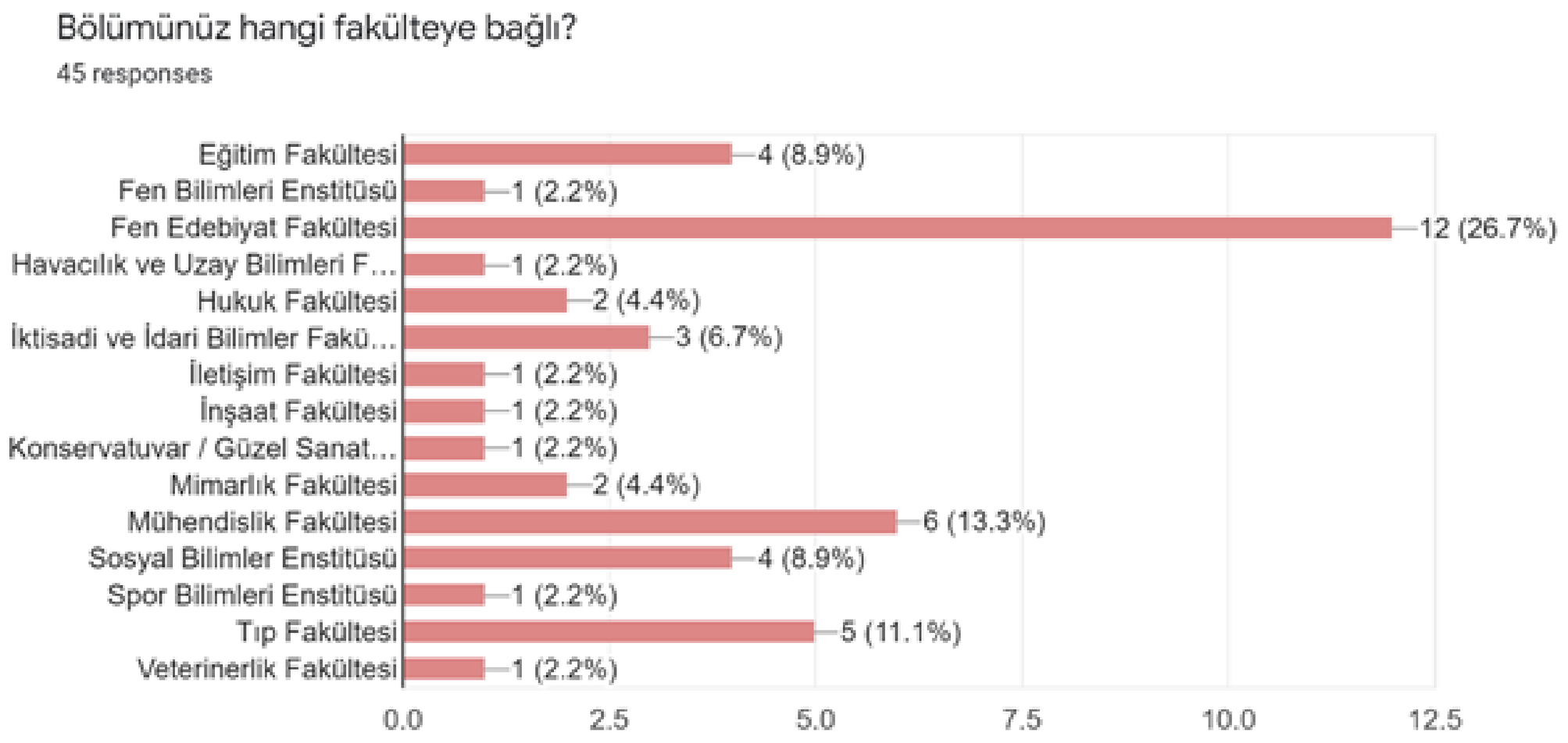
While 22 of the participants (48.9%) defined themselves as non-binary; 13 (26.9%) are trans binary; 6 (13.3%) agender; and 4 (8.9%) as gender-fluid.



80% of the participants who are university students or graduates consist of undergraduate students; undergraduate students are followed by higher education students (17.7%) and graduates (2.3%), respectively.

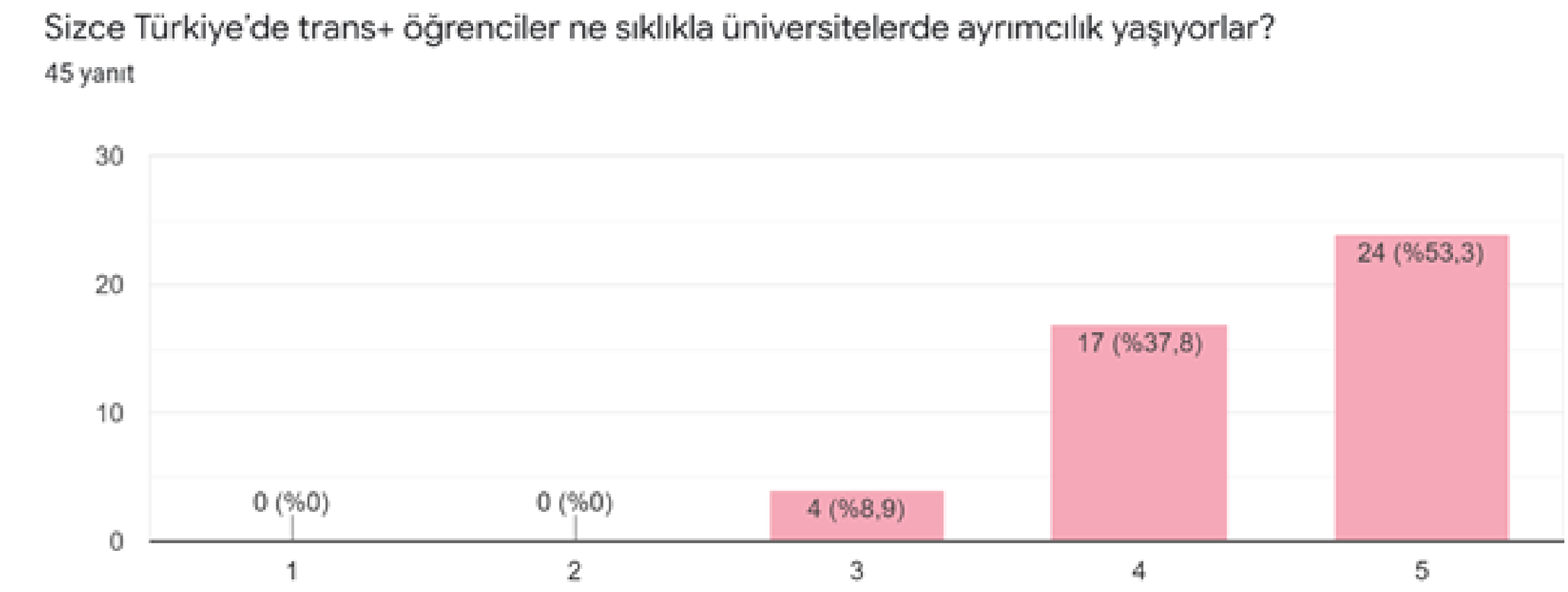


The universities where the participants studied are shown in the table. The vast majority of the 45 participants continue their education at universities in the metropolis.



Among participants, students of the Faculty of Arts and Sciences were 12 (26.7%), students of Engineering faculty were 6 (13.3%); students of Faculty of Medicine were 5 (11.1%); students of Institute of Social Sciences 4 (8.9%); students of Faculty of Education were 4 (8.9%); students of Faculty of Political and Administrative Sciences were 3 (6.7%); students of Faculty of Law were 2 (4.4%); student of Faculty of Architecture were 2 (4.4%); students of Graduate School of Natural and Applied Sciences was 1 (2.2%); student of Faculty of Aeronautics and Astronautics 1 was (2.2%); student of Faculty of Communication was 1 (2.2%); student of Faculty of Civil Engineering was 1 (2.2%); student of Faculty of Fine Arts was 1 (2.2%); student of Faculty of Sports Sciences was 1 (2.2%); and 1 (2.2%) student is from the Faculty of Veterinary Medicine.

3. CAMPUS SECURITY AND GENERAL SITUATION



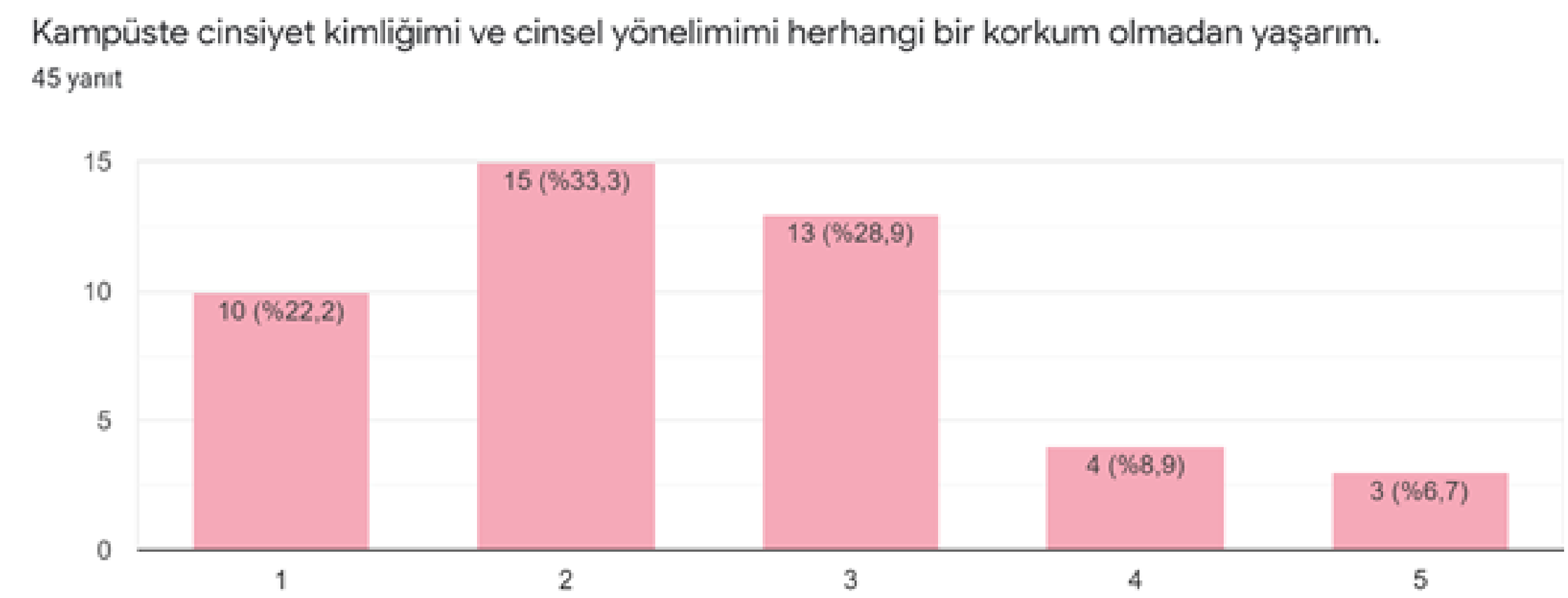
Twenty-four (53.3%) of the participants answered the question of how often trans+ students experience discrimination at universities as "always" and 17 (37.7%) as "often". There were no participants who answered "never" and "very rarely".

"If you are LGBTI+ and at the same time you are actively the subject of opposition politics, you are trying to be intimidated by using your trans identity."

-Participant 32

In the question of where discrimination is faced most on campuses to which participants can respond with multiple answers; the responses were as follows; 29 participants classrooms; 28 participants toilets; 23 participants dormitories/guesthouses; 16 participants health centers such as medico; 16 participants dining halls/cafeterias; 15 participants gyms; 13 participants areas such as shopping centers and banks in campuses; 6 participants libraries; 6 participants rings/shuttles. The 6 participants who marked the other option mentioned university clubs/communities, security at the campus/faculty entrances and walking areas on the campus.

"Because my roommates are also queer, I was comfortable in the dormitory. It totally depends on the roommates, not the dormitory administration because they don't do anything."
Participant 44

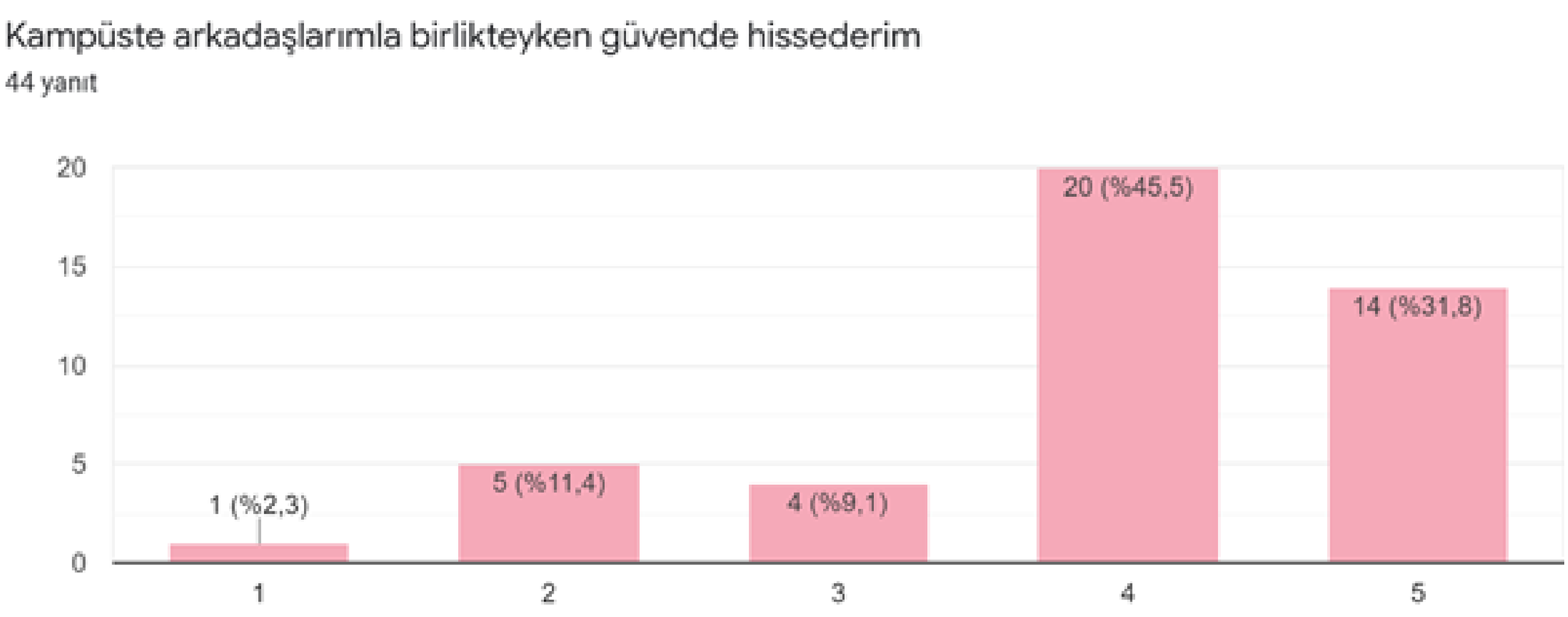


As a response of a statement that "I live my gender identity and sexual orientation on campuses without any fear" 15 of the participants in the research stated as "very rarely", and 13 as "occasionally". There were 10 participants who answered “never”. Only 3 participants stated that they could live their sexual identity and sexual orientation without any reservations.

While 27 of the participants stated that their photos or videos were "never" taken on campus without permission, 9 of them stated that they encountered this situation "often".

Participants were asked to answer for the situations they encountered for the following seven questions.

As a response of a statement that "I feel safe when I'm alone on campus", twelve of the participants in the study expressed as "often"; 12 participants as "occasionally"; 7 participants as "never". The number of participants who stated that they "always" feel safe when they are alone on campus was only 4.



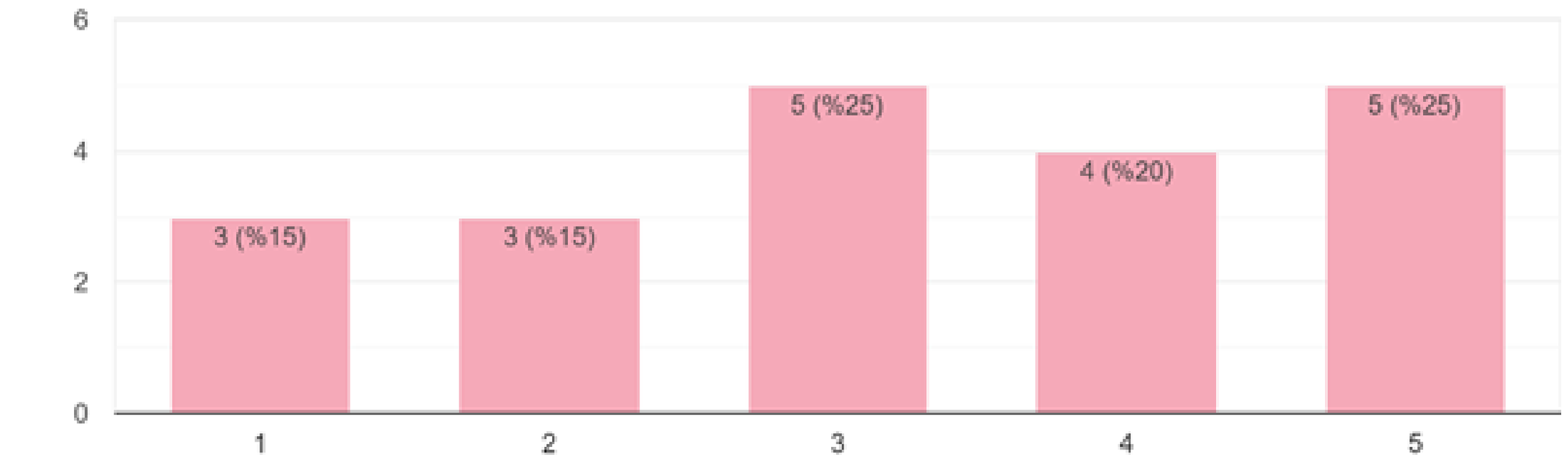
While 20 of the participants stated that they "often" feel safe when they were with their friends on campus, 14 of participants stated that they "always" feel safe with their friends. One participant stated that they are never safe with their friends.

While 13 of the participants stated that they "often" feel safe when they were with their partner/s on campus, 10 of them stated that they "very rarely" feel safe. While the number of people who "never" feel safe with their partner/partners is 7, the number of people who "always" feel safe is 4.

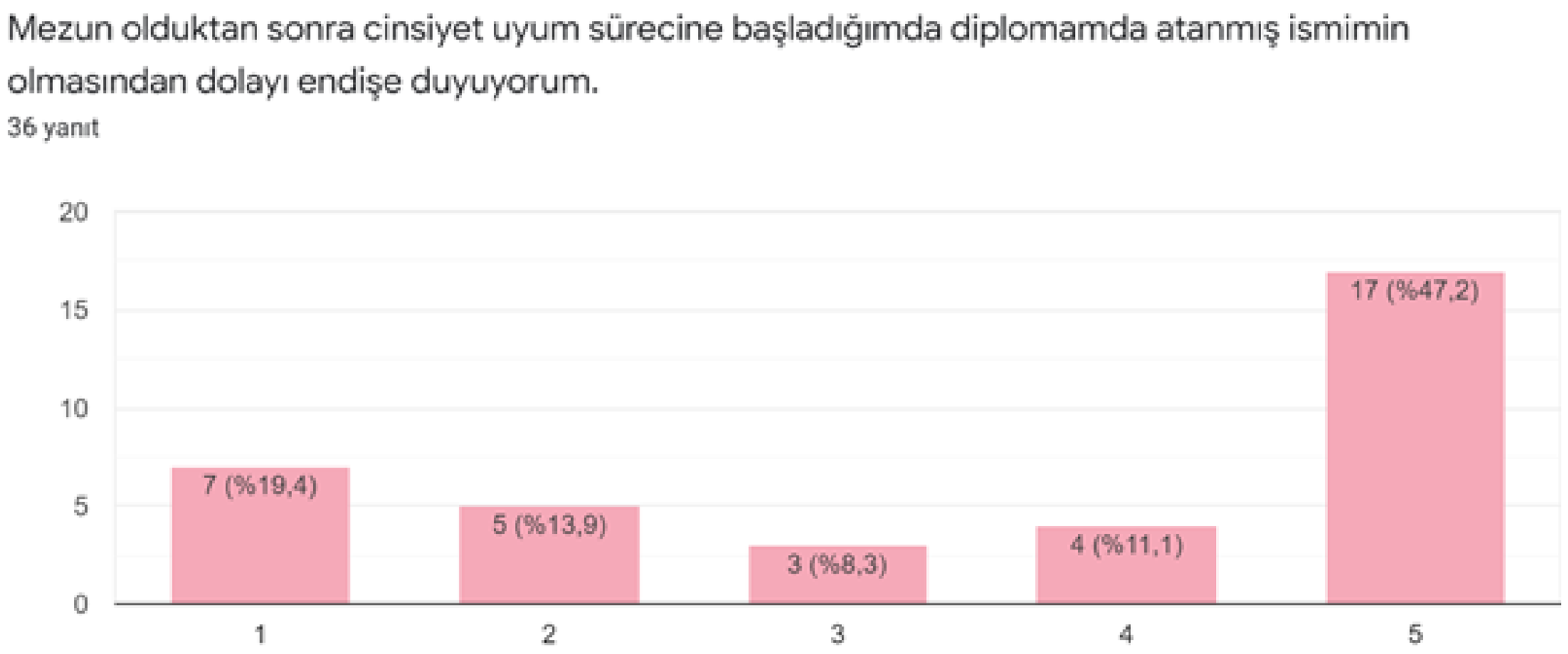
The number of participants who "often" hesitate to join a university club or sports club due to the fear of facing discrimination is 11. While the number of people who stated that they have "never" experienced such a concern is 9; the number of participants who "very rarely" experienced this feeling was 10; the number of participants stating that they "always" have that hesitation is 7.

The number of participants who "occasionally" face discrimination or feel that they are not accepted in university clubs/communities is 9, "often" encounter this situation is 9, and the number of participants who "always" face it is 8. The number of participants who have "never" faced discrimination in university clubs/communities is 6.

"Phobic comments are made at clubs meetings. And when we react, they say, "They got angry again." When we go to an university club's event, we find ourselves trying to avoid phobic comments. I may just want to have fun in that club, but suddenly I find myself doing activism."
-Participant 34



20 participants answered the question about whether they faced discrimination in sports clubs and teams at the university. The number of participants who "occasionally" face discrimination or feel that they are not accepted in sport clubs at universities is 5; "always" encounter with this situation is 5; "often" encounter with this situation is 4; 3 of the participants stated that they have "never" faced discrimination in sport clubs at university.



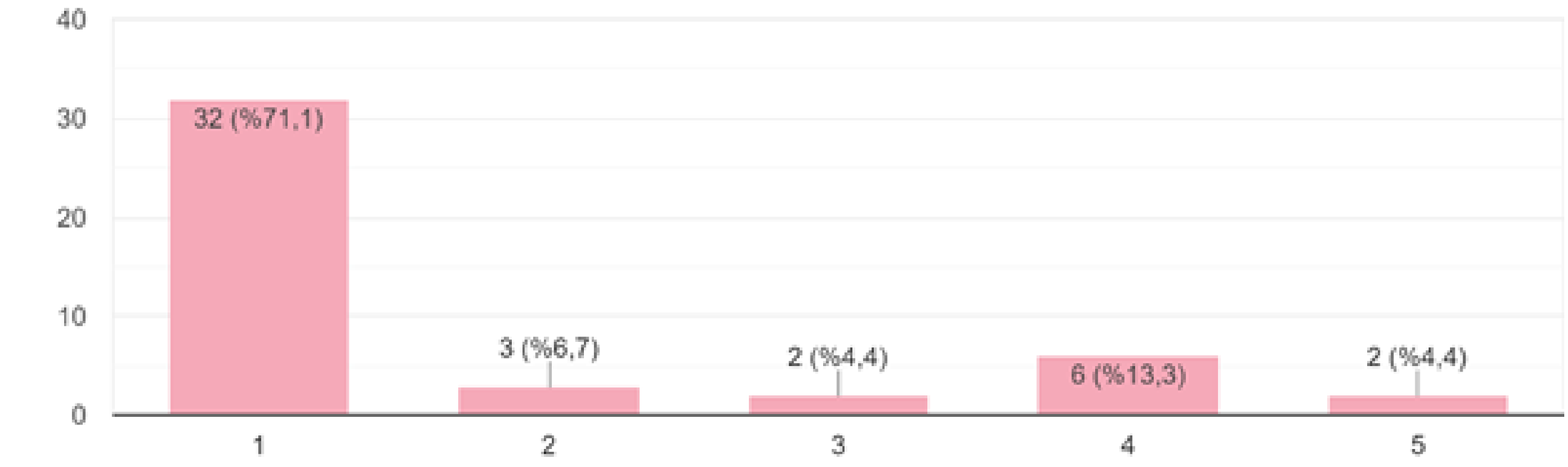
To the question of whether they were worried about having their assigned names in their diplomas, to which 36 of the participants answered, 17 participants stated that they were "always" concerned about this issue, while 7 participants stated that they did not have any concerns about this issue.

"When I wanted to change my assigned name on the diploma, the process was extended for different reasons."
- Participant 12

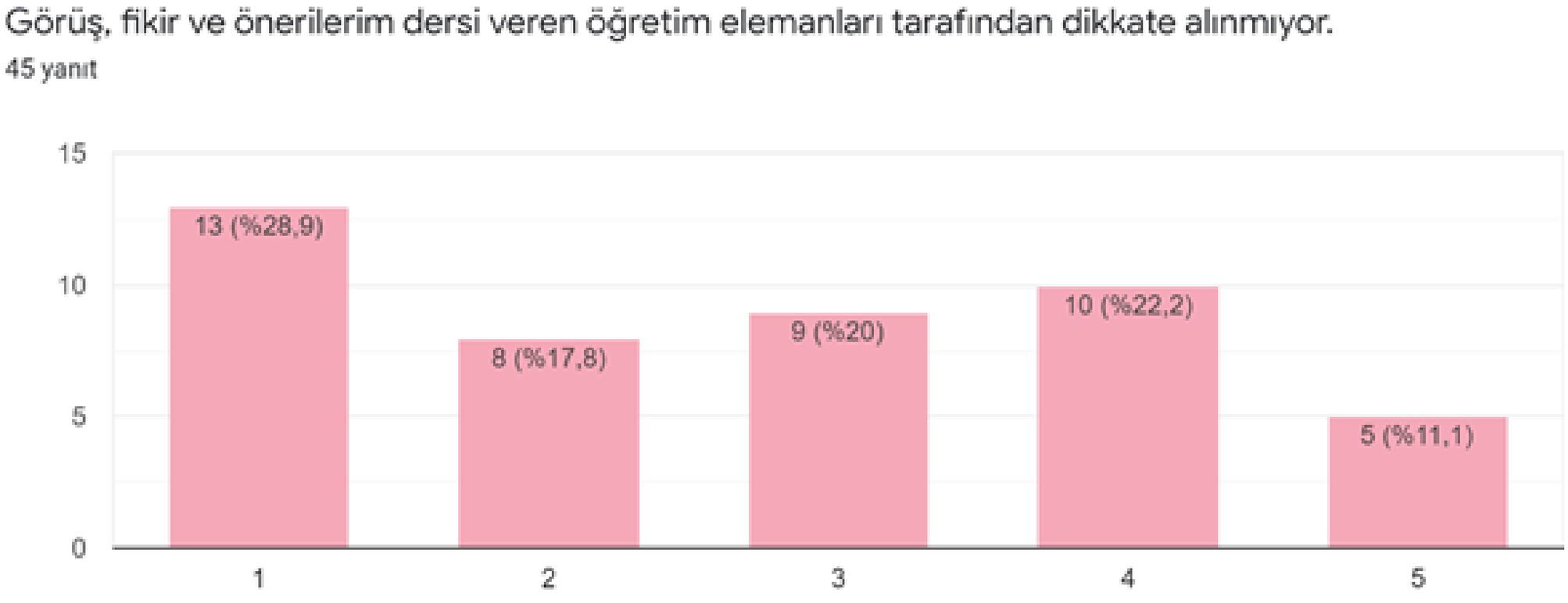
"Not during the diploma process, but when I wanted to change my name in the university system, the documents regarding the court decision were requested even though my name after court decision was on my national ID Card and the process was extended."
-Participant 6

"Having diploma with assigned name is a life-long situation and the difficulties experienced in name change applications after receiving the diploma, which is something that increases the inequalities between cisgender and trans individuals. Many trans individuals are not lucky enough to carry out this process while at university."
-Participant 45

4. RELATIONS WITH LECTURERS



Thirty-two of the participants stated that their sexual identity and/or orientation was "never" disclosed by the lecturers (academics, assistants), while 6 of them stated that they "frequently" experienced such disclosure.



While 13 of the participants stated that they had "never" face a situation where their opinions, ideas and suggestions were not taken into account by the lecturers; 10 of them "frequently"; 9 of them from "occasionally"; 8 of them "very rare"; 5 of them stated that they have "always" encountered with this situation.

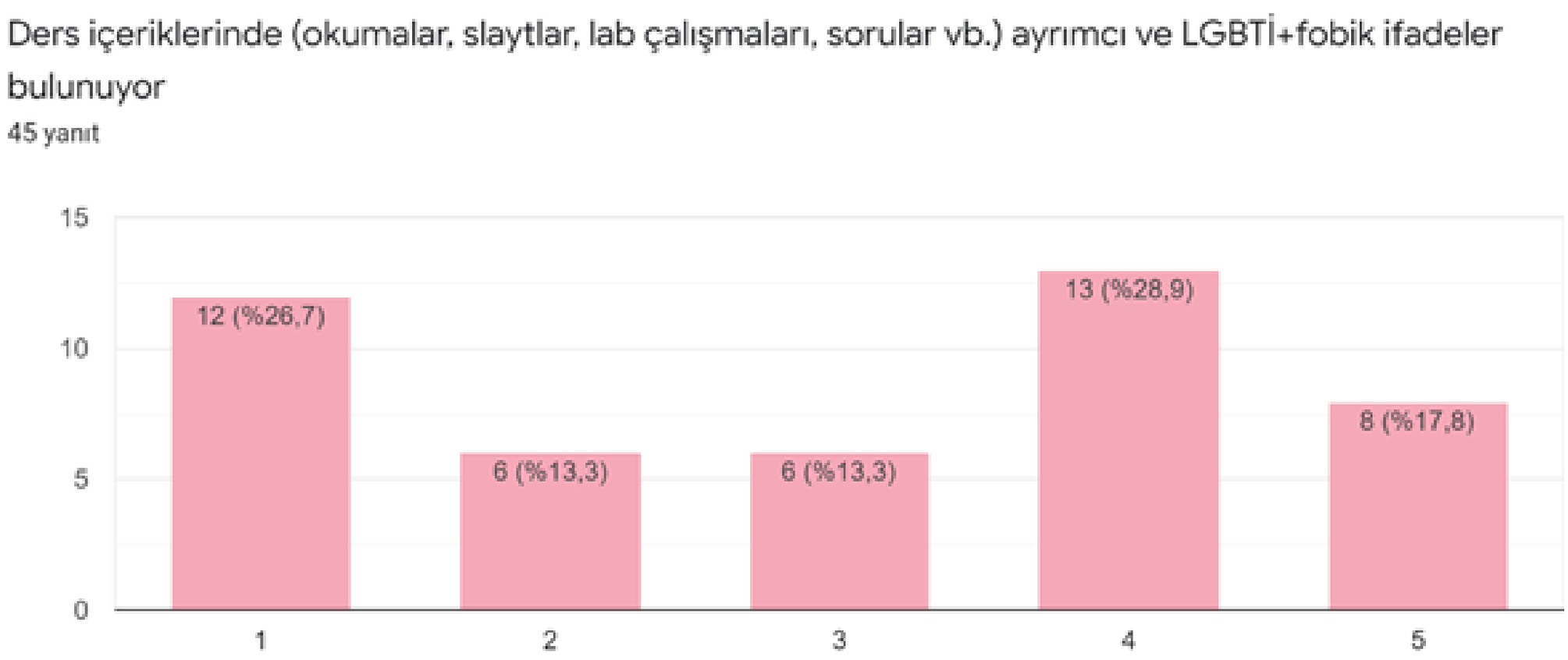
15 of the participants stated that their assigned name or the pronoun of assigned gender in non-Turkish courses was "always" used by the lecturers, 13 of them stated that they encountered this situation "often", and 6 of them stated that they have "never" experienced it.

“The courses are taught in English and I would like to be asked which pronouns I use”
-Participant 21

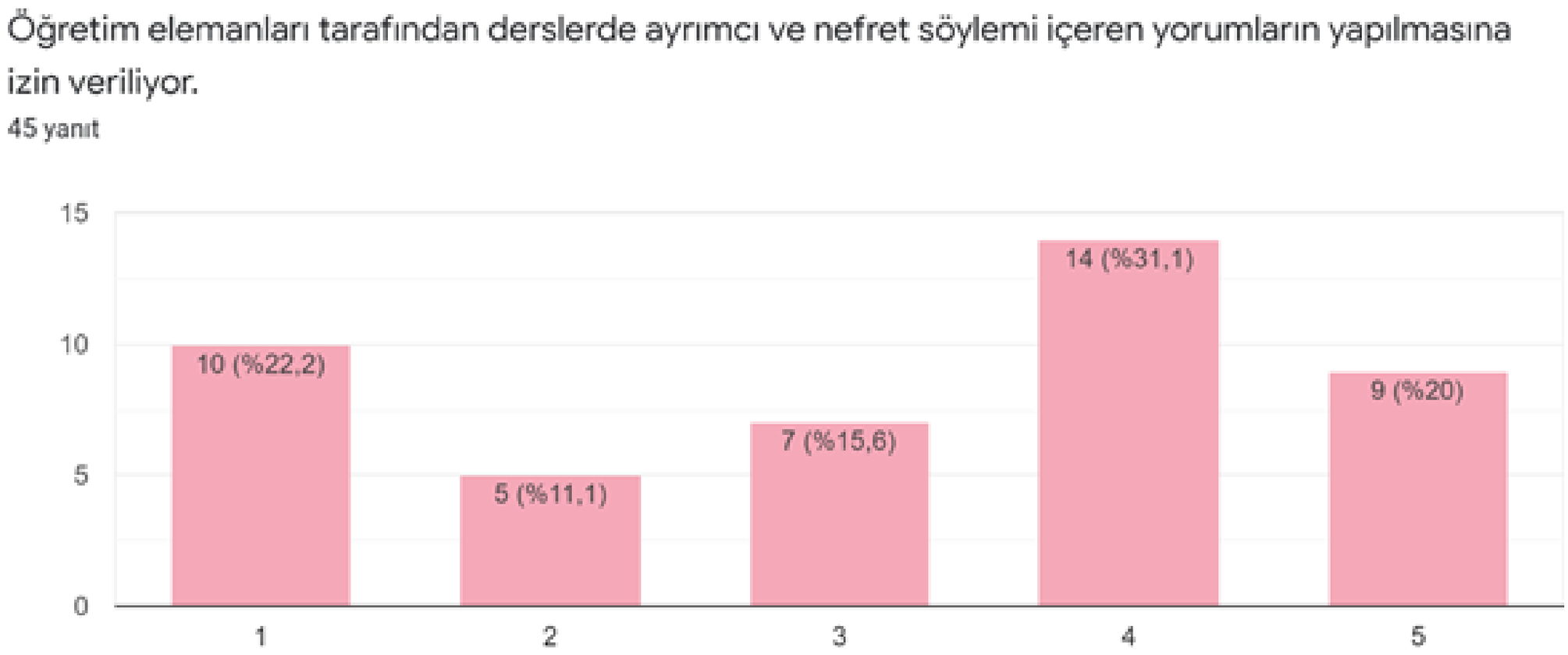
"I would feel better if the pronoun of my assigned gender was not used in non-Turkish courses"
-Participant 26

“I share my pronouns when introducing myself in the first lessons of each semester. However, until now, only one of my professors cared about that and apologized to me when she used the wrong pronoun.”
-Participant 29

“I would like professors and students to respect my pronoun, and to warn those who do not...”
- Participant 22



While 12 of the participants stated that discriminatory and LGBTI+phobic expressions were "never" included in the course content (readings, slides, lab work, etc.); 13 of them stated "often"; 8 of them stated that they have "always" faced such expressions.



14 of the participants stated that the lecturers "often" allowed discriminatory comments and hate speech to be made. 10 participant stated that those were "never" allowed, and 9 participants stated that discriminatory comments and hate speech were "always" allowed.

"An academic made an openly transphobic insult and disrespect in class. Other academics also do not hesitate to state their homophobic, transphobic and heteronormative ideas."
-Participant 21

"A lecturer who had a lot of work in the second wave feminist movement used the word "moustached" for trans women and implied that trans women are not wanted in the feminist movement."
- Participant 25

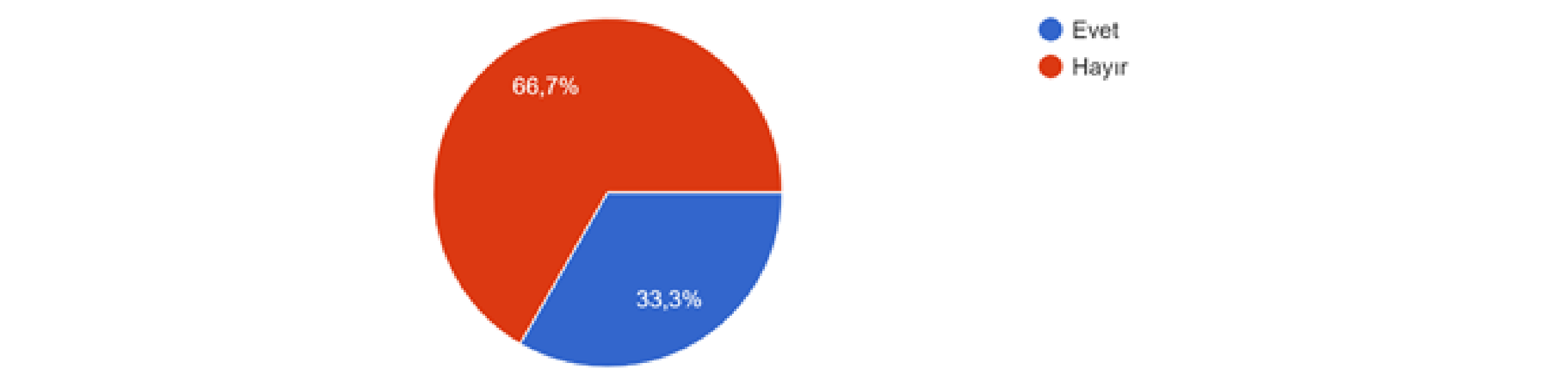
“The elements of homosexual love and child abuse common in ancient literature are not separated.”
-Participant 30

"Discussions are held with the assistants, and when there is a discussion about hate speech, the professors are outdated and do not correct themselves. I don't see them as people having awareness."
- Participant 17

16 of the participants stated that when they wanted to correct the LGBTI+phobic comments and discriminatory statements made in the classes, the lecturers "never" interrupted, 10 of them "often" interrupted, and 7 of them "always" interrupted.

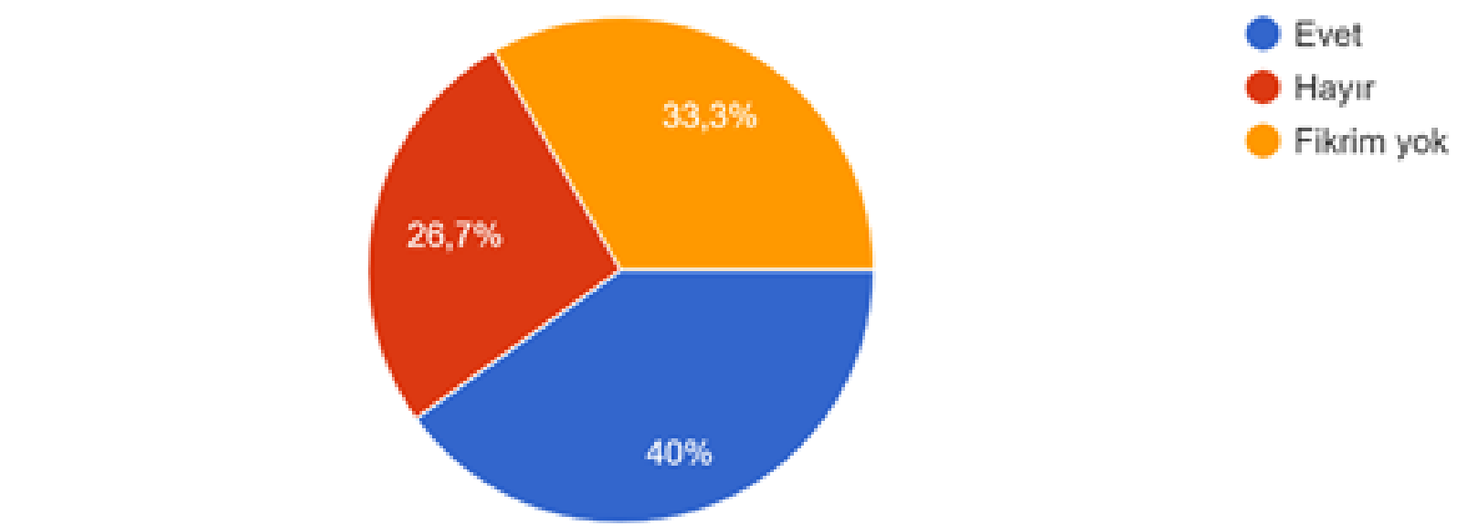
"In physiology classes, intersex is still mentioned as a disorder. When we want to explain the complexity of biological sex or to organize events, we are being restrained."
-Participant 42

5. RELATIONS WITH UNIVERSITY ADMINISTRATION AND STAFF



While 30 participants (66.7%) stated that they were not exposed to discrimination by the administrative staff (student affairs officer, dormitory officers, etc.) at universities, 15 participants (33.3%) stated that they were exposed to discrimination.

While 32 (71.1%) of the participants stated that they were not harassed or mocked by the security personnel at the university, 13 (28.9%) stated that they were did.



While 18 (40%) of the participants stated that there is no unit in their university where they can report sexual harassment and discrimination, 15 (33.3%) have no idea whether there is a unit, and 12 (26.7%) participants stated that there is a unit.

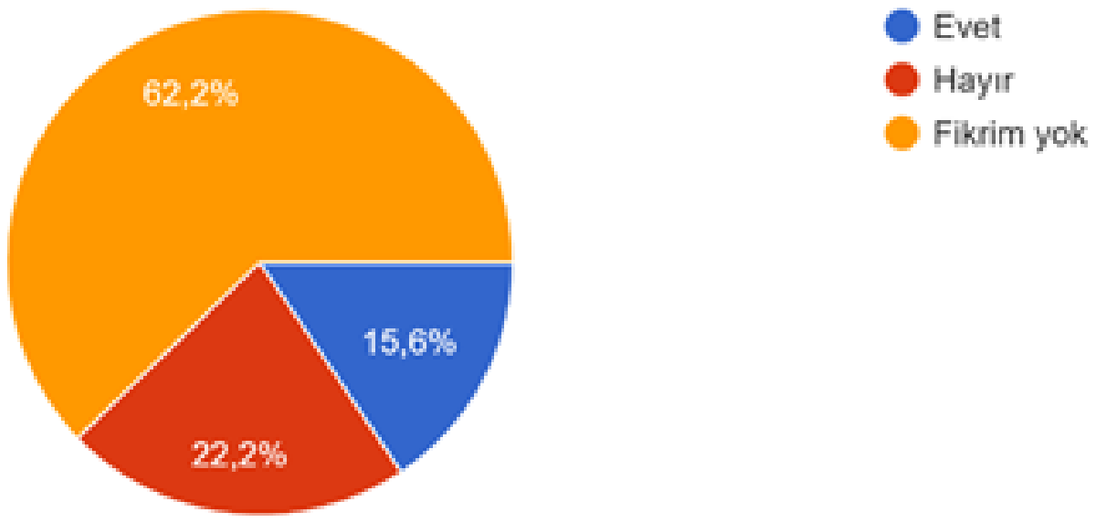
"Some right-wing and phobic groups are attacking us. They're always mocking with us. They humiliate. Staff and university administration are indifferent to such acts."
- Participant 38

"When I reported the harassment I experienced at university, they brought me face to face with the abuser so we could 'talk and reconcile'."
-Participant 2

"When I reported abuse I got no results and I know it happens too often."
-Participant 20

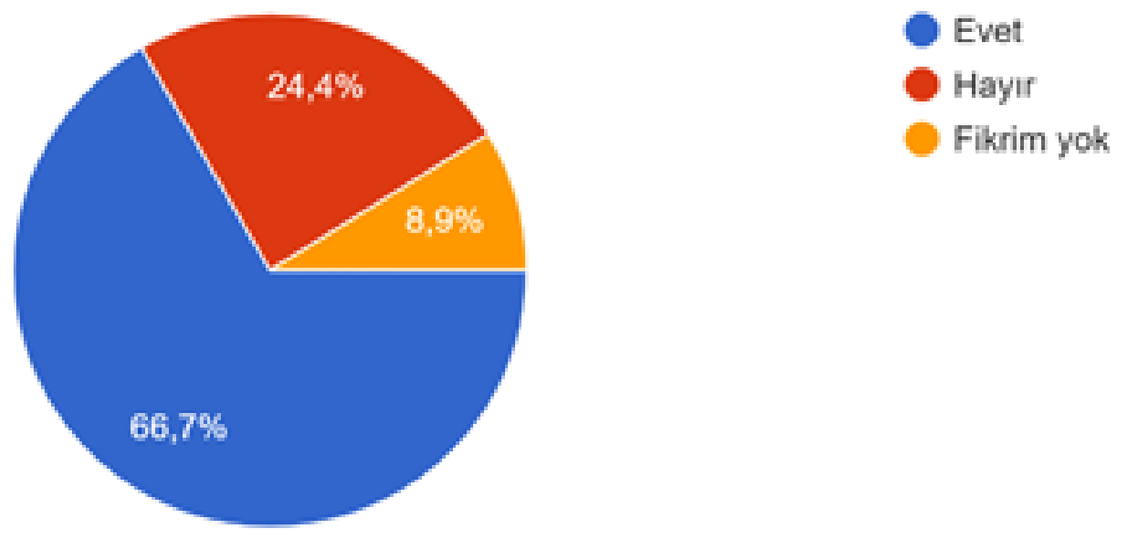
"The administration gives all your information to the abuser and this causes you to have negative experiences."
-Participant 29

Üniversitemde bulunan psikolojik destek birimindeki uzmanlar LGBTİQA+ kapsayıcıdırlar.
45 yanıt



While 28 (62.2%) participants stated that they had no idea whether the experts in the psychological support units at their universities are LGBTIQA+ inclusive, 10 (22.2%) participants stated that they are not, and 7 (15.6%) participants stated that they are inclusive.

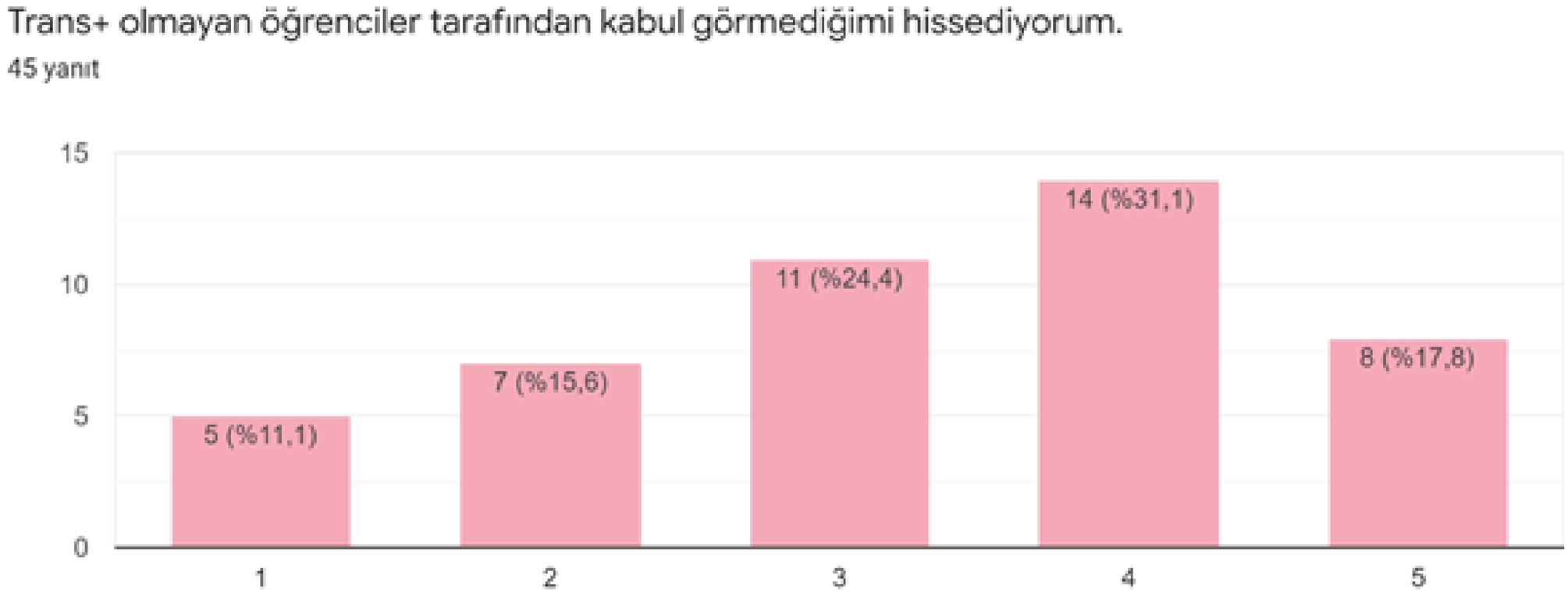
Üniversitemde resmi ve/veya resmi olmayan aktif çalışan bir LGBTİQA+ Topluluğu var
45 yanıt



While 30 (66.7%) participants stated that there is an active LGBTIQA+ community in their universities, 11 (24.4%) participants stated that there is no LGBTIQA+ community in their universities, and 4 (8.9%) participants do not have an opinion on this issue.

“I want a place at university for the LGBT+ community to be together, but I can't do anything because I'm afraid the result will turn into a hate crime against me.”
-Participant 22

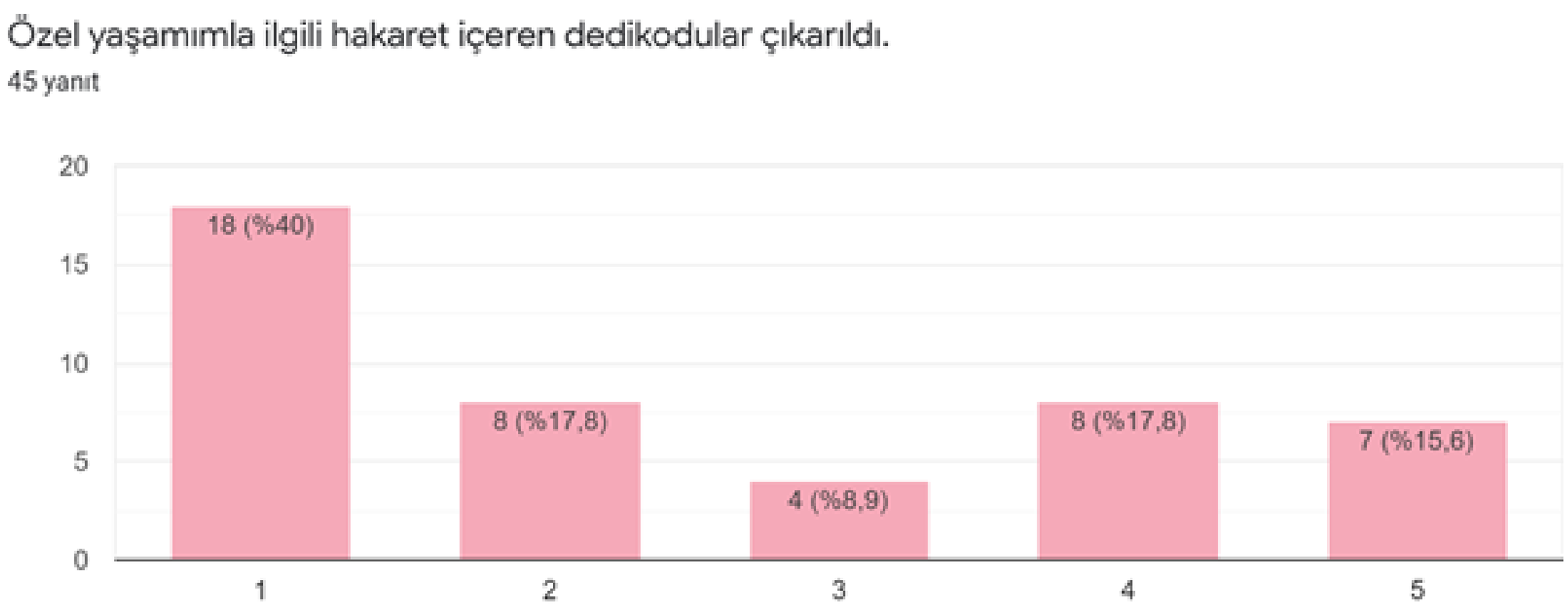
6. RELATIONS WITH OTHER STUDENTS



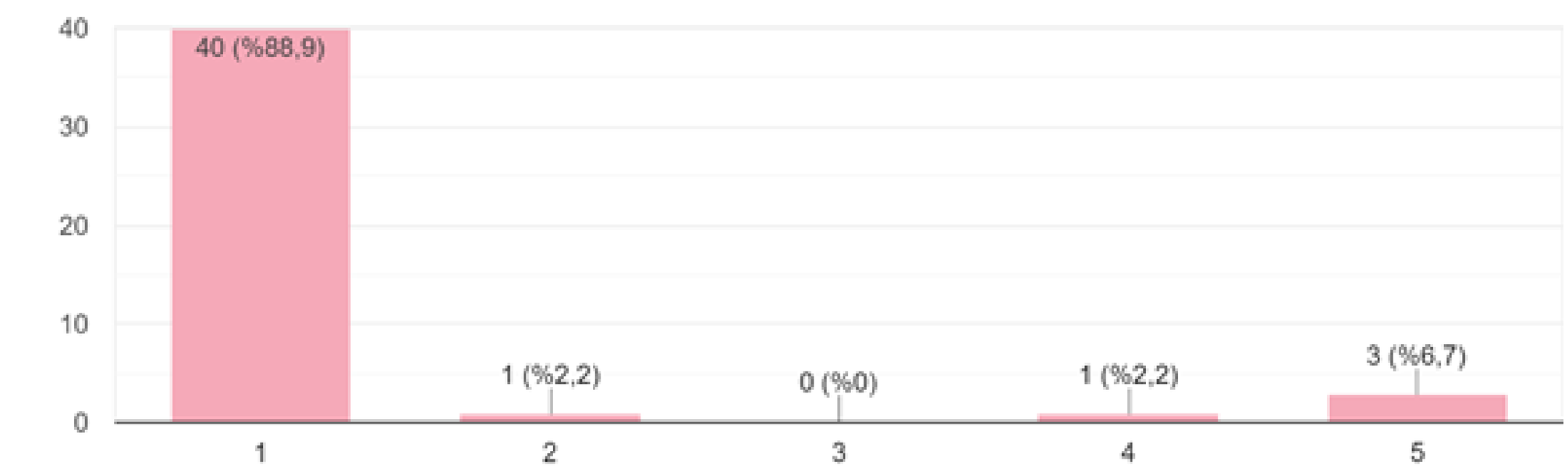
While 14 (31.1%) of the participants stated that they "often" felt not accepted by cisgendered students; 11 (24.4%) stated that they "occasionally" felt not accepted; 8 (%17,8) stated "always"; 7 (15,6%) stated "very rarely"; and 5 (11,1%) participant stated they "never" felt not accepted.

According to the results, 15 (33.3%) participants stated that they were "never" discriminated based on their gender identity by other students; 9 (20%) participants faced "very rarely" with this situation; 8 (17.8%) "occasionally"; 9 (20%) "often"; 4 of them (8.9%) stated that they "always" encountered that.

"Even though I say I'm agender, they use gendered words such as girl/woman because of my assigned gender or boy/guy because of my masculine appearance. My bisexuality is also used as a joke."
-Participant 22

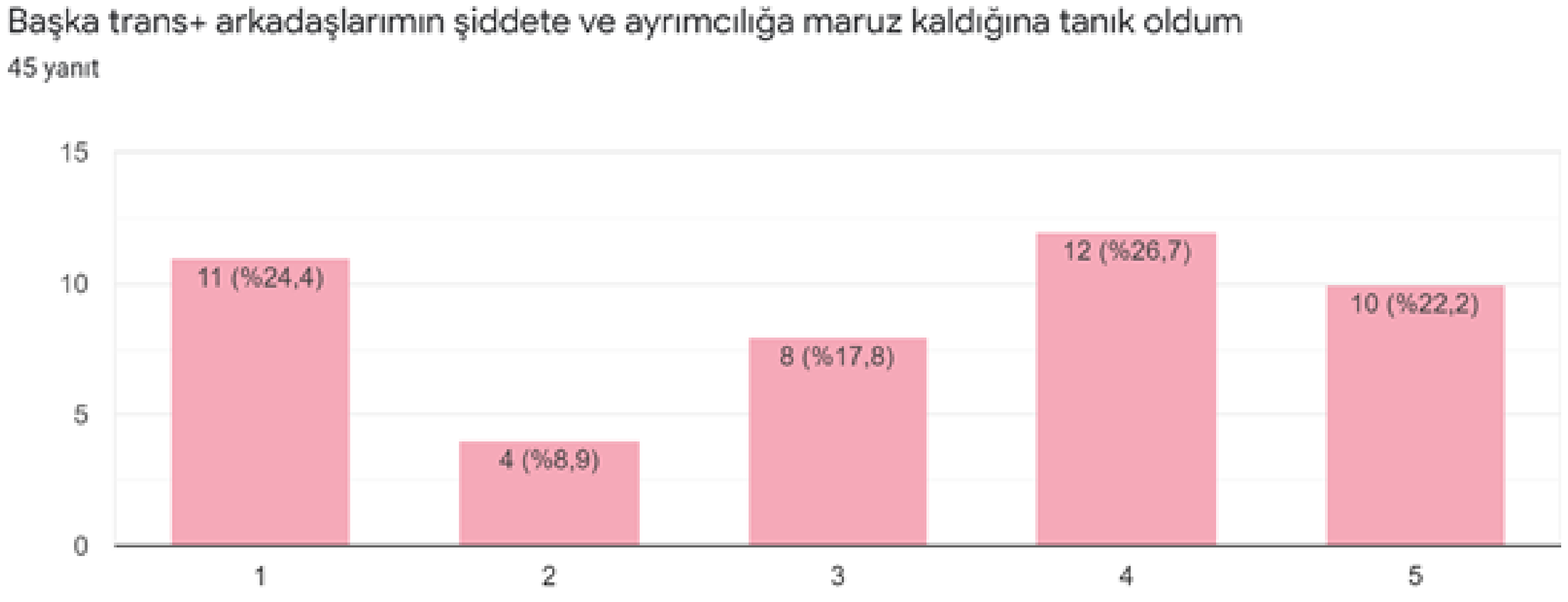


18 (40%) of the participants stated that there were no insulting gossip about their private life; 8 (17.8%) of them stated "very rarely"; 8 (17.8%) "often"; 7 of them (15.6%) stated that they "always"; and 4 (8.9%) of them "occasionally" encountered that situation.



40 (88.9%) participants stated that they were "never" exposed to physical violence based on their gender identity by other students on campus; 1 participant "very rarely"; 1 other participant "often"; 3 (6.7%) participants stated that they were "always" exposed.

While 17 (37.8%) participants stated that their sexual identity and/or orientation was not disclosed by other students; 13 (28.9%) occasionally; 7 (15.6%) often; 5 (11.1%) very rarely; 3 (6.7%) always experienced this situation.



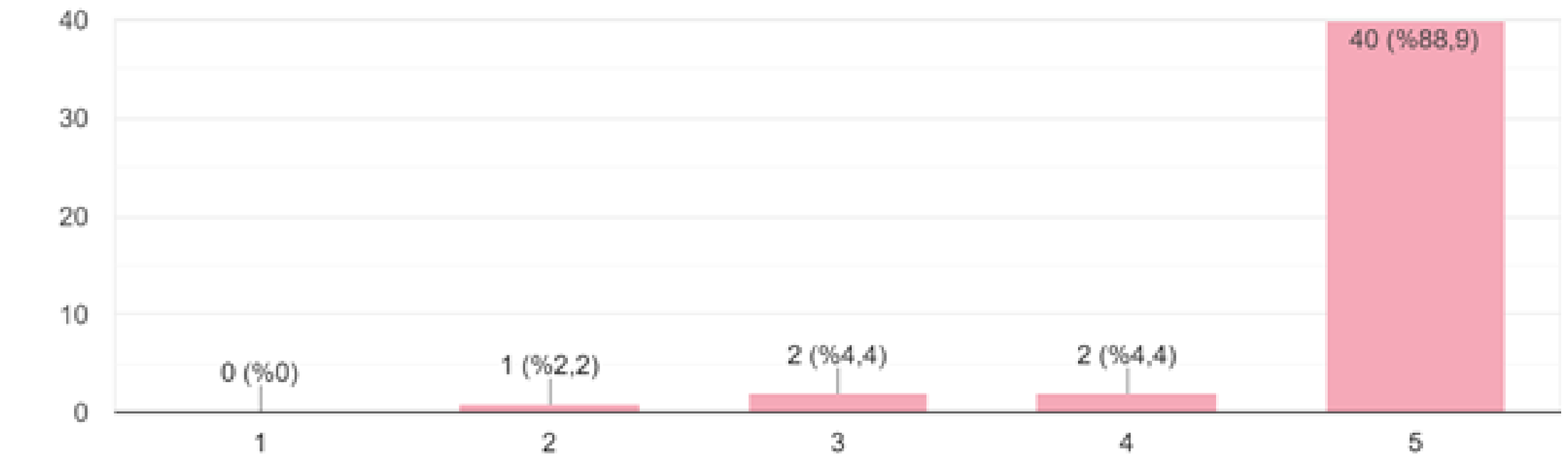
While 12 (26.7%) participants "frequently" witnessed that their other trans+ friends were exposed to violence and discrimination on campuses; 11 (24.4%) "never", 10 (22.2%) "always"; 8 (17.8) "occasionally"; 4 (8.9%) very rarely witnessed such situation

7. DEMANDS AND SUGGESTIONS OF TRANS+ STUDENTS

In this section, the participants were asked for suggestions and how they would feel when improvements were made.

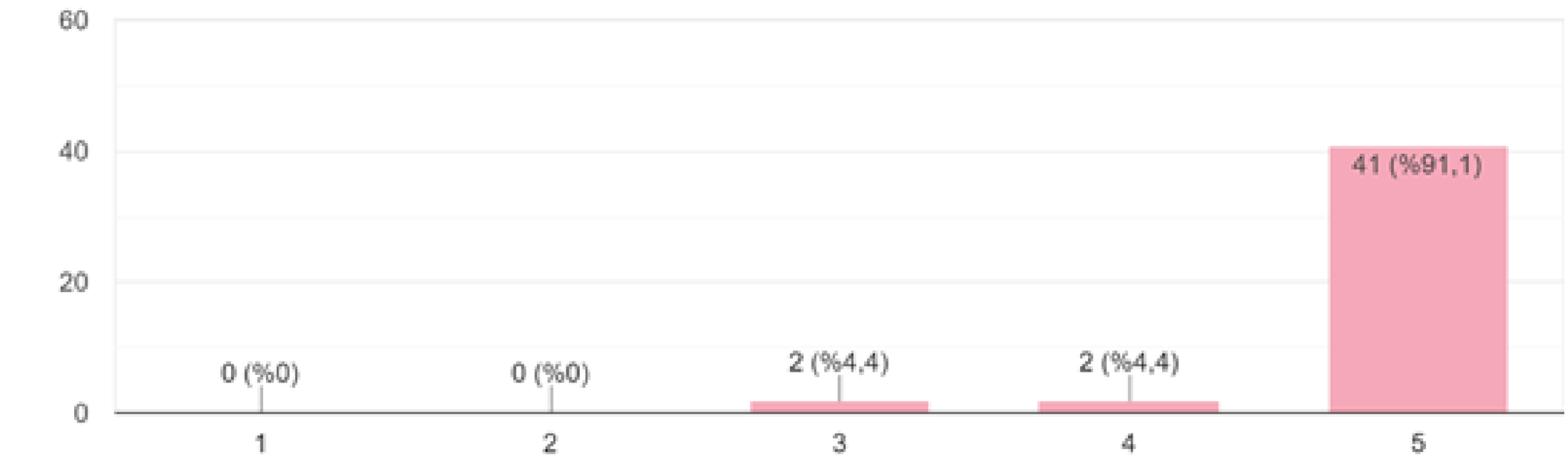
36 (80%) of the participants stated that they would always feel better and safer if they could stay in a gender-neutral dormitory or room.

36 (85.7%) participants stated that they would always feel safer if there was a unit for the prevention of sexual harassment and assault at their university or (if there is) if it would process more effectively.

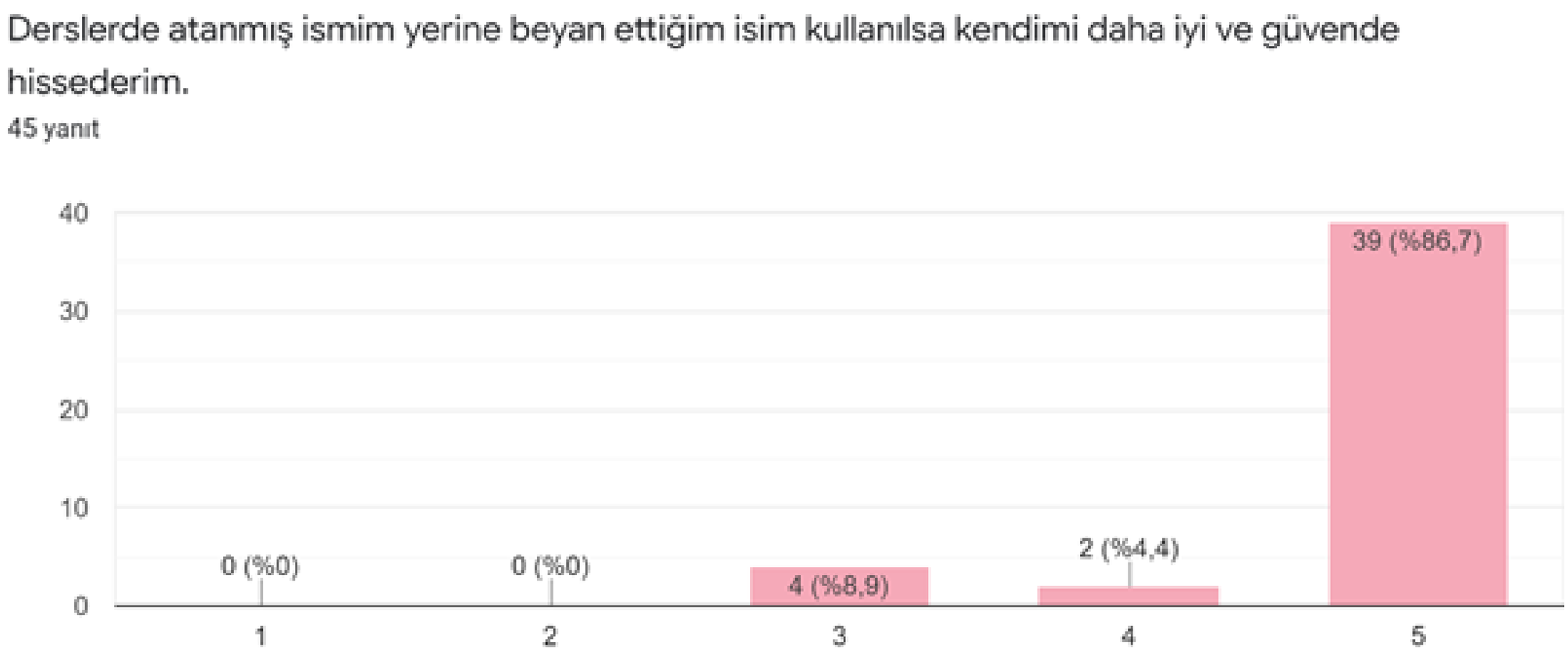


40 (88.9%) participants stated that they would always feel better and safer when there is an official and actively working LGBTIQA+ club in their universities.

40 (88.9%) participants stated that they would always feel better and safer if there were gender-neutral toilets in their faculty buildings.



41 (91.1%) participants stated that they would always feel better and safer if the course contents (syllabuses, readings, slides, etc.) were inclusive.



39 (86.7%) participants stated that they would feel better and safer if their assigned names were not used in the lessons.

"As a trans-nonbinary, non-religious, vegan Kurdish living in Malatya, I don't know what discrimination and trauma to talk about. I just wish that we get stronger with our solidarity and rewrite the rules and codes."
-Participant 26

8. CONCLUSION

In the light of the analyzes of the study, which aims to monitor the transphobia and discrimination that trans+ students are exposed to in universities, to bring up the challenges they experience, to proclaim their demands and needs, to enable creating solutions and reparative measures together with the subjects and decision makers, various results have emerged regarding different topics such as campus security, relations between faculty members, university administration and staff, and students. These results also support findings of previous researches and reports*. It is noteworthy that none of the respondents answered "never" or "very rarely" to the question of how often trans+ students experience discrimination at universities. Fifteen (33.3%) of the people who participated in the research said that they could "very rarely" experience their sexual identity and sexual orientation on campus without any fear; expressed 13 as "occasionally" (28.9%). There were 10 (22.2%) participants who answered “never”. Only 3 participants stated that they could live their sexual identity and sexual orientation without any reservations.

According to the results, the three places with the highest discrimination on campus are classrooms, toilets and dormitories/guesthouses, respectively. 3 participants stated that they could not get any results in the applications made to the university administration when they were subjected to discrimination and harassment in the university. 13 participants stated that their gender-neutral toilet requests were rejected by the university administration. Another important data on campus security is how safe trans+ students feel on campus while 12 (26.7%) of the participants expressed the feeling of safety when they are alone on campus as “often”, 12 (26.7%) as “occasionally”; there were 7 (15.6%) participants who answered “never”. The number of participants who stated that they felt safe alone on campus was only 4 (8.9%). When asked how safe they felt when they were with their friends, the answers varied significantly. 20 (45.5%) of the participants stated that they would often feel safe when they were with their friends on campus; 14 (31.8%) always; 5 (11.4%) very rarely; 4 (9.1%) occasionally, and only 1 (2.3%) never felt safe.

See. “Üniversitelerde LGBTİ+ Eşitliğinin İzlenmesi 2020 Raporu”, GençLGBTİ+, 2021; Türkiye Üniversitelerinden Mezun Olan Transların, Cinsiyet Geçiş Sürecinin Ardından Üniversite Belgelerinin Değiştirilmesi Taleplerine Üniversitelerin Yaklaşımı, KAOSGL ve 17 Mayıs, 2021; LGBTİ+ Yurt Deneyimleri, GençLGBTİ+, 2018; LGBTİ+ Gençler Öğrenci Yurtlarından Ne İstiyor?; GençLGBTİ+, 2018; Eğitimde Cinsel Kimlik Ayrımcılığına Son!, KAOSGL 2010.

In addition to academic education, universities should consider the establishment of student clubs and sports clubs as an essential part of university life in order to support the social, cultural and academic development of students. Likewise, it is stated in the regulations on student clubs of many universities that such community and club activities aim to increase the quality of students' university life.

However, when we look at the results of the research, student clubs and sports clubs in universities are not seen as completely safe spaces for trans+ students. On the contrary, it has been revealed that trans+ students hesitate to join communities and clubs because of the fear of facing discrimination and transphobia. While 11 (24.4%) participants were often reluctant to join a student club or sports club due to the fear of facing discrimination; 7 (15.6%) participants stated that they always live; 8 (17.8%) occasionally living; the number of participants who experienced this feeling very rarely was 10 (22.2%); the number of participants who stated that they have never experienced such anxiety is 9 (20%). Considering the discrimination and normative practices experienced by trans+ people in these cis-heteronormative conditions, LGBTIQA+ communities in universities are essential in terms of subjects' feeling well, empowering and socializing. However, in participants' comments on the LGBTIQA+ communities in universities, 12 participants stated that they were restrained by the university administration when they wanted to found an official LGBTIQA+ club in their universities.

When we look at the relations with the lecturers, one of the biggest problems is that the lecturers allow discriminatory comments and hate speech to be made in the classes. 14 (31.1%) of the participants stated that the lecturers "often" allowed discriminatory comments and hate speech to be made. 10 (22.2%) stated that those were "never" allowed, and 9 (20%) participants stated that discriminatory comments and hate speech were "always" allowed. When the faculties of the participants who answered as "always" and "often" to this question are examined, the Faculty of Arts and Sciences, the Faculty of Social Sciences and the Faculty of Education stand out. The second most common problem is that lecturers address trans+ students with their assigned names and with the pronouns of their assigned gender in courses where the language of lectures is not Turkish. 15 (33.3%) of the participants stated lecturers "always" used their assigned name or the pronoun of assigned gender in non-Turkish courses; 13 (28.9%) "often" encountered this situation, 6 (13.3%) stated that they have never experienced this.

It is important for the faculty members to make the course content more inclusive and up-to-date, to impose sanctions against hate speech and discriminatory comments, to ask students for their names and the pronouns they use in classes that are not taught in Turkish, and to make classrooms a safe space.

In the relations with the university administration and staff, the participants stated that they were exposed to discrimination by the administrative and security personnel, but they could not get a response from the complaint mechanisms or the process was not well run. 15 participants stated that they were discriminated against by the administrative staff, while 13 participants stated that they were harassed and mocked by the security personnel. However, when we look at the complaint mechanisms, 18 (40%) of the participants stated that there is no unit for the prevention of sexual harassment and assault in their university where they can report harassment and discrimination, 15 (33.3%) have no idea whether there is a unit or not, 12 (26%) 7) stated that they have a unit in their universities. Based on the data, when an examination is made on the universities of the participants, the lack of knowledge of the participants emerges. Of the 18 participants who stated that there is no unit for the prevention of sexual harassment and assault in their university, 10 have a unit in their universities. Similarly, 11 of the 15 participants who had no idea about that have a unit at their university. Among the 20 universities where the students participating in the research study, there are only 5 universities that have active websites and effectively explain the ways of applying to units for the prevention of sexual harassment and assault. Facilitating the way students can get information about those units, establishing websites that contain up-to-date information and explain the application routes in detail is one of the steps to be taken to ensure that campuses are safe spaces for students. Methods such as confronting the harasser, not protecting the privacy of the complainants, and punishing the complainant should urgently be stopped.

To the question of whether they are worried about having their assigned names in their diplomas, to which 36 of the participants answered, 17 (47.2%) participants stated that they were always concerned about this issue, while 7 (19.4%) participants stated that they did not have any concerns about this issue. When two participants applied for a name change in the diploma, they stated that the process was extended and postponed. Considering this situation, it is required to make adequate changes and regulations to address the concerns of trans+s students in the research.

Considering the relations with other students, although a more positive picture emerged compared to the problems experienced with the lecturers and university administration, 14 (31.1%) of the participants stated that they frequently feel that they are not accepted by cisgender students, while 11 (24%, 4) occasionally; 8 (17.8%) always; 7 (15.6%) very rarely; 5 (11.1%) stated that they never felt this. While 40 (88.9%) participants stated that they were never exposed to physical violence based on their gender identity by other students on campus; 12 (26.7%) participants stated that their other trans+ friends were often exposed to gender-based violence and discrimination; 10 (22.2%) always; 8 (17.8) of them stated that they occasionally witnessed gender-based violence towards their trans+ friends.

Finally, the participants were asked how they would feel when certain improvements were made. Almost all of the participants stated that they would feel better and safer if they could stay in a gender-neutral dormitory and room, if their university had an effectively working unit for the prevention of sexual harassment and assault, if there were gender neutral toilets in the department and faculty buildings, if there was an official and actively working LGBTIQA+ club, if the course contents (syllabusses, readings, slides, etc.) were inclusive, and if their assigned names and pronouns were not used in the lessons.

9. INTERNATIONAL AND NATIONAL LEGISLATION ON THE RIGHT TO EDUCATION

9.1. INTERNATIONAL LEGISLATION

9.1.1. United Nations System

One of the most significant international conventions which regulates education right is UN International Covenant on Economic, Social and Cultural Rights. The convention has been law in force in Turkey since 1976. 13th, 14th and 15th articles of the convention regulate education right. It can be clearly understood from the articles that education needs to be inclusive, free, accessible, equal, liberal, based on human rights and in harmony with all these values. In the 13th General Comment, UN Committee on Economic, Social and Cultural Rights includes the prohibition of discrimination in education. The committee highlights that any disadvantageous groups shouldn't be discriminated on access to the education, scholarship opportunities, positive measures, standards of education, academic autonomy, curriculum or legislation[1]. Also, the committee aims gender equality[2]. In the 20th General Comment[3], the committee expresses that necessary regulations need to be made in the legislation because the hosts may discriminate on sexual orientation. Moreover, it is added that the term 'other status' in the article of prohibition of discrimination includes transgender and intersex[4].

Education right is in 10th article of UN Convention on the Elimination of All Forms of Discrimination against Women. The convention has been law in force in Turkey since 1981. In the 10th article, it has been ensured that discrimination against women must be ended and positive measures must be taken in all educational grades. In the 28th General Comment, UN Committee on the Elimination of All Forms of Discrimination against Women makes recommendations about general obligations of the governments. It is stated that gender-based violence has different impacts on LGBTI+ individuals.

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[1]Committee on Economic, Social and Cultural Rights, 20th General Comment, E/C.12/1999/10.
[2]Op.cit. 55th paragraph
[3]Committee on Economic, Social and Cultural Rights, 20th General Comment, E/C.12/GC/20, 2009, 11th paragraph.
[4] Op.cit 32th paragraph.

For this reason, governments need to prohibit discrimination, fulfil legal needs, take positive measures, develop a policy and interiorize all these with programs[5].

In LGBTQI Inclusive Education Index, The International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organisation (IGLYO) has noted that there aren't any antidiscrimination laws in education, inclusive official curriculum, awareness training for teachers, data collection of bullying/harassment, support systems, national policies or action plans[6].

In the report prepared by ILGA Europe, Transgender Europe and OII-Germany [7], it is pointed out that there's very little data or work on discrimination against intersex. However, OII-Germany remarks some concerns of intersex: absence because of surgery operations, tenseness, bullying, harassment, unawareness of educators and directors, discriminatory legal regulations, areas designed just for binary gender system. Similar educational problems of transgender are also stated in the report.

Turkey isn't a contracting party of UN Convention Against Discrimination in Education which was adopted by UNESCO in 1960. However, in the UNESCO report, there are new declarations and recommendations on SOGI-based discriminations experienced in education all over the world. Here are some of the recommendations[8]:

- SOGI-based violence should be systematically monitored.
- An inclusive curriculum and learning materials should be prepared.
- Support should be given to teachers and other education workers.
- Safe and supportive school environments should be provided.
- Accurate information should be disseminated through campaigns and partnerships with non-governmental organisations.
- Established mechanisms should be audited.

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[5]CEDAW/C/GC/28, 2010, 18th Paragraph. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement (Date of access:02 June 2021)

[6]LGBTQI Inclusive Education Index, IGLYO, 2018. https://www.education-index.org/country/turkey (Date of access:02 June 2021)

[7]Avrupa Komisyonunun Eğitimde ve Mal Hizmetlerinde Toplumsal Cinsiyet Ayrımcılığına İlişkin Ortak Durum Değerlendirmesi, Aralık 2010.

[8]SOGI Based Violence in Education Sector, UNESCO, 2016. https://www.ungei.org/sites/default/files/Out-in-the-open-Education-sector-responses-to-violence-based-on-sexual-orientation-and-gender-identity-expression-2016-eng.pdf (Date of access: 02 June 2021)

Education right is also issued in the 28th and 29th articles of Convention on the Rights of the Child. Committee on the Rights of the Child recommends [9] governments to take action to protect LGBTI+ teenagers against all kinds of violence, discrimination and bullying by implementing safety and support systems and raising public awareness. In the same report, it is also mentioned that isolation and stigmatization may cause them to be absent from or leave the school or commit suicide in extreme cases.

In Inclusion, Equity and Education Right Report[10] of the Special Rapporteur on the right to education, the matter of discrimination in education is scrutinized. Although the principals against discrimination in education are stated repeatedly, LGBTI+ isn't included in the report which includes thirteen different disadvantageous groups. However, in Sexual Education report of the Special Rapporteur[11], in the 23rd paragraph, it is stated that sexual education needs to include sexual orientation and gender identity.

9.1.2. European Council System

When we have a look at the European Council Legislation, education right is issued according to the 2nd article of the 1st Additional Protocol to The European Convention on Human Rights. Turkey signed the agreement in 1952 and approved it with the law 6366 in 1954. However, in order not to contradict with Law on Unification of Education, Turkey made a reservation on the article of education right. The prohibition of discrimination is issued in the 14th article of ECHR. According to the article, holders of the rights need to be provided with all the contractual rights indiscriminatingly. The restrictive rule, which requires relating the claim on violation of prohibition of discrimination with other contractual rights in the agreement, has been revised with 12th Additional Protocol. Turkey signed the agreement in 2001, but hasn't approved yet. As a result, the protocol does not have legal power.

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[9]https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f20&Lang=en (Date of access: 07 June 2021)
[10]https://undocs.org/A/72/496 (Date of access: 07 June 2021)
11]https://undocs.org/A/65/162 23. Paragraf. (Date of access: 07 June 2021)

European Social Charter, which was opened for signature in 1961 and revised and renewed since 1996, there are provisions regarding education in articles such as the right to work, the right to protection of young people and children, the right to vocational training, the right to equality in the field of employment, the right to protection against social exclusion and poverty. The Charter has been in force for Turkey since 2007.

Recommendation CM/Rec(2010)/5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity includes important articles related to educational field among recommendations [12]:

- "Member states should take appropriate measures to guarantee the full legal recognition of a person's gender reassignment in all areas of life, in particular by making possible the change of name and gender in official documents in a quick, transparent and accessible way; member states should also ensure, where appropriate, the corresponding recognition and changes by non-state actors with respect to key documents, such as educational or work certificates." (21th paragraph)
- "Taking into due account the over-riding interests of the child, member states should take appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; this includes, in particular, safeguarding the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity." (31th paragraph)
- "Taking into due account the over-riding interests of the child, appropriate measures should be taken to this effect at all levels to promote mutual tolerance and respect in schools, regardless of sexual orientation or gender identity. This should include providing objective information with respect to sexual orientation and gender identity, for instance in school curricula and educational materials, and providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender identity. Furthermore, member states may design and implement school equality and safety policies and action plans and may ensure access to adequate anti-discrimination training or support and teaching aids. Such measures should take into account the rights of parents regarding education of their children."(32. paragraph)

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[12]https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a, (Date of access: 04 June 2021)

Parliamentary Assembly of the Council of Europe noted violation of right on sexual orientation and gender identity in educational field, stigmatization and discrimination in Recommendation 1728 (2010)[13] In the section of legal gender recognition part of the Recommendation 2048 (2015) [14] related to the discrimination against transgender, there are following statements: “develop quick, transparent and accessible procedures, based on self-determination, for changing the name and registered sex of transgender people on birth certificates, identity cards, passports, educational certificates and other similar documents; make these procedures available for all people who seek to use them, irrespective of age, medical status, financial situation or police record”. In the Recommendation [15] 2097 (2016) of Parliamentary Assembly of the Council of Europe, it is signified that LGBTI+ people must be respected, objective information about SOGI must be promoted, necessary measures must be taken against bullying for the access to the quality education.

In the 4th article of Council of Europe Convention on Preventing and Combating Violence Against, Women and Domestic Violence (İstanbul Convention), there has been the most extensive prohibition of discrimination regulation among international human rights conventions so far. According to the article, it is ensured that the measures for protecting the rights of victims will be taken without sexual orientation and gender-based discrimination. According to the 14th article, entitled as education, of İstanbul Convention, governments will ensure to include such topics as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence in in formal curricula and at all levels of education.

In the 2nd sub-article, stated topics are noted to be extended at sports, culture, entertainment facilities and media besides education. However, Turkish Republic, which signed the convention firstly, will abolish the convention with the decision of the President on 1st July, 2021

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[13]https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17853&lang=en, (Date of access:04 June 2021)
[14]https://pace.coe.int/pdf/d553e6df013e8a0c8d587204abdc69e4c66e8875191093ea7788766390d33743/resolution%202048.pdf (Date of access:04 June 2021)
[15]http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22510&lang=en (Date of access:04 June 2021)

Presidency of the Republic of Turkey Directorate of Communications has clearly expressed that the reason of the abolishment of the convention is *"the convention's being manipulated by those who are incompatible with social and family relations of Turkey and trying to normalize homosexuality."*[16]. It is concerned that, the situation for LGBTI+ rights, which already has major problems in Turkey, seems to get worse.

In the fact sheet published in 2021, European Commission against Racism and Intolerance proposed topics of intolerance and discrimination against LGBTI+ people to be included in the curriculum of universities[17].

The European Court of Human Rights, on the other hand, decided that the punishment of a group for leaving a statement containing hateful words in the lockers of high school students did not violate the freedom of expression. In the statement in question, it is said that homosexuality is a perverted tendency and calls are made to fight against homosexual tendencies [18]. The European Committee of Social Rights has set as a standard that educational materials should not include prejudice, discrimination and exclusion. In one of his decisions [19], the state considered the reading of a biology book which shows homosexuality as abnormal, as a violation of the prohibition of discrimination.

9.1.3. The Yogyakarta Principles

Education right of LGBTI+ people is issued in the 16th article of the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles [20], which was prepared by human rights specialists with the meetings in Yogyakarta, Indonesia between 6th-9th November, 2006. There are ten obligations for governments such as curriculum, educators, school atmosphere, attendance, discipline, accessibility, etc. in the article. As Yogyakarta Principles isn't an international convention, it isn't open for signature or obligatory. However, it needs to be taken into consideration by governments as it is the most significant document in terms of human rights for LGBTI+ people.

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[16]Turkish Text: https://www.iletisim.gov.tr/turkce/haberler/detay/turkiyenin-istanbul-sozlesmesinden-cekilmesine-iliskin-aciklama (Date of access: 07 June 2021)

[17]Factsheet on LGBTİ İssues, 2021, 16th paragraph. https://rm.coe.int/ecri-factsheet-lgbti-issues/1680a1960a (Date of access: 04 June 2021)

[18]Case of Vejdeland and Others/Sweden, App. No: 1813/07, 2012.

[19]European Committee of Social Rights, INTERIGHTS/Croatia, App. No: 45/2007, 2009.

{20]https://yogyakartaprinciples.org/ (Date of access: 04 June 2021)

9.A. Gender-Neutral Toilet Request

Another important issue is that Trans+ people can use the gender-segregated toilets and similar areas without any problems, and the establishment of genderless alternatives for these areas. The European Commission's report[21] entitled Transgender and Intersex People's Right to Equality in Europe criticizes the lack of alternatives and legal protection in public or private businesses for toilets, changing rooms and facilities established according to the binary gender regime. Gender-neutral toilets are spreading in public spaces in countries around the world[22]. Areas such as toilets, bathrooms and locker rooms should not be neglected when evaluating Trans+ people's right to education and housing. This demand must be fulfilled in order to establish safe and non-discriminatory education and accommodation institutions.

9.B. Right of Dormitory

Although a different title as “dormitory right” does not take part in literature for today, it is closely related to education right and housing right. It is possible for many principles related to the using and fulfilment of education right to be applied for dormitory right, too. Housing right is issued in the 11th article UN International Covenant on Economic, Social and Cultural Rights, 27th article of UN Convention on the Rights of the Child, 17th article which regulates privacy right of International Covenant on Civil and Political Rights. Housing right is also issued as part of respect to privacy right in the 8th article of ECHR. Committee on Economics, Social and Cultural Rights specifies the most significant 7 elements of suitable housing right [23]. Some of these elements are legal protection of usage right, availability and cultural competence. In this regard, dormitory right of transgender needs to be identified and available, governments need to ensuring the safety of dormitories, restrictive laws need to be abolished.

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[21]European Commission, Trans and Intersex Equality Rights in Europe, https://ec.europa.eu/info/sites/default/files/trans_and_intersex_equality_rights.pdf, (Date of access:18 June 2021)

[22]https://en.wikipedia.org/wiki/Unisex_public_toilet#Legislation_and_country_examples, (Date of access:18 June 2021)

[23]Committee on Economics, Social and Cultural Rights ,4th General Comment, 1991.

9.2. NATIONAL LEGISLATION

In the 10th article of the Constitution [24], the equal protection of law and certain groups and topics which require protection against discrimination are issued. Although the term "sex" is mentioned among these, terms of "sexual orientation" and "gender identity" aren't mentioned. However, it is specified that "any such grounds" phrase includes sexual orientation and gender identity discrimination[25]. Even so, and SOGI terms are needed to be added to the article to clearly prohibit discrimination and brace for anti-discrimination. The situation is the same for international conventions of human rights. For example, in the Article 2 of the UN International Covenant on Civil and Political Rights, Article 2 of the UN Covenant on Economic, Social and Cultural Rights, Article 14 of the European Convention on Human Rights, it is approved that "any such grounds / other status" phrases include it. In the case of Salgueiro Da Silva Mouta/Portugal [26], ECHR stated that discrimination of sexual orientation is prohibited even if it isn't issued in the convention. In terms of gender identity, the same determination was made in the case of P.V / Spain [27]. The 4th article of Council of Europe Convention on Preventing and Combating Violence Against, Women and Domestic Violence (İstanbul Convention) is the only exception. In this article terms of "sexual orientation, gender, gender identity" are clearly stated. With the rules of principle of equality or prohibition of discrimination which are issued in these articles, it is aimed to assure that everyone is to have equal rights without discrimination and positive measures are to be taken for those who need support to attain these rights.

It is crucial to state that, according to the last sub-article of the 90th article of the Constitution, international agreements duly put into effect have the force of law when it comes to fundamental rights and freedoms.

Education right is assured in the Constitution and regulated with laws.When we have a look at the 42th article of the Constitution, there is no prohibition of discrimination related to attaining education right contrary to many international conventions above. In that case, the rule

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[24]https://www.anayasa.gov.tr/en/legislation/turkish-constiution/ (Date of access: 04 June 2021)

[25]Turkish Constitutional Court , Case of Sadıka Şeker, App. No: 2013/1948, 59th Paragraph; : Turkish Constitutional Court, Case of Kamil Çakır , App. No: 2013/997, 45th Paragraph.

[26]Salgueıro Da Sılva Mouta/Portugal, App. No: 33290/96, 1999.

[27]P.V/Spain, B. No: 35159/09, 2010.

Kin the 10th article is valid for education right, too. When the 42th article is analyzed, there is not such an emphasis that education needs to be based human rights, tolerance and peace. In the 130th article of the Constitution, establishment of state or private universities, their aims, academic autonomy, election of deans / rectors, and their budget are issued. In Article 131, the Council of Higher Education, which has great supervisory, planning and management powers over universities, and whose members are all appointed by the President of Republic of Turkey or directly elected, regulates the Council of Higher Education. In Article 57, there is the right to housing, which we can refer to in the context of the right to stay in the dormitory. In this article, it is stated that the state should take measures to meet the housing needs.

The purpose of the Higher Education Law No. 2547 [28] stated in its 1st article: *"To determine the aims and principles related to higher education and to organize the organization, functioning, duties, authorities and responsibilities of all higher education institutions and higher education institutions and the principles related to education, research, publication, teaching staff, students and other personnel in a whole."* Purpose of higher education is listed at length in Article 4 of the Law. Some expressions here are used against LGBTI+s, even if this is not the direct reason for their use. Some of these expressions are "*national, spiritual, moral, cultural values; developed in a balanced and healthy way in terms of mind, spirit, morality and emotion".* These and similar expressions are used to legitimize many anti-LGBTI+ discourses, behaviors and policies in Turkey and around the world. Likewise, while the "main principles" regulated in Article 5 include concepts such as "adherence to national culture, customs and traditions", concepts such as "discrimination", "peace" and "gender equality" do not.

In the ninth section of the Higher Education Law, the procedures of disciplinary and criminal matters are regulated for the teaching staff. In paragraph 53/2-m of the Law, it is stated that the act of "printing, duplicating, distributing or displaying or hanging any of the notices, posters, placards, tapes and the like with the aim of violence or hatred in terms of their content" requires a reprimand sentence. The prohibition of discrimination is only included in the 53/4-h clause of the same section of the law, which consists of 68 articles, 45 additional articles and dozens of provisional articles.: "To discriminate against language, race, color, sex,

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[28]Turkish Law Text: https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2547.pdf

political opinion, philosophical belief, religion and sect in the performance of the duty, to act against the requirements of the duty and to act aiming at the benefit or harm of the persons." is regulated in such a way as to require the penalty of stopping the progress of the level or deduction from more than one wage. Here, the forms of discrimination are listed as limited and no protection is provided against discrimination based on sexual orientation and gender identity. The fact that discrimination is not subject to a deterrent sanction creates the potential to be the source of many rights violations. Those working as civil servants at the university are subject to the Civil Servants Law No. 657 in terms of disciplinary provisions. It is known that the aforementioned law does not provide protection against discrimination.

Disciplinary provisions concerning students are included in the Higher Education Institutions Student Discipline By-Law published in the Official Gazette No. 28388 and dated 18.08.2012. Among the acts requiring disciplinary punishment in the regulation, there are no provisions that must be in place for the protection and support of transgender+ people, such as discriminating, stigmatizing, and hate speech. Thus, it was preferred that there be no sanctions for the possible actions such as SOGI-based bullying, discrimination and hate speech among students. This situation itself is the source of rights violations.

The Academic Organization By-Law in Universities published in the Official Gazette No. 17609 determined the duties, powers and responsibilities of the rector, the senate, the university administrative board, the dean, the faculty board and the faculty administrative board. Among these, only the duty of the rector and the dean to "provide social services to students" can be considered as rights-based. However, no definition has been made regarding the conditions, situations and how this service will be provided. It is important that the tools for anti-discrimination are as clear as they are recognized. Definitions that are vague and detailed give unlimited discretion to the administration.

Article 4 of the Medico-Social Culture and Sports Affairs Office Implementation By-Law published in the Official Gazette No. 18301 aims to protect the physical and mental health of the students, to treat the sick or to have them cured, to spend their free time according to their areas of interest, such as accommodation, nutrition, work, rest, to provide services that will enable them to gain new areas of interest, to improve their health and social status, to develop their abilities and personalities in a healthy way, and to train them as individuals who take care of their mental and physical health, is referred to as gaining.

[29] https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2547.pdf

The office, which provides guidance and counseling services to students, is also the most important addressee of student societies/clubs in many universities. While important duties are given to the office in the By-Law, there is no duty or emphasis on combating discrimination, stigma and harassment. In fact, it is possible to carry out studies and provide services to combat them while fulfilling written duties. However, the situation is thus left to the initiative of the administration, and the results of the survey within the scope of this study show that universities do not carry out activities in this direction.

The crime of preventing the right to education is regulated in Article 112 of the Turkish Criminal Code No. 5237. According to the law; *"By using coercion or threat or any other unlawful act; the perpetrator shall be sentenced to imprisonment from two years to five years, in the event that all kinds of education and training activities established by the state or carried out based on the permission given by the public authorities, the exercise of the right to education and training, entering or staying in the buildings where the students live collectively or their annexes are prevented."* Although hate and discrimination crimes are regulated in Article 122 of the Turkish Criminal Code, SOGI is not among the areas protected against discrimination and hate. Due to the principle of legality in criminal laws, the phrase "and other similar reasons" was not included. However, the legal regulation has been criticized for the difficulty of proving both discrimination and hate motivation for the crime to occur, and for the fact that the acts considered as crimes do not cover the areas where hate crimes are common.

9.2.1. The Ombudsman Institution and The Human Rights and Equality Institution of Turkey

The Ombudsman Institution, established with the Law No. 6328, is the complaint mechanism dealing with the functioning of public services. The institution consists of the chief auditor, 5 auditors and the secretary general. These people are elected by the Turkish Grand National Assembly. In the law, it is stated that all kinds of actions, transactions and attitudes and behaviors of the administration will be examined in accordance with the law and equity, within the understanding of justice based on human rights. The institution makes a decision as a recommendation to the administration.

One of the fields of activity of the Human Rights and Equality Institution of Turkey, which was established with the Law No. 6701, is the prevention of discrimination. The Institution consists of the Board and the Presidency. All members of the Board and the President are appointed by the President. An application can be made to the Institution regarding the violation of the prohibition of discrimination. If the institution decides that the prohibition of discrimination has been violated, it can impose administrative sanctions. However, although the prohibition of discrimination regulated in the law does not include the concepts of SOGIIC, the forms of discrimination are limited. Due to this regulation and the case law created by the institution, it is not an effective mechanism for LGBTI+s.

9.C. Right of Dormitory and Scholarship/Credit Opportunity

National legislation regarding the dormitories of university students is determined by Higher Education Credit and Dormitory Services Law No. 351, Decree Law No. 638, Ministry of Youth and Sports Dormitory Services By-Law, Higher Education Private Housing Services By-Law.

The responsibility of the state-owned higher education dormitories lies with the Ministry of Youth and Sports in accordance with the Decree Law No. 638 published in the Official Gazette No. 27958. Within the same decree law, the duties of the ministry include *"to determine policies that support the personal and social development of youth, to enable young people to realize their own potential by taking into account the needs of different youth groups, to develop proposals to ensure their effective participation in all areas of social life with decision-making and implementation processes, and to carry out activities accordingly, to carry out coordination and cooperation in the services of the relevant institutions concerning the youth".* However, there is no legal regulation regarding the development of the aforementioned policies, services, participation processes and activities to include transgender+ people. Such regulations, which do not explain the concepts they contain in detail and do not reveal their purpose clearly, are insufficient for disadvantaged groups.

Disciplinary penalties are regulated in Article 21 of the Dormitory Services By-Law of the Ministry of Youth and Sports, which regulates admission conditions to public dormitories, the quantity, quality and administration of dormitories, and disciplinary procedures. In subparagraph h of article 23, the penalty for "acting in behaviors and actions that do not comply with the general moral rules, provoke the person or society, hang pictures and posters" is determined as reprimand.

Expressions such as public morality are vague expressions that are often used against LGBTI+s and used as an excuse for punishment, stigmatization or discriminatory treatment. Such articles, which may be a reason of violation of rights, should be clearly defined and changed or removed. In subparagraph f of the article 24, it is stated that: *"Being behaving contrary to the qualifications of the State of the Republic of Turkey stated in the Constitution, hanging or using flags or symbols, singing marches, holding a sit-in, carrying or hanging banners with the aim of harming or distorting the feelings of national unity and integrity, The penalty for the act of organizing demonstrations, meetings, ceremonies, making statements, participating or forcing people to participate for ideological or political purposes was determined as expulsion from the dormitory"* The concerns mentioned for the previous article are also valid for this article. The penalty for the act of "*writing, painting, hanging, hanging or distributing posters, posters and similar items anywhere within the dormitory buildings and facilities or on its outer walls for ideological purposes*" in subparagraph g of the same article is also expulsion from the dormitory, too. Whereas, subparagraph c of the previous article regulating the situations requiring the punishment of reprimand includes the action of "posting or distributing unauthorized notices, posters or banners in dormitory buildings and facilities". The fact that two different sanctions are foreseen against these two actions, which are almost the same, will pave the way for the arbitrary act of the administration and it lacks the principle of legal certainty. On the other hand, the rules mentioned in this paragraph lead to disproportionate restrictions on the freedom of expression or freedom of assembly and demonstration of dormitory students. However, when the 13th, 25th, 26th and 34th articles of the Constitution and human rights law norms are observed, it is possible to restrict the freedom of expression or the freedom of meeting and demonstration, which is its collective form, in certain situations. These cases are; hate speech, calls to hate or violence, acts of violence, attacks on human rights. Legislation should be drafted in such a way that no arbitrary interference takes place, except for restrictions envisaged by law, having a legitimate aim and are necessary and proportionate in a democratic society. Finally, it should be noted that there is no rule regarding the protection of transgender+ students in dormitories against discrimination, stigmatization, harassment and violence. This is both a lack of policy and the cause of rights violations.

The procedures and rules regarding the establishment, operation and supervision of private accommodation institutions are regulated in the Higher Education Private Housing Services By-Law. It has been stated that accommodation institutions can be in the form of dormitories, hostels or apartments. According to the 6/1 article of the By-Law, it is possible to open accommodation institutions for “only female and only male” students. This situation causes transgender+ people to experience problems in dormitories, as in all areas that are segregated according to the gender binary. It ignores people who are not men or women. In order to solve these problems, it is necessary to take the genders of the people as declared instead of the genders recorded in the population records as the basis, and to create genderless safe spaces in the dormitories. In the 26/3 article of the By-Law, it is stated that the rooms can be planned as at least one or three people. It has been publicly discussed that this amendment made in the By-Law in 2017 was made to intervene in homosexual relationships. In addition, in Article 26/4 of the By-Law, it is stated that “the institution takes measures to prevent the hanging of political banners, flags, symbols and similar actions in the rooms in a way that will provoke hatred and enmity among the students staying in the institution and disrupt the institution's order”. Against this ambiguous article, it is unclear how LGBTI+'s freedom of expression and right to respect for private life will be protected. For example, what will be done if a dormitory administration defines the transgender+ flag or a badge on the board as political? Detailed and clear definitions of such restrictive arrangements should be made with a view to protecting fundamental rights and freedoms.

In accordance with Article 47 of the Higher Education Law, universities are obliged to provide places such as accommodation, sports, social and cultural facilities, dining halls, workplaces, guidance and health centers. In this direction, universities can open their own dormitories. The administration of these dormitories is the responsibility of the university they are affiliated with and is managed in accordance with its secondary legislation. However, as long as there are missing and faulty points in the national legislation, it is not possible to solve the violations of rights in such alternative areas [30].

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[30]. For example: Monitoring of LGBTI+ Equality in Universities Report, https://genclgbti.org/multimedya/, Young LGBTİ+ Association, 2020.

Legislation on granting scholarships and loans to higher education students, Law No. 5102 on Granting Scholarship and Loan to Higher Education Students, Credit and Dormitories Institution Education Loan By-Law published in the Official Gazette No. 22881 and dated 18.01.1997 and Official Gazette No. 25563 and dated 24.08.2004, consists of the Higher Education Credit and Dormitories Institution Scholarship Credit By-Law. In these provisions, there is no legal regulation that includes a positive measure that will facilitate transgender+ people to benefit from scholarship opportunities.

9.D. LGBTI+ Student Clubs and Pride

One of the rights violations experienced in universities is the prevention of the establishment of LGBTI+ student societies that want to carry out peaceful activities and pride parade. Freedom of association is protected in Articles 33, 34, 51, 54, and 68 of the Constitution, Articles 21 and 22 of the Covenant on Civil and Political Rights, and Article 11 of the European Convention on Human Rights. Student societies are the most important part of this freedom area within universities. The procedures and rules regarding the establishment of student societies are determined by the secondary legislation of the universities. Considering this legislation, associations, foundations, etc. in national law, it is seen that there are even more stringent conditions than establishing organizations. For example, while 25-30 students can come together and form a community in universities, foundations can be established with one person, associations with 7 people, and political parties with 30 people. In addition, the administration does not have the right to reject the application if the organizations mentioned above apply in accordance with their own legislation. However, the establishment of a student community in universities depends on the approval of the administration and relevant bodies. Such restrictions are not obligatory and proportionate in a democratic society. The criteria set by the ECtHR also point to this [31]. The prohibition and interference of pride parades planned to be held on campuses are of a similar nature.

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[31] Ex: Case of Zhdanov and Others/Russia, App. No: 12200/08, 35949/11 and 58282/12 or Case of Baczkowski and Others/Poland, App. No: 1543/06 or Case of Alekseyev/Russia App. No: 4916/07, 25924/08 and 14599/09.

9.E. Units for the Prevention of Sexual Harassment and Assault

In 2015, the Council of Higher Education (CoHE) sent the Gender Equality Attitude Document prepared by them to universities. However, in 2019, the mentioned attitude document was removed from CoHE's website. The President of CoHE announced that the document was withdrawn and would be revised on the grounds that the concept of gender equality does not coincide with social values and acceptances and is not accepted by the society. This shows that the state's positive obligation to eliminate discrimination and take positive measures has been violated. However, it is stated in the attitude document that universities will carry out awareness studies on gender equality, the curriculum will be updated, application and research centers will be established, academic studies will be encouraged, reporting and monitoring will be carried out [32]. Many universities [33] have established Sexual Harassment and Violence Units to combat gender discrimination and sexual harassment, and have prepared policy documents in this direction. In the establishment of these units and in the creation of documents, the legislation specified in this study, especially international conventions, formed the basis.

9.F. Diploma Change

One of the problems that transgender people face, especially after graduating from higher education, is that the changes made in the register of persons after they graduate are not reflected in documents such as diplomas and transcripts without annotation. There is no rule in the Higher Education Law or any other national law to cause this situation. Many universities, as institutions with public legal personality, determine the procedures and rules regarding the change of diploma with the legislation they create. Failure to comply with the request for the necessary correction in the diploma despite the name or sex in the register of persons being changed by a court decision is a violation of the principle of equality regulated in article 10 of the Constitution, the right to protect and develop the material and spiritual existence of the person regulated in article 17, and the right to respect for private life regulated in article 20.

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[32]Currently, the Turkish document on the websites of some universities can be accessed: https://www.ktu.edu.tr/dosyalar/kadinarastirmalari_e950b.pdf or http://dekaum.deu.edu.tr/wp-content/uploads/2016/06/Tutum-Belgesi.pdf (Date of access: 07 June 2021)

[33]https://www.gazeteduvar.com.tr/gundem/2019/02/19/yokten-cinsiyet-esitliginde-geri-adim (Date of access: 07 June 2021)

There are cases for the annulment of administrative actions leading to violation of rights. The Council of State, whose precedent is of great importance as it is the appeal authority in the administrative justice, decided that the administrative proceedings established in the aforementioned direction should be cancelled. The ECtHR has stated that in addition to the necessity of recognizing the legal processes related to the change of identity records, the legal changes should also be reflected in the documents prepared according to the identity document and identity document [34]

[34] Ex: Case of Rees/United Kingdom, App. No:9532/81 and Case of B./France, App. No: 13348/87.

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