

TURKEY- SOGI LEGISLATION COUNTRY REPORT
PRODUCED: DECEMBER 2012

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Summary

Neither male nor female same-sex activity is criminalized in Turkey.

The age of consent for both same-sex and opposite-sex sexual activity is the age of majority (18 years old, in the [Criminal Code of the Republic of Turkey](#), 2004).

Individuals approved by a judge, having met certain criteria, may receive sex reassignment surgery, and have their sex reassignment recognized by the state. The person should be above the age of eighteen, and not married. The person should have a “transsexual nature and the person must have a permanent loss of reproductive capacity” ([Civil Code of the Republic of Turkey](#), 2001).

In April 2009, a lower court granted Turkish LGBT organization Lamda Istanbul permission to continue operating, after the Supreme Court of Appeals overturned a lower court decision in May 2008 ordering the organization’s dissolution.

In [The People v Siyah Pembe Üçgen İzmir Association \(“Black Pink Triangle”\)](#) (April 30, 2010), the Izmir Court of First Instance found that the Department of Associations’ effort to dissolve the Black Pink Triangle (a group founded by LGBT activists) was a violation of freedom of association.

Following the Turkish Assembly’s debate on the Turkish Armed Forces’ code of discipline (which became law on January 30, 2013), engaging in same-sex relationships will be considered an offence, and lead to expulsion from the army.

Legal Provisions

SEXUAL ACTIVITY AND AGE OF CONSENT

Criminal Code of the Republic of Turkey, 2004: The age of consent for both same-sex and opposite-sex sexual activity is 18.

ARTICLE 6 - (1) In practice of criminal laws, the terms used herein, shall have the following meanings;

b) Minor ; Any person not attained the age of eighteen

<http://legislationline.org/documents/action/popup/id/6872/preview>

GENDER IDENTITY RECOGNITION

Civil Code of the Republic of Turkey, 2001: Turkey's *Civil Code* legalizes sex reassignment surgery and legal recognition of sex marker change, and provides the criteria a person must meet for a court to allow sex reassignment.

ARTICLE 40: A person who wants their sex reassigned can demand permission from the court for the reassignment of the sex by applying to the court in person. However, for the permission, the person should be above the age of eighteen, [and] not married. Furthermore the person should have a transsexual nature and the person must have a permanent loss of reproductive capacity.

When the sex reassignment operation is proved to have taken place with permission [from the court] and conducted in accordance with the aim and medical methods, the court makes the decision to make necessary corrections in the population record.

<http://www.tusev.org.tr/userfiles/image/turkey%20tr%20civil%20code%20provisions.pdf>

See also Ayça Kurtoğlu, "Sex Reassignment, Biological Reproduction and Sexual Citizenship in Turkey": <http://cins.ankara.edu.tr/aycak.pdf>