Trans rights and freedoms under threat in Türkiye

article, health and depathologisation

UPDATE 15 July 2025: In a new assault on the rights of trans people, the Turkish Medicines and Medical Devices Agency of the Health Ministry of Health has introduced new restrictions on access to trans-specific healthcare. **Young trans people under the age of 21 years can no longer access hormone medication used in trans-specific healthcare.**

This restriction is explicitly targeting trans people, as the same medications will remain in use in other areas of medicine, such as cancer treatment, infertility, precocious puberty, and endometriosis, among others.

The Ministry's decision has come even though the draft proposal from February 2025 has not yet been confirmed.

Proposed changes to Türkiye's Civil and Criminal Codes

In February 2025, a leaked draft proposal revealed the plans of the Government of Türkiye to target the rights of LGBTI people. Proposed changes to the Türkiye's Civil Code and Criminal Code include:

- Increasing the age limit for legal gender recognition to 21 years, even though the age of majority in Turkey is 18 years
- Reinstating forced sterilisation as a prerequisite for legal gender recognition, contrary to Y.Y. v Turkey and numerous decisions of the European Court of Human Rights and the decision of the Turkish Constitutional Court finding that it violates fundamental human rights
- Unjustified reductions in the number of hospitals which are authorised to provide trans-specific healthcare and sole authority to the Ministry of Health to make such authorisations
- Introducing a provision that there can be "No medical intervention related to gender reassignment" without prior permission.
- Introducing criminal sanctions (minimum penalty of 3 years imprisonment) for individuals and doctors for such medical interventions done without prior permission

Uncertainty around medical interventions

Under Turkish law, trans people require prior permission from courts to undergo certain medical interventions. However, analysis of the proposed law supported by TGEU's members shows that there is significant regulatory uncertainty around the term 'medical intervention', what steps need to be followed to obtain permission, and who will provide such permission.

Contradictions with European human rights decisions

The proposed provisions are all incompatible with previous decisions of the European Court of Human Rights, which has held that forced sterilisation is a violation of Article 8 and has repeatedly called for legal gender recognition procedures that are quick, transparent and accessible. In 2015, the ECtHR found Türkiye guilty of violating the right to private life as protected by the European Convention on Human Rights, for requiring forced

surgical intervention and sterilisation (*Y.Y. v. Turkey)*. In 2017, the Turkish Constitutional Court annulled the provision of the Civil Code which contained the reference to a permanent inability to procreate as a prior requirement for authorisation.

Further, the EU Enlargement Report 2024 on Türkiye critiques that the EU accession candidate still imposes sterilisation and other medical procedures as prerequisites for legal gender recognition, despite being violations of international human rights standards.

Impact on trans healthcare and rights

If it is adopted, the changes to the Penal Code and Civil Code will make it harder for trans people to access essential healthcare and change their documents. Rather than improving the quality of care provision, trans people will be subject to unnecessary medical procedures, healthcare providers will grow hesitant to provide healthcare to trans people for fear of criminal actions, and the pre-authorisation system will create significant bottlenecks in access to legal gender recognition and healthcare, by increasing waiting times.

A step back for Türkiye's EU accession goals

These proposals contradict the expressed desire of Türkiye to join the EU, as meaningful membership requires commitment to fundamental European values including democracy, human rights, and minority protections.

Urgent call for action

We call on the Ministry of Justice of Türkiye to withdraw the proposed laws and the newest restrictions on hormone access for trans youth under 21 immediately. Trans people in Türkiye need stronger human rights and legislative protections and the decisions of the ECtHR and Constitutional Court on the rights of trans people must be respected. We additionally urge the Council of Europe Commissioner for Human Rights and the EU Commission to initiate discussions with the Government of Türkiye and urge the proposed draft to be withdrawn.

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