

HOMOSEXUALITY BAN 'TO BE AXED'

EXCLUSIVE

By ANIL İŞIK

HOMOSEXUALITY is to be legalised in the TRNC, if measures drawn up by the government are approved.

An amendment to the penal code has been drafted following a decision by the government to call time on some colonial-era laws, including the one which bans homosexuality.

The move follows calls by local and international human rights activists for North Cyprus to end its status as the only country in Europe that continues to regard homosexuality as a criminal offence.

A legal challenge has also been filed at the European Court of Human Rights (ECHR) by a London-based non-governmental organisation against Turkey — considered the legal authority in the North — over the failure to scrap the ban. A case is also pending at the TRNC Constitutional Court.

The issue came to prominence in 2011, when former Greek Cypriot Finance Minister Michalis Sarris was arrested for alleged homosexual activity in the North, nine years after the practice had been legalised in the South following a Strasbourg court ruling.

President Derviş Eroğlu gave a pledge to British Euro MP Marina Yannakoudakis after Mr Sarris's arrest that the old law would be repealed.

The new amendment has been drawn up by the Prime Ministry's EU Co-ordination Office.

The draft Bill, published on the TRNC Assembly's website, would repeal Articles 171, 172 and 173 of Chapter 154 of the TRNC Penal Code, which deem sex between two men as a "crime against morality", punishable by imprisonment of between three and 14 years.

Furthermore, it introduces a new offence, punishable by up to three years' jail, of "hate crime on the grounds of gender choice" under an amended Article 155.

Erhan Erçin, head of the EU Co-ordination Office, told *Cyprus Today*: "We . . . aim to scrap the

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TRNC gay legislation may be amended

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old legislation under the Penal Code as part of our efforts to harmonise TRNC law with European Union law."

He said the amendments had been prepared together with local legal advisers, police, immigration officials and human rights advocates, as well as experts from the EU, United States and Turkey.

The 13-page Penal Code (Amendment) Law aimed at protecting human rights by outlawing gender discrimination, also contains measures against sexual abuse of children and human trafficking.

It has been approved by the Cabinet and sent to Parliament, where it is expected to go before the Legal and Political Affairs Committee next week, before being submitted for the approval of the Assembly.

Mr Erçin added: "As with any legislative Acts, all civil organisations are welcome to express their views during discussions at the committee.

"If there is a need to revise some elements of the Bill, it can be done."

There are currently two legal challenges pending on the issue. One is before the TRNC Constitutional Court, which has adjourned it to May 21 on the grounds that the law is to be amended.

The other was lodged at the ECHR by the London-based Human Dignity Trust and backed by the Lesbian, Gay, Bisexual and Transgender organisation and the Initiative Against Homophobia.

Oncel Polih, a lawyer for the Turkish Cypriot Human Rights Foundation who is part of the legal team bringing the ECHR action, saw some issues with the potential legal amendment but welcomed it as a sign of the Turkish Cypriot authorities' will to respect universal human rights.

He added: "Of course, we would have preferred to see the authorities take such action of their own volition, before the legal challenge was filed at the ECHR."