

**BOOKLET ON
LGBTI+ AND THE STRUGGLE
AGAINST MILITARISM
IN THE NORTHERN PART OF CYPRUS**



The Diversity of Colours Project is funded by the European Union under the Cypriot Civil Society in Action VI, Grant Scheme and implemented by Queer Cyprus Association.



**QUEER
CYPRUS**





ABOUT THE DIVERSITY OF COLOURS PROJECT:

Diversity of Colours Project: towards a Cyprus where all colours, lesbian, gay, bisexual, trans, intersex and many more (LGBTI+), can be together!

The Diversity of Colours Project aims to prevent discrimination and make human rights for LGBTI+ more accessible in the northern part of Cyprus. The Diversity of Colours Project, which started in December 2018 and will continue for three years, is funded by the Cypriot Civil Society in Action VI Programme of the European Union and is implemented by Queer Cyprus Association.

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FOREWORD:

Every text added to the pool of literature towards a world in which nobody is superior to "the other", everyone lives in peace, and sexism, speciesism, homophobia, biphobia, and transphobia no longer exist, enlightens the way to the future.

With this in mind, we prepared this booklet to reveal the relation between militarism and heterosexism, sexism and speciesism; we hope that this booklet, we have prepared, containing discussions from a point or possible points of where the struggle of antimilitarists and LGBTI+ intersect, becomes a handbook for activists and contributes to the existing pool of literature.

Our organisation's Rainbow Lawyers have worked intensively in the preparation of this booklet. They scanned literature, combined said literature with their experiences in their respective fields, and compiled it into a solid and palpable product. We would like to thank the Queer Cyprus Association's Rainbow Lawyers for their hard work.

In this booklet comprising of four main sections, we have tried to evaluate the struggle of LGBTI+ against militarism in several ways. In the first part, we discuss the LGBTI+ struggle in the northern part of Cyprus and the reasons behind Queer Cyprus's anti-militarist stance. In the second part titled "Masculinity, Violence and the Military", we discuss standardisation, which is rooted in militarist ideology and disseminated within society by various organisations. As we touch upon the freedom of LGBTI+ and conscription in the third part, in the fourth part we present the right to conscientious objection and its international and local legal framework.

From legislation to media, local or global; we hope our examination of militarism and LGBTI+ across many topics in this booklet, such as the struggle of LGBTI+ or the importance of conscientious objection, make a valuable contribution to the existing literature...

.1. The struggle of LGBTI+ in the northern part of Cyprus:

Queer Cyprus Association; is a non-governmental organization that combats discrimination based on gender, gender expression, sexual orientation, and gender identity. Queer Cyprus is an association that works actively in cooperation with local and international organizations in various fields such as law, education, psychology, and health, to ensure that lesbian, gay, bisexual, trans, intersex and beyond (LGBTI+) have access to human rights.

In 2014, an amendment in the local legal text terminated the criminalisation of homosexuality in the northern part of Cyprus. However, this did not mean the end of widespread discriminatory practices. While homosexuality was no longer regarded as a crime, social and institutional discrimination remains a painful problem in the northern part of Cyprus. As a result, Queer Cyprus Association is continuing its fight against such discriminatory practices across many different areas.

Our association, which raised awareness of LGBTI+ with the Unspoken Project funded by the European Union's 'Cypriot Civil Society in Action V' Programme, has once again rolled up its sleeves for the Diversity of Colours Project for a Cyprus where all colours exist side by side. Queer Cyprus Association aims to increase its association's capacity and fight against social discrimination such as homophobia, biphobia, and transphobia.

Queer Cyprus is Anti-Militarist!



Militarism; more than just wars and armies, it is a collection of systems, cognisance, and norms that shape our physical living spaces and daily life. Militarism is founded in clear cut heterosexist gender norms and also imposes them. It idolizes a physically stronger, public, and aggressive masculinity and, on the other end of the spectrum, a weak, compliant, and passive femininity. LGBTI+ and queer activism question the existence of these norms and for this reason, are considered a threat to militarism. Additionally, militarism, advocating hierarchy based on nationalism, where certain lives deserve to live while others are disregarded, is the exact opposite of queer activism, which views and values ethnic and cultural differences as enriching. For this reason, Queer Cyprus is an ally of the anti-militarist struggle. This booklet was prepared; to better explain the anti-militarist stance of Queer Cyprus Association; for LGBTI+ individuals wanting to free themselves from the grip of militarism; to reclaim spaces and areas restricted by militarism; and for those who want to continue the fight against militarism.

Queer Cyprus also adopts anti-militarist practices. So, there is no hierarchy within. Queer Cyprus does not operate with a chain of command and nobody forces their views onto others based on their status.

.2. Masculinity, Violence and the Military:

Anti-militarism is a struggle against the militarist ideology of standardization, which is socially spread through various institutions, a system founded on obedience, a hierarchic structure containing authoritarian, repressive, and violent factors. When we think about these factors of militarism, which plays a significant role in the recreation of masculine dominance; the anti-militarist quality of queer politics is one of utmost importance, especially in resolving the sexist structure of militarism. This is why militarism and how it is performed need to be deciphered. Only then will we be able to remove its causes.

The military, a means of repression in which the State's militarist structure can be explicitly seen, imposes institutional violence and raises individuals who cannot question the obedience system produced based on this violence. The army; it is a mechanism in which hierarchy, chain of command, unquestionable discipline and standardisation are explicitly experienced. Rooted in the normalisation of various repressive and disciplining mechanisms through gender norms, masculinity is constructed as the active fighter in the army with its warrior, aggressive and dominant character; whereas femininity is defined as a defenseless, vulnerable, sensitive, and emotional "character", and is mostly categorized as someone who takes on "subsidiary duties".

At the same time, a binary gender system reduces gender to "male" and "female", ignoring all other genders and identities. The shared characteristics of ruling powers and a definition of masculinity that has been shaped by gender norms prove the existence of a gendered structure. Also, the sexist "protector-protected" relation lying at the root of the unequal power relations between women and men further endorse and normalise the warrior identity of the masculine.

Compulsory military service; the manifestation of the hierarchical culture enforced by patriarchal, capitalist, nationalist, and militarist systems, sentencing the whole of humanity to live in a state of conflict, othering, and masculine world order. The mentality of violence created prevents the existence of a peaceful, just, and egalitarian world, and the most aggressive version of hegemonic masculinity is systematically rebuilt. During military training, to provoke masculinity, deprecating phrases introduced to the language when addressing soldiers are generally through femininity and homosexuality. During training, expressions such as "fag", "homo", "pansy", "pouf", "runs like a girl", "mommy's boy (in Turkish, mommy's lamb)", "whore", "little lady", "you're a woman" are used. This way, the gender boundaries become more rigid and the repressive character that should be in power is conveyed. Masculinity; is defined as heterosexual, strong, aggressive, imperious, absent of emotion, violent when necessary and not questioning hierarchic subordination. During military duty, individuals are shaped through this standardisation. Men who are "trained" within this structure are expected to recreate these adjectives in their civil life, in short, become the generals of their families. Masculinity within the processes of nationalism and militarisation gains meaning with power and thus, becomes the sole bearer of power. Using strength and violence, like the masculine values of destruction culture, becomes a badge of honour which sacralises the protection of the "motherland" - flag. At this point, questioning violence becomes the equivalent of criticising masculinity, and that is not quite possible without questioning the patriarchal system.

Within this framework, homophobia, transphobia sexism, nationalism and militarism become hand-in-hand ideologies that nurture each other. In a way, the phrase "Every Turk is born a soldier" lays out the unity of nationalism and militarism. At the same time, this phrase disregards all other individuals within the nation, much like our own, where compulsory military duty is only for heterosexual cisgender men. The idea that a man unable to

complete his military duty is not considered a man also reveals the military's masculine character. Additionally, following this up with the phrase "you won't get a bride if you don't get in the army" endorses the assumption that all men are heterosexual and that any man who does not complete their military duty and who is not heterosexual is not considered a man.

For this reason, many women, gay, bisexual, and trans men who are conscientious objectors, anti-war and anti-military are so, not because of their "emotional, delicate, fragile" or "fickle, evasive" character, as implied by the patriarchal system, but because of their political oppositional stance.



.3. The Freedom of LGBTI+ & Conscription (compulsory military duty)

To prevent any group from employment based on their gender identity and sexual orientation, as it is in the military service which can qualify as employment, is a discriminatory practice and a violation of the right to work. However, the debate surrounding 'compulsory military duty' is rooted in a much deeper argument than just the demand to remove the aforementioned discriminatory situation. Here, we would like to point out that Queer Cyprus has something to say against the exemption of military service 'by diagnosis' of trans and gay individuals beyond the statement "do not partake in institutional discrimination, allow all to partake in the military."

Queer Cyprus rejects the forcing of a gun into someone's hands while commanding them to kill or die without question. Queer Cyprus stands by conscientious objectors who refuse to die, kill, or train to do so for the benefit of rulers.

Additionally, Queer Cyprus views compulsory military duty as not just a means of creating a human reserve forced to fight, but also a means of actively shaping different aspects of life. For these reasons, Queer Cyprus sides with the anti-militarist struggle.

Why?

- **Against heterosexism**

Heterosexism assumes that everyone is heterosexual, that heterosexual relationships are normal and, thus, superior. Emotional and sexual relationships other than heterosexual relationships are stigmatized through the use of expressions such as "illness", "crime", "abnormal", "against nature", "sin" and creates inequality.

LGBTI+'s who question heterosexism and its prejudices

and stereotypes regarding gender and sexuality have been marginalized in the past and present, subjected to discrimination, and even punished until recently in the northern part of Cyprus. At times when dependency on the army had increased, especially when rulers were preparing for war, the increase of heterosexism and the patriarchy which came along with it can be clearly observed, as well as the stigmatization of subjects who questioned and did not conform to the norms.

• **For LGBTI+ Freedom**

One of the most obvious examples of the oppressive nature of militarism is that military duty is compulsory for appointed individuals and those who are 'perceived' as male by society, with no exceptions made due to faith and opinion. Militarism is the entirety of a system, understanding, and foundation that shapes minds, physical living spaces, and everyday life beyond wars and armies.

The freedom of LGBTI+'s cannot be achieved by being equal with heterosexual and non-transitional entities within a patriarchal and militarist system. Freedom can only be achieved by a new social order, where power relations are not reproduced under different names.

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• **Against Gender Roles and Stereotypes**

Militarism is built on rigid, heterosexist gender perceptions and imposes them. It idealizes a physically strong, public, and aggressive masculinity and, in contrast, weak, docile, and passive femininity.

Lesbian, bisexual, gay, trans, intersex, and plus existences and their activism shake the foundations of militarism by questioning the legitimacy of all these norms.

• **To respect the right to live for all**

Militarism establishes a nationalist, racist, and speciesist hierarchy on whose life is worthwhile and whose can be discarded. To establish a “we”, which consists of white, heterosexual, cisgender, without disability and male people, it needs to define the “other”. The LGBTI+ freedom struggles and queer theory, which view diversity as wealth, are in direct opposition to the logic behind the existence of the military and militarism.

Besides, LGBTI+’s know all too well from lived experience the lethality of hatred and prejudice, its unfairness to their life rights, simply because of their sexual orientation and gender identity.

• **Against Pinkwashing**

The term “Pinkwashing” means appearing to be a friend of LGBTI+ to cover up negative practices in other aspects of life. For example, governments may use their positive attitudes towards LGBTI+ rights to cover up other human rights violations. In this context, despite not existing within our geography, governments try to legitimize their activities in the global west by using the hard-earned rights of LGBTI+. In the public sphere, they try to ensure the acceptance of militarism by wider circles by drawing an inaccurate “modern” and “open” image.

Queer Cyprus opposes the use of the LGBTI+ struggle and its achievements as a means of legitimizing death and destruction. It is argued that an anti-militarist world is much safer for everyone, including LGBTI+.





International and Local Legal Framework on the Right to Conscientious Objection

• The Council of Europe & the Right to Conscientious Objection

Although the right to conscientious objection was not explicitly included under the European Convention on Human Rights, it was recognized over time in the decisions of the European Court of Human Rights,⁴⁰ the judicial body of the convention. There are judgments by the court interpreting the right to conscientious objection under Article 9 of the European Convention on Human Rights, covering freedom of thought, conscience, and religion. There were also cases in the European Court of Human Rights in which the European Commission previously assessed the right to conscientious objection even before the right to conscientious objection was assessed for the first time in 2011.

The European Commission was one of the supervisory bodies of the Convention until the adoption of Protocol No. 11 to the European Convention on Human Rights in 1998. Before 1998, the European Commission of Human Rights and the European Court of Human Rights (ECHR) worked part-time to evaluate individual applications in two stages. After the adoption of the protocol, the European Commission of Human Rights was closed down, and the European Court of Human Rights began working full-time on their own to examine individual applications.

The first case evaluated by the commission was the case of *Grandrath v Germany*⁽²⁾ where Jehovah's Witness priest Grandrath filed a case against Germany which was settled in 1966. In this case, Pastor Grandrath demanded exemption from both military service and alternative public service and was punished after refusing to do his expected public service. In this regard, the European Commission of Human Rights examined the case under the European Convention on Human Rights (ECHR), the Ban on Slavery and Forced Labor (Article 4), Freedom of Thought, Conscience, and Religion (Article 9) and the Prohibition on Discrimination (Article 14), concluding that the right to conscientious objection was not recognized under the contract. In its decision, the Commission declared that each state could recognize the right to conscientious objection. Upon this decision, other successive cases were evaluated by the Commission, but no decision granted the right to conscientious objection.

However, just a year later in 1967, the Council of Europe Parliamentary Assembly decision 337⁽³⁾ stated:

" **1.** Persons liable to conscription for military service who, for reasons of conscience or profound conviction arising from **religious, ethical, moral, humanitarian, philosophical or similar motives**, refuse to perform armed service shall enjoy a personal right to be released from the obligation to perform such service.

2. This right shall be regarded as **deriving logically from the fundamental rights** of the individual in democratic Rule of

Law States which are guaranteed in Article 9 of the European Convention on Human Rights.”

After the Commission was closed down, as the sole judicial body of the Convention, the ECHR decided for the first time in 2011 that the right to conscientious objection should be evaluated under article 9 (freedom of thought, conscience, and religion) in the case of *Bayatyan v Armenia*⁽⁴⁾. When the ECHR made this decision, the vast majority of the Council of Europe member states recognized the right to conscientious objection, and the ECHR ruled upon a change in how Article 9 (freedom of thought, conscience, and religion) was interpreted within the context of conscientious objection, resulting in the change of the domestic laws of member states and the acceptance of the right to conscientious objection internationally.⁽⁵⁾ Upon the Court passing this decision, back to back cases of *Erçep v Turkey*⁽⁶⁾ and *Savda v Turkey*⁽⁷⁾ emerged, where the plaintiffs accused Turkey of not recognizing their right to conscientious objection and subsequently complained of the imprisonment of those who did not perform their compulsory military duties. In both cases, the Court decided that not recognizing the right to conscientious objection was a violation of the Convention’s Article 9 and that procedures determining the status of conscientious objectors should be introduced to the domestic laws. Today, 46 of the 47 states that are party to the Council of Europe recognize the right to conscientious objection. The only state not recognizing the right to conscientious objection is Turkey.

1. *Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, amended by Protocol No. 11 and 14 (approved on 4 November 1950, entered into force 3 September 1953) ETS 5.*
2. *European Court of Human Rights. Grandrath v. Germany. No: 2299/64 (1966).*
3. *Council of Europe: Parliamentary Assembly, Resolution 337 (1967) on Right of Conscientious Objection, 26 January 1967, 337 (1967)*
4. *European Court of Human Rights. Bayatyan v. Armenia. No: 23459/03 (2011).*
5. *European Court of Human Rights, “Factsheet – Conscientious objection” (October, 2017), p.4*
6. *European Court of Human Rights. Erçep v. Turkey. No: 43965/04 (2011).*
7. *European Court of Human Rights. Savda v. Turkey (No. 2). No: 2458/12 (2016).*

• The United Nations and the Right to Conscientious Objection

While the above-mentioned developments were taking place in the Council of Europe, efforts were continuing to recognize conscientious objection as a human right in the United Nations documents. Accordingly, one of the most basic documents addressing the right to conscientious objection, which could have put serious pressure on the states at that time despite not being legally binding, was the UN Human Rights Commission's decision no. 1989/59⁽⁸⁾. In this decision, the Commission called on states to make regulations on conscientious objection, saying that conscientious objection is within the scope of freedom of thought, conscience, and religion. Later on, with decisions 1991/65⁽⁹⁾, 1993/84⁽¹⁰⁾, 1995/83⁽¹¹⁾, 1997/117, 1998/77⁽¹²⁾, 2000/34⁽¹³⁾, 2002/45⁽¹⁴⁾ and 2004/35⁽¹⁵⁾, the Commission iterated these views and contributed towards making conscientious objection a norm that should be included in international law. Additionally, The Human Rights Committee, the supervisory body of the UN Civil and Political Rights Convention⁽¹⁶⁾, defined the right to conscientious objection in General Comment No. 22 as a right under Article 18 of the Convention on freedom of thought, conscience, and religion.⁽¹⁷⁾

The Human Rights Committee also recognized conscientious objection as a right in cases of the jurisdiction in its jurisprudence and developed its position on conscientious objection, especially in successive cases against South Korea. Following the cases of Yoon et al. v The Republic of Korea⁽¹⁸⁾, Jung et al. v The Republic of Korea⁽¹⁹⁾ and Jeong et al. v The Republic of Korea⁽²⁰⁾, the Committee

arrived at the main conclusion that conscientious objection, under Article 18, is a right within the scope of freedom of thought, conscience, and religion, and it is not necessary to define this right in domestic laws to be accepted in the relevant state. According to the Committee's views, conscientious objection is a universal right, and the existence of this right does not depend on the state's acceptance of this in its domestic law.

8. *Office of the United Nations High Commissioner for Human Rights, 'Resolution 1989/59: Conscientious Objection to Military Service' (8 March 1989) UN Doc. E/CN.4/RES/1989/59.*
9. *UN Commission on Human Rights, Conscientious objection to military service., 6 March 1991, E/CN.4/RES/1991/65*
10. *UN Commission on Human Rights, Conscientious objection to military service., 10 March 1993, E/CN.4/RES/1993/84*
11. *UN Commission on Human Rights, Conscientious objection to military service., 8 March 1995, E/CN.4/RES/1995/83*
12. *UN Commission on Human Rights, Conscientious objection to military service., 22 April 1998., E/CN.4/RES/1998/77*
13. *UN Commission on Human Rights, Conscientious objection to military service., 20 April 2000., E/CN.4/RES/2000/34*
14. *UN Office of the High Commissioner for Human Rights (OHCHR), Conscientious objection to military service: Commission on Human Rights resolution 2002/45, 23 April 2002, E/CN.4/RES/2002/45.*
15. *UN Commission on Human Rights, Resolution 2004/35 on Conscientious Objection to Military Service, 19 April 2004, E/CN.4/RES/2004/35*
16. *International Covenant on Political and Civil Rights (approved on 16 December 1966, entered into force on 23 March 1976) 999 UNTS 171.*
17. *UN Human Rights Committee, 'General Comment No. 22: The right to freedom of thought, conscience, and religion (Art. 18) (30 July 1993) UN Doc. HRI/ GEN/1/ Rev.1.*
18. *Yeo-Bum Yoon and Myung-Jin Choi v. The Republic of Korea, UN Human Rights Committee (23 Jan 2007) UN Doc. CCPR/C/88/D/1321-1322/2004.*
19. *Jung, Oh, Yeom, Nah, Lim, Lim, Goh v. The Republic of Korea, UN Human Rights Committee (30 April 2010) UN Doc. CCPR/C/98/D/1593-1603/2007.*
20. *Min-Kyu Jeong et al. v. The Republic of Korea, UN Human Rights Committee (27 April 2011) UN Doc. CCPR/C/101/D/1642-1741/2007.*



• The Legal Framework in the northern part of Cyprus regarding Compulsory Military Duty

There are legal “regulations” under 3 different legal texts about military service. In the current “regulation”, two issues especially come to the fore:

- On the one hand, compulsory military duty appears as a right and duty of citizenship, such as working, voting and plebiscite, while on the other hand, marks those heterosexual, cisgender men falling outside of certain professional groups as active subjects defending their country.

According to “Article 74” of the “Constitution”⁽²¹⁾, within the armed forces ‘duty to country’ is defined as ‘the right and sacred duty of every citizen’ in the armed forces and envisages the “regulation” of the related rules within the legal texts. The legal text regarding military service⁽²²⁾ provides the ‘duty of military service’ to all of its citizens. However, by making an exception for women under “Article 6”, it leaves the recruitment of women under only in exceptional cases and to the approval of the representatives of the Turkish Cypriot community, and envisages a “by-law” to be prepared by the “security forces command” proposed by the “prime ministry” and approved by the “council of ministers”. This

difference in practice towards women based on not being seen as 'full citizens' due to not being a man is also valid for men who do not match the male pattern that militarism accepts. In addition to women, even if the identified gender is male, those outside the acceptable patterns of masculinity are disabled people, children, extremely overweight and weak people, or gay, bisexual, trans men, etc. who are left out of compulsory military duty.

According to "article 8" of the legal text on military service, "those who are not suitable for mental or physical military service according to the health skill regulation" are exempt from compulsory military duty.

Under "Annex 1 of the List of Disease and Malfunctions within Article 14(D)(4)" of the "health regulations", gay, bisexual men and trans women whose gender has not yet been legally recognized in official documents can be exempt from military duty under the title of 'sexual identity and behavioral disorders', or, "if their sexual identity and/or behavior patterns are highly evident in all aspects of their lives, and they are considered to have a disadvantageous medical condition in the military environment". What happens in practice is to identify whether "the person being examined during the exemption processes is 'feminine' enough". Such an attitude is the clearest indication of "the inadmissibility of the perception of the male body as an object rather than a sexual subject".

The application process, in practice, is as follows:

The first step requires the application to the health unit in the "recruitment office (asal şube)". Subsequently, it is necessary to take a report written by a psychologist or psychiatrist and complete a personality test to prove that the person is gay and/or trans and submit then to the relevant units of the "administration" with the declaration that the person is unsuitable for military service on the day of inspection. If deemed appropriate, the person is sent to the medical board. Before the "health board",

the psychiatrist examination and personality test steps are repeated at the "Urban Health Centre (Kentsel Sağlık Merkezi)" in Domuzcular Burnu. If the psychiatrist is satisfied, the relevant documents are delivered to the local responsible bodies and the process ends here. If not, a referral is made to the Peace Mental and Neurological Diseases Hospital (Barış Ruh ve Sinir Hastalıkları Hastanesi). After these transactions, the person re-applies to the "recruitment office" with the relevant documents. Documents submitted to the "recruitment office" are taken to the "district governorship" for approval. Upon approval, a psychiatrist once again consulted at the Peace Mental and Neurological Diseases Hospital. Finally, the person presents all the documents accumulated in the process to the board.

• On the one hand, legal texts not only prevent citizens of a certain gender, sexual orientation, gender identity from performing their compulsory military service but also exempt those of a certain profession. This refutes the arguments that providing alternative civil service for conscientious objectors does not have a legal infrastructure.

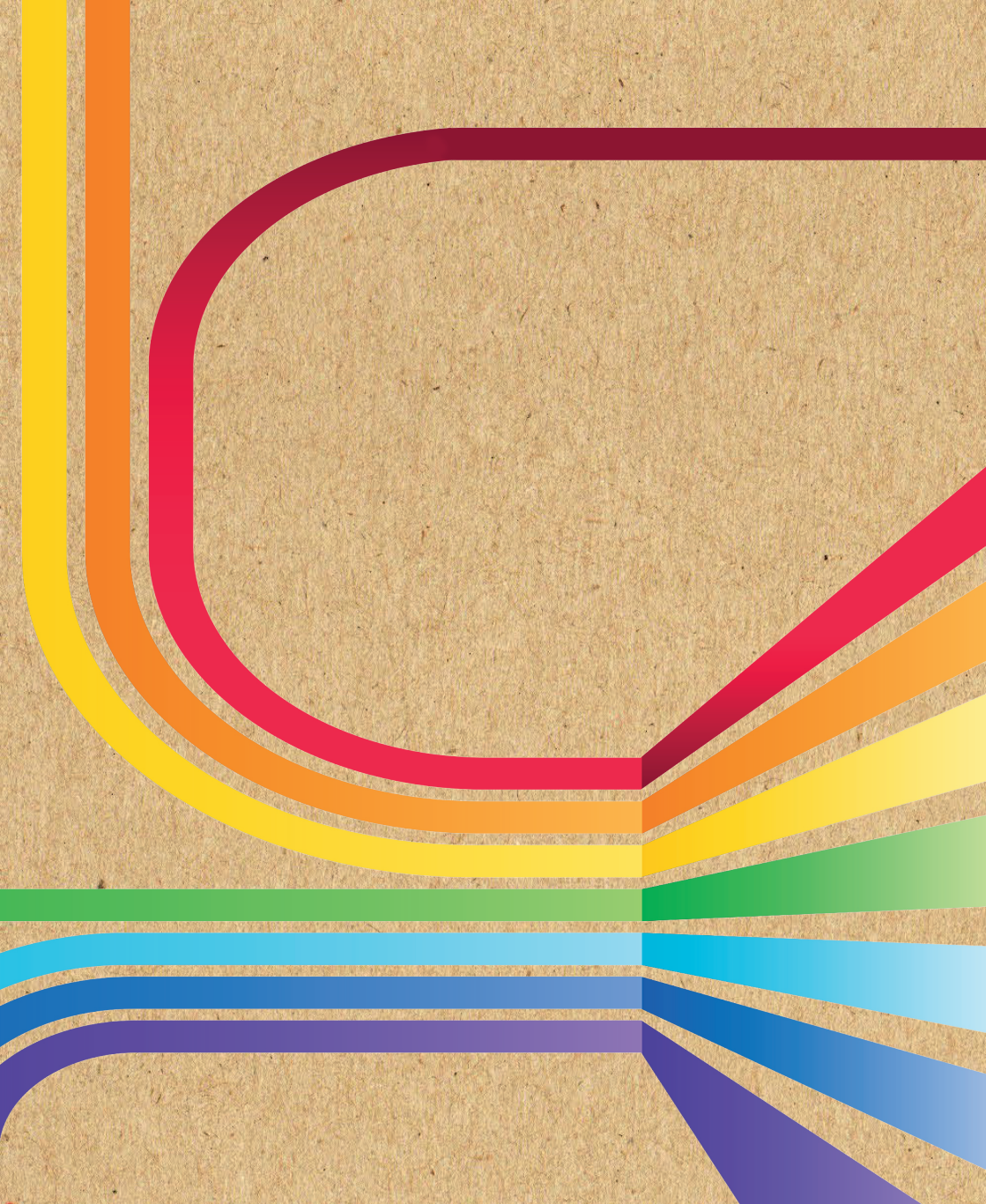
Under "article 8" of the legal text concerning the military, exemption is granted to graduates of the "Police Academy" who have served on duty for a certain amount from the start of their employment. A small revision to the "regulation" concerning the military could eliminate exemptions due to being open to interpretation. Likewise, the current "regulation" is contrary to the international conventions that are part of our domestic "law", as described in detail in previous sections of this document. Unfortunately, none of the "lawmakers" show any inclination to ameliorate this.

Besides, the legal text on mobilization regulates the principles regarding mobilization (seferberlik) and obliges citizens, that is to say, men who are deemed suitable for military service, to participate in mobilization. Until 2019, three conscientious objectors were sentenced to imprisonment because they did not fulfill their obligation to participate in the mobilization in the northern part of Cyprus and refused to pay fixed fines under the same legal text

21. "constitution, official newspaper", 7 May 1985, approval date: 5 May 1985

22. "military law, law no. 59/2000; 43/2002; 59/2003; 4/2004; 5/2005;22/2008; 28/2008; 35/2009; 13/2012, 64/2014 ve 6/2015; 64/2017 and 65/2017 which has been amended and merged with the above laws"





This booklet was produced with the financial support of the European Union. Its contents are the sole responsibility of Queer Cyprus Association and do not necessarily reflect the views of the European Union.



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