



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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<b>The Board</b>		15 September 2004
About the Board	<b>TUR42992.E</b>	
Biographies		
Organization Chart	Turkey: The treatment of sexual minorities, particularly lesbians, homosexuals and transsexuals, by state and non-state agents, including the police; protection available to sexual minorities who have been victimized (July 2002 - September 2004)	
Employment	Research Directorate, Immigration and Refugee Board, Ottawa	
Legal and Policy		
References		
Publications	Information on the treatment of sexual minorities by state and non-state agents in Turkey and the protection available to sexual minorities was scarce among the sources consulted by the Research Directorate.	
<b>Tribunal</b>		
Refugee Protection Division	<b>The Law</b>	
Immigration Division		
Immigration Appeal Division	There is no provision in any Turkish legal code that prohibits homosexuality ( <i>GLBTQ</i> 2004; <i>Chicago Sun Times</i> 26 Jan. 2003; Netherlands 15 Apr. 2002, 140), transvestism ( <i>ibid.</i> , 142) or sex change operations ( <i>ibid.</i> , 143). However, Article 419 of the Turkish Penal Code provides that "anyone who acts shamelessly in public or publicly engages in certain sexual acts" is liable for prosecution ( <i>ibid.</i> , 140).	
Decisions		
Forms		
Statistics		
<b>Research</b>		
Research Program	Turkish legal codes also do not contain any anti-discrimination provisions related to sexual orientation ( <i>European Report</i> 8 Oct. 2003). On 29 January 2004 an attempt was made by the Turkish Parliamentary Justice Commission to amend the Penal Code so as to criminalize discrimination on the basis of sexual orientation (ILGA 9 July 2004; KAOS GL 6 July 2004). The initiative, if passed, meant that criminal charges would be brought against anyone who refused to provide a service, housing or employment to an individual because of their sexual orientation ( <i>ibid.</i> ; ILGA 9 July 2004). However, on 6 June 2004, the Commission decided that the discrimination clause in the Penal Code would be replaced with the discrimination clause that exists in the Turkish Constitution, which does not make reference to discrimination on the basis of sexual orientation ( <i>ibid.</i> ; KAOS GL 6 July 2004; <i>Washington Blade</i> 16 July 2004).	
National Documentation Packages		
Issue Papers and Country Fact Sheets		
Responses to Information Requests		
Recent Research		
<b>Media Centre</b>	<b>Homosexuals</b>	
News		
Information Sheets	An April 2002 report prepared by the Netherlands indicated that although there was no "official persecution by the Turkish authorities" against homosexuals or any policy that prevented homosexuals from accessing public institutions or pursuing a profession of their choice,	
Media Relations		
Proactive Disclosure	[i]n practice...people may lose their jobs when it becomes clear that they are homosexual. Homosexuals are at risk of harassment and obstruction by local	

[i]n practice...people may lose their jobs when it becomes clear that they are homosexual. Homosexuals are at risk of harassment and obstruction by local

government representatives who allow their personal views to override legal regulations (15 Apr. 2002, 141).

The report also noted that

[r]ural areas, as well as relatively conservative places, such as Konya, are not very tolerant of homosexuals. Individuals experiencing problems in their social environment because of their sexuality appear to escape them to some extent by moving to places like Istanbul, Izmir or Ankara, where there is now a fairly well-developed homosexual scene (Netherlands 15 Apr. 2002, 141).

In 2003, homosexuals also faced "discrimination and harassment in public life" (*European Report* 8 Oct. 2003), were "beaten and jailed" (*The Independent* 25 Apr. 2003) and were "frequently harassed" by the police (*GLBTQ* 2004; *Turkish Daily News* 7 Nov. 2003).

According to a September 2003 article published by *Turkish Daily News*, due to family and social pressure, homosexuals feel that they cannot disclose their sexual orientation because they fear social exclusion (8 Sept. 2003). Similarly, *GLBTQ: An Encyclopedia of Gay, Lesbian, Bisexual, Transgender and Queer Culture*, reported that in Turkey, there exists "strong family pressure to marry and procreate, and those who do not are treated as less than adult" (2004).

Additional information on the treatment of homosexuals by state and non-state agents and information on the protection available to homosexuals who have been victimized could not be found among the sources consulted by the Research Directorate.

### **Lesbians**

A 2003 news report indicated that as in the case of homosexuals, lesbians also faced "discrimination and harassment in public life" (*European Report* 8 Oct. 2003).

Additional information on the treatment of lesbians by state and non-state agents and information on the protection available to lesbians who have been victimized could not be found among the sources consulted by the Research Directorate.

### **Transvestites**

According to the April 2002 report by the Netherlands, the Turkish government does not "discriminate against transvestites in any way" (15 Apr. 2002, 142). The report added that while famous transvestites have been highly regarded in Turkey, those who are not in show business and have disclosed their sexual orientation often cannot find employment (The Netherlands 15 Apr. 2002, 142). Accordingly, "[a] large proportion of transvestites in Turkey support themselves through prostitution" (ibid.).

On 8 September 2003, *Turkish Daily News* published an article entitled "Homosexuals, Transvestites, Transsexuals and Lesbians." In that article, a transvestite named Esmeray provided an example that demonstrates the treatment of transvestites in Turkey:

Esmeray, who points out that they were attacked with a pump-action rifle on June 18 [2003] in Istanbul's Merter district, say that 10 transvestites were wounded, four of them seriously. The attacker said he shot the transvestites because they were destroying the moral values of society (*Turkish Daily News* 8 Sept. 2003).

Esmeray referred to another incident in which a transvestite had an accident on the road:

"...when people stop their car to help and see that he's in drag, they don't help him. Moreover, they hit him. Other friends, who witnessed the incident, began shouting. This [shouting] is shown in the media as transvestites spreading terror. But his friends [were] insulted by police, taxi drivers and hospital personnel. This reaction is not terror" (ibid.).

Additional information on the treatment of transvestites by state and non-state agents and information on the protection available to transvestites who have been victimized could not be found among the sources consulted by the Research Directorate.

### **Transsexuals**

On 1 January 2002, the law regarding transsexual operations was amended to require candidates to "submit a medical certificate stating that the sex change is necessary for the mental health of the person concerned" (The Netherlands 15 Apr. 2002, 143). However, those who have undergone the operation are entitled to record this in the civil register and are entitled to marry thereafter (ibid., 143).

The 2002 report by the Netherlands notes that the situation of transsexuals is similar to that of transvestites (ibid.). Similarly, *Turkish Daily News* reported that "[t]ranssexuals are the ones who are subjected to violence the most. Because of their situation, they aren't permitted to work in society forcing them to work as sex tools. Then society punishes them for doing this" (8 Sept. 2003).

In February 2004, the *Ottawa Citizen* reported that

Transsexuals are persecuted in Turkey and the police often torment them by forcibly shaving their heads: Long hair is a symbol of femininity and cutting it off is a potent assault on the victim's sense of identity (1 Feb. 2004).

Additional information on the treatment of transsexuals by state and non-state agents and information on the protection available to transsexuals who have been victimized could not be found among the sources consulted by the Research Directorate.

### **Organizations that Promote the Rights of Sexual Minorities in Turkey**

In July 2004, the Secretary General of the International Lesbian and Gay Association (ILGA), Kursad Kahramanoglu, indicated that there is no organization in Turkey that solely advocates for the rights of transvestites or the rights of transsexuals or lesbian rights (KAOS GL 5 July 2004). Kahramanoglu noted that there are only two organizations in Turkey, Lambda Istanbul, which advocates for Lesbian, Gay, Bisexual and Transgender rights, and KAOS GL, which advocates for homosexual rights (ibid.). Both organizations are members of ILGA (ibid.). Speaking about the strength of the organizations, Kahramanoglu said

[t]ake Lambda for example, Istanbul is a metropolis of 12 million people, just one organization and two dozen activists in it hardly points to a movement. What is worse is that other human rights organizations in my opinion, are not doing enough on the issue of discrimination on the groups of sexuality (ibid.).

It should be noted that information posted on the Website of KAOS GL indicates that on 23 July 2004 two large pieces of concrete were thrown at the KAOS GL Cultural Center (KAOS GL 4 Aug. 2004). The windows to the center had been broken although no other damage was reported (ibid.). Information on whether an investigation was conducted or whether any charges were filed could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This

Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

*Chicago Sun Times*. 26 January 2003. Susan Taylor Martin. "Turkey, Though Muslim, Accepts Gays, Transsexuals." (Dialog)

*European Report*. 8 October 2003. "Enlargement: Social Discrimination Must End in New and Old Member States." (Dialog)

*GLBTQ: An Encyclopedia of Gay, Lesbian, Bisexual, Transgender & Queer Culture*. 2004. "Turkey." <<http://www.glbtc.com/social-sciences/turkey,2.html>> [Accessed 9 Sept. 2004]

*The Independent* [London]. 25 April 2003. Johann Hari. "At Last the UN Recognises the Need for Gay Rights; In Egypt, There Has Been a Grotesque Show Trial of More Than 50 Gay." (NEXIS)

International Lesbian and Gay Association (ILGA). 9 July 2004. "Turkey Takes a Step Backwards." <[http://www.ilga.org/news\\_results.asp?LanguageID=1&FileCategory=7&ZoneID=4&FileID=244](http://www.ilga.org/news_results.asp?LanguageID=1&FileCategory=7&ZoneID=4&FileID=244)> [Accessed 9 Sept. 2004]

KAOS GL. 4 August 2004. "Kaos GL Cultural Center Was Attacked." <<http://www.kaosgl.com/english/news.php>> [Accessed 9 Sept. 2004]

\_\_\_\_\_. 6 July 2004. "Turkish Parliament Decided to Rule Out Considering Prison Term for 'Sexual Orientation' Discrimination." <<http://www.kaosgl.com/news/fullnews.php?id=15>> [Accessed 9 Sept. 2004]

\_\_\_\_\_. 5 July 2004. "Interview with International Lesbian and Gay Association's (ILGA) Secretary General (Kursat Kahramanoglu)." <<http://www.kaosgl.com/news/fullnews.php?id=14>> [Accessed 9 Sept. 2004]

The Netherlands. 15 April 2002. "Official General Report on Turkey (January 2002)." <<http://register.consilium.eu.int/pdf/en/02/st07/07838en2.pdf>> [Accessed 9 Sept. 2004]

*Ottawa Citizen*. 1 February 2004. Dan Gardner. "Agony Inc.: It is Branded a Heinous Crime Around the World, Yet Torture is Still a Flourishing Business." (Dialog)

*Turkish Daily News* [Ankara]. 7 November 2003. "Protest: Homosexuals Protest in Izmir." <[http://www.turkishdailynews.com/old\\_editions/11\\_07\\_03/dom2.htm](http://www.turkishdailynews.com/old_editions/11_07_03/dom2.htm)> [Accessed 10 Sept. 2004]

\_\_\_\_\_. 8 September 2003. "Homosexuals, Transvestites, Transsexuals and Lesbians." <[http://www.turkishdailynews.com/old\\_editions/09\\_08\\_03/dom2.htm](http://www.turkishdailynews.com/old_editions/09_08_03/dom2.htm)> [Accessed 9 Sept. 2004]

*Washington Blade*. 16 July 2004. "Turkey Gay Rights Group Decries Discrimination." <<http://www.washblade.com/2004/7-16/news/worldnews/index.cfm>> [Accessed 13 Sept. 2004]

#### Additional Sources Consulted

Lambda Istanbul did not respond to a letter requesting information.

**Internet sites, including:** Amnesty International (AI), BBC, *Country Reports on Human Rights Practices for 2003*, European Country of Origin Information Network

(ECOI), *Freedom in the World 2003*, Global Gayz, Human Rights Watch (HRW), Integrated Regional Information Networks (IRIN), International Helsinki Federation for Human Rights, Radio Free Europe/Radio Liberty (RFE/RL), TR Gay International.

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