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Turkey must take action over LGBT discrimination

The Turkish authorities must bring into force laws that will protect lesbian, gay, bisexual and transgender (LGBT) people from widespread discrimination, Amnesty International has said in a new report published today.

The report, *'Not an illness nor a crime': Lesbian, gay, bisexual and transgender people in Turkey demand equality*, highlights the discrimination such people face from officials in health services, education, housing and the workplace in a country where there are no provisions to prevent it.

“The pervasive prejudice against lesbian, gay, bisexual and transgender people in Turkey and the fear of ostracism and attacks, means that many feel compelled to conceal their sexual orientation, even from their families,” said Andrew Gardner, Amnesty International’s researcher on Turkey.

“Homophobic statements by government officials have encouraged discrimination against individuals. Rather than repeat past failures, the new government must respect and protect their rights through words and actions.”

“Unable to find a job, transgender women are often forced into illegal sex work where they are additionally harassed by law enforcement officials. They are also the most likely target of hate crimes yet the issue remains largely ignored by the authorities.”

Arbitrary fines issued by police officers against transgender women going about their daily lives amount to systematic harassment and a punishment due to their gender identity. Those who challenge this practice can face threats and violence from them.

In a survey conducted by the LGBT solidarity organization Lambda Istanbul in 2010, of the 104 transgender women who took part, more than 89 per cent said that they had previously been victims of physical violence in police detention.

In 2010 alone LGBT associations documented 16 murders of individuals believed to have been killed due to their perceived sexual orientation or gender identity.

Many hate crimes are not reported and even when they are, such acts are not often registered as crimes. The motivation for the crime is routinely not investigated.

LGBT people are also discriminated against when they are the victims of violent crimes. Numerous laws, while not being explicitly discriminatory, are applied by the judiciary in a way that leads to discrimination..

Due to shortcomings in the investigation and prosecution of these crimes, in many cases those responsible are not brought to justice.

In the face of government inaction, LGBT solidarity associations are the ones that try to combat such abuses. However, they themselves have faced civil law cases brought by the authorities aimed at their closure, and other discriminatory attacks on their rights to freedom of expression and association.

“It is the responsibility of all the parties in the Parliament to ensure that any new constitutional settlement in Turkey outlaws discrimination on grounds of sexuality or gender identity,” Andrew Gardner said.

“Comprehensive legislation to counter discrimination on the grounds of sexual orientation and gender identity is a must – and it should come as soon as possible. However, the authorities must also show the political will to combat discrimination by demonstrating that homophobic public discourse is unacceptable.”

“Furthermore, LGBT solidarity associations need protection and respect. Now is the time for political figures to come forward and speak openly in support of them.”

Cases

Eylül from Eskişehir is a 24-year-old transgender sex worker and a founder member of a local network of LGBT activists. She describes how, on 1 February 2011, at around 9.30pm, she received a call from a man claiming to be a client but who she recognized on arrival in her house as the man who had been allegedly involved in assaults and thefts against other transgender women and gay men. She asked him to leave but the man refused and after many threats of violence, Eylül was raped. Eylül made a criminal complaint and was referred to a forensic medicine department for a physical and psychological assessment. On 17 February 2011, she told Amnesty International that another transgender woman sex worker had been assaulted by the same man and had needed six stitches on her stomach after being attacked with a knife.

Ahmet Yıldız, a 26-year-old openly gay man living with his partner in Istanbul, was shot dead on 15 July 2008 in front of his house in what many believe to be an “honour” killing. In the months leading up to the shooting Ahmet had been receiving threats of violence from his family. He made a criminal complaint against his family and asked for protection. After the murder, it emerged that the complaint was not investigated and the state prosecutor transferred the complaint to another office on the grounds that it fell within the jurisdiction of the neighbouring district, where it was not followed up. Activists regard the actions of the authorities as reluctance to confront homophobic violence. Ahmet’s partner told Amnesty International that the criminal investigation was not carried out effectively – leads were not followed and the father, the main suspect, was not questioned.

All men in Turkey aged between 18 and 40 are obliged to perform compulsory military service. As no civilian alternative is available and gay men are at risk of violence in the military, many resort to the discriminatory provision enabling them to be exempted from military service on the grounds that their sexual orientation represents a “psychosexual disorder”. Asil, a 21-year-old gay man from Izmir, told Amnesty International that he was subjected to verbal abuse, solitary confinement, threats of violence and humiliating and discriminatory medical examinations before he was able to be exempted from performing military service.