



Australian Government
Refugee Review Tribunal

Country Advice

Turkey

Turkey – TUR39296 – Tolerance of gay men – Targeting for harm – State protection

12 October 2011

- 1. Please provide an update on what evidence there is of: a) the degree of tolerance or acceptance of gay men in Turkey, and in Ankara in particular; b) gay men being targeted for harm either by the government or non-state actors in Turkey; and, c) whether the Turkish police provide protection to gay men from such harm.**

Tolerance or acceptance of gay men in Turkey

Homosexual acts in Turkey have been legal since 1858, as has the equal age of consent for homosexual and heterosexual acts; a law on gender recognition after gender reassignment treatment was enacted in 1988.¹ Despite this, according to the Global Gayz website, the human rights of lesbian, gay, bisexual, transsexual and intersex (LGBTI) individuals “is one of the most controversial human rights issues in Turkey...[h]omosexuality is not illegal...[h]owever, owing to conservative values embedded in Muslim-majority Turkish society, homosexuality remains a taboo topic in public discourse”.² According to Amnesty International, authorities at best ignore the rights of lesbian, gay, bisexual and transgender people, and at worst single them out for discriminatory treatment.³

The most recent US Department of State (USDOS) human rights report on Turkey states that “[w]hile the law does not explicitly discriminate against lesbian, gay, bisexual, or transgender (LGBT) individuals”, non-governmental organisations (NGOs) working with LGBT individuals claim that “references in the law relating to ‘the morals of society,’ ‘protection of the family,’ and ‘unnatural sexual behaviour’ were sometimes used as a basis for abuse by police and discrimination by employers”. In 2009 and 2010, several government ministers and officials variously described homosexuality as “a behaviour disorder...spreading in a scary way within society”, as well as being “against human nature, and...should be corrected without targeting homosexuals”, and as “a biological disease...that needs to be treated”.⁴

Despite widespread criticism for such remarks, activists believe these comments are indicative of what they say is “increasing prejudice, discrimination and violence – even from police – against homosexuality and transgender people...[a] total of 45 gays and transgender

¹ Bruce-Jones, E, & Itaborahy, L. 2011, *State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults*, International Lesbian, Gay, Bisexual, Trans and Intersex Association website, May, p.8, 10, 17 http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf – Accessed 16 September 2011

² ‘Global Gayz – Republic of Turkey, Middle East’ (undated), Global Gayz website <http://www.globalgayz.com/country/Turkey/TUR> – Accessed 15 September 2011

³ Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June, p.6 <http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011

⁴ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 11 April, Section 6

people were killed over three years in ‘hate murders’”.⁵ In November 2010, neither the ruling Justice and Development Party (AKP) nor the main opposition Republican People’s Party (CHP) expressed a desire to address LGBTI rights in any future draft constitution. An AKP spokesperson said that while “the AKP’s stance on human rights was clear...[it] has not considered the issue at all”.⁶

While military service is mandatory in Turkey, some within the armed forces “consider gays ‘sick’ and therefore ineligible to serve...[t]o screen out the gays from the new recruits, Turkey has a policy of ‘will ask, must tell’”. According to one openly gay man, a military psychiatrist demanded explicit photographs in order to exempt the man from service. Other homosexuals have reportedly undergone week-long hospital observations by psychiatrists, and some have had their parents interviewed.⁷

In May 2011, a former Turkish soccer referee accused the Turkish Football Federation of “passing documents to the media showing he was exempted from compulsory military service because of his sexual orientation, which in turn led to death threats”. The man claimed that he was forced out of the federation two years ago due to his homosexuality, and said that as the issue has attracted widespread media attention, he has since been unable to find a job, and has received threats. The football federation reportedly argued that “referees must have completed military service or have been exempted for reasons unrelated to health”. The referee is undertaking court action in order to be reinstated by the federation.⁸

In December 2010, the High Board of Radio and Television (RTUK) fined Haberturk TV for “broadcasting a discussion of homosexuality”; the Board also warned ATV for depicting two men in bed together as a couple. According to USDOS, the RTUK president said that “because both programs presented homosexuality as ‘normal’, the RTUK assessed that they harmed the Turkish family structure...and constituted a breach of the society’s national and moral values”.⁹

According to *Pink News*, the European Parliament criticised Turkey for its record on LGBTI rights, and said that the country must prove that it can provide “genuine protection” to gay people before it can join the European Union.¹⁰ The Global Gayz website noted that “the desire of Turkey to join the European Union has forced the government to grant official recognition to LGBT rights organizations, respect a greater degree of the freedom of speech and the press and to entertain gay rights legislation”.¹¹ According to *Hurriyet Daily News*, however, in 2008 Turkey refused to sign a European Union-led declaration presented at the United Nations calling for all states to “take steps to stop the criminalization of

⁵ ‘Turkey’s gays, transsexuals decry increasing homophobia’ 2010, Google News website, source: *Agence France-Presse*, 3 April http://www.google.com/hostednews/afp/article/ALeqM5i_mI_smXF4WPvvhQwkZqoC8ApXg – Accessed 20 April 2010

⁶ ‘Turkey’s ruling, opposition parties dismiss need for gay rights’ 2010, *Hurriyet Daily News*, 2 November <http://www.hurriyetdailynews.com/n.php?n=homosexual-rights-is-not-an-issue-for-akp-and-chp-2010-11-02> – Accessed 16 September 2011

⁷ ‘Turkish gays and the military’ 2011, *The World*, 3 January <http://www.theworld.org/2011/01/turkish-gays-and-the-military/#comments> – Accessed 21 June 2011

⁸ ‘Ousted gay referee seeks reinstatement in Turkey’ 2011, *Reuters*, 31 May <http://www.reuters.com/article/2011/05/31/us-turkey-rights-idUSTRE74U2X620110531> – Accessed 10 June 2011

⁹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 11 April, Section 6

¹⁰ ‘European Parliament says candidate countries must offer gays protection’ 2010, *Pink News*, 12 February <http://www.pinknews.co.uk/2010/02/12/european-parliament-says-candidate-countries-must-offer-gays-protection/> – Accessed 12 October 2010

¹¹ ‘Global Gayz – Republic of Turkey, Middle East’ (undated), Global Gayz website <http://www.globalgayz.com/country/Turkey/TUR> – Accessed 15 September 2011

homosexuality”. Turkish NGOs and LGBTI groups called on the Turkish government to reconsider its decision, and while they acknowledged that homosexuality was ostensibly not a crime in Turkey, they noted that they “were not defined in the Turkish constitution’s prohibition of discrimination or the social or civil rights...[w]e are ignored and ignorance is the utmost violence”.¹² No information was located regarding the reasons behind Turkey’s refusal to sign the declaration.

Tolerance or acceptance in Ankara

According to the Turkey Ankara Gay Travel Guide, “Ankara does not have such a colourful and visible gay life” probably due to the capital city’s “more official life style”. The guide noted, however, that there are several gay or gay-friendly venues in the city, despite the claim that several have opened and not survived for undisclosed reasons. The guide further claims that although some cinema, bath house and sauna owners welcome homosexuals to their establishments, most “do not like to be mentioned on gay websites or guide books”. There are no exclusively gay baths or saunas in Ankara. The guide notes that gay men should be selective with the people they meet in cruising areas such as parks, as “[i]t is always possible to come across some bad guys who want to trap the gay men in such places”.¹³

In 2008, the first gay pride march to be held in Ankara took place on 17 May, to mark the International Day Against Homophobia. According to LGBTI rights group KAOS GL, “[o]ver 100 gay men and women, bisexuals and transgender people assembled...for a march to Parliament”. Despite the presence of large numbers of police, who stopped the march and demanded that rainbow flags and banners not be displayed, the march occurred without incident.¹⁴ In May 2010, an estimated 300 people reportedly marched in an “antihomophobia parade in the heart of Ankara”, while a June 2010 LGBTI pride parade in Istanbul drew over 5,000 people. Neither attracted incidents of violence.¹⁵

According to the Immigration and Refugee Board of Canada (IRB), as of 2007 there were several legally-registered LGBTI organisations in Turkey, two of which, KAOS GL and Pink Life, maintained a presence in Ankara. KAOS GL reportedly obtained legal non-governmental organisation (NGO) status in July 2005, despite efforts by local government authorities in Ankara to have the organisation banned.¹⁶ In September 2005, KAOS GL claimed that the governor of Ankara had said that gay rights were harmful, while the deputy governor attempted to have the group shut down on the grounds that “it is forbidden to found a society contrary to law and morality”.¹⁷

Gay men being targeted for harm

Government

¹² ‘Turkey breaks company with EU in gay vote’ 2008, *Hurriyet Daily News*, 22 December <http://www.hurriyet.com.tr/english/domestic/10617078.asp?gid=244> – Accessed 22 December 2008

¹³ ‘General Info – Turkey Ankara Gay Travel Guide’ (undated), Turkeygay.net website <http://www.turkeygay.net/ankara.html> – Accessed 5 October 2011

¹⁴ ‘First Ever Gay March Held in Ankara’ 2008, UK Gay News website, source: KAOS GL, 22 May <http://www.ukgaynews.org.uk/Archive/08/May/2201.htm> – Accessed 5 October 2011

¹⁵ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 11 April, Section 6

¹⁶ Immigration and Refugee Board of Canada 2007, *TUR102515.E – Turkey: Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available*, 11 June

¹⁷ ‘Gay Rights Harmful, Says Ankara Governor’ 2005, KAOS GL News website, 21 September <http://news.kaosgl.com/item/2005/9/21/gay-rights-harmful-says-ankara-governor> – Accessed 5 October 2011

Limited specific information was located regarding the targeting of gay men for harm by Turkish authorities. With regard to police violence, a large body of evidence indicates that transgender women in particular are at far greater risk of harm from authorities. According to Amnesty International, transgender women have “suffered a long history of violence by police in custody...in many instances police officers view all transgender women in public places as sex workers and legitimate targets for arrest, harassment and in some cases physical abuse”.¹⁸

Official and unofficial LGBTI groups reportedly “complained of harassment by police and government authorities...[m]ost had problems registering as an official organization or maintaining their registration once granted”.¹⁹ According to Amnesty International, “[g]ay, bisexual and transgender Turks face widespread discrimination and homophobia, often suffering beatings by the police which leave them too frightened to report hate crimes”.²⁰ In May 2010, Human Rights Watch (HRW) reported that “police beat five transgender members of Ankara-based NGO Pembe Hayat (Pink Life Lesbian, Gay, Bisexual, Transgender and Transsexual Solidarity Association) in the street in front of witnesses before detaining them”. The five were charged with resisting arrest, but were acquitted at trial in October 2010.²¹

Non-state actors

Turkish LGBTI rights groups claim that “16 people were murdered in Turkey last year over their perceived sexual orientation, and violence is routine”.²² According to Amnesty International, “[o]f the 16 suspected hate murders documented by LGBT organizations in Turkey during 2010...nine of the murders were gay men...[i]n one case the victim was a heterosexual male apparently perceived to be gay”. The alleged perpetrators of all but one of the murders reportedly claimed that the victims “requested or initiated a sex act”, while in two of the cases, they claimed that the victims “attempted to rape them”. Three of the murders involved extreme violence, such as multiple stab wounds and dismemberment.²³

In January 2010, *Voice of America* reported that a 26-year-old gay man in Turkey was allegedly murdered by his father in what was thought to be the ‘first gay honour killing’. The father had reportedly driven over 900 kilometres to Istanbul to kill his son, who had “repeatedly filed complaints at the local prosecutor’s office that he was receiving death threats from his family”.²⁴ Amnesty International believes that the incident “has come to

¹⁸ Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June, p.12
<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011

¹⁹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 11 April, Section 6

²⁰ ‘Amnesty International condemns Turkey over gay rights record’ 2011, *Al Arabiya News*, source: *Reuters*, 22 June
<http://www.alarabiya.net/articles/2011/06/22/154328.html> – Accessed 16 September 2011

²¹ Human Rights Watch 2011, *World Report 2011 – Turkey*, Human Rights Watch website, 24 January
<http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011

²² ‘Amnesty International condemns Turkey over gay rights record’ 2011, *Al Arabiya News*, source: *Reuters*, 22 June
<http://www.alarabiya.net/articles/2011/06/22/154328.html> – Accessed 16 September 2011

²³ Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June, p.31
<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011

²⁴ ‘Death of gay activist brings Turkey’s attitude toward gays into focus’ 2010, *Voice of America*, 21 January
<http://www1.voanews.com/english/news/europe/Death-of-Gay-Activist-Brings-Turkeys-Attitude-Toward-Gays-Into-Focus-82239372.html> – Accessed 22 January 2010

symbolize the authorities' failure to respond to violence based on an individual's sexual orientation or gender identity".²⁵

HRW noted that in several instances, "perpetrators of violence first had sexual encounters with gay victims"; while such individuals may engage in homophobic assaults, it must not be assumed that they do so as homosexuals. In one such case in 2001, a gay man met another individual through the internet, and arranged to meet. After a sexual encounter, the man woke up to find he had been stabbed 17 times by the second individual, who at the end of the assault reportedly said "OK, I'm gay". Despite what appeared to be an investigation conducted by ostensibly non-judgemental and professional police officers, the perpetrator was never located, a result that the victim believed was due to his sexuality.²⁶

Protection provided by Turkish police

In 2011, Amnesty International stated that the LGBTI individuals to whom the group had spoken "consistently stated that they did not seek the assistance of the authorities to offer protection in the case of threats of violence or to report violent offences because they believed that due to their sexual orientation or gender identity the authorities would not assist them".²⁷

According to USDOS, during 2010 police provided protection to some LGBTI pride parades and celebrations held in Ankara, Istanbul and other cities. No incidents of violence were reported. Some human rights organisations reported that LGBTI events "with foreign participation generally occurred without incident while those without foreigners had much higher levels of police interference".²⁸

In 2008, HRW reported that Turkey should "urgently change law and policy to protect lesbian, gay, bisexual, and transgender (LGBT) people from extensive harassment and brutality on the streets, in homes, and in state-run institutions". HRW noted that despite a wide body of documented cases of LGBTI individuals being subject to acts of violence and intimidation, in most cases the "response by the authorities is inadequate if not non-existent".²⁹ In a separate report, HRW reported that abuses against gay men are often "abetted and at times perpetrated by the police themselves". Gangs reportedly go to cruising areas "looking for chances to inflict violence or robbery, and driven by prejudice against those who

²⁵ Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June, p.29

<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011

²⁶ Human Rights Watch 2008, *We Need a Law for Liberation – Gender, Sexuality, and Human Rights in a Changing Turkey*, Human Rights Watch website, May, p.6, 20-21

<http://www.hrw.org/sites/default/files/reports/turkey0508webwcover.pdf> – Accessed 16 September 2011

²⁷ Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June, p.34

<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011

²⁸ Human Rights Watch 2011, *World Report 2011 – Turkey*, Human Rights Watch website, 24 January

<http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011

²⁹ Human Rights Watch 2008, 'Turkey: Homophobic Violence Points to Rights Crisis', Human Rights Watch website, 21 May <http://www.hrw.org/news/2008/05/21/turkey-homophobic-violence-points-rights-crisis> – Accessed 16 September 2011

are not ‘masculine’ enough”, while police rarely respond adequately, sometimes blaming or further harassing victims.³⁰

In August 2006, Pink News reported an LGBTI-rights demonstration held in Bursa was disrupted by “an angry crowd of 200-250 people throwing stones”. Security officers prevented demonstrators from leaving the local Rainbow Association centre for several hours, claiming that they would be unable to protect them. Demonstrators from Ankara and Istanbul were later escorted by police to the bus terminal, while local Rainbow Association members waited until the evening before they left the building, also under police escort.³¹

³⁰ Human Rights Watch 2008, *We Need a Law for Liberation – Gender, Sexuality, and Human Rights in a Changing Turkey*, Human Rights Watch website, May, p.5

<http://www.hrw.org/sites/default/files/reports/turkey0508webwcover.pdf> – Accessed 16 September 2011

³¹ ‘Turkish gay groups demand protection’ 2006, Pink News website, 11 August

<http://www.pinknews.co.uk/news/articles/2005-2200.html/> – Accessed 5 October 2011

References

- ‘Amnesty International condemns Turkey over gay rights record’ 2011, *Al Arabiya News*, source: *Reuters*, 22 June <http://www.alarabiya.net/articles/2011/06/22/154328.html> – Accessed 16 September 2011.
- ‘Death of gay activist brings Turkey’s attitude toward gays into focus’ 2010, *Voice of America*, 21 January <http://www1.voanews.com/english/news/europe/Death-of-Gay-Activist-Brings-Turkeys-Attitude-Toward-Gays-Into-Focus-82239372.html> – Accessed 22 January 2010. (CISNET Turkey CX238938)
- ‘European Parliament says candidate countries must offer gays protection’ 2010, *Pink News*, 12 February <http://www.pinknews.co.uk/2010/02/12/european-parliament-says-candidate-countries-must-offer-gays-protection/> – Accessed 12 October 2010.
- ‘First Ever Gay March Held in Ankara’ 2008, UK Gay News website, source: KAOS GL, 22 May <http://www.ukgaynews.org.uk/Archive/08/May/2201.htm> – Accessed 5 October 2011.
- ‘Gay Rights Harmful, Says Ankara Governor’ 2005, KAOS GL News website, 21 September <http://news.kaosgl.com/item/2005/9/21/gay-rights-harmful-says-ankara-governor> – Accessed 5 October 2011.
- ‘General Info – Turkey Ankara Gay Travel Guide’ (undated), Turkeygay.net website <http://www.turkeygay.net/ankara.html> – Accessed 5 October 2011.
- ‘Global Gayz – Republic of Turkey, Middle East’ (undated), Global Gayz website <http://www.globalgayz.com/country/Turkey/TUR> – Accessed 15 September 2011.
- ‘Ousted gay referee seeks reinstatement in Turkey’ 2011, *Reuters*, 31 May <http://www.reuters.com/article/2011/05/31/us-turkey-rights-idUSTRE74U2X620110531> – Accessed 10 June 2011. (CISNET Turkey CX266619)
- ‘Turkey breaks company with EU in gay vote’ 2008, *Hurriyet Daily News*, 22 December <http://www.hurriyet.com.tr/english/domestic/10617078.asp?gid=244> – Accessed 22 December 2008. (CISNET Turkey CX217073)
- ‘Turkey’s gays, transsexuals decry increasing homophobia’ 2010, Google News website, source: *Agence France-Presse*, 3 April http://www.google.com/hostednews/afp/article/ALeqM5i_mI_smXF4WPvvhaQwkZqoC8ApXg – Accessed 20 April 2010. (CISNET Turkey CX242397)
- ‘Turkey’s ruling, opposition parties dismiss need for gay rights’ 2010, *Hurriyet Daily News*, 2 November <http://www.hurriyetdailynews.com/n.php?n=homosexual-rights-is-not-an-issue-for-akp-and-chp-2010-11-02> – Accessed 16 September 2011.
- ‘Turkish gay groups demand protection’ 2006, Pink News website, 11 August <http://www.pinknews.co.uk/news/articles/2005-2200.html/> – Accessed 5 October 2011.
- ‘Turkish gays and the military’ 2011, *The World*, 3 January <http://www.theworld.org/2011/01/turkish-gays-and-the-military/#comments> – Accessed 21 June 2011’ (CISNET Turkey CX267142)
- Amnesty International 2011, *Not an Illness Nor a Crime: Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, Amnesty International website, 21 June

<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf> – Accessed 16 September 2011.

Bruce-Jones, E, & Itaborahy, L. 2011, *State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults*, International Lesbian, Gay, Bisexual, Trans and Intersex Association website, May
http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2011.pdf – Accessed 16 September 2011.

Human Rights Watch 2008, 'Turkey: Homophobic Violence Points to Rights Crisis', Human Rights Watch website, 21 May <http://www.hrw.org/news/2008/05/21/turkey-homophobic-violence-points-rights-crisis> – Accessed 16 September 2011.

Human Rights Watch 2008, *We Need a Law for Liberation – Gender, Sexuality, and Human Rights in a Changing Turkey*, Human Rights Watch website, May
<http://www.hrw.org/sites/default/files/reports/turkey0508webwcover.pdf> – Accessed 16 September 2011.

Human Rights Watch 2011, *World Report 2011 – Turkey*, Human Rights Watch website, 24 January <http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011.

Immigration and Refugee Board of Canada 2007, *TUR102515.E – Turkey: Treatment of gay, lesbian and transgender people by Turkish society; treatment by authorities; legislation, protection and services available*, 11 June (REFINFO)

US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 11 April.