

# Unsafe Haven: Security Challenges Facing LGBT Asylum Seekers and Refugees in Turkey

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## Abstract

**L**esbian, gay, bisexual, and transgender individuals (LGBTs) face persecution and violence around the globe. Many are forced to escape this persecution in their countries of origin and make claims for refugee status on the basis of their sexual orientation or gender identity. Turkey is increasingly a crossroads for mixed migration flows from Asia and Africa to Europe, and has seen a rise in the numbers of LGBT asylum seekers in recent years. Many arrive in Turkey to confront new violence and harassment by local communities and other refugees. While awaiting the determination of their refugee status, they avoid the police, are afraid to leave their homes, and have very limited access to social support, employment, and medical care. Expedited resettlement is one short-term solution to the security concerns facing this group. Longer-term solutions include training government agencies and social service providers on basic concepts regarding LGBT status and the rights of LGBT asylum seekers and refugees.

## Introduction

*“All refugees have problems in Turkey. However, I believe that some problems are very unique to our situation. Many LGBT refugees have no one to turn to. Refugees who fled their countries because of their political activ-*

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*ism often can turn to their political parties for support. Refugees who fled for religious reasons can turn to their religious communities. Some refugees can turn to their families in their home country for support. Many of us left everything behind. We have been cut off from our communities and our families in our countries and have no one to turn to.”<sup>1</sup>*

In recent years, Turkey has experienced an increase in the numbers of lesbian, gay, bisexual, and transgender (LGBT) asylum seekers. Most come from Iran, which enforces the death penalty for consensual same-sex conduct and has, by some estimates, executed thousands of LGBT individuals.<sup>2</sup> Despite Iranian President Mahmoud Ahmadinejad’s now-famous denial of the existence of homosexuals in his country,<sup>3</sup> scores of LGBT asylum seekers from Iran escape to Turkey each year.

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Rights abuses against LGBT people and their advocates are rife in Turkey. Identity-based harassment and violence are common, as is police indifference to LGBT complaints. There were ten reported murders of LGBT individuals between November 2008 and April 2009 alone.<sup>4</sup> LGBT rights groups in Turkey have been closed or threatened with closure for endangering “moral values and family structure.”<sup>5</sup> While in Turkey, LGBT refugee applicants are subject to the country’s complex asylum procedures, and they often wait many months or years to

complete the process. Turkey extends protection under the 1951 Convention and 1967 Protocol Relating to the Status of Refugees only to people originating in Europe.<sup>6</sup> Since the vast majority of asylum seekers in Turkey are not European, they are ineligible for refugee status in that country. Instead, their protection and prospects for durable solutions fall largely on the United Nations High Commissioner for Refugees (UNHCR). Those whom UNHCR recognizes as refugees become eligible for resettlement in a third country, primarily the U.S., Canada, or Australia.<sup>7</sup>

For several years, Helsinki Citizens’ Assembly—Turkey (HCA) has provided legal aid to asylum seekers and refugees in Turkey, a significant portion of whom are LGBT individuals. During the course of this assistance, HCA identified a clear pattern of interlinking rights violations against this community of asylum seekers and refugees. Faced with the “double marginality” of being LGBT and refugees, they experience not simply the cumulative sum of belonging to both groups but also exponential marginalization based on profound distancing from traditional support systems and resources.<sup>8</sup> To assess the situation systematically, HCA undertook a series of in-depth interviews<sup>9</sup> and file reviews for 46 LGBT asylum seekers and refugees. Of those interviewed, the overwhelming majority were from Iran, with a few others from Arabic-speaking countries.<sup>10</sup>

Interviewees reported consistent harassment and physical violence from local communities, gaps in police protection, and barriers to accessing housing, work, edu-

cation, and health care. Many reported invasive questioning during asylum procedures. They uniformly expressed deep feelings of isolation—from family and friends in Iran or other countries of origin, from other refugees in Turkey, and from Turkish society and authorities. Recommendations to address these protection concerns focus on training police, social service providers, community leaders, and UNHCR staff, and on creating safe environments for LGBT asylum seekers and refugees as they wait to be resettled from Turkey to other countries.

## **Persecution of LGBTs: The Global Context**

LGBT communities face discriminatory treatment and persecution on the basis of their sexual orientation or gender identity throughout the world.<sup>11</sup> They are subject to violence—including rape, torture, and murder—both by private citizens and government agents.<sup>12</sup> They also confront barriers to accessing basic social and economic rights, including health care, education, housing, and employment.<sup>13</sup> In order to avoid social ostracism, violence, and even execution, LGBT individuals often are forced by their families and communities into socially accepted gender identities and heterosexual relationships, resulting in severe emotional repercussions. LGBTs also tend to be targets of sexual violence, often used as a punishment for transgressing gender norms.<sup>14</sup>

Discrimination against LGBT people is often codified, tending to perpetuate a climate of intolerance.<sup>15</sup> Hundreds of nations have enacted laws that prevent the full expression of LGBT identity, including limitations on legal partnership rights or cohabitation. Consensual same-sex acts among adults are still criminalized by at least 85 UN member states.<sup>16</sup> Moreover, seven of those nations—Iran, Mauritania, Saudi Arabia, Sudan, United Arab Emirates, Yemen, and Nigeria—maintain the death penalty for homosexual acts.<sup>17</sup> Several of these countries follow *shari'a* law and uphold statutes establishing stoning as a form of execution for those convicted of same-sex acts.<sup>18</sup>

Government persecution of LGBTs also manifests itself in non-codified forms, including unofficial policies that tolerate police violence against LGBTs.<sup>19</sup> These policies often discourage sexual minorities from reporting hate crimes, exposing them to an even greater risk of abuse.<sup>20</sup> States also discriminate against their LGBT citizens by classifying non-conforming sexual orientation or gender identity as mental illness, and by legally limiting the expression of LGBT rights organizations.<sup>21</sup>

## **International Refugee Law: LGBTs as Members of a Particular Social Group**

As a result of this discriminatory treatment, many LGBTs are compelled to escape persecution in their countries of origin and seek refuge in countries that provide them greater protection. Refugee claims ensuing from sexual orientation or gender identity are most often based on the applicant's "membership in a particular social group" (MPSG), one of the five grounds for protection enumerated in the Refugee Convention. While the Convention leaves the term MPSG undefined, there have been two generally

accepted approaches to its interpretation. The “protected characteristics” approach examines whether the group at issue is united by a characteristic that is immutable or “so fundamental to human dignity that [one] should not be compelled to forsake it.”<sup>22</sup> The “social perception” approach examines whether the claimed group shares a common characteristic which renders it cognizable or which sets it apart from society at large.<sup>23</sup> UNHCR has embraced a definition best described as “social perception” informed by “protected characteristics”:

[A] particular social group is a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience, or the exercise of one’s human rights.<sup>24</sup>

On a practical level, lesbian and gay asylum seekers may qualify under all approaches to social group membership. Lesbians share the immutable characteristic of being sexually or emotionally attracted to other women; gay men share the immutable characteristic of being sexually or emotionally attracted to other men. These characteristics are increasingly regarded in Western societies as so fundamental to identity and human dignity that one should not be forced to forsake them.<sup>25</sup> Lesbians and gay men may also be perceived as a group in their country of origin. This is underscored by the fact that more than 80 countries criminalize homosexual conduct, numerous others have morality laws resulting in harassment or persecution of LGBTs, and still others permit violence and abuse against sexual minorities.<sup>26</sup>

Bisexual claimants, who often intersect heterosexual and homosexual social circles, may have more difficulty proving that they are perceived as a separate group.<sup>27</sup> Where this is the case, bisexuals can often legitimately claim imputed membership in a particular social group of lesbians or gay men.

Transgender claims are based on gender identity rather than sexual orientation. (Being transgender is a matter of self-perception and internal identity. It is separate from one’s sexual affinities and does not imply attraction to members of a given gender.) Claims by transgender asylum seekers are most often based on membership in a social group of “individuals born with one anatomical sex who believe this anatomical sex does not match their gender.”<sup>28</sup> This gender identity, rather than the claimant’s male or female anatomical characteristics, is viewed as immutable and fundamental to the person’s identity.<sup>29</sup> Transgender individuals may also affiliate closely with one another, are driven by their common interest in assuming the gender identity of the opposite sex, are recognized as a segment of the population, and are often singled out for different treatment.<sup>30</sup> Transgender claims may, in addition, be based on imputed membership in a particular social group of lesbians or gay men.<sup>31</sup>

## **LGBT Asylum Seekers and Refugees in Turkey**

As European nations have taken increasingly strong measures to stem the flow of migration from Africa and Asia, larger numbers of migrants and refugees have made their

way into Turkey. LGBTs make up a small but notable portion of Turkey’s refugees. Almost all the known LGBT asylum seekers arriving in Turkey originate from Iran.

**The Treatment of LGBTs in Iran: The Basis for Refugee Status**

Iran’s intolerance of same-sex relations is clearly spelled out in its criminal code. All penetrative sexual acts between adult men are punishable with the death penalty,<sup>32</sup> and other consensual sexual acts between consenting men or consenting women are punishable with lashes up to the fourth offense; thereafter with death.<sup>33</sup> According to one Iranian gay and lesbian rights group in exile, the Iranian government has executed an estimated 4,000 homosexuals since 1980.<sup>34</sup>

Iran’s state security apparatus—with support from a civilian morality corps called the “Special Protection Division”<sup>35</sup>—actively pursues, entraps, and tortures those thought to be engaging in homosexual conduct. House raids by police are common. The 30 people arrested on suspicion of homosexual activity during a February 2008 house raid reported being held without charge for several weeks and denied access to legal representation.<sup>36</sup> Victims of a May 2007 house raid that led to 87 arrests reported being stripped to the waist by police and beaten until their backs and faces were bloody. Some sustained broken bones.<sup>37</sup> Internet entrapment is also a common and dangerous threat for LGBTs seeking the apparent safety of online contact.<sup>38</sup> After agreeing online to meet an undercover police officer, one gay man was arrested. He was sentenced to 175 lashes, and was later repeatedly tortured during a weeklong detention.<sup>39</sup>

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Paradoxically, the Iranian government subsidizes gender reassignment surgery.<sup>40</sup> Once diagnosed as transgender by a government physician, one can receive official government dispensation to cross-dress in public pending surgery.<sup>41</sup> However, many LGBTs report feeling pressured to undergo sex-change operations to avoid the severe consequences of being charged with engaging in homosexual conduct.<sup>42</sup> Transgender people who decline to undergo sex reassignment surgery are officially viewed as homosexuals and victimized by both state and non-state actors.<sup>43</sup> They report police abuse, rape, and various forms of torture in detention.<sup>44</sup> They also face barriers to social assistance and employment, leading many to engage in sex work to support themselves.<sup>45</sup>

The Iranian asylum seekers and refugees interviewed reported coming to Turkey to escape imminent arrest, torture, or other abuses consistent with those described above.

## Turkey's Geographical Limitation

After escaping persecution in Iran, LGBT asylum seekers are subject to Turkey's complex and lengthy asylum procedures. Turkey applies a geographical limitation to the Refugee Convention, meaning that that vast majority of forced migrants entering its borders today—refugees from the Middle East, Asia, and Africa—are not accorded asylum in Turkey. Instead, the responsibility for their protection falls primarily to UNHCR, which is charged with finding them a durable solution, usually involving resettlement in another country.

The roots of the geographical limitation date back to the original 1951 Geneva Convention, which concerned itself only with persons who had become refugees as a result of events that occurred before January 1, 1951. The Convention offered signatories the option of limiting their protection to persons who had been rendered refugees as a result of events in Europe.<sup>46</sup> The vast majority of nations chose the broader variant, extending coverage to refugees from anywhere in the world.<sup>47</sup> Turkey was one of four nations to choose the limited European alternative.<sup>48</sup>

By the mid-1960s, population displacement in Europe had largely subsided, while events elsewhere in the world were creating large new forced migrations. The Geneva Convention, which related only to events before 1951, was becoming largely irrelevant to the refugees of the day. The 1967 Protocol was drafted to extend to these new situations; it offered no “Europe only” option.<sup>49</sup> Turkey acceded to the Protocol. However, it became the only nation to explicitly retain its original limitation to “persons who [became] refugees as a result of events occurring in Europe.”<sup>50</sup>

At the same time, Turkey entered into an agreement with UNHCR, which remains binding today, to allow non-European asylum seekers to remain in Turkey while UNHCR conducts refugee status determination and facilitates their resettlement elsewhere. Commensurate with its limited treaty obligations, Turkey denies non-European refugees long-term or permanent sanctuary.

## Turkey's Asylum System

### *Ministry of Interior Procedures*

*“I was the first trans[gender] person in Nevşehir. When I arrived, the police told me about the conditions here, how to live, and how to fit in. They told me to be careful. They told me to wear men's clothes. They told me to walk like a man.”<sup>51</sup>*

Non-Europeans who seek refugee protection from UNHCR must secure the right to remain in Turkey by applying for temporary asylum with the Ministry of Interior (MOI).<sup>52</sup> They also must live in one of approximately 30 “satellite cities,” which are usually small towns in Turkey's interior.<sup>53</sup> They may leave their assigned city for short periods, but must receive police permission to do so. In order to access very basic social assistance, asylum seekers must have a residence permit, which may cost up to \$218 at the first issuance and \$169 per person every six months thereafter<sup>54</sup>—a prohibitive expense for

most. Once registered in their assigned satellite cities, asylum seekers undergo detailed status determination interviews with a local foreigners' police official.<sup>55</sup> Throughout this procedure, asylum seekers and refugees must report to local police as often as once a day to prove their continued residence in their assigned satellite cities.<sup>56</sup>

Virtually all the LGBT asylum seekers interviewed had registered with the police in their respective satellite cities, but could not afford the cost of a residence permit—in turn limiting their access to most social assistance. The majority described invasive questioning regarding their sexual history and sexual experiences during their temporary asylum interviews. For example, they reported being asked about the sexual positions they preferred and the number of sex partners they had. Another common complaint was that the interviews were not conducted in private. Many reported that other police officers in the room mocked or laughed at them during their interviews.

Many of the male-to-female (MTF) transgender asylum seekers interviewed, as well as the gay men who appeared “non-masculine,” reported that the police immediately warned them to wear their hair short, dress “like a man,” and not wear makeup or jewelry. This advice was apparently given for their own safety. It was the first indication to many that the police would not be able to ensure their physical safety if their outward appearance made them targets within the general population.

#### *UNHCR Procedures*

Procedures and practices at UNHCR reflect an overall commitment to protecting LGBT asylum seekers and refugees, but are hindered by a lack of resources and skills to consistently do so effectively.

UNHCR's refugee status determination (RSD) process initially involves a registration interview. The LGBT interviewees were generally satisfied with their treatment by UNHCR staff during registration. However, they consistently reported harassment by other asylum seekers while they waited to be registered, both outside the UNHCR gate and after being admitted into the UNHCR reception area.

Once registration is complete, asylum seekers are given a date for their first instance interview, which is the basis for granting or denying refugee status.<sup>57</sup> Like other asylum seekers, the interviewees reported waiting eight months to a year on average for their first interview. The waiting times vary depending on UNHCR staff resources,

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and have recently been decreasing. However, some LGBT asylum seekers said they feared they would be killed before their claims were assessed.

While UNHCR is obligated to create an environment of “trust and respect” during RSD interviews,<sup>58</sup> many LGBTs described interview techniques that were invasive, inappropriate, or prurient. For instance, while describing a twelve-hour gang rape by Iranian state security agents, a transgender asylum seeker was asked to provide explicit sexual details. Similarly, a gay man was repeatedly asked to describe whether his partner had used any “liquids, instruments, or drugs” during his first sexual experience. Another man recalled his UNHCR interviewer stating that it was unlikely that he was gay because he had been married to a woman in his home country. Likewise, interviewees who dressed and behaved in a more typically masculine manner were asked why they did not dress “more femininely.” Interviewees also reported that at least one of UNHCR’s Farsi interpreters referred to gay men using a term that derogatorily implied prostitution.

It can take as long as two years from the date of UNHCR registration for a case decision to be issued.<sup>59</sup> UNHCR makes efforts to expedite the claims of the most vulnerable refugees,<sup>60</sup> including LGBTs, and many of the LGBT asylum seekers interviewed had been granted refugee status by UNHCR. A number of interviewees had been granted refugee status within four months of their first instance interview, while others had been waiting over eight months for a decision. If their application is rejected, asylum seekers may appeal the decision.<sup>61</sup>

Following a long wait for decisions on their claims for refugee status, LGBT refugees then face a lengthy resettlement process, which often spans a year or more. Current UNHCR guidelines do not refer to sexual orientation or gender identity (or to the targeting which often accompanies them) as specific vulnerabilities warranting expedited resettlement. Many LGBT refugees interviewed expressed distress about the waiting period for resettlement in light of their security concerns in Turkey. In addition, since UNHCR does not refer common-law partners for resettlement together, same-sex couples are subject to separation from their life partners during the resettlement process.

In 2008, UNHCR issued guidance on the handling of refugee claims made on the basis of sexual orientation and gender identity.<sup>62</sup> A significant step forward, this publication sets out a broad range of circumstances warranting protection in claims involving LGBT persecution. Significantly, the guidance calls for the development of trainings and materials relating to appropriate inquiries and interview techniques to use with LGBT applicants.<sup>63</sup> Until these are developed and implemented in local branch offices of UNHCR, the usefulness of the guidance is likely to be limited.

## **Violence and Discrimination**

### *Insufficient Police Response*

*“Local people always call out ‘top’<sup>64</sup> when I walk on the street... People harass me all the time. They want to have sex with me. I was attacked four*

*times by local youth. Each time, I complained to the police, but nothing ever happened.”<sup>65</sup>*

All the LGBT interviewees distinguished between the local police and the “foreigners’ police,” with whom they had more regular contact. While some reported being satisfied with their relationship with foreigners’ police officers, they consistently reported that the local police offered them very little protection from violence, harassment, abuse, and exploitation. Many who had been physically attacked were dismissed with police admonitions to “be more careful” or not to go out after dark. After a particularly violent attack, one gay couple was reportedly warned by the police that they might be deported if they attempted to fight back during a future attack.

In theory, asylum seekers are entitled to protection from personal crime in Turkey; under the Turkish constitution, citizens and non-citizens alike enjoy the same rights,<sup>66</sup> including the right to initiate legal proceedings.<sup>67</sup> In practice, as borne out by this study, LGBT asylum seekers are much less likely to pursue their legal rights or to benefit from them.

In the vast majority of cases, interviewees reported that, to their knowledge, the police did not follow up or investigate crimes against them. Many said they did not report incidents of abuse or exploitation to the police. Some interviewees who had been abused by their employers said they feared the police would penalize them for having worked illegally. Others said they feared the police would not believe them, or would otherwise not follow up. Interviewees commonly reasoned that since the police had been unable or unwilling to assist or protect their friends in the past, they would not help them either. These perceptions likely drive LGBT asylum seekers further underground, isolating them and rendering them even more vulnerable to violence and harassment.

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### *Housing Rights and Violations*

*“Our neighbors call us ‘top’ and ‘bastard’. They ask me how much it costs to have sex with me. The building opposite our house is a school and even small children from the school call us top. We don’t even want to leave our house when the children are on break. Even now, dressing as a man, I face these problems.”<sup>68</sup>*

As a rule, asylum seekers and refugees in Turkey are required to pay their own housing costs. While UNHCR and state authorities provide very limited financial assistance, this generally reaches only the most vulnerable. Only a handful of the LGBT refugees interviewed reported receiving any financial assistance, and then mostly in amounts less than the equivalent of \$60 on a one-time basis.

The majority of LGBT asylum seekers interviewed reported having found housing through other LGBT asylum seekers in their satellite cities. Others described being rejected by prospective landlords, because they were foreign, because their gender identity or sexual orientation was detectable, or both. Yet others had been evicted when their sexual orientation or gender identity was discovered. Most interviewees lived with other LGBT asylum seekers, often in cramped and overcrowded apartments. Despite the poor living conditions, they uniformly preferred to live with other LGBT asylum seekers to avoid harassment and to enjoy financial and emotional support. All those interviewed expressed serious concerns about paying their rent and utilities. Even the few who were employed had difficulties paying their housing expenses.

LGBT asylum seekers widely reported housing discrimination in addition to difficulties covering costs. Although asylum seekers and refugees are entitled to equal rights under Turkish law,<sup>69</sup> there is in practice little protection for those facing discrimination. Compounding other protection gaps, Turkish law does not prohibit or protect against housing discrimination on the basis of sexual orientation or gender identity. Moreover, while LGBT asylum seekers may theoretically initiate a lawsuit against a landlord,<sup>70</sup> few are willing to expose themselves to retaliation or are able to afford the associated legal fees and court costs.

#### *Employment Discrimination and Workplace Violence*

*“I worked in a restaurant for four months when I first came to Isparta. But when the boss realized that I was gay, he fired me. Now I work as a sex worker in Eğirdir and Isparta. I have to because I have no money and I have to survive somehow.”<sup>71</sup>*

Although Turkey’s asylum regulation encourages asylum seekers to apply for work permits, very few asylum seekers or refugees have ever been granted such authorization.<sup>72</sup> The work permit process is both expensive and administratively complicated. None of the LGBT asylum seekers or refugees interviewed had employment authorization.

Because asylum seekers rarely have work permits, they must look for illegal job opportunities. Many of the LGBT asylum seekers interviewed reported that they had never been able to find work in Turkey, despite regular efforts to do so. All attributed this to their LGBT identity, their status as asylum seekers, or both. A female-to-male transgender asylum seeker reported giving up the search for work after being consistently asked if he was “a boy or a girl.” Some interviewees reported entering shops or other establishments with posted help wanted signs, only to be told that they could not apply because of their appearance. Many of the asylum seekers who were visibly LGBT described being taunted or humiliated during the application process.

Deprived of standard workplace protections, LGBT asylum seekers are viewed by unscrupulous employers as vulnerable, and are subjected to exploitative working conditions.<sup>73</sup> LGBT asylum seekers, especially those whose sexual orientation or gender identity is identifiable, are particularly vulnerable to discrimination and mistreatment by their employers. A number reported being violently forced off the job site when it

was discovered they were gay or transgender. Others reported being sexually harassed, threatened, and subjected to other forms of violence.

While LGBT asylum seekers, even those without residence or work permits, can lodge formal complaints against abusive employers with the police or a prosecutor,<sup>74</sup> few have the knowledge, tools, or funds to do so. Moreover, with their economic survival in the balance and employment opportunities scant, most endure such abuses as long as they are tolerable. Interviewees uniformly felt they could not complain to the Turkish authorities because they did not have legal permission to work in Turkey or because they were afraid of retaliation from their employers. Unprotected against widespread workplace exclusion and discrimination, LGBT asylum applicants are especially hard-hit by these realities.

A small number of interviewees stated that they engaged in survival sex work because they could find no other employment. These individuals described being forced to engage in unprotected sex. They were also subjected to harassment and attack, not only by their clients but also by local Turkish sex workers, who accused them of taking away clients. They reported having little to no access to health care. Thus the multiple identities of being LGBT, asylum seekers, and sex workers threatened these interviewees' immediate physical safety as well as their long-term health.

#### *Limited Access to Health Care*

Asylum seekers and refugees in Turkey are required to pay their medical expenses in full.<sup>75</sup> The little support provided by UNHCR is often insufficient to cover the full cost of medical treatment.<sup>76</sup> UNHCR's implementing NGO partners<sup>77</sup> do provide free mental health counseling in a number of satellite cities.<sup>78</sup> The state provides medical assistance only in extraordinary cases of destitution and if UNHCR is unable to assist.<sup>79</sup> In theory, to receive state assistance, an asylum seeker must report to the local police with a valid residence permit. The applicant is then referred to the "Social Assistance and Solidarity Foundation," which assesses the financial and medical needs at hand, and in turn refers the case to a local health clinic or hospital.<sup>80</sup> While some local medical referral mechanisms comply with or exceed the standards set in Turkey's asylum regulation, most fall short. Pursuant to legislation passed in late 2008, even the limited medical support for non-European asylum seekers and refugees described above may soon be reduced.<sup>81</sup>

Like other asylum seekers, LGBTs have difficulty accessing care because many cannot afford it. However, heightened financial vulnerability of LGBTs, combined with their fear of leaving home, exacerbates this problem. Quite a few reported worsening symptoms of untreated conditions. Many interviewees reported depression, anxiety, suicidal thoughts, nightmares, difficulties sleeping, memory problems, and feelings of isolation and loneliness. The few interviewees who received mental health care had been referred by UNHCR or treated by its implementing partner, the Association for Solidarity with Asylum Seekers and Migrants (ASAM). Notably, the interviewees did not identify a pattern of mistreatment by medical or mental health professionals on the basis of their sexual orientation or gender identity.

### *Barriers to Social Assistance*

*“We were referred to a local charity which runs a soup kitchen. But when they found out that we were gay, they refused to give us any food. Since we were wearing makeup and our hair was long, all the local people getting food there laughed at us. So I cut my hair and went back to the charity. But they still refused to serve us. We were told that we were not clean and that they could not give us food because they could not touch us. We are just asking for our rights, nothing more. We just want to be treated like human beings, not like animals.”<sup>82</sup>*

LGBT asylum seekers reported facing persistent barriers to services because of their sexual orientation or gender identity. Interviewees also described being subjected to degrading treatment by service providers and other consumers. In a typical case, a MTF transgender asylum seeker who had sought assistance at the local governor’s office reported being asked by an employee if she was Bulent Ersoy (a transgender Turkish celebrity). She was called “abnormal and sick” and was told to “go find a boyfriend to take care of [her]” since the governor’s office could not. She added that she had been forced to “go to the mosque and sleep with people” to pay her bills.

### *Alienated from the Classroom*

*“We would rather not attend educational courses of any kind because we are scared of other refugees from our country. They laugh at us all the time and some of them have threatened us. Why would we want to put ourselves through this?”<sup>83</sup>*

Adult asylum seekers and refugees may benefit from language and vocational classes offered at public education centers throughout Turkey.<sup>84</sup> In order to be eligible, they must present a valid residence permit,<sup>85</sup> which, as noted, many lack. A small number of non-governmental organizations also provide private language instruction and vocational training to asylum seekers.

Only one interviewee reported that he had been denied access to language education due to his sexual orientation, stating that police had refused to refer him to a class despite his repeated efforts to enroll. Many others, however, described being effectively denied access because of prevalent harassment by other refugees in the classroom. They consistently reported dropping out of classes after having been ridiculed or shunned by other refugees.

### *Mistreatment by Local Communities*

*“Our relationship with the local population is horrible. The police told us that [if we wanted to be safe] we should change our appearance and our clothes. We changed ourselves, but the locals view and treat us the same way. I always feel like I am in danger. Every day of my life here I feel that I could be attacked.”<sup>86</sup>*

Perhaps the most significant problem identified by LGBT asylum seekers in Turkey is

the violent targeting and harassment they face by local townspeople. Almost all of the LGBT asylum seekers interviewed identified threats to their physical safety as their most pressing and enduring concern.

Most of those interviewed reported having been subjected to at least one incident of violence, and some reported having been physically attacked two or more times. Others reported being threatened with death. Notably, a group of gay and transgender Iranians residing in Kayseri reported that stones were regularly hurled at them through their apartment windows. They reported feeling afraid to sit in their own living room. One said that she no longer leaves her home. Many others similarly said that they minimize their time outside the house due to fear of physical harassment and violence, made all the more threatening because of a lack of police protection.

The vast majority of interviewees also reported being ostracized and mocked by neighbors and other local residents. They reported being called *top* (a derogatory Turkish term for gay men) by local people of all ages and sexes. Others described being regularly propositioned for sex or accused of engaging in prostitution. Some also described that their neighbors regularly lodged frivolous police complaints against them. Still others said their neighbors had complained about them to their landlords without cause, sometimes leading to their eviction.

The lesbians interviewed reported taking great care to conceal their sexual orientation from the general population to avoid harassment and abuse by local residents. They expressed a fear of local residents, particularly men. As lone single women, they described feeling vulnerable to attack, sexual harassment, and assault by male neighbors. This is largely the case in conservative satellite cities, where unmarried women rarely reside alone or with other women. A number reported that male neighbors had attempted to enter their homes late at night. One interviewee reported that a neighbor had sexually assaulted her in the hallway of her apartment building.

The two main strategies LGBT asylum seekers and refugees employed to avoid being targeted were dressing in a manner viewed as consistent with their gender and simply staying at home—the very advice provided by many police officers.

In addition to experiencing verbal harassment and physical attacks from members of the local population, LGBT asylum seekers also described being ostracized by other refugees. A number of interviewees said they were treated more abusively by other refugees than by the local Turkish population. An interviewee living in a free municipal dormitory reported that he had been targeted and harassed by other refugees there because he was gay. Interviewees commonly reported being harassed and ridiculed by other refugees when they signed in with the

***In addition to experiencing verbal harassment and physical attacks from members of the local population, LGBT asylum seekers also described being ostracized by other refugees.***

foreigners' police. An Iranian lesbian in Kayseri, for example, reported that another refugee had struck her in the face and called her a prostitute while she waited to sign in.

LGBT asylum seekers may, like all others, lodge complaints with the police or the local prosecutor's office.<sup>87</sup> However, few of those interviewed felt empowered to take legal action in response to harassment or physical violence. Despite the consistent violence, harassment, and threats they endured, only two interviewees had lodged formal complaints with the police, for fear of retaliation or police inaction.

## **Recommendations**

Our study suggests that many changes are needed in the asylum process in Turkey. These include revision of procedures, reconfiguration of priorities, and re-allocation of resources. Some of the changes are predicated on uneasy challenges to entrenched preconceptions. Yet, in the absence of such shifts, real protection for LGBT asylum seekers and refugees in Turkey will continue to be an elusive goal.

Most importantly, LGBT asylum seekers' and refugees' physical safety and security must be protected. The government of Turkey should take affirmative measures to prevent, stop, and prosecute acts of violence against this community. A key means of doing so is through the training of local police on sexual orientation and gender identity, preferably with the assistance of domestic LGBT rights organizations. Training should focus on alternatives to advising LGBT asylum seekers to hide their sexual orientation, conceal their gender identity, or stay home in order to avoid being targeted. Training should also reinforce the need for police to respond appropriately and in a timely fashion to complaints lodged by LGBT asylum seekers. Models of community-based policing should be introduced as a means of encouraging input from LGBT refugee communities on their protection needs and developing links between local police officers and LGBT refugees.

On a practical level, LGBT asylum seekers and refugees should be provided the opportunity to sign in with the local foreigners' police on different days or in different locations than other asylum seekers and refugees. Similarly, UNHCR should assure LGBTs' freedom from harassment at and near its premises. Specifically, UNHCR should make available a safe, private space for LGBT asylum seekers to wait for registration or status determination interviews. LGBT refugees and asylum seekers should also be assigned to live in the cities least hostile to them, and be re-assigned from locations where they cannot be effectively protected. In particular, they should be permitted to live in Istanbul, Ankara, Izmir, and the few other large Turkish cities with significant local LGBT communities and advocacy organizations.

The government of Turkey should also take broader legislative steps to signal its willingness to protect LGBTs, including asylum seekers and refugees. These include amending legislation (including in Turkey's Constitution and Penal Code) to explicitly prohibit discrimination in housing, employment, and government service provision on

the basis of sexual orientation and gender identity. Similarly, the government should add sexual orientation and gender identity to protected categories under Turkey’s existing “hate crime” legislation enumerated in Article 216 of the Penal Code, and sign the United Nations declaration calling for global decriminalization of homosexuality.

The Turkish government can also take steps to ease the economic hardships faced by all asylum seekers and refugees in Turkey, giving special attention to barriers that have a particularly devastating impact on LGBTs. As a starting point, residence permit fees should be waived for all indigent asylum seekers to allow them to freely access other social services.<sup>88</sup> The administrative and financial requirements for securing work permits should similarly be eased for asylum seekers, allowing LGBTs to secure a modicum of protection in the workplace. In addition, the government should take the necessary steps to ensure that LGBT and other asylum seekers and refugees have access to health care and social support consistent with services provided to similarly situated Turkish citizens.

Furthermore, asylum and resettlement procedures, whether carried out by UNHCR, the government of Turkey, or resettlement countries, must be accelerated for LGBT refugees. All these bodies should also institute trainings focused on developing an understanding of the issues around sexual orientation and gender identity. Interviewing techniques should be implemented which are not only inoffensive to asylum seekers, but which also elicit the presentation of *bona fide* LGBT-based claims. Except where essential to a specific persecution claim (forced sexual relations, for example), interviewers should be trained to avoid unnecessarily invasive or intimidating sex-related questions (including questions on sexual positions, acts, or numbers of partners). Interviewers should be further trained not to focus on appearance or other behavioral stereotypes (e.g., that gay men are effeminate or that lesbians are masculine) as a means of assessing credibility regarding sexual orientation or gender identity. In addition, interviews should be conducted in private areas to protect confidentiality. Lastly, resettlement countries should increase the number of LGBT refugees they accept.

***...asylum and resettlement procedures, whether carried out by UNHCR, the government of Turkey, or resettlement countries, must be accelerated for LGBT refugees.***

Trainings should also be conducted in the health, public assistance, and education sectors to increase receptivity toward LGBT refugees and asylum seekers, and to create environments where discrimination against them is not tolerated. To these ends, domestic LGBT groups should be encouraged to continue including LGBT refugees and asylum seekers in their platforms.

Finally, in order to ensure sufficient service provision to LGBT and other asylum seekers and refugees, government agencies, service providers, NGOs, and UNHCR

should recruit and maintain sufficient numbers of trained interpreters able to communicate in relevant languages. Interpreters should also be trained on confidentiality and employing appropriate terminology for use with LGBT asylum seekers and refugees. They should not be recruited from the local refugee population unless absolutely necessary.

## Conclusion

LGBTs are among the most marginalized and vulnerable asylum seekers and refugees in Turkey today. The protections extended by the government of Turkey and UNHCR allow these individuals to escape the severe mistreatment, torture, and death they face in their countries of origin. Unfortunately, their physical survival is often mired in new dangers and deprivations in Turkey. Some of these perils and threats stem from a dearth of resources at the local, national, and international levels. Others result from fear, lack of knowledge, and deeply-ingrained societal prejudices. Together, these factors conspire to form a woefully deficient protection environment for Turkey's LGBT asylum seekers and refugees. The determined application of education and training could set both UNHCR and the Turkish government on a path toward according these persons a modicum of dignity and security. Only then will the treaties and laws which comprise the international refugee regime be imbued with real meaning for these highly vulnerable individuals.

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## Endnotes

\* The authors would like to thank Ariel Travis for her research and editing assistance.

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- 66 The Constitution of the Republic of Turkey, Articles 10, 12.
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- 68 A male-to-female transgender asylum seeker in Kayseri, Turkey.
- 69 The Constitution of the Republic of Turkey, Articles 10, 12.
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- 71 A gay Iranian refugee in Isparta, Turkey.
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- 80 Ibid. *See also*, the Law on the Encouragement of Social Assistance and Solidarity (No. 3294), Article 1. Provincial “Social Assistance and Solidarity Foundations” are regulated by a board consisting of representatives from the provincial and municipal education, health and social services departments, as well as NGOs, benevolent citizens, *mukhtars* (local leaders) and *mufti* (religious scholars).
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