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Exit to Exist
- The Situation of LGBT Asylum Seekers in Turkey

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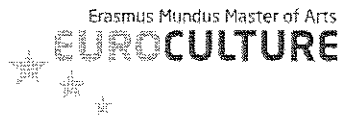
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1. Introduction

Queer asylum seekers are people that are forced to flee their country due to persecution related to their sexuality or gender identity. They are people that do not fit in the normative or legitimate sexuality or gender categories in their country of origin and migrate for those reasons with the hope of finding a better or safer future in another geographical location. According to studies made within queer migration scholarship the movement of the queer asylum seekers tends to be from the Global South to the Global North.¹

Queer migration studies is a part of the queer studies that question the concepts of sexuality and gender. The term “queer” is often used to refer to all non-normative and/or non-heterosexual categories, that is categories that do not fit the idea of sexuality or gender that is considered to be “normal” in a traditional context. Often the term “queer” is also used in place of LGBT(I), when referring to lesbian, gay, bisexual, transgender and intersex persons.

This paper is a part of queer migration studies that examine the migration of queer or LGBT(I) people. The paper shows that LGBT asylum seekers in Turkey have a uniquely and especially difficult situation compared to the most of their peers - firstly due to the legislative context that does not protect the LGBT people in Turkey – citizens and foreigners alike - and secondly because the legal framework does not make Turkish authorities responsible for the protection of asylum seekers, even if in many cases Turkey becomes the place of their residence for several months or sometimes years. The paper also argues that informal networks are crucial for the asylum seekers in finding their way to Turkey and on to a third country after that.

Queer asylum is a special case of migration, because the asylum seekers are not only migrating to search for a different place to live in, but because they are being persecuted for reasons related to their sexual orientation or gender identity. In many cases their lives are even being threatened. Turkey is a transit country for many asylum seekers for a variety of

¹ Ou Jin Lee, Edward & Brotman, Shari, 2011, 244

geopolitical reasons. It is also a neighbour to multiple countries that criminalize homosexuality and therefore many LGBTI asylum seekers strive to get there. The LGBTI asylum seekers aim to leave their home country for a new host country, where they are hoping to find a better life free of the persecution they faced in their home country. Most of them are seeking or trying to seek asylum in European and North American countries, but often they have to wait with the application in Turkey for months or even years.

All refugees may be subject to discrimination due to language, socioeconomic, or cultural prejudices but LGBT refugees are in an especially vulnerable situation. Forced to leave their own country for persecution related to their sexuality/gender identity, they also often face discrimination and ill-treatment for the same reasons in Turkey, compounding the problems that heterosexual and cis-gender² refugees might already face. There is no legislation against discrimination of LGBT people in Turkey, unlike in most European countries. On the contrary, until recently it was considered a mitigating factor in the sentence if the victim of violence was LGBT. For example, a person found guilty of murdering a LGBT person would get a reduced sentence compared to the time for the murder of a heterosexual person.³

The situation of LGBT refugees differs significantly from other refugee groups who are persecuted because of their belonging to a certain group. Being both an asylum seeker and LGBT leads to double marginality. The asylum seeker is a foreigner in the host country and at the same time s/he is seen as a minority because of his or her sexual orientation or gender identity, and therefore often marginal even within the ethnic or social group of asylum seekers. Being LGBT usually means that one does not follow certain cultural norms or ways of behaving, but in many cases the LGBT asylum seekers are expected to prove their belonging to a different sexual orientation or gender identity group in order to get an asylum in the third country. In the practices of refugee treatment everybody is heterosexual until proven otherwise, and claims of asylum based on sexual orientation or gender identity are all too often rejected because of their lack of sufficient proof.⁴

² Cisgender refers to people whose gender identity matches the gender that they were assigned to from birth, as opposition to transgender.

³ Helsinki Citizens Assembly & Organization for Refugee, Asylum & Migration: Unsafe Haven, 2011 3

⁴ Justin Perkins: UK Asylum Seekers “Told to Prove They Are Gay”, BBC News, 10 October 2013, accessed 12 April 2014. <http://www.bbc.com/news/uk-politics-24479812>

The question of LGBT asylum seekers does not only concern Turkey. It is a global issue and the movement of large numbers of asylum seekers through Turkey has consequences for both Europe and North America. All of the LGBT refugees arriving in Turkey need to seek asylum in a third country, mostly in Canada, USA, Australia or somewhere in the European Union. The situation of the LGBT asylum seekers is different in every country and this thesis aims to specifically look at the case of Turkey.

Key words: queer, LGBT, refugee, asylum seeker, Turkey

1.1 Aims of the thesis and research question

The aim of this thesis is to specifically identify what the problems that LGBT asylum seekers face in Turkey are and what makes the case of LGBT asylum seekers special compared to other asylum seekers in this context. Sub questions include the following: 1) How are the problems that the LGBT asylum seekers face in Turkey specific to their sexual orientation or gender identity and 2) What are the factors that help or would help to solve the problems that the asylum seekers face.

Turkey offers an interesting case to study LGBT asylum because it is located between the West and the East and it is neither a country for LGBT people flee from nor a country to where these asylum seekers are permanently relocating. Turkey is a transit country for many asylum seekers who are being persecuted in their home countries. For many of them Turkey becomes a temporary host country for a long period and for some of them eventually even a new home country.

This thesis is an exploratory thesis. The aim is to gain familiarity with the situation of the LGBT asylum seekers and to seek whether the situation of the asylum seekers interviewed for this study differs from previous studies of other LGBT asylum seekers made before. Due to the qualitative nature of the study, the results do not aim to simply make generalisations but rather to give new insight to this complicated topic. When answering to the questions of

“why” or “how” the questions “how many” or “how often” remain unanswered. The research done to support the thesis is conducted through semi-structured interviews with LGBT asylum seekers, as well as non-governmental organizations in Turkey that are working within the field of LGBT asylum. The organizations represented are all located in Turkey and they all are working with asylum seekers, some of them especially working to help LGBT asylum seekers.

1.2 Previous studies on the problems of LGBT asylum seekers

Only a limited number of studies about LGBT asylum seekers in Turkey have been done before. They are typically brief, general reports published by the non-governmental organizations that are working with the LGBT asylum seekers and refugees themselves, as well as the United Nations Refugee Agency, UNHCR, that is mainly responsible for handling the asylum applications in Turkey.. No academic studies about the LGBT asylum seekers’ situation in Turkey have been published as of yet. There are no thorough or detailed reports about the situation.

In 2009, the Helsinki Citizen’s Assembly and ORAM (Organization for Refugee, Asylum and Migration) published the report “Unsafe Haven”, which was updated in 2011. The report is based on the observations of the organizations working with LGBT refugees plus 46 interviews, and was written in order to provide recommendations for protecting LGBT refugees in Turkey.⁵ The most significant problems that the report addresses are the refugees’ exposure to violence, living in hostile locations and unequal treatment in the areas of health, public assistance and education. The serious problems of discrimination and intolerance in both the living environment and by the staff working with the refugees were also indicated as commonly occurring.⁶ The study was done by interviewing asylum seekers living in the cities of Ankara, Eskişehir, Isparta, Istanbul, Kayseri, Kırıkkale, Konya, Nevşehir, Niğde and Van.

⁵ HCA & ORAM, 2011, 5

⁶ Ibid., 1

The Turkish LGBT rights organization Kaos GL completed a short report about the same issue in 2011 and found out that the LGBT asylum seekers arriving from Iran face discrimination from both the police and the locals in the satellite cities where they are located during the asylum procedure. The asylum seekers have to stay in their respective city and they need to report the local police every time they travel outside the municipality. They also have many obstacles finding housing or employment. Many LGBT people also suffer difficulties with health issues such as the struggle to pay for the care of sexually transmitted diseases or their hormonal treatment.⁷ The report included the cities of Kayseri, Isparta, Nevşehir, Eskişehir ve Niğde.

Both of these studies reported specific problems that the LGBT asylum seekers meet in Turkey. They cited examples of discrimination in work life, finding housing, physical and psychological violence, sexual harassment, as well as reluctance of the police to help them. Transgender people are especially susceptible targets for violence and discrimination. They are the most common victims of lethal hate crimes. In fact, an increasingly large number of transgender people from Turkey are seeking asylum in other countries.⁸

The United Nations Refugee Agency cited similar problems in their report from 2003. Issues were also mentioned related to the refugee status application procedure and living conditions. Refugees also faced obstacles obtaining a variety of necessities such as housing, healthcare, and legal help. Social isolation is also a common problem for all asylum seekers, not only in regard to the LGBT people. Attaining work permits can be difficult, without which asylum seekers are likely to encounter serious economic problems or they might be forced to work illegally often in bad or unsafe conditions.⁹

Among all LGBT asylum seekers, bisexuals are in especially challenging position, because they are not exclusively attracted to their own sex and they can therefore be excluded from the category of the sexual minorities. Obtaining refugee protection is less likely as a bisexual

⁷ Kaos GL: *Sığınmacı ve mülteci lezbiyen, gey, biseksüel, trans bireyler*, 2011, accessed 2. May 2014, <http://kaosgldernegi.org/haber.php?id=7476>

⁸ ORAM, 2011, 4

⁹ Celia Mannaert: *Irregular Migration and Asylum in Turkey*, published by Evaluation and Policy Analysis Unit, United Nations High Commissioner for Refugees, May 2003, 8

person than it is for a homosexual person, at least in the cases studied in Canada, the United States and Australia.¹⁰ Homosexual or transgender asylum seekers might sometimes have been married to a member of the opposite sex or have children due to the pressure of their social environment or their own self-enforced efforts to live a heterosexual life. This can create problems for people later when applying for refugee status. Belonging to the LGBT minority is, in some ways, arguably more difficult than belonging to other minority groups, because a LGBT person does not necessarily have any contact with the members of other LGBT people and belonging to this minority does not necessarily require interaction with other people of the same minority unlike ethnic or religious minorities.

More studies have been done about the LGBT refugees who are already located in the final country than asylum seekers that are in the process of applying for a final country. For example, according to a study by Ou Jin Lee and Shari Brotman queer refugees continued to face problems in their third country, including discrimination and other negative experiences resulting from homo/transphobia. The refugees, interviewed for the study in Canada, had paradoxically faced racism or xenophobia by the local LGBT community as well as homophobia or transphobia within their ethnic community, therefore facing problems with fully belonging to either of these communities.¹¹ Women and transgender refugees were especially likely to experience exclusion within the local queer communities.¹²

1.3 Definition of key terms

Lesbian, gay, bisexual, transgender and intersex people are mostly referred to in this paper with the abbreviation LGBTI. The word “lesbian” refers to women who are sexually attracted to other women. With “gay” one refers to men who are sexually attracted to other men. “Bisexual” refers to people who are interested in both men and women. “Transgender” is used to refer to people who don’t feel that they belong to the gender that they have been characterized as according to their physical body. This includes both people who are in the

¹⁰ Sean Rehaag: Bisexuals Need Not Apply: A Comparative Appraisal of Refugee Law and Policy in Canada, the United States and Australia in *International Journal of Human Rights* 13.2/3 (2009): 413-436, 15

¹¹ Edward Ou Jin Lee & Shari Brotman: Identity, Refugees & Belonging: Experiences of Sexual Minority Refugees in Canada, Vol. 48, issue 3, August 2011, 259

¹² *Ibid.*, 260

midst of getting their gender corrected by surgical and/or hormonal treatment and people who do not want to or cannot “correct” their gender with medical interventions. With “intersex” one refers to people who have physical qualities from birth that does not clearly indicate them as exclusively being either female or male. Although intersexuality and transgenderism are not categories that concern questions of sexuality but rather questions about gender expression and behaviour, they have been included in most of the LGBTI and queer movements because also these categories do not fit in the normative binary categories of women and men or the normative concept of heterosexuality in heteronormative contexts, that is the context that refers to heterosexuality as normal and other kind of sexualities as abnormal or marginal, and usually therefore immoral.

Queer theory and queer politics were born a reaction against the efforts to normativize LGBT(I) movement and to assimilate the LGBTI within the normative categories of gender and sexuality. Queer politics objects to the idea of fitting all categories that are not included within the concept of heterosexuality under the same term, which is dialectically opposed to the very concept of queer.¹³ When all LGBTI are referred to through the umbrella term “queer”, there is a risk that the differences of lesbian, gay, transgender or intersex experienced become invisible. It is impossible to see lesbian women or transgender people as a homogenous group, so it is very important to point out that a lesbian asylum seeker might face different kinds of problems from those of a gay male asylum seeker or those of a transwoman. For example many transwomen experience sexual harassment in Turkish satellite cities and people often assume automatically that they are prostitutes.¹⁴

When referring to the people interviewed for the paper the abbreviation LGBT is used instead of LGBTI, because the people studied did not include intersex people. Elsewhere the abbreviation of intersex people is used because intersexuality forms an important part of the LGBTI(Q) movements today, not least of all because the category of intersex questions the basic dichotomous classification of the sexes. Also, the term “queer” that queer studies often uses to refer to all non-normative and non-heterosexual identities and genders is not used in

¹³ De Genova, 2010, 105

¹⁴ ORAM: *Unsafe Haven*, 2011, 21

this paper. Instead, it refers to non-heterosexual or non-cisgender people with the abbreviation LGBT(I) or with terms lesbian, homosexual, bisexual or transgender when referring specifically to these groups.

Queertheori(es) often stress intersectionality, discursivity of identity and are critical of the normative categories of sexuality and gender. However, in the case of refugees it is extremely important to mark the difference between lesbian, gay, bisexual and transgender experiences and to acknowledge that claiming such characteristics is crucial for gaining asylum based on sexual orientation or gender identity. The concept of sexual minority is controversial and normatizing itself, for it is assuming that the majority of the people are essentially heterosexual and cis-gendered, that is people who feel that the gender assigned to them from birth is in accordance with the gender that they feel they belong in.

According to the United Nations, the definition of a refugee is a person who has to leave his or her home country because of persecution, war or violence. The refugee is in threat of serious oppression and cannot return to home safely. The reasons for this persecution might be religious, political, ethnical, or that the person belongs to a certain social group.¹⁵ An asylum seeker is a person who is fleeing his or her country and has not yet received the status of a refugee but is in the midst of applying for it.

The definition of a refugee in Turkey is different from the definition of the United Nations. In Turkey only asylum seekers arriving from Europe can be granted a refugee status.¹⁶ In this paper the term refugee is used according to the legal framework of the context in which the refugees and asylum seekers are referred to. In the case of Turkey the subjects studied for this paper have mostly not been granted asylum or refugee status and are therefore referred to as “asylum seekers”.

¹⁵ The United Nations Refugee Agency, UNHCR, <http://www.unhcr.org/pages/49c3646c125.html>, accessed 2.4.2014

¹⁶ See page 22 for the definition of “refugee” in Turkey.

2. The context of the LGBT in Turkey

2.1 LGBT asylum seekers in Turkey

Due to its geographic location Turkey is a transit country for thousands of LGBT people fleeing inhumane conditions in their home country. The overwhelming majority of the asylum seekers arriving to Turkey applying for asylum based on sexual orientation or gender identity originate from Iran, but there are also people from other nearby countries such as Afghanistan, Iraq, and Sudan fleeing prosecution in their home country to Turkey.¹⁷ A sexual act between two members of the same sex is considered to be a serious crime in Iran, Afghanistan, Saudi-Arabia and Yemen, punishable by death. Homosexuality is also illegal in Syria, but given the conditions of the current civil war most LGBT asylum seekers are most probably claiming their asylum based on the precarious situation in the country. Therefore LGBT asylum seekers from Syria remain under the radar for the time being.

The percentage of Iranian asylum seekers within the LGBT asylum seekers in Turkey is overwhelmingly high. According to the United Nations Refugee Agency in April 2014 there were 503 asylum seekers that had based their claim on sexual orientation or gender identity.¹⁸ The total number of Iranian asylum seekers in total was evaluated to be 9040 in December 2013, and the estimation for December 2015 is projected to be 14170 indicating that the number is growing rapidly.¹⁹ Some of the factors influencing the growing number of the asylum seekers are inflation-based economic hardship, the political situation in the country and civil instability.²⁰

Iran is also a transit country for Afghan refugees to Turkey. In 2013 there were 4200 Afghan

¹⁷ Helsinki Citizens Assembly & Organization for Refugee, Asylum and Migration: *Unsafe Haven – The Security Challenges Facing Lesbian, Gay, Bisexual & Transgender Asylum Seekers & Refugees in Turkey*, 2009, updated 2011.

¹⁸ E-mail exchange with Kaos GL representative, 14 April 2014

¹⁹ UNHCR, *Global Appeal 2014-2015 Turkey*, published 1 December 2013

²⁰ European Resettlement Network: *Iranian & Iraqi Refugees in Turkey*, accessed 2. May 2014, <http://www.resettlement.eu/page/iranian-iraqi-refugees-turkey>

refugees in Turkey and the estimated number for 2015 is 3830 with a slight decline from the previous year. The number of refugees from Afghanistan was 10 460 in total and is estimated to grow to 12 350 by December 2015.²¹ The withdrawal of international armed forces within Afghanistan and continued political conflicts plus possible natural disasters will increasingly influence the number of asylum seekers.²²

TYPE OF POPULATION	ORIGIN	December 2013		December 2014		December 2015	
		Total in country	assisted by UNHCR	Total in country	assisted by UNHCR	Total in country	assisted by UNHCR
Refugees	Afghanistan	4,520	4,520	4,200	4,200	3,830	3,830
	Iraq	14,350	14,350	23,600	23,600	28,650	28,650
	Syrian Arab Rep.	1,000,000	1,000,000	1,300,000	1,300,000	1,600,000	1,600,000
	Various	7,350	7,180	8,850	8,850	10,770	10,770
Asylum-seekers	Afghanistan	7,970	7,970	10,460	10,460	12,350	12,350
	Islamic Rep. of Iran	5,880	5,880	9,040	9,040	14,170	14,170
	Iraq	9,600	9,600	11,470	11,470	17,370	17,370
	Various	4,020	4,020	5,770	5,770	8,790	8,790
Total		1,053,690	1,053,520	1,373,390	1,373,390	1,695,930	1,695,930

UNHCR projected number of refugees and asylum-seekers in Turkey²³

There are many reasons for why the majority of LGBT asylum seekers originate from Iran. The harsh penalties for homosexuality and the unbearable living conditions for many LGBT people are some of the reasons for why the people have to leave their country. The geographical location next to Turkey is one of the explanations for why they end up arriving to this country. Even though Turkey isn't particularly welcoming to this population, it is also one of the only neighbouring countries that does not go so far as to criminalize homosexuality. Turkey also does not require a visa from Iranians.²⁴

²¹ The UN Refugee Agency: 2014 UNHCR Country Operations Profile – Turkey, accessed 12 April 2014, <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e48e0fa7f&submit=GO>

²² The United Nations Refugee Agency: 2014 Country Operations Profile: Afghanistan

²³ The United Nations Refugee Agency: 2014 Country Operations Profile: Turkey

²⁴ Iranian Railroad for Queer Refugees: Iran's Gay Underground Railroad, 11 March 2014, accessed 12 April 2014, <http://english.irqr.net/2014/03/11/irans-gay-underground-railroad/>

For people living in other nearby countries such as Afghanistan or Turkmenistan, the situation is much more difficult. Because Iran is located between Afghanistan and Turkey, the people arriving to Turkey will first have to manage to make their way through Iran. Iran also requires a visa from Afghan people entering the country and it is therefore difficult to even cross the border into Iran.²⁵

LGBT asylum seekers arrive in Turkey mostly from countries that are east and south of Turkey, most frequently from Iran, Afghanistan, Syria, Iraq and Morocco.²⁶ The number of the other LGBT asylum seekers, however, is very small when compared to the percentage of the Iranian ones. The actual number of LGBT asylum seekers is difficult to ascertain, since many of the LGBT asylum seekers do not base their case on sexual orientation or gender identity if they do not have to, instead they are more likely to seek asylum based on other, less controversial or more tangible reasons such as political or religious persecution. The number of LGBT asylum seekers in Turkey was estimated to be between 700 and 1500 by the organizations interviewed for this thesis.²⁷ Because a significant number of the asylum seekers now arrive from Syria due to the Syrian war, it is logical to assume that there has also been an increase in the number of the Syrian asylum seekers who are LGBTI, although most of them have a good reason to base their asylum claim on political reasons.

There are no concrete statistics on what percentage of LGBT asylum seekers are transgender, homosexual, lesbian or bisexual, but according to the organization workers homosexual men make up a slight majority. The second largest group are transgender people. The number of lesbian asylum seekers is lower and there are only a few bisexual asylum seekers applying asylum because of their sexual orientation.²⁸

²⁵ Tareq Majidi: Sayed: “Afghans Frustrated over Visa Process”, *Tolo News* January 13 2014, <http://worldfocus.org/blog/2009/11/23/gay-refugees-flee-persecution-but-remain-at-risk/8541/> accessed April 9 2014

²⁶ Interviews made with NGO’s in Turkey between 1st and 26th December 2013 in Istanbul and Ankara.

²⁷ Ibid.

²⁸ Ibid.

2.2 Understanding sexuality and gender identity in the context of Iran

After the Iranian revolution in 1979, hundreds of thousands of Iranians have left their home country. The most significant emigrations began in the 1980's and most of the people relocated to Germany, the United States, Iraq, the United Kingdom, the Netherlands and Canada. A large population of religious minorities were also fleeing persecution. Large numbers of highly-educated people fled as well, and Iran is sometimes referred to as the country with the highest "brain drain" because of that.²⁹

The term "homosexuality" is not always recognized as an actual status in Iran, instead homosexual *acts* are understood as criminal and sinful similar to 19th century European discourses. The person is being punished because of homosexual actions, not for their homosexual identity.³⁰ According to official records there were 20 homosexuals executed by the Iranian government between February 1979 and June 1981.³¹ A consensual homosexual act is classified as sodomy and is punishable either by lashes or the execution of the perpetrator. The men involved in the act are categorized as either the "active" or "passive" parties. The "passive" party is sentenced to death regardless of his marital status, but the "active" party is only executed if he is married or has forced the sexual act upon the other, in other words – only if he raped the other man. Sexual acts between two women are punished by lashing for the three first times and execution after the fourth time according to Article 136 regarding repeat offenses.³² Kissing a person of same sex or lying naked under the same cover with them is also punishable by lashing.³³ Execution on the basis of same-sex acts was

²⁹ Shirin Hakimzadeh: "Iran: A Vast Diaspora Abroad and Millions of Refugees at Home" in *Migration Policy Institute*, 1 September 2006

³⁰ Immigration and Refugee Board of Canada, *Iran: Update to Responses to Information Requests IRN24789.E of 22 August 1996 and IRN21549.E of 2 October 1995 on the situation of homosexuals, and on whether legal penalties are applied in practice*, 1 February 1998, IRN28636.E, available at: <http://www.refworld.org/docid/3ae6aaa940.html>, Accessed 30 April 2014

³¹ IRANHRDC, 2013, 18

³² Iran Human Rights & Ensemble Contre la Peine de Mort: *Annual Report on the Death Penalty in Iran 2013*, 11

³³ Iran Human Rights Documentation Center: *Islamic Penal Code of the Islamic Republic of Iran: Book One & Book Two*, 2012

still taking place as recently as 2013.³⁴

There is no precise figure of homosexuals being executed in Iran but cases of execution for same-sex relations have also been reported in the news in 2014.³⁵ Until October 2013 the official number of executions that year was 270 and in 2012 544 people were executed.³⁶ Reliable sources for the number of these punishments is difficult to obtain since there is no official record being made public, and often the sentence for sodomy is being combined with another crime such as drinking alcohol.

In post-revolution legislation women in Iran do not have equal legal status as men. Women have half of the right to inheritance and the testimony of one male witness in the court is equal to that of two female witnesses. The punishment for homosexual acts between men is harsher than for women who have had sexual contact with another woman. The punishment of stoning which is sometimes used as a sentence for adultery is given to women more frequently than to men. Many women are not able to choose their husband and their right to divorce is limited³⁷. For international travel a woman needs the permission from her closest male relative, which inevitably is a major influence on the number of female refugees, which historically has been lower than the number of the male refugees from Iran.³⁸ Women also generally do not work in Iran and those that do not most likely do not have any work experience. In 2013 only 17% of the workers of the formal sector were women and the estimated earned income of a woman was 21% of a man's average salary.³⁹ The legal limitations of travelling freely and the economic status of the women is certainly limiting the

³⁴ Amnesty International, Annual Report 2013 Iran, <http://www.amnesty.org/en/region/iran/report-2013#section-66-13>, accessed 31.3.2014

³⁵ Robert Spencer: "New Moderate Iran Executes Two Gay Men and Hands Down Death Sentence for "Insulting the Prophet"" in *Jihad Watch*, 3. March 2014, accessed 2. May 2014, <http://www.jihadwatch.org/2014/03/new-moderate-iran-executes-two-gay-men-and-hands-down-death-sentence-for-insulting-the-prophet>

³⁶ Human Rights Watch: *Countries – Iran*, accessed 16 April 2014, <http://www.hrw.org/world-report/2014/country-chapters/iran>.

³⁷ Iran Human Rights Documentation Center: Gender Inequality and Discrimination: The Case of Iranian Women, published 8 March 2013, accessed 16 April 2014, http://www.iranhrdc.org/english/publications/legal-commentary/1000000261-gender-inequality-and-discrimination-the-case-of-iranian-women.html#.U05shfl_uSo

³⁸ Golnaz Esfandiari: "Iran's Parliament Mulls New Restrictions on Women's Travel" in *Radio Free Europe Radio Liberty*, 30 April 2014

³⁹ World Economic Forum: *The Global Gender Gap Report 2013*, 226

possibility of lesbian, bisexual or transgender women to leave the country.

Paradoxically, transgenderism is not illegal in Iran and sex-change operations are taking place. In fact, often homosexual people are considered to be transgender and are reportedly encouraged or even pressured to have sex-change operations. Because of their desire for the “opposite” sex, homosexual people are considered to belong to the wrong sex and it is something that should be corrected. Transgenderism is also considered to be an identity disorder. Although transgenderism is legal it is far from being widely accepted in Iranian society. According to a study done by the University of Tehran 60% of the parents of the transgender people who had informed their parents of their decision rejected them after they had told their family about their sex change.⁴⁰

Iran does not abide by European legal conventions. It does, however, officially recognize many international human rights laws, but it has made many reservations about abiding by them. For example for the Optional Protocol to the Convention against Torture in Iran and for the Convention of the Elimination of All Forms of Discrimination against Women, the Islamic Republic of Iran reserved the right to not apply any provisions that are contradictory to Islamic Sharia law.⁴¹ Therefore in a case where there is a contradiction between human rights according to international law and the Sharia law, it is Sharia law that will be followed.

2.3 Different experiences of lesbian and bisexual women asylum seekers

LGBT asylum seekers have many similar experiences that might be related to their marginalization, the harrowing escape from their country, or problems they face on the way. However, it is important to acknowledge the ways in which gender plays a role in the process of queer asylum. For example women have some different experiences because the norms for genders vary greatly in Iran and Afghanistan, so it is more difficult for women to leave home alone and their desire to claim the right of their own sexuality is not necessarily

⁴⁰ Fatemeh Javaheri: “A Study of Transsexuality in Iran”, in *Iranian Studies*, 43:3, 2010, 372

⁴¹ Geneva Academy of International Humanitarian Law and Human Rights: *Iran – International Treaties Adherence*, accessed 16 April 2014, http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=109

outspoken. According to Human Rights Watch, there were 400 women and girls in prison for moral crimes, running away from home, or having sexual relationships outside of marriage in Afghanistan in 2013.⁴²

Lesbianism in the Iranian legal context is an even less discussed topic than male homosexuality, and although sex between women was specifically criminalized in Iranian legislation as late as 1991, that certainly does not indicate that same-sex relations between women were accepted until then; instead these relations were considered to be so unthinkable that one did not even want to address them within written legal texts.⁴³

2.4 LGBTI rights in Turkey

Homosexuality in Turkey was decriminalized in 1858 after the same legal change had taken place in many other European countries, including France, the Netherlands and Spain.⁴⁴ There was no mention of LGBTI in the law until 1980, when the employment of “men wearing female clothing in pubs and nightclubs” was prohibited. In 1988 transsexuality was categorized as a psychological disorder within the sex reassignment law.⁴⁵ In the legal framework, homosexual behaviour or sex reassignment is not criminalized like in many of Turkey’s neighbouring countries. However, there aren’t any laws to protect LGBTI people in the society either. It is also important to note that same-sex relationships are not legally recognized and therefore same-sex couples do not enjoy same legal rights as married couples of the opposite sex, such as tax breaks and inheritance rights.⁴⁶

Homosexuality or transgenderism are still legally considered to be mental health disorders in

⁴² Afghan Refugees: World Report 2013 Afghanistan, available in <http://afgrefugees.com/1826>, accessed 30. April 2014

⁴³ International Lesbian, Gay, Bisexual, Trans and Intersex Association ILGA: Iran, Islamic Republic of – Law, accessed 30. April 2014, <http://ilga.org/ilga/en/countries/IRAN,%20ISLAMIC%20REPUBLIC%20OF/Law>

⁴⁴ Sanders, Douglas E.: *337 and the Unnatural Afterlife of British Colonialism in Asia*, 2009, 23

⁴⁵ Yılmaz, Volkan: “The New Constitution of Turkey: A Blessing or a Curse for LGBT Citizens?” in Turkish Policy Quarterly, Winter 2013 25/02/2013

, 133

⁴⁶ Turkish Civil Code, Law 4721, 22. November 2001, the Code of International Private and Procedural Law, law 5718 (amended in 2007) and the 1927 Code of Civil Procedure

Turkey. Universal conscription is still practiced in Turkey but homosexual men are exempted from their military service on the grounds that homosexuality is a psychosexual disorder. The classification of mental and behavioural disorders DSM II by the American Psychiatric Association from 1968 is still used as a basis in the context of Turkish military despite the fact that the American Psychiatric Association removed homosexuality from this classification in 1973 and has been using the DSM-IV classification since 2010.⁴⁷ Also the Women and Family Affairs minister Selma Aliye Kavaf said in a statement in 2010 that homosexuality is a mental disorder that should be treated with professional help.⁴⁸

Turkish LGBTI organizations have reported several problems facing the daily life of LGBTI people in Turkey. Many of LGBTI people face discrimination and become victims of hate crimes and even hate motivated killings, but there is no hate crime law or inclusion of LGBTI categories in the discrimination law. Also, it has been reported that the perpetrators of crimes get a shorter sentence or will not be sentenced at all if the victim of the crime is a LGBTI person.⁴⁹

Censorship of the press and the internet are big problems in Turkey and several websites referring to LGBT content were blocked. In 2013 a social network and dating site for homosexual men, Grindr, was closed down. The new internet law adopted in 2014 by the governmental association RTÜK⁵⁰, a state agency monitoring and regulating broadcasts and internet in Turkey, can ban any web sites without judicial approval.⁵¹ Therefore any internet site with homosexual content can be deemed immoral and banned by the RTÜK any time.

The term “minority” within the Turkish legal context has mainly been understood as a religious, non-Muslim group. The rights declared in the Treaty of Lausanne in 1923 mentioned protection of minorities and the protection was interpreted to only include three

⁴⁷ Psychiatry Online: *Previous Editions of DSM*. Accessed 11 April 2014.
<http://dsm.psychiatryonline.org/dsmPreviousEditions.aspx>

⁴⁸ Faruk BİLDİRİCİ: “Eşcinsellik hastalık, tedavi edilmeli”, *Hürriyet Pazar*, 7 March 2010. Accessed 11 April 2014, <http://www.hurriyet.com.tr/pazar/14031207.asp>.

⁴⁹ European Commission: Turkey 2013 Progress Report, Brussels 16 October 2013.

⁵⁰ Radyo ve Televizyon Üst Kurulu; Radio and Television Supreme Council

⁵¹ Semih İdiz: “Gul Goes on Defensive over Internet bill”, *Al-Monitor*, 25 February 2014. Accessed 11 April 2014, <http://www.al-monitor.com/pulse/originals/2014/02/gul-defends-internet-bill.html>

religious groups: Orthodox Greeks, Gregorian Armenians and Jews.⁵² Now in 2014 there is no mention of the protection of any other minorities and the rights of LGBTI people are not mentioned anywhere in the Judicial system of Turkey.

Within Turkish law, a minority is something that is different from the majority, that is ethnically Turkish and Muslim. LGBTI people are not legally recognized as a minority in Turkey. However, as in many other countries the LGBTI movement started to demand its rights as a minority group, a group that should get the same rights as the assumed majority of heterosexuals. The LGBT movement became active in Turkey in the late 1980's and started to manifest its existence. In 1988, gender reassignment, or the term "sex change" was included in the Turkish Civil Code and gave transgender people a right to change their gender officially, although requiring certain surgical procedures.⁵³

Religious identity – much like ethnic identity – is frequently, if not inaccurately, a unifying force for people who are in the same community. But it is controversial if it is even possible for LGBTI people to have a similar common identity. The generally recognized qualities of a community identity might be lacking, namely the shared rituals and beliefs or the same language.⁵⁴ These differences might prove to be too for the LGBTI movement to overcome in its quest to create a group identity, which is exactly what is needed in order to get the individuals together and to collectively make the claim for their rights as a minority. In Turkey many of the organizations are working to promote the rights of LGBTI individuals are also advocating for other minorities or marginalized groups, such as Kurds, women or non-Muslim groups.

A new constitution is currently being drafted in Turkey and there has been discussion and debate as to whether or not the protection of sexual minorities should be included in the national law to protect them from discrimination. The ruling party JDP⁵⁵ has largely been

⁵² Ibid., 78

⁵³ Serkan Ilaslaner: "Türkiye'de LGBT Hareketi: Daha Geniş bir Evrene Doğru Soybilim, Özgünlük ve Gömülmürlük", Research Turkey, 21 April 2014. Accessed 19 August 2014, <http://researchturkey.org/tr/lgbt-movement-in-turkey/>

⁵⁴ Samim Akgönül: The Minority Concept in the Turkish Context, 2013, 2

⁵⁵ Justice and Development Party, in Turkish AKP, Adalet ve Kalkınma Partisi

adverse to this progress, although the Constitutional Consensus Committee agreed in September 2013 to consider including articles regarding the rights of women and sexual minorities in the draft.⁵⁶ Having that protection formally included in the constitution could mean important changes in the legal safety of all LGBTI people in Turkey, and it would also be an important symbolic change for them.

2.5 Asylum procedure & refugee policy in Turkey

Turkey has signed The Geneva Convention on the Status of Refugees but with some restrictions regarding who is legally considered to be a refugee in Turkey. According to the 1951 Refugee Convention (often referred to as the Geneva Convention) a refugee is a person:

...who is outside the country of his/her origin, has a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, and owing to such fear is unable or unwilling to avail himself/herself of the protection of that country.⁵⁷

According to the agreement of the 1951 Convention, only European refugees and asylum seekers can be granted access to asylum procedures and be legally seen as refugees in Turkey. Since practically all of the LGBT asylum seekers arriving to Turkey come from outside of Europe the 1951 Convention does not provide protection for them under the Turkish legislation.⁵⁸

There were 511 936 refugees in Turkey according to the statistics of the UNHCR in 2013, mostly Syrians fleeing the war in Northern Syria. This is an addition to the 14 758 asylum seekers already residing in Turkey. As for Iran, the number of asylum seekers was 5880 for that same time, whereas the number is estimated to grow up to 14 170 in 2015.

During the lengthy process of applying for asylum in a third country, asylum seekers are

⁵⁶ Human Rights Campaign: *Will Turkey's New Constitution Prohibit Discrimination Against LGBT Community?*, 16th September 2014, accessed 14th May 2014, <http://www.hrc.org/blog/entry/turkey-poised-to-expand-protections-for-lgbt-community-in-new-constitution>

⁵⁷ The UN Refugee Agency, 1951 Convention, article 1

⁵⁸ UNHCR, 2003, 7

granted one of two legal statuses when staying in Turkey. In the first phase of the asylum application procedure, the applicant petitions for domestic asylum status from the Turkish authorities, and in the second phase they apply for refugee status from the United Nations Refugee Agency, UNHCR.⁵⁹ The UNHCR is mainly responsible for determining the refugee status of the applicant and possible resettlement.

Asylum seekers are located in one of 63 so called satellite cities in Turkey. Generally speaking, asylum seekers originating from the same country are resettled in the same cities. LGBT asylum seekers are also mainly resettled in specific towns that are included in the group of satellite cities. During the resettlement period applicants have to regularly register their whereabouts with the local authorities and they are not allowed to leave the satellite city in which they are located.⁶⁰ If they leave the city without permission she or he will be considered as an escapee in the database of the Foreigners Department of the local police.⁶¹

Most of the people applying for asylum based on persecution related to their sexual orientation or gender identity are located in five or six of these cities.⁶² The most significant population of the asylum seekers (an estimated 400-500 LGBT asylum seekers in total) live in Kayseri, but other cities include Nevşehir, Erzincan, Düzcce and Denizli. These towns are relatively small and many of the LGBT asylum seekers have reportedly experienced hostility by the local community in some of these towns. The cities that are generally considered more open for LGBTI people are those where the population is larger, for example major metropolises like Istanbul and Izmir, are not satellite cities and LGBT asylum seekers are not relocated in these cities.

Only Europeans can be recognized as refugees in the Turkish legislation.⁶³ People arriving in Turkey from outside of Europe (from countries that are members of the Council of Europe)

⁵⁹ ORAM: Unsafe Haven, 2011, 2

⁶⁰ Mannaert, Celia: "Irregular Migration and Asylum in Turkey", working paper no 89 in– *New Issues in Refugee Research*, by The UN Refugee Agency Evaluation and Policy Analysis Unit, May 2003, 7

⁶¹ UNHCR: The Practice of "Satellite Cities" in Turkey, 2011, accessed 23 August 2014, <http://www.unhcr.org/50a607639.pdf>

⁶² Interview with Kaos GL representative, 26th December 2013

⁶³ ILGA-Europe, http://www.ilga-europe.org/home/issues/asylum_in_europe/country_by_country/tr, accessed 16 September 2014

can only be given conditional refugee status. For the LGBT asylum seekers this means that they have to apply for asylum in a third country through the United Nations Refugee Agency. The third country is most commonly the United States, or Canada, but in some rare cases may be Australia or one of the European countries. The waiting time for the decision often takes long, from months to years. Unfortunately, applications are sometimes rejected outright, meaning that the asylum seeker has no choice but to return back to his/her home country.

In 2013 a new law on asylum was passed in Turkey, called “Law on Foreigners and International Protection” (Yabancılar ve Uluslararası Koruma Kanunu). It is the first law regarding the protection of asylum seekers and refugees in Turkey. Since 2013 the General Directorate for Migration Management (Göç İdaresi Genel Müdürlüğü) has been in charge of overseeing refugee applications. The new law will give the asylum seekers an extension of basic rights to include better access to health services, education and legal aid. The law also gives the asylum seekers will not be sent back to places where they could be subject to torture, humiliating punishment, or where they could be threatened due to belonging to a religion, race, having certain political ideas or belonging to a certain social group.⁶⁴ In previous draft of the law written in 2011 sexual orientation was included in the text, but it was ultimately removed in the final version of the law.⁶⁵ If sexual orientation or gender identity is accepted to be a legitimate social group, the law could be interpreted to also protect LGBTI foreigners.

When arriving to Turkey, asylum seeker must register at the Foreigners Department of the General Directorate of the Ministry of the Interior. Afterward, they should go on to apply for a residence permit at the local foreign police’s office.⁶⁶ By this time the applicant is located in one of the satellite cities in Turkey and is expected to remain there during the whole period in which they are waiting to hear the decision of their application for asylum. They must also

⁶⁴ “...hiç kimse, işkenceye, insanlık dışı ya da onur kırıcı ceza veya muameleye tabi tutulacağı veya ırkı, dini, tabiiyeti, belli bir toplumsal gruba mensubiyeti veya siyasi fikirleri dolayısıyla hayatının veya hürriyetinin tehdit altında bulunacağı bir yere gönderilemez”, Yabancılar ve uluslararası korunma kanunu No. 6458, madde 4.

⁶⁵ Kaos GL: Cinsel Eğilim Taslaktan Çıkartıldı, 30 March 2011, accessed 14. May 2014, <http://www.kaosgl.com/sayfa.php?id=6657>

⁶⁶ The UN Refugee Agency: *Information for Non-European Nationals Seeking Asylum in Turkey*, April 2011

visit the police office to check in with local authorities on a weekly basis.

There are additional, specific models concerning the asylum procedure of the LGBTI asylum seekers. First they have to seek asylum domestically at the local authorities. This is followed by an interview at the local police office. As of April 2014 residence permits are no longer handled by the foreign police offices, but by a new body of the Directorate of Migration that has established new offices around Turkey. The residence permits include categories of short-term, long-term, family, student, humanitarian, and victims of human trafficking.⁶⁷

Secondly, the asylum seeker will apply for asylum at the United Nations Refugee Agency, UNHCR: The agency will register the asylum seeker and after that the asylum seeker will be interviewed in what is called a pre-interview. During this portion of the process UNHCR officials collect the asylum seekers biographical data. After that the asylum seeker is invited to a second meeting, which is considered to be the main interview. If it is determined that the asylum seeker is going to be officially recognized as a refugee by the UNHCR, s/he is then forwarded to the resettlement unit. If the asylum application, however, has been rejected, the asylum seeker has the right to appeal. After that the appeal may be rejected again and the case will be closed, or the initial rejection may be turned over and the asylum seeker will be recognized as a refugee. It is up to the government of the third country whether they will agree to grant the asylum, and resettlement is not considered to be a given right of any individual.⁶⁸

2.6 The impact of European policies to the situation of LGBTI asylum seekers in Turkey

There has been criticism from the states that are receiving the asylum seekers from Turkey about the Turkish asylum policy. Countries like Canada, Australia, the United States, and some Northern European countries have criticized Turkey's resettlement policy in particular. They have argued that Turkey should not shift the whole responsibility of the assimilation of

⁶⁷ ABIL, Alliance of Business Immigration Lawyers: *Turkey: New Residence Permit Law Will Overhaul Immigration in Turkey*, accessed 14 May 2014, http://www.abil.com/news_detail.cfm?NEWS_ID=871

⁶⁸ Interview with the HCA representative, 20th December 2013, Istanbul.

refugees and asylum seekers to these countries.⁶⁹ At the moment Turkey technically is just a transit country for these people, although in practice many of them end up living in Turkey for years or even staying there.

For example the Parliamentary Assembly of the Council of Europe criticized the problems regarding the protection of asylum seekers and recommended that the geographical limitation of the 1951 Geneva Convention should be lifted, in order to allow non-European citizens to be recognized as refugees.⁷⁰

The Council of Europe also recommended in a 2009 report that the definition of refugee and asylum seekers should be applied according to international standards, that is to include more people besides just those asylum seekers arriving from Europe.⁷¹ It is also worth noting that the commissioner specifically stated that the safety of LGBT asylum seekers should be improved and the police, as well as asylum officer should be trained to recognize and respect the needs of LGBT asylum seekers. It was also recommended that human rights NGOs should participate in the drafting of new asylum law.⁷²

Turkey is currently a candidate for European Union membership, but is having several obstacles in fulfilling the Copenhagen criteria.⁷³ The latest Turkey Progress Report by the European Commission criticized the lack of protection for “vulnerable groups” such as lesbian, gay, bisexual and transgender people from violence and discrimination, among other minority groups listed.⁷⁴

⁶⁹ UNHCR - The UN Refugee Agency, Evaluation and Policy Analysis Unit: *Irregular Migration and Asylum in Turkey* by Celia Mannaert, Geneva, 2003 available in <http://www.unhcr.org/3ebf5c054.html>

⁷⁰ Council of Europe Parliamentary Assembly, Resolution 1429 (2005): *Asylum Seekers and Irregular Migrants in Turkey*

⁷¹ CoE, Commissioner for Human Rights, CommDH(2009)31, available in <https://wcd.coe.int/ViewDoc.jsp?id=1511237&Site=CommDH&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>, accessed 8.4.2014

⁷² Council of Europe Parliamentary Assembly Recommendation Recommendation 1470 (2000): <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta00/erec1470.htm>, 30 June 2000

⁷³ Toktas & Aras: The EU and Minority Rights in Turkey, in *Political Science Quarterly*, volume 124, issue 4 2009, 698

⁷⁴ European Commission, Turkey 2013 Progress Report, 2013, accessed 11 April 2014, http://www.abgs.gov.tr/files/strateji/tr_rapport_2013_en.pdf

One of the aims of the European Union is to create a Common European Asylum System, CEAS.⁷⁵ During Turkey's European Union accession talks there has been much criticism over the legal and social framework on refugees and internally displaced persons in Turkey. The difficulties that refugees and asylum seekers face are related to accessing UNHCR services, blocking of asylum procedures, and access to accommodation, employment, healthcare, education and social integration.⁷⁶ A new Law on Foreigners and International Protection was adopted in 2013. The law brought the current asylum legislation closer to the EU standards, although the non-European asylum seekers still do not have the right to long-term protection in Turkey.⁷⁷

The EU Refugee Status Directive ratified in 2004, outlines the minimum standards for the protection of refugees. Article 3 of the European Convention on Human Rights, the principle of subsidiary protection forbids sending someone to a situation where he or she has a “real risk of being subjected to torture or an inhumane or degrading treatment or punishment”.⁷⁸ This principle was included in the Turkish Law on Foreigners and International Protection in 2013.

In 2013 the foreign affairs ministers of the EU adopted a global policy on LGBTI issues. The guideline is focusing on four priorities:

- 1) Eliminating discriminatory laws and policies, including the death penalty
- 2) Promoting equality and non-discrimination at work, in healthcare and in education
- 3) Combatting state or individual violence against LGBTI persons
- 4) Supporting and protecting human rights defenders (LGBT intergroup of European Parliament)

In 2013 the European Court of Justice ruled on a decision about whether homosexuality could be a ground for asylum. The case was in regard to three homosexual men from Sierra Leone,

⁷⁵ European Commission: *Common European Asylum System*, updated 6th March 2014, accessed 14th May 2014, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm

⁷⁶ European Commission: *Turkey 2013 Progress Report*, 2013

⁷⁷ ECRE, European Council on Refugees and Exiles: “NGOs, UNHCR and European Commission Welcome Turkey’s New Asylum Law”, in *ECRE Weekly Bulletin*, 12 April 2013

⁷⁸ European Convention on Human Rights, Article 3, Rome, 1950

where homosexual acts were punishable by imprisonment. The three were applying for asylum in the Netherlands, and the Court ruled that it is unreasonable to expect these men to hide their sexual orientation in their home country in order to avoid persecution. It also concluded that homosexuals must be regarded as a social group especially when criminal laws specifically targeting homosexuals exist. However, it was left for the national courts to assess whether homosexual people are a group with a “distinct identity”. As it currently stands, the criminalization of homosexuality in a refugee’s country of the origin does not constitute the grounds for persecution and as such, it is only if the person in a particular case has a “well-founded fear” of being subject to severe violations of human rights that they will be granted refugee status and relocated.⁷⁹

Same-sex couples do not have the same legal rights in all European countries, and therefore it might be more difficult for both of the partners in a same-sex couple to be relocated to the same country. The European Court of Human Rights ruled in a decision in 2010 that same-sex couples do not constitute “family life”.⁸⁰ Therefore, states are not obliged to recognize same-sex marriages, and for that reason it is likely to be more difficult for same-sex couples to justify the right for their family to remain together.

In some countries such as the United States or Canada persecution because of gender identity is a ground for asylum either in the national legislation or in the policy documents.⁸¹ In most European countries, however, there is no general legal framework for protection of people being persecuted based on gender identity and therefore the success of asylum applications based on transgender status might be more difficult to obtain than those of people seeking asylum based on sexual orientation.

According to the 2013 Turkey Progress Report there are still a variety of improvements in the field of LGBTI rights which remain to be done in Turkey. Besides shortened sentences for perpetrators of violence against LGBTI persons, discrimination against LGBTI people

⁷⁹ European Court of Justice, cases C-199/12 to C-201/12, 7 November 2013

⁸⁰ ECHR: Schalk and Kopf vs. Austria – 30141/04, judgment 24.6.2010

⁸¹ Jansen, Sabine & Spijkerboer, Thomas: Fleeing Homophobia. Asylum Claims Related to Sexual Orientation and Gender Identity in Europe. COC Nederland and Vrije Universiteit Amsterdam, September 2011, 7

continued to happen. For example, people were dismissed unfairly from their jobs because of their sexual orientation. In addition, the new Law on the Internet has been used to shut down some LGBTI websites. According to the report LGBTI parades typically occur without disruption and freedom of assembly has been respected in this context.⁸²

3. Theoretical framework

3.1 Discursive understanding of Sexuality

Queer migration is a scholarly field which was born in the 1990s. It is an interdisciplinary discipline connecting the fields of migration studies and queer theory. The scholarship addresses not only the questions of sexuality and gender within migration, but also how the questions of sexuality and gender are connected with power, ethnicity, class, citizenship, and geopolitical phenomena. This research is contributing to the field of queer migration by problematizing the situation of queer asylum seekers in Turkey.

Queer migration combines the queer theory(ies) of gender and sexuality with migration studies. It is critical of the practices and policies as they are currently organized which assume by default that all migrants are heterosexual. One important part of the study is the experience of queer migrants. Instead of adding queer migrants into the previous understanding of migration, queer migration scholars insist on entirely rethinking the practices, policies, and structures.⁸³

Seeing identity and sexuality as something essential is something that has been criticized in queer studies. The identity categories and their names tend to change according to context, time, and place. For example, understanding sexuality differs radically between Iranian, Turkish and European Union legal contexts.⁸⁴

⁸² European Commission: *Turkey Progress Report* 2013, 58-59

⁸³ Luibhéid, Eithne: “Queer/Migration: An Unruly Body of Scholarship” in *A Journal of Lesbian and Gay Studies*, ISSN 1064-2684, 2008, Volym 14, Number 2, pp. 169 – 190, 171

⁸⁴ Ibid. 2008, 170

Many queer theorists argue the understanding of sexuality as it is constructed or re-constructed through discourses, and the understanding of what a sexual identity implies or whether it even exists at it is varies through time, context, and the perspective of the power that be who define it and for what purposes each definition is used.⁸⁵ For example in the former European law, sexual acts between members of the same sex were considered to be behaviour, not as an identity defining a human being's personality. This was the accepted understanding until the 20th century. The notion of sexual identity was preceded by the contradiction of normality and sexual disorders deviating from the normal. Before homosexuality was defined as a disorder, sexuality was understood in terms of actions rather than preferences or identities.⁸⁶

In the 19th and 20th century Europe, same-sex acts or sodomy laws began to be abolished but they were often replaced by the discourse of psychological disorder. During the 20th century the discourse moved towards the notion of sexual identity, including homosexual, bisexual and heterosexual identities. The gay and lesbian movements and later queer movements contributed by criticizing the heteronormative point of view of sexuality and gender. In many countries this was the background for moving towards equality and anti-discrimination discourses, and also for the inclusion of sexual orientation and different gender identities in the legal framework concerning equality and non-discrimination.⁸⁷

According to queer theories all identity categories are changeable depending of the time, location, national, or transnational context.⁸⁸ This does not only concern non-heterosexual identity categories or transgender people. In a similar way, the idea of heterosexuality and what is gender normative are constantly being redefined through performative acts, a concept used first by a queer theorist Judith butler. According to Butler, those that do not “perform” their gender well enough, that is act in accordance of the prevailing norms of their respective gender, will typically get punished either formally by the law or informally through social

⁸⁵ Gary Gutting: *Foucault, A Very Short Introduction*, Oxford University Press, 2005, 94

⁸⁶ Donald E. Hall: *Queer Theories*, Palgrave MacMillan, 2003, 33

⁸⁷ Dana Rosenfeld: “From Same-Sex Desire to Homosexual Identity” in *The Story of Sexual Identity: Narrative Perspectives on the Gay and Lesbian Life Course* ed. Philip L. Hammack, 2009.

⁸⁸ Luibhéid, 2008, 170

ostracization.⁸⁹ Every culture has its own norms and rules for how to perform gender and sexuality in an “acceptable” way.

The asylum procedure may also be influenced by the normative expectations of how gender should be performed. Studies done in the United States and Canada showed that people working in the immigration offices often lacked information on the situation of LGBT refugees in their home and host countries, and often expect them to prove their sexual orientation/gender identity or expect them to dress up and behave in a stereotypical way, for example proving with their appearance that they are homosexual.⁹⁰ For example, it is commonly accepted that homosexual men will dress or act in a way that is typically feminine. This attitude is sometimes referred to as homonormativity; the normative and narrow expectations of what being homosexual entails. Homonormativity is something that supports heteronormativity instead of contesting it.⁹¹ Heteronormativity refers to the understanding of heterosexuality as a norm and sexualities as hierarchical, heterosexuality being at the top of this hierarchy.⁹²

However, it is not possible to claim the rights of a certain group if the existence of this group is being contested or is definitely not accepted. Identity categories are needed in order to be able to point out of discriminating practices and to claim the rights for people in these categories. The concept of minority is necessary to be able to claim any minority rights in the first place. Basically, if there is no accepted category of “homosexual”, it is not possible to demand the rights of this group either.

Eithne Luibh  d, a social sciences researcher and a professor of gender studies at the University of Arizona, uses the term “imagined gay globality”, referring to the categories of sexuality and gender that have become globalized and that are often based on stereotypical

⁸⁹ Judith Butler: “Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory”, in *Theatre Journal* vol. 40 No 4, December 1988,522

⁹⁰ Ou Jin Lee, Edward & Brotman, Shari: “Identity, Refugeenes & Belonging: Experiences of Sexual Minority Refugees in Canada” in *Canadian Review of Sociology*, Volume 48, Issue 3, August 2011,258

⁹¹ Lisa Duggan: *The Twilight of Equality? Neoliberalism, Cultural Politics, and the Attack on Democracy*, 2003, 65

⁹² Gayle Rubin: “Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality”,in *Pleasure and Danger: Exploring Female Sexuality*, ed. Carole Vance, 1993, 267-319

images how a homosexual or a transgender person “should” be or act. A part of the asylum seeker process is that the asylum seeker has to not only prove that she or he is being persecuted but also to claim that she or he is really a party to the sexual or gender category that s/he claims to be. In some cases it requires for example telling stories of same-sex experiences in their home country, and the person is expected to have certain kind of experiences even if actions resulting in these experiences were illegal in the country in question. In Czech Republic the asylum seekers were asked to “prove” his or her sexuality or even to participate in phallometric examinations, in which a person was only considered to be “proven to be homosexual” if he or she does not physically react to visual representations of heterosexual sex.⁹³ Both the validity and ethics of this method are very problematic, especially in the case of bisexual asylum seekers.⁹⁴

3.2 Theoretical understanding of asylum

The discourse of asylum is controversial in the context of citizenship and borders. On one hand, the protection of refugees is a principle protected by conventions such as the United Nations Convention for Refugees signed in 1951. On the other hand, strict border controls and the seeking of asylum as a security issue and a problem are things that have come to legitimize the politics of exclusion.⁹⁵ Each state has the main jurisdiction to decide who is being included in the group of a refugee and who will be considered to be worthy of protection as outlined in the international agreements they have signed as well as the varying interpretation of these agreements.

A state has to offer safety in order for it to be a safe place for refuge. It is also preferable if it is an urban location. Greater population density, cultural plurality, and the city itself, as a place which differs from provincial conservatism, all make cities attractive when compared to the rural or village environments. For gays and lesbians, cities have served as a place where

⁹³ European Union Agency for Fundamental Rights: The Practice of “Phallometric Testing” for Gay Asylum Seekers, 9 December 2010, accessed 12 April 2014 <http://fra.europa.eu/en/news/2011/practice-phallometric-testing-gay-asylum-seekers>

⁹⁴ The UN Refugee Agency: *UNHCR’s Comments on the Practice of Phallometry in the Czech Republic to Determine the Credibility of Asylum Claims Based on Persecution due to Sexual Orientation*, 4, April 2011

⁹⁵ Squire, 2009, 5

they will be more likely to find each other and where the pressure from hostile families or religious orthodoxy is less strong.⁹⁶ There is also the conflict between living openly without shame or guilt and remaining a member with good-standing of the cultural or religious community.⁹⁷ In the case of Iran, the conflict does not only concern one marginal society but the whole country. One has to make a decision between three choices: living according to one's sexuality or gender identity by breaking the law and therefore risking one's life, or spending one's whole life time trying to deny one's sexual identity. The third alternative is to attempt to exit from the country and find a safe haven elsewhere.

LGBT asylum is often represented through a narrative of repression to freedom, the asylum seekers migrating from the repressive home country to a better, safer home in the host country of freedom.⁹⁸ In the scope of this study the repressive home country is Iran or any other country from where the asylum seekers arrive to Turkey and the country of freedom is Canada, USA, Australia or in few cases one of the European countries. It is not very clear where Turkey fits in this narrative. Turkey is not clearly southern nor northern, nor is it clearly eastern or western. It isn't as clearly neither is it clearly repressive or a country LGBT people necessarily emigrate from, but it isn't a country of freedom, where LGBT people feel safe. Turkey is considered to be the ideal final country of relocation for queer refugees, although for some of them it does turn out to be the place where they end up staying for a prolonged period of time.

⁹⁶ Jacob T. Levy: "Sexual Orientation, Exit and Refuge" in *Minorities within Minorities*, ed. Avigail Eisenberg and Jeff Spinner-Halev, Cambridge University Press, 2004, 183

⁹⁷ Ibid., 173

⁹⁸ Ou Jin Lee & Brotman, 2011, 245

4. Research method and data

4.1 Overview of the study:

The study conducted for this thesis is a qualitative study and the methodology used to find the person to interview was based on snowball sampling. Altogether 4 organization workers from non-governmental organizations and 26 asylum seekers were interviewed. 15 of the asylum seekers were interviewed in an unstructured interview method, and these interviews were used to formulate the questionnaire for the semi-structured interviews with 11 volunteer asylum seekers. The interviews were both recorded and transcribed, and they were later analysed using a thematic analysis model.

Research Design:	Qualitative Study				
Sampling Method:	Snowball Method				
Participants:	4 organization workers	15 + 11 asylum seekers	18 males	6 females	2 transgender women
Data:	Semi-Structured Interviews				
Analysis:	Thematic Analysis				

4.2 Description of research participants & conditions

The interviews were conducted in a semi-structured method. In total four interviews were conducted with representatives of different NGOs working with the LGBT asylum seekers - Kaos GL, Lambda Istanbul, The Iranian Queer Organization, Helsinki Citizens Assembly and Afghan Refugees Solidarity Network. In addition, 11 interviews with LGBT asylum seekers were conducted. One of the representatives of the NGOs was also an asylum seeker. In addition, the interviews done for this Master's thesis were preceded by 15 interviews with LGBT asylum seekers made by Kaos GL in order to find out what kind of problems LGBT

asylum seekers need help with. These interviews were conducted in two different satellite cities in Turkey during November and December 2013.

Kaos GL (Kaos Gay and Lesbian Cultural Researches and Solidarity Association) is a Turkish LGBT rights organization founded in 1994 in Ankara. The organization works to promote right and inform the public about issues related to LGBT rights. It does this by publishing a journal, organizing meetings, and it also gives much needed legal assistance to LGBT asylum seekers.⁹⁹

Lambda Istanbul is a LGBT rights organization located in Istanbul. Officially registered in 2006, the organization is run by volunteers and it holds meetings which are also aimed at informing people about LGBT rights related issues. Since 2013 the organization has also been working to help LGBT immigrants and asylum seekers, by offering them legal and psychological help. The organization also has a telephone helpline for LGBT immigrants and asylum seekers.¹⁰⁰ The organization also opened a telephone helpline for Iranian and Farsi-speaking LGBTI people in December 2013.¹⁰¹

IRQO, the Iranian Queer Organization, is a non-governmental non-profit organization based in Canada. It specifically focuses on promoting the rights of the Iranian LGBT asylum seeker and refugee community. The organization works to inform the public about the LGBT situation in Iran, to help the asylum seekers and members of the diaspora as well as to lobby for LGBT rights in Iran and elsewhere in the world.¹⁰²

The Helsinki Citizens Assembly, HCA, (Helsinki Yurttaşlar Derneği, HYD in Turkish), is an NGO working to promote human rights, peace and democracy in Europe. It was founded based on the principles of Helsinki Final Act (1975) in 1990 in Prague. A satellite branch was established in Turkey in 1993. It is located in Istanbul and its Refugee Advocacy and Support Program (RASP) provides help for refugees and asylum seekers. The focus of the

⁹⁹ <http://www.kaosgldernegi.org/anasayfa.php>

¹⁰⁰ <http://lgbtinewsturkey.com/2013/10/23/lgbti-immigrant-and-refugee-helpline-in-turkey/>

¹⁰¹ Interview with a worker in LambdaIstanbul and IRQO, 1 December 2013

¹⁰² Iranian Queer Organization: Our mission, accessed 18 April 2014
http://www.irqo.org/english/?page_id=391

organization is legal assistance and advocacy, as well as promoting human rights in general. Recently they have started to focus specifically on applicants whose cases have been rejected or whose case had been closed by UNHCR.

The Coordination Group of Afghan Refugees is a network for volunteers and refugees to promote the rights of Afghan refugees in Turkey¹⁰³. The organization is not officially registered and none of the workers is employed full time with the organization. The group was formed in 2009 and by 2013 it was working in 53 provinces in Turkey. The organization is also helping Afghan LGBT refugees to connect with NGOs and giving them much needed support.¹⁰⁴

The NGO interviewees were contacted first by e-mail or telephone and then interviewed face-to-face in Istanbul and Ankara. Two of the interviews were conducted in English and two of them in Turkish. Each person interviewed gave permission for the interviews to be used for the purpose of this thesis on the grounds that they remain anonymous.

Before the specific interview structure was formulated, open-ended pre-interviews with 15 asylum seekers were done in collaboration with the Kaos GL organization. The aim of these interviews was to let the asylum seekers to speak openly about the problems they faced in their daily life in Turkey. Some of the asylum seekers meeting for the first time with Kaos GL were also telling the story of their escape from Iran. The results from these interviews were used to formulate specific questions for the semi-structured interviews that were done later with 11 other voluntaries.

The LGBT asylum seekers for the semi-structured interviews were found through the snowball sample. As the organizations working with LGBT people do not forward contact information of the asylum seekers and as most of the LGBT asylum seekers want their identity to remain anonymous, it was not possible to systematically search for the interviewees. They were found by finding key persons who would help by contacting the

¹⁰³ <http://afgrefugees.com/en>

¹⁰⁴ Interview with Afghan Refugees Network coordinator on 21th December 2013

asylum seekers they knew personally in their own city. These key persons were also present in the interviews and sometimes interpreting the interviews from Persian to English, since most of the asylum seekers did not speak good English or Turkish. Having an interpreter that knows the interviewees, who is an LGBT asylum seeker him/herself and to whom the interviewees can trust provided interview subjects with the confidence necessary to speak openly more than having an outsider as an interpreter would have.

The snowball method is most efficient in finding members of hidden populations or people who are not open with the subject that is being studied¹⁰⁵, which in this case is sexual orientation or gender identity. The analysis provided herein does not aim to be representative of all LGBT asylum seekers in Turkey but to give important insight in the situation of these specific asylum seekers in Turkish satellite cities. The methodology used will also contribute to the knowledge of the social networking of the LGBT asylum seekers in a way that other methodology could not. Social networking was taken into account when asking questions related to the help that the asylum seekers were getting and through questions about their networking with the local LGBT asylum seeker community both before and after arriving to Turkey.

All interviewed asylum seekers were Iranian. The reason for this was due partly to the very high percentage of the Iranians within the LGBT asylum seekers in Turkey, and partly because of the network of these people. According to the organization workers interviewed, other LGBT asylum seekers do not have similar networks and contacts with their LGBT community and they do not have contact as active with the LGBT organizations as the Iranians have. Because the methodology also was dependent on the interrelations of the asylum seekers it is not surprising that all the respondents found for the interviews were originally from Iran. The sample within the Iranians was varying, however, and although most of the respondents were male¹⁰⁶ there were also some females, including two male-to-female (MtF) trans women were interviewed. The age spectrum of the people interviewed varied from 21 to 37. Most of the asylum seekers are young people and there can be many

¹⁰⁵ Noy, 2008, 330

¹⁰⁶ See page 55 for explanations for why the majority of asylum seekers from Iran are male

reasons for this. Younger people, for instance, do not have families as often as older persons, as well as permanent work or other things binding them in their home country. The population of Iran and Afghanistan is also young compared to European populations. For example, in Iran half of the population is younger than 35, and almost 66% of the Afghan population is younger than 25, making Afghanistan one of the fastest growing populations in the world.¹⁰⁷

Although one cannot generalize the results derived from the snowball methodology and the Iranian interviewees are not able to be representative of the experiences of other nationalities, these interviews gave valuable insight into the problems and situation of asylum seekers before and after their arrival in Turkey.

During the first 15 pre-interviews by Kaos GL notes were taken in order to construct a question formula to define the main topics for the interviews done for the purpose of the thesis. All of these 12 interviews were recorded and later transcribed into written text, together with the notes of the pre-interviews, resulting in 70 pages of transcriptions and 12 pages of pre-interview notes.

The main topics discussed with the NGO workers were the following:¹⁰⁸

1. Questions about the organisation/NGO
2. Questions about the asylum seekers the NGO works with
3. Special problems LGBT asylum seekers face

The main topics discussed with the asylum seekers were the following:

1. Arrival to Turkey
2. Meetings with the migration office and the UNHCR officials
3. Problems faced as an asylum seeker in Turkey and special problems LGBT asylum seekers

¹⁰⁷ Index Mundi: *Iran vs. Afghanistan*, July 2013, accessed 6. May 2014, <http://www.indexmundi.com/factbook/compare/iran.afghanistan/demographics>

¹⁰⁸ See Appendix for the more detailed questionnaire

face

4. Help and support received while in Turkey

5. Interview Analysis

Interviews with the organization workers

From where and how the asylum seekers arrive in Turkey:

According to the non-governmental organization workers interviewed, a significant majority of the LGBT asylum seekers in Turkey originated in Iran. The workers of the organizations identified several reasons for this. The Iranian diaspora has established communities in certain number of cities throughout Turkey. This network of established Iranian immigrants is a crucial contributor for why they are able to manage to Turkey, despite homosexuality being punishable by death in Iran. The geographical location and visa-free travel also make it easier for Iranians to reach Turkey than people from other nearby countries, like Afghan people. There is also a direct train from Iran to the city of Kayseri, which has the largest population of LGBT asylum seekers of all the satellite cities. When asked about the reasons why Kayseri became the central place for LGBT asylum seekers one of the interviewees explained the following:

First, there's the direct train from Tehran to Kayseri. The final stop is Kayseri. It's a very practical reason. And second, there is an established community there, and people may rely on that community, with the knowledge that the city is a horrible one.

By referring to the city of Kayseri as a "horrible one" the interviewee was most likely referring to the conservative and non-tolerant atmosphere towards LGBT people residing in the city. One of the organization workers mentioned that more and more LGBT asylum seekers are seeking their ways directly to Western Turkey, as they know that the atmosphere in certain satellite cities is less tolerant for LGBT people.

The asylum seekers are relocated in the same way that people originating from one country are placed in the same satellite city. LGBT asylum seekers are also centralized in

approximately 5-6 of these satellite cities.¹⁰⁹ One interviewee estimated the number of LGBT asylum seekers in the city of Denizli s being 250-260 and around 400-500 in the biggest satellite city for LGBT asylum seekers, Kayseri. The atmosphere in Kayseri was, however, said to be much worse than Denizli.

Kayseri is very Islamic and it has a very conservative atmosphere. For example, people can't drink beer outside, they [couples] can't hold hands, you can't see anything like that [there].¹¹⁰

One NGO worker said that it would not be, however, better to relocate the asylum seekers to cities like Istanbul or Izmir, because these cities are more expensive and this will cause more problems for affording food, housing, and transportation. The networks in satellite cities also work better:

People who are resettled do leave their pillows, their blankets, their lipstick, or their clothes to those who have arrived in Turkey recently. So I think targeting these informal support networks in Turkey would be a very, very crucial assistance.¹¹¹

The existing network of asylum seekers in the satellite cities was mentioned to be important by many of the people interviewed. This should, according to the organization workers, be taken into account more when planning assistance for the asylum seekers. One person interviewed who works with Afghan asylum seekers was also referring to the network of the Iranians as the reason for the higher number of Iranian asylum seekers compared to the Afghan ones:

You know Iranian LGTB's are working very good, yeah? They do very good, they are, they have their network and...they have...they know many organizations to help them financially...

Afghan lesbian and bisexual female asylum seekers

LGBT asylum seekers often have to leave their country in a hurry and they might have limited

¹⁰⁹ Interview with the Kaos GL representative, 26th December 2013

¹¹⁰ "Kayseri çok islami ve çok çok muhafazakar bir atmosferi var. Arkadaşlar mesela bira bile içemiyorlar dışarda, el ele tutuşamıyorlar, öyle birşey göremezsiniz." Interview with the IRQO/Lambda representative, 1 December 2013

¹¹¹ Interview with the Helsinki Citizens Assembly representative 20th December 2013

knowledge of where to go or how the asylum procedure works. During the last year, this information has spread among the Iranian LGBT community and they have a clearer picture of where and how asylum seekers will be relocated in Turkey.¹¹² The Afghan community does not seem to have a similar network and information system.

Most of the Afghan LGBT asylum seekers that the organization worker interviewed had been in contact with were men. The situation is more complicated for women according to the person interviewed and it would be unthinkable for a lesbian or bisexual Afghan woman to be open about her identity:

..you know the culture of Afghanistan, women...don't have permission, don't have permission to go out of the home, out of the house, and they don't have, they are not allowed to go out of home, to speak about their problem, even speak about their sickness, so afraid of their father, brother and husband.

The same person also pointed out that it is very likely that many women in Afghanistan are forced to marry and that this must include many LGBT women.

The situation of lesbian and bisexual women is always connected to the situation of women in general. Lesbian and bisexual women asylum seekers coming from countries where gender equality is non-existent are at risk of triple marginality, because they are asylum seekers in a foreign country, belong to the oppressed sex in their home country, and their sexuality is also marginalized or forbidden in their home country. Due to these factors, it is more difficult for women than men to apply for asylum based on them being LGBT.

Problems of the asylum seekers according to the organizations:

After arriving in Turkey, LGBT asylum seekers have to prove their persecution and belonging to the LGBT social group for the UNHCR. Sexual orientation or gender identity is not a quantifiable quality and is therefore impossible to prove. Therefore, organizations like UNCHR face big challenges in determining whose story is reliable, since asylum

¹¹² Interview with the IRQO/Lambda representative, 1 December 2013

applications of anybody claiming to belong to a minority group cannot proceed without some sort of validation. The evaluation of whether the story is reliable is often therefore based on the story of the asylum seeker.¹¹³

Getting asylum as a LGBT is an established criteria for being granted asylum in some countries, like Canada. One of the NGO workers interviewed said that there have been several “fake cases”, people who claimed that they were LGBT, also called “golden cases” within the refugee community because basing the claim on sexual orientation is considered to be so advantageous.

In Iran they call the LGBTI refugees applications a “golden case... It is impossible to dismiss. Surely you will go to Canada, Australia or America, you are a golden case.” There is a rule like that. In reality it is not true, I know that as a refugee myself.¹¹⁴

The organization worker interviewed here was also an asylum seeker himself. According to him, it is believed in Iran that anybody can get asylum based on LGBT status, which has led to these so called “fake cases”. In order to be able to convincingly perform in the role of the “fake case”, one has to know what is expected to pass as a convincing LGBTI person, for example following stereotypical behaviour or dress codes. It can also mean creating false histories, as the credibility of a case is based on the evaluation of the UNHCR or other organization officer processing the application.

Also, proving persecution based on sexual orientation or gender identity is difficult at best but usually impossible. In many cases where there have been past arrests or other persecution there is no material evidence, as the police might not leave any documents of the arrest and the situations of harassment or violence might take place without any witnesses, or the witnesses are not available to testify when the asylum seeker has arrived to Turkey.¹¹⁵

¹¹³ Eric Gitari: *You Are Not Gay Enough; Proving Sexual Orientation and Gender Identity within the Asylum Regime; the Credibility Challenge In Varying Cultural Expressions of Sex and Gender*. 5th September 2011, 5

¹¹⁴ “Iran’da, LGBTİ mültecilere ‘golden case’ diyorlar.”...”Böyle bir kural var. Gerçek böyle birşey yok aslında. Ben bir mülteci olarak bunu yaşıyorum.” Interview with the Lambda İstanbul/IRQO representative and an asylum seeker, 1st December 2013

¹¹⁵ Interview with the Helsinki Citizens Assembly representative 20th December 2013

Violence and bad treatment was a problem that all of the organization workers interviewed mentioned. The asylum seekers have also a strong aversion to reporting cases of abuse or violence to public safety authorities because they do not believe they can get help from the local police. The attitude of the police in the satellite cities influences the trust of the asylum seekers significantly:

..We referred one LGBTI, yeah, one trans refugee...---..She had been severely beaten by locals, and ASAM did provide assistance, and the perpetrators had been caught, and they received [a prison] sentence, so it was sort of a morale boost to the community --- that if you keep insisting, something may change or at least there may be a sense of justice.

According to a lawyer working with LGBT asylum seekers, the police also face discrimination and heterosexual applicants are given help rather than same sex couples:

Like if they give free coal, they might say: “I will give it for a family, I won’t do it for a gay couple”.¹¹⁶

Even if there were no problems mentioned here, LGBTI asylum seekers are often afraid of seeking help because they are accustomed to hiding their identity for their whole life before arriving to Turkey. As one of the people working with the LGBT asylum seekers described:

They had to, you know, live in secrecy for years. They weren’t open to their families, their friends, and therefore they automatically assumed some degree of hostility.

LGBT asylum seekers might also have special kinds of health problems. For example, transgender people often had to leave their country quickly and because refugees typically have problems finding employment – legal or otherwise - they often cannot afford their hormone treatments. One of the organization workers mentioned that transgender people who have had a sex correction operation in Iran often do not get psychological support during the process of the “sex change” even if the surgery had failed and there were serious

¹¹⁶ “Yani kömür yardını yapacaksa, ben bir aileye yaparım, eşcinsel bir çifte yapmam diyebiliyor.” Interview with the Kaos GL representative, 26th December, 2013

complications.¹¹⁷ Also, chronic illnesses like HIV require regular treatment but neither the asylum seekers nor the LGBT organizations helping them have financial resources to cover the medical costs:

There is no institution that would completely cover the costs of treatment, there is nothing, because they don't have health rights either and they cannot benefit from health insurance. If there is a need for an urgent surgery our hands are tied because we cannot help with the operation costs.¹¹⁸

The lack of psychological and financial help was the major problem cited by the organizations interviewed for this study. They did not have the resources to offer psychological help or to help the asylum seekers financially. The help of the organizations was mainly concentrated in legal or social forms, advocacy and capacity building in the form of informing, educating and lobbying.

The organizations faced also problems with helping the LGBT asylum seekers because the general attitude towards LGBT people in Turkey was negative. All of the NGO workers mentioned homo- and transphobia as major problems in the Turkish society. All of them estimated that changes in the rights of LGBT people would take a long time. The lack of knowledge regarding LGBT issues is something that should be changed:

...now there has to be education regarding sex, gender, sexual orientation, and gender identity for the people that are giving social support, consultation or psychological support. Because we meet way too many people who are living with prejudices.¹¹⁹

As this organization worker mentioned, these problems cannot be solved by civil organizations alone. At the moment the responsibility for the safety and conditions of LGBT asylum seekers lies with the UNHCR and the civil organizations dedicated helping asylum

¹¹⁷ Interview with the Kaos GL representative, 26th December, 2013

¹¹⁸ "...tedavi masrafların tamamen karşılamak bir, hani kurum yok, birşey yok, sağlık hakları da olmadığı için sigortadan da yararlanmamakları için, acil ameliyat gereken durumda elimiz kolumuz bağlanıyor çünkü operasyon masrafına karşılamıyoruz." Interview with the Kaos GL representative, 26th December 2013

¹¹⁹ "...şimdi sosyal verilecek sosyal desteği vericek, danışmalığı vericek, ya da psikolojik danışmanlığı verilecek kişilerin, hani cinsiyet, toplumsal cinsiyet, cinsel yönelim, cinsiyet kimliği konusunda eğitim de olması gerekiyor. Çünkü çok fazla karşılarıyoruz kendi önyargısına bireysel hani düşüncelerini danışanla yaşıyan kişiyle çok fazla karşılaşıyoruz." Interview with the Kaos GL representative, 26th December, 2013

seekers. Often these organizations do not have the economic resources or capacity to offer help with issues like psychological problems. Since the Turkish state is not held responsible for offering help for the asylum seekers and it does not offer any kind of special protection for special asylum seeker groups such as LGBT asylum seekers, it is very difficult for these organizations to guarantee that the situation for LGBT asylum seekers is safe during their stay in Turkey.

The interviews with the asylum seekers:

During the interviews with the asylum seekers the following main topics were discussed:

1. Arrival to Turkey
2. Meetings with the migration office and the UNHCR officials
3. Problems faced as an asylum seeker in Turkey and special problems LGBT asylum seekers face
4. Help and support received while in Turkey

The asylum seekers interviewed had been in Turkey and waiting for their asylum application procedure to be completed between four and sixteen months. One asylum seeker was granted asylum and left Turkey for Canada after the interview, after having stayed in Turkey for 15 months.

The reasons for escape from their country:

Since the study is mainly focusing on the situation of the asylum seekers while residing in Turkey, the reasons of them leaving Iran was not asked specifically in the interview. However, many of the people interviewed chose to explain their background and how they ended up arriving in Turkey. This also sheds light on their situation in Turkey and/or the third country, since the reasons and situation in the home country can rarely be left completely behind. Instead it still influences the lives of the asylum seekers in their new country of residence.

According to some persons interviewed the situation of homosexuals partly worsened after the word “gay” became better known and the situation of homosexuals was addressed in the media after the former president Ahmedinejad gave a statement saying that there are no homosexuals in Iran:

..if there isn’t any definition for any word, for example, if I say “gay” you say “I don’t know what it means” so there isn’t any problem. But after a while, if I say “you gay”, you say “Oh yes, I hate them”, it means you know the meaning of what’s gay, what’s LGBTI.¹²⁰

After Ahmedinejad’s statement, international pressure for LGBT rights in Iran got stronger, but the previous invisibility had provided more freedom to the LGBT to live their lives underground. According to the person interviewed, that statement made the public in Iran more aware about the existence of homosexuals. But instead of increasing acceptance, homophobia grew.

Although the legal situation of Iranian LGBT people is critical and homosexuality is criminalized with high sentences, most of the people interviewed had not been arrested or had direct contact with police, but had fled because their family or another civilian person had found out about their same-sex relations. However, the fear of getting arrested or sentenced is likely to be the reason to escape before they actually take place. It is also easier to leave the country legally before the person has contact with police.

Three of the men interviewed had been arrested by the police and kept in jail for 30-45 days without any trial. These people were arrested because they had been active on a social network website for homosexual men. Police had confiscated the passport of one of them and he had decided to take the risk and flee the country illegally after this arrest:

Researcher: You came in illegally, like without a passport?

The partner of the interviewee: Yes, he came illegally. And he walked [over a] mountain, you know this situation how they come to Turkey, illegally, they walk about 30 hours.¹²¹

¹²⁰ Interview with an asylum seeker, 1 December 2013

¹²¹ Interview with two asylum seekers, 26th December 2013

The fear of being arrested is strong. A couple that had been arrested said that after their arrest approximately ten of their friends also decided to leave Iran for Turkey. After an arrest it might be impossible to leave, as the person might have to remain jailed, s/he might be sentenced to death or his/her passport might be taken away.

Four of the people interviewed were arrested by the police in Iran and they left the country after being released. One of the people was jailed for one month because he was active on a gay website, and another one was arrested after having kissed a man on the street. One female left after getting a warning from the police because of her relationship with a female. Some people had also escaped because of violence they had encountered from unknown people on the street or because of violence from either their own family or the family of their partner.

Most of the people talking about their escape cited their family or the family of their partner as the reason that they had left. One male and one female asylum seeker both said that they had been forced to marry in Iran. The male one decided to escape after the family of his fiancée learned about his homosexuality. The female asylum seeker had been forced to marry when she was 13 or 14 and she fled 20 years later in secret from her husband with the help of her son, after going through several conversion therapies.¹²² Being married or having been married does not indicate that the person is heterosexual.

Conversion therapies or efforts to “cure” homosexuality happened to several of these people. For example: for a 19-year old female:

A doctor prescribed medicine against lesbianism, Cytaroperoxin or something, saying that she is sick. Her mother’s family said that they will pay if she wants to go and have hormone therapy.¹²³

Some of the asylum seekers were supported by their families in Iran but they were still hiding their identity from their family. For some of the asylum seekers, the threats from their own family were the reason they left the country. Only one of the people interviewed was open

¹²² A therapy that aims in “curing” a homosexual person and turn him/her into heterosexual.

¹²³ Interview with an asylum seeker, 1st December 2013, with a translator from Farsi to English

about their sexual orientation to their family in Iran and still supported by them. Some people were outed by the police or the family of their spouse or partner, usually losing the support of their family after that.

Several of the people interviewed said they left Iran after experiencing violence or being threatened with violence. A 21-year old woman was threatened by the family of her girlfriend:

The father (of the girlfriend) came with the uncle, they only beat their daughter, not her. After a short time X (the girlfriend) called saying: “Don’t go out, they plan to pay someone to throw acid on your face.”¹²⁴

Of the people interviewed, most of them were fleeing their family or other people instead of escaping because of direct punishment by the legal system or any sentence imposed by the court of the country. However, one should recall that even if arrest or government intervention were not the direct reason for most of the escapes, it is still a major, indirect reason as these people are not able to get protection from the state if their safety or life is being threatened by civilians. In many cases the asylum seeker is afraid that the person threatening them or knowing about their LGBT status would go to the police, and that way the state factors are indirect reasons for the escape.

In the official asylum interviews, the applicants are asked if they had asked for help from the local police after the violence or threat of violence by local people. They also need to indicate if they were arrested or sentenced in Iran before their arrival in Turkey. However, it is unreasonable to expect people to ask for help from the local police if the punishment for homosexuality is torture or death sentence. Nor is it reasonable to expect that the people should have been arrested or sentenced before they can get asylum.

Network help in arriving to Turkey: Networking within the Iranian LGBT diaspora was important to many of the asylum seekers interviewed in making the decision to leave Iran or getting information about the asylum procedure. Even people who did not know anybody in

¹²⁴ Interview with an asylum seeker 6. November 2013, made with an interpreter from Farsi to English

Turkey could use social media sites such as Facebook to talk with others who have. Some of the asylum seekers had got acquainted with asylum seekers already residing in Turkey this way. One of the interviewees was already aware of ten friends who had left Iran because he and his partner were arrested in Iran because of their homosexuality. Some asylum seekers also mentioned that they knew somebody who was already a refugee in Canada. In this way, the social media offers a chance for these people to speak anonymously with other asylum seekers in a similar situation. It may be crucial for making the decision to apply for asylum as it offers a channel to inform aspirants about people who managed to exile to another country. But freedom of speech is limited in Iran and sometimes the fear of being watched over limits the possibilities of communication with people outside the country:

..always I was scared, some people follow me, for example I couldn't send sms or calling, sometimes I think my call, my sms, my talking, my contacts, my email, my Facebook, all of them [were being] followed by someone.¹²⁵

Also people who are going on to a third country often help the newcomers from their home country and leave their apartment over for them:

..Istanbul is expensive, but (it is) very comfortable in the satellite cities. People are sharing the housing with each other, for example (if) you're going to Canada in five months, you'll be writing in Facebook: "I am going to Canada after a while, I will give this house for you for this money."¹²⁶

Some organizations were also offering help via Skype or other internet based communication ways. For example one of the organizations mentioned having contact with Skype between psychologists in both Turkey and Canada and the asylum seekers, that were located both in Turkey and in Iran.¹²⁷ However, many of the asylum seekers stated that they did not know where to get help after arriving to Turkey, and they did not know about their rights related to health care, language courses or financial and legal support.

¹²⁵ Interview with an asylum seeker, 1st December 2013.

¹²⁶ "İstanbul pahalı, ama uydu kentlerde çok rahat. Arkadaşlar..evi bir biriyle paylaşıyorlar, mesela sen beş ay sonra Kanada'ya gideceksin, Facebook'ta yazıyorsun 'ben bir süre sonra Kanada'ya gidiyorum bu ev bu parayla size veriorum.'" Interview with a male asylum seeker, 1st December 2013

¹²⁷ Interview with Lambda Istanbul representative, 1st December 2013.

Social media as an information source

The significance of social media and internet was large for many of the interviewees. Even those who did not have any live contact with other LGBT people in Iran were able to find information about the asylum procedure and support from other LGBT people in Iran or in a third country through Facebook or other social network websites. Some of the people also mentioned finding information about the countries of resettlement and contacting refugees that had already settled there to get more information about the application procedure and life in the third country. Since there is an established Iranian LGBT community in Canada, many of the asylum seekers interviewed were hoping to resettle there also.

Unfortunately, most of the LGBT people in Iran are still without internet. Only 13% of women and 17% of men in Iran were using the internet in 2013.¹²⁸ One can assume that through the growing number of internet users more LGBT people in Iran would be able to network with the LGBT community outside of Iran and get more information about asylum possibilities. Online networking and social media will continue to gain importance in the future and might offer an important or even the only way for many asylum seekers to connect with people like them.

Problems during the asylum procedure in Turkey

Confirming the results of previous studies, there were several common problems which asylum seekers encountered during the waiting period of the asylum procedure in Turkey. The main problem that the asylum seekers wanted to see solved was the asylum process and the uncertainty of whether their application would be accepted and they would be getting asylum in a third country. Specifically, not knowing how long they would have to wait or what was going on with their application. The second biggest problem seemed to be financing their stay, since living costs in Turkey were higher than in their home country. Getting employment is difficult for all refugees, as they often lack language skills and working permits, but it is possibly even more challenging for a LGBT asylum seeker than for other

¹²⁸ World Economic Forum: The Global Gender Gap Report 2013, 227

asylum seekers. All of these problems plus the traumatic experiences that the asylum seekers had in Iran were often accumulating into psychological problems. The lack of access to psychological help often exacerbates the problem and sometimes ends tragically, such as with the asylum seeker taking his or her own life.

Psychological problems: Almost half of the asylum seekers interviewed mentioned feeling depression or constant fear related to both their experiences before arriving in Turkey and also the experiences they had during their time in Turkey. For example the difficulty of finding work had caused depression for some of the asylum seekers. When it can be obtained psychological help does not help as much as it could because the psychologists don't usually speak the asylum seekers' language and they frequently do not understand the situation of LGBT or LGBT refugees. In the worst cases, the psychological problems result in suicide. According to the NGO workers interviewed, this was a common problem among asylum seekers. In fact, what was supposed to be the first interview done for this study was cancelled because an asylum seeker had tried to commit suicide and was hospitalized during the time scheduled for the interview.

Medical problems: LGBT asylum seekers had the same health care related problems that many asylum seekers have in Turkey:¹²⁹ They cannot get any insurance and because they have no work or are paid very little, so they cannot afford to take any sick leaves when they are ill – let alone pay for a doctor visit or hospital stay. One of the people mentioned having a back problem but still she was still working ten hours a day. There are also problems that are specific to LGBT people. For example some transgender people mentioned having problems with having their hormone treatments. In fact, one asylum seeker went 15 months without her hormones.¹³⁰ Stigmatization and the real fear of being stigmatized prevented many people of those interviewed from seeking health care.¹³¹

¹²⁹ Refugees International: Under Pressure: Lebanon and Turkey Need More Support to Address Syrian Refugee Crisis, <http://www.refintl.org/policy/field-report/under-pressure-lebanon-and-turkey-need-more-support-address-syrian-refugee-crisis>, Published 17th October 2013, accessed 28th July 2014

¹³⁰ Interview with a trans woman 6 November 2013

¹³¹ Interview with the Helsinki Citizens Assembly representative 20th December 2013

Economic problems: Many of the asylum seekers live in extreme poverty and some of them has their country so suddenly that they could not bring any material possessions with them. Also the income difference between Iran and Turkey made Turkey an expensive country for many of them to live in. Difficulties finding employment makes the situation especially difficult for them. Homosexuals and especially transgender people have even more difficulties to find work due to the discriminative attitude of many employers. Many of the people also lack the support of their family and they cannot rely on the economic support of their relatives in the home country. For that reason, the support of the LGBT community and other LGBT asylum seekers becomes especially important.

Almost all of the asylum seekers interviewed said that it was either impossible or very difficult for them to find work. Many of them also believed that they were getting paid less than other workers for the same job. They also did not know where to go to demand their rights if their employer does not give them their rightful salary. Some of the interviewees said that the precondition for a gay person to find a work was “to not look too gay” or to hide their sexual orientation in the workplace. Some of the people had been fired after the employer learned about their sexual orientation:

There (was) a disco for lesbians, I said that I wanted to go there, (s)he asked me why, and then I told him/her that I was a lesbian. After that (s)he went and said something, after that I could not work there.¹³²

Experiences with the Turkish police and the UNHCR

Though previous studies pertaining to asylum seekers showed that there are often problems with the meetings at the foreign police bureau in Turkey, most of the asylum seekers spoken to for this study felt that while the police interviews weren’t helpful, they weren’t harmful either. Two of the male asylum seekers mentioned the police asking detailed questions about their way of having sex, for example their preferred sexual position. Also, asylum seekers

¹³² ”..bir disko vardı lezbiyenler için, ben söyledim o ben buraya gitmek istiyorum o söyledi bana sordu neden, sonra ben söyledim ben lezbiyen, ondan sonra o gitti birşey söyledi oraya, sonra ben orada iş yapamadım.” Interview with an asylum seeker 26th December 2013.

interviewed for studies done in 2009 and 2011 reported police asking similar questions.¹³³ Many asylum seekers also indicated that they do not trust the police in Turkey, and they did not see it useful to report discrimination or violence that they had experienced during their stay in the satellite cities. Some Afghan asylum seekers were afraid that the police would deport them if they were confessed their homosexuality. They didn't feel that they could trust the police or the translators and therefore decided not to mention that they were homosexual or had arrived to Turkey because of problems related to their homosexuality in their home country.¹³⁴

Most of the asylum seekers interviewed did not report problems with the workers at the UNHCR. One of the interviewees said that his appearance not being feminine caused him to have problems proving his sexual orientation:

..and this is unfortunately a big problem at the United Nations. I go there as a gay person, 'no, this one looks masculine, this one can't be gay'.¹³⁵

The imagined gay globality creates a need for stereotypical appearance, and not only creates fake cases but also makes homosexual people feel the need to exaggerate or "fake" their case:

I have to dress up in a feminine way, [wear] an earring...but I didn't do that because I am me.¹³⁶

The gay male asylum seeker is propelling the imagined gay globality by looking more feminine than they would in real life in order to satisfy an officer's idea of a homosexual and to pass as a LGBT asylum seeker. At the same time, society is asking LGBT people to hide their identity and pass as a heterosexual in order to find employment, to find housing, or to simply just walk comfortably on the streets.

¹³³ ORAM & HCA, 2011, 13

¹³⁴ Interview with Afghan Refugees Network representative, 21st December 2013

¹³⁵ Ve bu da maalesef Birleşik Milletler'de problem oluyor. Ben bir gey olarak gidiyorum, hayır, maskülen duruyor, 'bu çok erkekçi, bu gey olamaz'. Interview with an asylum seeker 1st December 2013.

¹³⁶ "Feminin giyinmeliyim, küpe..ama ben böyle birşeyi yapmadım çünkü ben benim." Interview with an asylum seeker, 1st December 2013

Social environment in the satellite cities: The hostility of the local asylum community seems to be as significant of a problem as the hostility of the Turkish people living in the towns. It indicates the prevalence of the problem that all of the people interviewed described having problems with local people in the satellite city because they are LGBT. Most of them experienced a hostile atmosphere in the city and they or their friends had experienced harassment or even violence on the streets. Some of them had decided to hide that they were LGBT or that they were living together as a couple. The behaviour of other Iranian people was often mentioned as a major problem as well. For example, one of the interviewees described the problem with the following:

They have some problem, especially with Iranian people, I think heterosexual people, they say OK if you go somewhere to work they beat you and there have been some attacks from some Turkish or Iranian people...mostly Iranian people.¹³⁷

As you can see, LGBT asylum seekers are also marginalized and discriminated by some of the other asylum seekers from the same country. If an Iranian LGBT asylum seeker gets a job s/he might have problems with other asylum seekers, who think that the person has taken a job which belongs to them. The violence towards LGBT asylum seekers might also be a way to indicate the local community that they are not accepted by the heterosexual asylum seekers, a way to mark a difference between “us” and “them”.

For the question “Is it possible for a LGBT person to be open in X satellite city?”, all of the respondents answered in the negative. All of them felt that they had to hide their orientation or identity, or else they would have problems. One of the interviewees described many of his friends having problems because of their appearance:

When they go out, they can’t wear what they like, what they want. The people just stay that way, it’s called “top”¹³⁸ in Turkey.¹³⁹

¹³⁷ Interview with an asylum seeker 1st December, with a translator from Farsi to English.

¹³⁸ A term referring to an active homosexual in, often used as a pejorative term in Turkish

¹³⁹ Interview with an asylum seeker, 1st December.

The special problems of lesbian and transgender asylum seekers

It is likely that their lack of experience in the professional realm and their previous economic dependence on their male relatives make it more complicated for female asylum seekers to find a work and to instantly become self-sufficient in Turkey/in the third country. The problem is even bigger for transwomen. None of the transwomen interviewed reported being employed, and as one of them stated:

(They) ask me: “Why aren’t you going to work? I am applying, they are looking at me five to ten minutes and laughing.”¹⁴⁰

The transwoman interviewed meant that because of her appearance the employers were not willing to hire her for a job.

One of the most common problems that transgender people face in Turkey is the costs of hormones. One transwoman said that she had been without hormones for 15 months in Turkey, which is a big physical and psychological problem. Some of the transgender people said that their friends were getting hormones for them. The risk of getting illegal hormones or a wrong dose of them is higher when the transgender people can’t afford to personally go to a doctor and get the prescription for themselves.

Lesbian and bisexual women might experience additional problems related to their sexual orientation or gender. Three out of five female asylum seekers interviewed for this study reported sexual harassment at their workplace. Two of them said that their employers had suggested having sex with them. One of them had changed her workplace for five times because of this harassment.

Leaving Iran is also more difficult for women, as they are not allowed to travel without permission from their closest male relative. The women interviewed for this study had left the country with the help of their parents or children. As previously mentioned, one of the women who had been forcefully married as a teenager escaped with the help of her grown

¹⁴⁰ “Niye sen işe gitmiyorsun” diye soruyorlar. Ben başvuruyorum, onlar 5-10 dakika bana bakıyorlar, gülüyorlar”, interview 6th November 2013

up son. Since her sons were no longer minors, she did not have any legal right to take them to Turkey with her.

These examples show that the simple narrative of repression to freedom does not always turn out to be true, even though the asylum seeker has left his or her home country in order to find that freedom. The “safe haven” turns out to not be so safe, or remains out of reach, and one is left in the transit state for an undetermined period of time. Some problems such as the high economic cost may even turn out to be larger than expected, and the asylum seeker does not necessarily feel safer than (s)he did before.

6. Conclusion

The analysis of the interviews with the organizations working with LGBT asylum seekers in Turkey, as well as the interviews with the asylum seekers that were residing in Turkey revealed several problems related to the safety of the asylum seekers and the questions of whose responsibility it is to protect them. The analysis also proved to be similar to previous studies on the topic - that the situation of the LGBT asylum seekers is more complicated than that of other asylum seekers, such as those who base their asylum claim for asylum on political or religious persecution.

Similar to previous studies this research also revealed that exposure to violence and economic problems, in turn negatively influencing health problems, were the biggest problems that LGBT asylum seekers face in Turkey. Discrimination and intolerance by the staff working with the asylum seekers was not significant, it was reported that local police were generally not educated on LGBT topics and in some individual cases asked personal questions from the asylum seekers about their sexual life. The biggest problems - violence and discrimination - were caused by the local population in the satellite cities, both the local Turkish population and other asylum seekers originating from the same country as the asylum seekers interviewed. The lack of peer support from the local Iranian community is a significant problem for LGBT asylum seekers, who can generally only rely on other LGBT asylum seekers in the satellite city.

An important issues that previous studies have not taken into account is that the networking done by the Iranian LGBT people is of significant assistance to them for finding information about the asylum procedure, contacting other asylum seekers or refugees, and finding peer support while in the transit country or the final settlement country. For people who have no opportunity to meet with other LGBT people in person, social media and the internet offer an important way of contacting other people in a similar situation. This networking has not been studied before and it is worthy of more study. It is also something that could be beneficial to the organizations working with the asylum seekers to take into account when organizing help, providing information and alternative ways of reaching more LGBT asylum

seekers.

For the asylum seekers interviewed, the reason for them to leave their home country was more commonly a non-state factor or an indirect state factor, such as violence at the hands of other civilians, rather than getting arrested or experiencing police brutality in their home country. Just the fear of getting arrested or getting involved with the police was enough for many people to exit their country and seek asylum. The fear and distrust towards the authorities continued with the asylum seeker while they stay in Turkey, and often hinders them from talking about their LGBT identity with the local police, or from seeking help from the police if they need it.

Unfortunately, stereotypical expectations for people applying for asylum based on sexuality or gender identity continue to prevail. The difficulty of proving a person's sexuality has led to the misconception that LGBT asylum is a "golden case", a way to get asylum easily. This results in the furtherance stereotypical expectations about how a LGBT person should look and behave, to the extent that many LGBT people end up "exaggerating" any qualities that are considered standard LGBT characteristics. These expectations reportedly leads to "fake cases", where asylum seekers pretend to be LGBT by presenting features they believe will characterise him or her as LGBT, or even going so far as to make up the type of stories which are assumed to be part of the personal history of a typical LBGT asylum seeker.

The situation of transgender and women asylum seekers is especially problematic in the case of Turkey, because most of these persons arrive from a country where women's rights are extremely limited compared to the rights of men. This reduces the possibilities of both transgender and cis-women to be able to exit their home country and seek asylum. It also makes them more economically dependent on men and makes them less experienced in professional settings. Women might also experience extra difficulties in finding employment in Turkey. Nearly all of the women interviewed in this study had experienced sexual harassment at their workplace.

The general environment in the satellite cities was intolerant of LGBT people. All of the

people interviewed believed that it was not possible for LGBT people to be open about their identity in the city where they were residing. However, there is no simple solution for this problem. Relocating asylum seekers into bigger cities with larger LGBT communities is more difficult, since living costs in these cities are much higher and would cause even more financial problems to the asylum seekers struggling to meet the costs for their basic needs.

A lot of work remains to be done for the situation of LGBT asylum seekers in Turkey. At the moment the responsibility of these asylum seekers remains mainly on the UNHCR and Turkey does not take responsibility for the conditions of these asylum seekers, even though in practice they often end up staying for months and years in Turkey. This problem is also related to the lack of common asylum policies for LGBT asylum seekers in third countries, such as the European Union countries. Since many of the European Union countries do not give asylum based on persecution because of a person's sexuality or gender identity, very few of these asylum seekers can get asylum in Europe. Their only hope is to get asylum in the USA, Canada or Australia, but that is a long road and it does not always guarantee a lead to the place the asylum seeker was hoping for.

In general the situation of the LGBT asylum seekers in Turkey is connected to the general situation of LGBTI people in the entire country. Legal protection and anti-discrimination legislation could contribute positively to the general attitude towards LGBTI people in the country. It would also give protection to both local and foreign LGBTI people. In future studies, it would be interesting and informative to look at how changing the residence permit procedure from the jurisdiction of foreign police offices to the Directorate of Migration has influenced the encounter with the LGBT asylum seekers. In general the topic of LGBT asylum in Turkey is worth deeper studying, since in the near future the number of LGBT asylum seekers arriving to Turkey, and that way to the rest of the world, is rapidly growing.

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8. Appendices

Interview questions for the NGO workers

Name (İsim)

Age (Yaş)

Organization (Kurum/Örgüt)

Position in the organization (Kurum/Örgütte ki Pozisyon)

1. Questions about the organisation/NGO: (**Kurum/Örgüt hakkında sorular**)

a. “What is your organisation doing?” (**Kurum/Örgüt hangi alanda çalışıyor?**)

b. “What are your projects and the main targets for LGBT refugees?” (**Projeleriniz ve LGBT mültecilere yönelik çalışmalarınız, hedefleriniz nelerdir?**)

c. Do you have special guidelines/strategies for meeting LGBT refugees?(**Mültecilerle buluşmak için özel kurallar/stratejileriniz var mı?**)

d. Do you get training for meeting LGBT refugees? (**Mültecilerle nasıl görüşüleceği ve neler yapılabileceği konusunda eğitim aldınız mı?**)

e. What kind of support do you give for LGBT refugees (financial, social, psychological..?) (**LGBT mültecilere hangi alanlar da destek hizmetleri sunuyorsunuz? (mali, sosyal, psikolojik..?)**)

2. Questions about the refugees the ngo works with: (**Kurumlarla görüşen LGBT mültecilere yönelik sorular**)

a. How many refugees do you work with and how many of them are LGBT (**Kaç mülteciyle çalışıyorsunuz?**)

(**Görüştüğünüz mültecilerden kaçta kaçını lgbt birey olarak tanımladı?**)

d. How big part are women/men/bisexual/transpeople/intersex people? (**mültecilerden kaç kadın/erkek/biseksüel/trans/interseks?**)

b. From which countries are the LGBT refugees? (**LGBT mülteciler hangi ülkelerden geliyor?**)

- c. Why do you think they come from the(se) countri(es)? (**Sizce neden bu ülkelerden ayrılmak zorunda kalıyorlar?**)
- e. How big part of them are applying to a third country? (Why do you think they want to go to this country?) (**Mültecilerden kaç üçüncü ülkeye geçiş için başvuruyor? En çok hangi ülkeye başvuru oluyor?Neden?**)

3. Special problems the LGBT face (**LGBTlerin yaşadığı özel sorunlar**)

- a. housing & work (what kind of help & what kind of problems (**Barınma, iş: nereden yardım alıyorlar, ne tür sorunlar yaşıyorlar?**)
- b. access to health care (& aid provided with that, e.g. hormone treatment for transgender people, what kind of problems) (**sağlık hizmetlerinden ve hormon tedavisinden faydalanabiliyorlar mı?Sağlık alanında ne tür sorunlar yaşıyorlar?**)
- c. violence and discrimination (**Şiddet ve ayrımcılık**)

LGBTlerin yaşadığı sorunları çözülmek için ne yapmalı?

Interview questions for the asylum seekers:

Background:

Country of origin: **Ülke**

Age (**Yaş**)

1. Arrival (**Türkiye'ye geliş hikayesi**)

How and when arrived to Turkey? Where in Turkey? (**Ne zaman ve nasıl Türkiye'ye geldiniz?**) Did you come alone and did you know anybody in Turkey? (**Tek başınıza mı geldiniz? Türkiye'de kimseyle tanışdınız mı?**)

When did you seek for a refugee status? (**Mülteci statüsüne ne zaman başvurduunuz?**)

Are you applying for asylum in a third country? Where? Why this country? (**Üçüncü ülkeye iltica etmek için başvurduunuz mu? Hangi ülkeye? Neden bu ülke?**)

2. Interviews (**röportajlar**)

The interview with the police (**polisle röportaj**)

- a. What kind of questions were asked? (**Ne tür sorular sordu?**)
- b. Did you have problems/was it helpful? (**Sorun mu çıkardı/yardımcı mı oldu?**)

The interview with UNCHR (**Birleşik Milletler Mülteciler Yüksek Komiserliği**)

- a. What kind of questions (**Ne tür sorular sordular?**)
- b. Did you have problems/was it helpful (**Sorun mu çıkardı/yardımcı mı oldu?**)

3. Special problems the LGBT face (**Özel Sorunlar**)

- a. housing (what kind of help & what kind of problems), work (**Barınma, iş.. – Nereden yardım aldınız? Sorun yaşadınız mı?**)
- b. access to health care (& aid provided with that, e.g. hormone treatment for transgender people) (**sağlık hizmetlerine erişim**)
- c. violence and discrimination (police, local people, other refugees, employers) (**şiddet ve ayrımcılık - polis, yerel halk, diğer mülteciler, işveren**)
- d. Is it possible to be open about one's gender identity or sexual orientation in the city you are staying? (**Kaldığın kentte kişinin cinsiyet kimliği veya cinsel yönelimini açıkça ifade edebiliyor musun?**)

4.Help (**Yardım**)

- a. Who has offered social and financial help? (**kim sana sosyal ya da mali yardım etti?**)
- b. Are you having contact with other people from your country (**Türkiye’de ülkenizden gelen insanlar tanıyor musunuz?**)
- c. Do you think help and support is available for you in Turkey? (**Türkiye’de yardım ve destek hizmetleri alabiliyor musunuz?**)
- d. What kind of help do you wish you could have and from whom? (**Kimden, ne tür yardımlar talep ediyor sunuz?**)