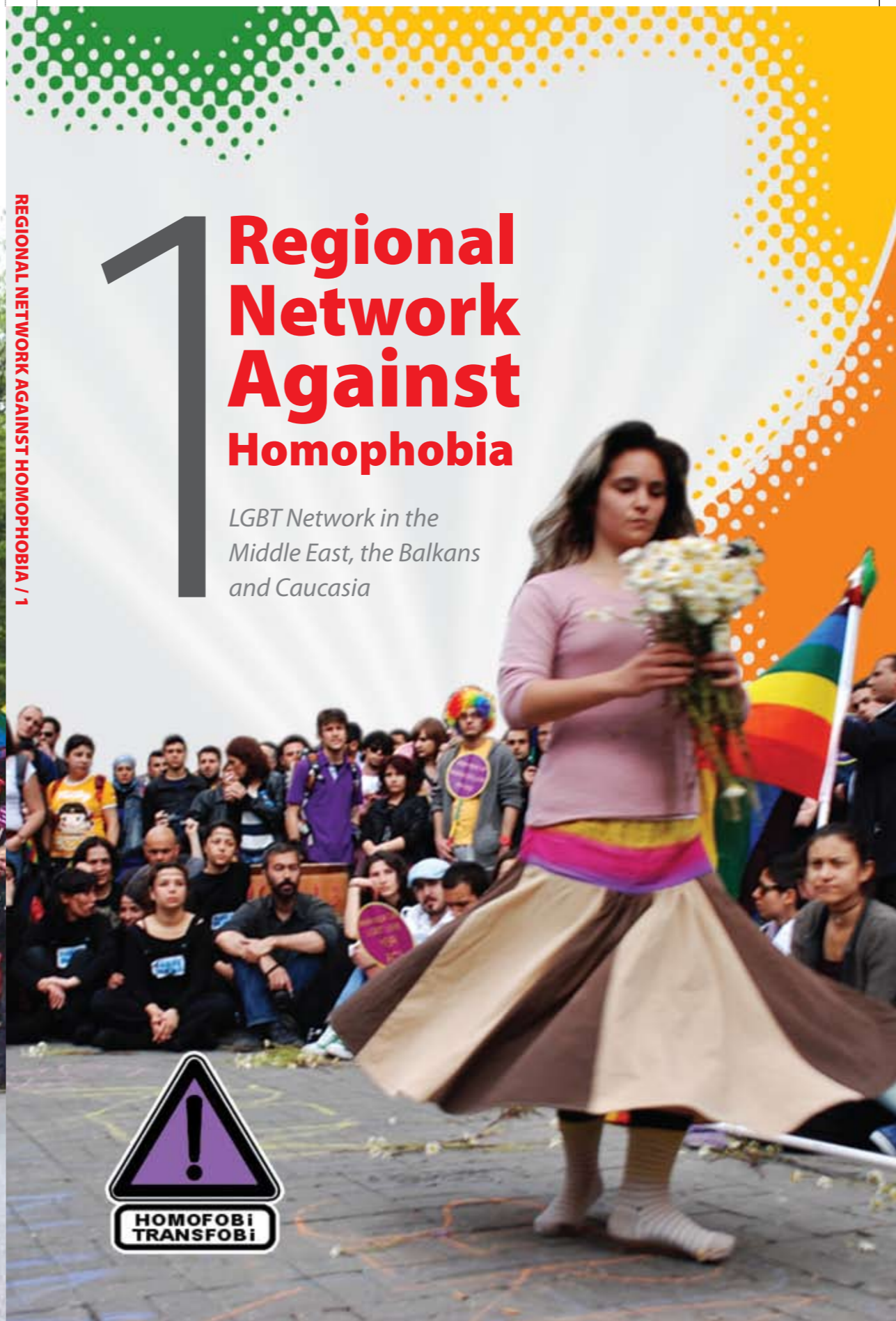




REGIONAL NETWORK AGAINST HOMOPHOBIA / 1

# 1 Regional Network Against Homophobia

*LGBT Network in the Middle East, the Balkans and Caucasia*





# Regional Network Against Homophobia / I

## *LGBT Network in the Middle East, the Balkans and Caucasia*

Regional Network Against Homophobia book is the publication of the 6th International Meeting Against Homophobia hosted by Kaos GL Association.

The International Meeting took place for the first time in Ankara in 2006; the 6th Meeting was held in 2011 in 17 cities and 19 campuses in Turkey. The main event of 2011's Meeting was the first Regional Network Against Homophobia with the participation of Croatia, Bosnia-Herzegovina, Serbia, Greece, Montenegro, Macedonia, Palestine, Israel, Lebanon, Egypt, Iran, Georgia, Armenia and Turkey. The contents of this book include articles by the participating organizations as well as the works done by experts in regard to the agenda of the LGBT movement in Turkey.

This publication is in distribution free of charge. The contents of the book can be used freely for the promotion of global human rights.

### **Kaos GL**

Gazi Mustafa Kemal Bulvarı, 29/12, Demirtepe / Kızılay – Ankara

**Telephone** : +90 312 230 0358

**Fax** : +90 312 230 6277

**E-mail** : [kaosgl@kaosgl.org](mailto:kaosgl@kaosgl.org)

**Web** : <http://www.kaosgl.org> [www.antihomofobi.org](http://www.antihomofobi.org)

**By** : Nevin Öztop & Umut Güner

**Translation** : Kıvanç Tanrıyar, Nisan İrem Erişti ve Gökçe Katkıcı

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## **With a Foreword, Of Course...**

### **Why International Day Against Homophobia (IDAHO)?**

Addressing the date on which the World Health Organization (WHO) dropped homosexuality from its mental illness list, May 17 International Day Against Homophobia is the day for standing and acting against all physical, moral and symbolic types of violence targeting gender identities and sexual orientations. This day aims to be in coordination with all initiatives struggling for the equality of individuals through inspiring and supporting them. In that respect, Kaos Gay and Lesbian Cultural Researches and Solidarity Association (Kaos GL) annually organizes the International Meeting Against Homophobia since 2006 in Ankara as well as throughout the country.

We know that lesbian, gay, bisexual, and transgender (LGBT) people are facing homophobic attitudes and behaviors in all spheres of life and subjected to discrimination based on their sexual orientation and gender identity. We are also aware of the fact that the problem of homophobia is not only the issue of homosexuals but also of heterosexual women and men. The International Meeting Against Homophobia constitutes an important step for the enhancement of the freedoms of association and expression for, and elimination of discrimination against the LGBT community in Turkey and internationally. We invite all to this Meeting in which ideas on a world where LGBT people and heterosexuals are freed together will be shared and discussed.

### **Why Does Kaos GL Organize The International Meetings?**

Kaos GL, the host of the Meetings, organizes activities in the social, cultural, political, artistic and academic spheres since the beginnings of 90s against discrimination so that the human rights of LGBT individuals are increasingly improved. Celebrating September 1994 as the year of its start, which is when the first edition of Kaos GL Magazine was published, the association was established in 2005 and thus became the very first registered LGBT organization in the country. Since then the organization continues to advocate for the human rights of LGBTs.

It has the objective to open discrimination against LGBT individuals to discussion and to enable their visibility with the help of the Meeting. It shows solidarity so that LGBT individuals living in smaller cities can establish their own organizations. It aims that the visibility of human rights of LGBT individuals are enabled; therefore it works together with many establishments and organizations, from feminist organizations to human rights organizations, from student organizations to academics, against homophobia in order to achieve this objective. And thanks to the networks built by the struggle against discrimination and shared efforts, the Meeting is constantly spreading to many other cities. In 2011, 65 organizations have hosted the Meeting in 19 cities and over a hundred people have participated in the events as guest speakers.

Homophobia and Transphobia: Whose Issues? Kaos GL, adapting IDAHO May 17 to Turkey through the program of "International Meeting Against Homophobia," is asking: "Whose issues are homophobia and transphobia?" It strives for

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finding connections between different kinds of discriminations. It aims to build horizontal networks between the struggle practices and the struggles of freedom against the aforementioned discriminations.

Whence Kaos GL has brought attention to the connections between the problems of homophobia and sexism, nationalism, racism and militarism; the question "Whose matters are homophobia and transphobia?" starts to be embraced by academia, youth, women and other different parts of civil society. Thus, by adapting the Meeting to their own spheres of struggle, student groups and civil society organizations who want to get united in their own cities and campuses have emerged. By this achievement, the problem of homophobia and transphobia are discussed in cities and on campuses where LGBT individuals are not visible yet.

### **Why From May 1 to the week of May 17?**

Kaos GL, having internalized the claim that if the demand upon freedom is common, so should be the struggle for it, is building bridges between the struggles of freedom from the 1st of May to the week of May 17.

1st of May is a very important milestone concerning the LGBT struggle of Turkey. The organization had emerged in public space for the first time by participating in the May celebrations of 2001 in Ankara, and it pointed out to the fact that the struggle of labor and the struggle of LGBT should be common. Therefore, the Meeting is developing as a part of the struggle for freedom. By this bridge, Kaos GL has the objective to unify the struggles against discriminations together with the struggle against the assault LGBT individuals are exposed to, and of

extending the spheres.

Institutionalization of the LGBT movement and its struggle for rights are bringing about new insights. Despite the fact that many rights have been acquired in some parts of the world, homophobia and transphobia still remain as problems on a global basis. IDAHO and Kaos GL's International Meeting Against Homophobia overlap because of the decision of remobilizing and of going out in streets.

### **Why Regional?**

In 2011, one of Kaos GL's wishes came true. Representatives of LGBT organizations from three neighboring regions -the Balkans, the Middle East and Caucasia- came together in Ankara. Although there has been many improvements on the human rights of LGBTs, homophobia and transphobia still remain as global problems. In these three regions, what also goes hand in hand is nationalism, militarism, sexism and oppressive practices of religions.

The purpose of this network is to put together contacts and experiences of LGBTs movements in the regions. The network aims to create channels to link with each other different forms of oppressions that perpetuate one another. The purpose is to create a support and solidarity system in which LGBTs feel less and less vulnerable every day.

It is an unfortunate reality that LGBT organizations in these mentioned regions do not easily find platforms to face to each other. What was important before anything else was to be able to come together with our own local realities, create a direct dialogue against all kinds of hatred and act against the mental and physical borders that separate us. As the guest speaker

of the event Prof. Dr. Selçuk Candansayar said, "We grow up in the dirt of nationalism; those who are stepped on when trying to clean that dirt do not need enemies or hatred. Who needs enemies is the power that benefits from hatred."

Acting against nationalism and racism is a crucial part of combating homophobia and transphobia.

The second half of the Regional Network Meeting in 2011 began with "What Do The Doors Shut By Nationalism Cover Up?" forum. In the forum, the participants shared their own thoughts over the question of "Why the struggle against homophobia and transphobia cannot be succeeded without struggling also against racism and nationalism?". The second half of the day continued with "Who can be our friends and partners in the struggle against homophobia and transphobia?" question. The motive of the forum which consists of "Feminism and Women's Movement", "Trade Unions", "Education and Academia", "Asylum" and "Media" was based on the following objectives:

"... In order to create new struggle arenas to enhance our rights and freedoms."

"... In order to downgrade the local and regional heterosexist regimes."

"... In order to strengthen our core organizations and to establish links with other freedom struggles."

In the first meeting of the Regional Network, 3 representatives came from LBT women-focused organizations: Novi Sad in Serbia, Meem in Lebanon and Lesbian Group of Thessaloniki in Greece. This participation brought a new dimension and value both to the event and the arguments on local feminist movements. In the upcoming Meetings, the priority will continue being given to women-focused initiatives. As a result of the discussions, a Feminist Forum will take place in dedication to March 8, International Women's Day. Feminist representatives from regional countries will be hosted in Ankara on March 10-11.

The experiences of the Meeting was presented by Kaos GL at Euro-Mediterranean conference "Believe in Dialogue - Act of Citizenship" organized by Anna Lindh Foundation in Tunisia on June 23-27, 2011. The framework, aims and targets of the Regional Network Initiative was presented also at the 4th Conference of The Coalition of Sexual and Bodily Rights in Muslim Societies (CSBR) that took place in Malaysia on July 16-23, 2011.



## **REGIONAL NETWORK AGAINST HOMOPHOBIA**

### **LGBT Network in the Middle East, the Balkans and Caucasia**

Kaos GL has prepared this statement for the  
“Regional Network Against Homophobia” initiative.

#### **REASON**

- Kaos GL organizes the International Meeting Against Homophobia annually.
- One of the fundamental forums of the Meeting, which has continued since 2006, is “International Experiences in the Battle Against Homophobia”
- Kaos GL declared “The Conference for Middle East and Balkan Countries’ Homosexuals” as a dream when it declared its foundation 17 years ago and shaped its liberation perspective.
- Liberation and survival struggles of LGBT in our region has always been a constant consideration for Kaos GL, one of the first LGBT organisations in Turkey.
- The reflections of all ethnic, religious and cultural diversity seen in the Middle Eastern, Caucasus and Balkan countries exist in Turkey’s society.
- Kaos GL has strived for this diversity to represent and express itself in the LGBT movement since its foundation.
- Homophobia is institutionalising in civil society and public area by blending racism and nationalism in the countries of this region including Turkey.
- Institutionalised homophobia integrates into historical animosities between the countries of our region and increases existing alienation between peoples.
- It is the LGBT organisations and the regional network between these organisations that

will have to resist homophobic and sexist reflections of racist and nationalist policies in our region.

#### **EXISTING SITUATION**

- Communication between regional LGBT organisations is not sufficient even though they meet in international networks.
- Local and regional opportunities that would emerge from direct access to anthropological and sociological knowledge of the LGBT existence in our region cannot be utilised. This knowledge mostly reaches our region from an orientalist and colonialist tradition.
- A basic reason for the lack of communication between regional LGBT organisations is physical obstacles but alienation from our region and societies is the decisive factor in overcoming all other obstacles.
- LGBT individuals living in our region can’t fight for their lives and see salvation in going abroad and especially to the West. A big number of Iranian refugees migrate to Australia, north America and western Europe through Turkey because their lives are not safe in Iran.
- Regional government do not accept the fact that LGBT rights are human rights.
- Some regional countries do not only ignore the LGBT reality, but makes denial of this reality a state policy and turn a blind eye to social exclusion, killing and cultural punishment of LGBT people.

- Non-governmental organisations and unions which resist racism, nationalism and sexism show reluctance to include the battle against homophobia in their activities.
- Three great religions that dominate our region reproduce and spread homophobia despite differences in social and cultural effects.
- Institutionalisation of racist and nationalist rhetoric in state policies cause borders between the countries to insurmountable borders between societies.
- Homophobia has become the common produce of new nationalisms that emerged from disintegration of former Yugoslavia.
- The border between Turkey and Armenia remains closed, but all gates are open in both countries for production of nationalism and homophobia.
- Nationalist split between Bosnia-Herzegovina and Serbia does not change joint homophobia, and in the case of division in Cyprus homophobia and nationalism feed each other.
- Homophobic denial of the Iranian administration causes of the violation of the right to life and makes the problems of Iranian LGBT refugees chronic.
- Occupation and war in Iraq turned traditional homophobia into violence and created an environment that destroys the LGBT people's rights to life.
- At war, Palestinian homosexuals are the first to be sacrificed and deprived of the solidarity to resist a double siege upon themselves.
- Possibilities of travel between Turkey and Syria have increased recently and it appears that travel opportunities will emerge between Iraq and Turkey soon.

## **TARGETS**

- We want to form Middle East, Caucasus, Balkan Countries LGBT Network for the struggle against homophobia.
- We aim for a social, cultural and political life in the region where LGBT can express themselves and live without hiding themselves.
- We want LGBT to organise directly in their regions and existing organisations to become stronger through regional solidarity.
- We want to raise consciousness that the homophobia is not only the problem of LGBT individuals and organisations but a problem for the non-governmental organisations and unions which stand against racism, nationalism and sexism in the region.
- We aim for the media in the region to change its discriminatory, militarist, sexist and homophobic language which produces hate and ignites nationalism, and development of a peaceful media.
- LGBT will not stand by the policies of regional states but support the policies which take sides with social, cultural and religious sectors which are the target of racist and discriminatory practices because of their ethnic and religious roots.

## **WHAT WILL WE DO?**

- Homophobia is a global problem and on the basis of this fact, we want to learn about the experiences of the LGBT individuals and organisations in the Middle East, Caucasus and Balkan region against homophobia and share our own experience.
- We want to share our views and hold a discussion over a vision of the region where LGBT individuals and heterosexuals gain freedoms together.

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- We seek solution to our problems and want to share the solution paths and create the material and spiritual possibilities of intervention when necessary.
- We will invite participants to Turkey's capital Ankara especially from the countries including Armenia, Israel, Palestine, Lebanon, Greece, Bulgaria, Serbia, Bosnia-Herzegovina, Croatia, Georgia, Cyprus (North/South), Azerbaijan to the International Meeting Against Homophobia.
- We will organise workshops in four selected countries for transferring practices of struggle against homophobia.

### **HOW WILL WE WORK?**

- LGBT organisations and initiatives from all regional countries can join the Regional

Network against Homophobia. The LGBT initiatives and organisations that have been established in other countries because they cannot operate in their countries because of local conditions can join the Regional Network.

- We will hold meetings which will be announced in advance and which will be open to all LGBT initiatives and organisations in the region.
- We will shun prejudices emanating from government policies in order to come together in the regional network and address local and common problems without making a distinction.
- We will set up an e-group for sharing experience and information and ensuring communication.

## People Against Homophobia From 13 Countries Met in Ankara

People against homophobia from the Caucasus, Middle East and Balkans come to Turkey for “Regional Network Against Homophobia” initiative, within the scope of the 6th International Meeting Against Homophobia. Opponents of homophobia from Bosnia Herzegovina, Lebanon, Serbia, Croatia, Palestine, Israel, Armenia, Georgia, Macedonia, Greece, Montenegro, Egypt and Iran met in Ankara on May 20th.

### Hosting the Regional Network Initiative

6. International Meeting Against Homophobia hosted the Regional Network initiative. Kaos GL, which plans to establish a Middle East, Caucasus and Balkans LGBT Network for solidarity in the struggle against homophobia, had prepared for the organization of the Regional Network.

Kaos GL’s international call for the initiative affirmed by opponents of homophobia and LGBT organizations from 13 countries. It has not been possible for individuals from Syria, Southern Cyprus, Tunisia and Morocco to attend the meeting due to various reasons. The “Regional Network” which took place as a part of 6th International Meeting Against Homophobia was the first meeting of the initiative.

### Regional Network Program

The inaugural of first Regional Network Meeting started with “Why Regional Network?” speeches of Nevin Öztop and Ali Erol, the coordinators of the annual International Meeting Against Homophobia.

During the first half of the day “Regional Presentations” took place. In the first part of the Regional Presentations, individuals from Egypt, Israel, Iran, Greece and Turkey, Armenia and Georgia presented themselves and their work. In the second part of Regional Presentations, participants from Palestine, Lebanon, Bosnia Herzegovina, Serbia, Montenegro, Macedonia and Croatia took the floor.

*The importance of acting against nationalism and racism as a crucial part of combating homophobia and transphobia...*

The second half of the Regional Network Meeting began with “What Do The Doors Shut By Nationalism Cover Up?” Forum. In the forum, the participants shared their own prejudices over the question of “Why the struggle against homophobia and transphobia cannot be succeeded without struggling also against racism and nationalism?”.

The second half of the day continued with “Who can be our friends and allies in the struggle against homophobia and transphobia?” forum. The motive of the forum which consists of “Feminism and Women’s Movement”, “Trade Unions”, “Education and Academia”, “Asylum” and “Media” sections are based on the following objectives:

“... In order to create new struggle arenas to enhance our rights and freedoms.”

“... In order to downgrade the local and regional heterosexual regimes.”

“... In order to strengthen our core organizations and to establish links with other freedom struggles.”

### **Regional Network Initiative**

Kaos GL had announced the “Conference of LGBTs of Middle Eastern, Balkan and Caucasian Countries” as a dream when it declared itself and identified its vision of struggle, at the very beginning of its establishment. International experiences in the struggle against homophobia has been one of the major forums of the Meeting which takes place since 2006. Kaos GL, planning to form a Middle East, Caucasus and Balkan LGBT Network, prepared a call explaining the motives of the initiative and distributed it among the international LGBT community.

Kaos GL, which also invited the representatives of LGBT organizations from Turkey to the Regional Network, wishes to work with the representatives of LGBT organizations who will attend and establish coordination in the process of the Initiative. Kaos GL, which will carry out the secretariat affairs of the Network, aims at becoming partners with LGBT organizations in the policy production and dissemination in the international arena and regional interventions.

### **VI. International Meeting Against Homophobia Regional Network Against Homophobia**

May 20, Friday

Opening of the First Regional Meeting

I – “A Couple of Words”, Nevin Öztop

II – “Why Regional?”, Ali Erol

Regional Presentations – I

Egypt, Iran, Israel, Armenia, Georgia, Greece, Turkey

Regional Presentations – II

Bosna-Herzegovina, Serbia, Montenegro, Macedonia, Croatia, Palestine, Lebanon

“What Do The Doors Shut By Nationalism Cover Up?”

Presentation by Prof. Selcuk Candansayar, Psychiatrist & Columnist

The importance of acting against nationalism and racism as a crucial part of combatting homophobia and transphobia...

Who could be our allies and partners for the purpose of acting against homophobia and transphobia?

...For creating new struggle fields for our rights and freedoms.

...To constrain heterosexist regimes at local and regional scales.

...To empower our own organizations and to get in close touch with other struggle areas.

Feminism and Women's Movements / Unions / Education & Academia / Refugees / Media

May 21, Saturday

Rainbow Forum

This forum was formatted with the representatives of campus groups working against homophobia and transphobia, LGBT initiatives and associations. The focus of the day was our bodily and sexual rights. The topics we have listed were: Hate Crimes/Speech, Labor Life, Freedom of Association and Expression, Constitutional Equality against Discrimination, Fundamental Rights (live free of the threat of torture and ill-treatment, right to live), Civil and Social Rights and Recruiting.

May 22, Sunday

Marching Against Homophobia & Transphobia

## Solidarity of Human Brothers and Sisters

### Selçuk Candansayar

*scsayar@gmail.com*

Just imagine a table, and a table in Turkey for that matter, around which a Palestinian and an Israeli; a Turk and an Armenian; a Serbian and a Bosnia-Herzegovinian; an Iranian and an Egyptian are having a joyful discussion, addressing common problems and building bridges of solidarity; what would you think?

No, don't just assume that the New Ottoman dream of Davutoğlu has come true. Last week, Ankara hosted a meeting which he could never dream of. He hasn't even heard of that, most probably. Even if he has, he wouldn't dare leave "the election arenas where foul-mouthed men fight" and join the meeting, not even for personal advantage.

There's more! In addition to the participants listed above, Georgia, Lebanon, Macedonia, Montenegro and Greece were also seated around the same table.

Even though their states had been at daggers drawn for more than a century, people living within their borders ate at the same dinner table and had a heart-to-heart, sitting right next to each other.

The meeting embodied the evidence that such historical inter-governmental feuds might just carry no value in the eyes of their peoples. Furthermore, they came together to discuss how nationalism caused great distress to the world, to the people.

They voiced their shared views on how nationalism generated a hostile and vengeful culture

that concealed the real problems of people, and how it set human brothers and sisters against each other in what has become a knife fight. Human brotherhood and sisterhood...

They saw how the powers that be pulled apart the ties of brotherhood and sisterhood grown from the root of merely being human only to maintain and regenerate their power and how these powers pursued no other aim but to secure their own governing status while pointing fingers at others.

And who were they? They were human brothers and sisters.

Within the scope of the International Meeting against Homophobia, organized this year under the leadership of Kaos GL for the sixth time, they gathered together for the initiative to establish a regional network among LGBTTT organizations.

Homophobia means fear, with a tint of aversion, of all types of sexual orientation other than heterosexuality. This term defines the range of emotions experienced, when faced with a different type of sexuality, by those that assume sexuality to be an "intercourse" that necessarily takes place between a woman and a man.

Due to reasons related to one's upbringing, learning and education conditions, this is a situation potentially experienced by most people witnessing sexualities other than heterosexuality for the first time. Yet it is not that simple. The more determinant factor here is what people do after getting over that initial confusion.

Homophobia is one of the most commonly used tools by nationalists, racists and religious

fanatics to set peoples against each other and against themselves.

As all authoritarian and totalitarian regimes uplift penis worshipping and masculinity and build their power on masculinity, they perceive sexualities outside the scope of heterosexuality as natural enemies of their power.

Since Hitler fascism, all types of authoritarian/ totalitarian regimes have set off their pursuit of securing their power firstly by putting pressure on homosexuals. Even during the 1980 coup d'état, the military and police set to work by picking up homosexuals in Istanbul and taking

them out of town. A similar strategy is pursued by the current government by its constant mention of "the family" and "three children".

The Meeting on the Establishment of the Regional Network demonstrated once more how common current problems are. As human brothers and sisters, everyone saw how oppression did not differentiate between Kurds, Turks, Armenians, Greeks, Serbs or Bosnians.

The same is to be wished upon the other oppressed groups living in this geography to discover their common ground and find ways to come together.

## LGBT Outcries From the Region

**Nevin Öztop**

nevin@kaosgl.org

*There is no revolution without political and social mess afterwards. –Ice Queer*

*Nobody has ever apologized to the gay men for treating them as criminals, only because of their sexual orientation for fifty years. –Kocho Andonovski*

*Afghanis escape to Iran, Iranians escape to Turkey, Turkish escape to Germany, and it continues. –Arsham Parsi*

*The participants for the “Regional Network Against Homophobia” to be hosted by Kaos GL on 20 May 2011 as a part of the 6th International Meeting Against Homophobia are determined: Bosna Hercegovina, Lebanon, Serbia, Croatia, Palestine, Israel, Armenia, Georgia, Macedonia, Greece, Montenegro, Egypt and Iran. Before this regional meeting which shall last for ages, the participants spoke to Kaos GL about their countries and organizations...*

**The whole world is following the uprisings happening not only in Egypt, but in the whole Arab world. How is it to be in the middle of that movement? Is it a transition for a better? Or a neutral?**

**“A revolution without dancing is not a revolution worth having” says Emma Goldman. How about we say the same for “a revolution without LGBTs”?**

I believe it's fascinating to witness such historical days at my age. I've never seen Egyptians in this state of incredible motivation for change, democracy and justice. Of course there is discomfort and instability but it's a revolution af-

ter all and there is no revolution without political and social mess afterwards.

It's too early to know if it'll be better for LGBT or not, since already we didn't achieve most of the best outcomes of the revolution yet. Mubarak has fallen but his men are still in the temple! Things are not clear right now especially after that the majority voted against having a whole new constitution rather than just little changes in the current one. Also people depressed me with their response against demolishing Article No. 2 of the Constitution (which states that Arabic is the main language, Islam is the religion and all laws have to follow Sharia') which leaves no hope of having a secular state for starters, let alone having LGBT rights!

### **Ice Queer, Egypt**

**What is your main desire of being a part of this Regional Network? And what are the main challenges of LGBT's in Bosna Hercegovina right now?**

Networking is one of the main goals of every movement. Only with a bigger support and cooperation we can achieve change.

The Bosnian-Herzegovinian LGBT movement is after some very good steps back to the beginning phase. We hope that through our cultural projects we will achieve some change in the society.

Sasa Gavric and Arijana Aganovic, Sarajevo  
**Open Center, Bosna Hercegovina**

**Can you briefly give us a picture of the LGBT and feminist movement in Macedonia? What is a challenge and what is an advantage, if there is any?**



Macedonia is a highly homophobic country. In 1996 the sexual acts between men (women's homosexuality was never punishable in ex-Yugoslavia) were decriminalized quietly, only because it was a condition for membership in the Council of Europe. Nobody has ever explained why it was a crime until then, and why it is not anymore. Nobody has ever apologized to the homosexual men for treating them as criminals, only because of their sexual orientation for fifty years.

Having on mind this homophobic atmosphere, it is clear why the LGBT people are not well organized. There are three organizations working on the LGBT issues: Macedonian Association for Free Sexual Orientation – MASSO (not active since 2008), Equality for Gays and Lesbians – EGAL (mainly focused on gay health issues) and Coalition for Sexual and Health Rights of the Marginalized Groups, working on the rights of sex workers, drug users and LGBT people. The Helsinki Committee for Human Rights of the Republic of Macedonia has also an LGBT programme. But with closure of MASSO, there is no organization exclusively focused on advocacy for legal and social changes for LGBT people.

In the past five years, the conservative Demochristian party is openly attacking LGBT people, seeing us as a "sick part of the Macedonian healthy national body". This negative rhetoric from the ruling party is also used for other groups of people, especially the independent journalists, intellectuals, but also all other political subjects who are not in governmental coalition. This negative campaign has one positive effect: it has brought together a lot of different groups. LGBT people got support from a various entities, including the political parties in the opposition. This is something that

can be used in the future for more substantial changes regarding the rights and status of the LGBT people in the society, when the opposition comes into power. That is an opportunity which must be used by the LGBT activists. Now strengthening of the LGBT community should be priority.

**Kocho Andonovski, Helsinki Committee LGBTIQ, Macedonia**

**Often we hear the voices of the LGBT movements in the Western world and maybe we could say the civil voices in the Caucasus are often overlooked. What is the general look of the civil movements -along with LGBT movement- in Georgia? What's the general outline there?**

Very few active civil movements are present in Georgia; political and religious groups are much more frequent. There are only two non-profit organizations which deal with LGBT issues: Diversity Research and Community Activism Association (DRCAA) is working on local LGBT community empowerment and public awareness-raising and Women's Initiative Supporting Group (WISG) is working mostly with LGBT women. It is early to talk about an LGBT movement in Georgia, since the community has yet to consolidate as a group with short and long term goals. Fear of coming out and being discovered, reinforced by social and economic difficulties that many community members are facing, prevents them from being actively involved in the movement.

**Tamta Melashvili, Diversity Research and Community Activism Association, Georgia  
Giorgi Gotsiridze, Georgian Young Lawyers' Association, Georgia**

**As a part of the 5th International Meeting Against Homophobia last year, we organized panels with the titles of "What Do the**

**Doors Shut By Nationalism Cover Up?" because we do not only object to homophobia but also nationalism and militarism. How do the militarism discussions/arguments go in Greece itself? Are there times the nationalism perpetuates homophobia towards you?**

Nationalism, as the act of isolating the different, is from its nature a xenophobic ideology. Greek nationalism built on the triptych "motherland, religion, family" finds a very fertile base to support a homophobic environment. On the one side, the Orthodox religion, which proclaims homosexuality as an unnatural behavior and on the other side the strong traditional principle of the "heterosexual family structure", leaves only a small space for homosexuality to express itself and only under the name of the "abnormal minority". The fight against homophobia is a constant fight against conservatism and its steady, outdated values.

**Efkliá Panagiotidou, Lesbian Group of Thessaloniki, Greece**

I will limit my response to one specific and striking illustration. Although Greek LGBT activists have always been aware of the hypocrisy and homophobia inherent in Greece society, the connection between homophobia and nationalism was stunningly illuminated by the reactions to the 2010 Athens Pride poster. A photo of one of Greece's most nationalistic symbols, an Evzone Guard, in front of Parliament and the Tomb of the Unknown Soldier was overprinted with the words "gays, lesbians, bis and trans" and our 2010 slogan, "We Are Everywhere." The idea that this embodiment of Hellenic manhood, bravery in the battle for Greek independence, and national pride could be usurped by "perverts" and "fags" produced unprecedented venom and threats of violence (which fortunately remained in words) from ev-

ery reactionary and religious front. This was to be expected. But even more revealing were the negative reactions from society's more moderate elements, who accused us of being unnecessarily provocative by "defaming" this "sacred" symbol. Of course, no one objects when waiters dress up in this costume to sell lamb chops! So, apparently, Greek Queers are not permitted to be "real" Greeks, with equal rights to the national symbols of Hellas.

**Andrea Gilbert, Athens Pride, InterPride Region 15**

**Can you please describe the strong and/or weak sides of doing LGBT activism in the Balkan states? Who are your allies/supporters?**

Violence and the exposure of visible LGBT activists to threats and violence are surely circumstances that demotivate a lot of young potential activists to join LGBT groups, as well as fear of discrimination on job place or problems in the family. Lack of state grants for direct action and direct aid activities, such as organizing legal help, protest marches, pride events, advocacy. If there is a financial support from governmental or local authorities, they are usually directed to LGBT cultural and social policies, although they are not enough even in this sectors. We are often perceived as not really political, as not really relevant, as asking for privileges and not for basic human rights. Media, if they are LGBT-friendly, prefers personal coming-out stories, and to often ignore that LGBT movement is not just directed against homo/transphobia, but that embraces a fight for all kinds of differences, for an open and sexually free society. The strong influence of religious organizations usually has a very negative impact on politicians and the general public attitudes about LGBTIQ people.

When our endeavours result in a big or a small victory, such as a new law, a gained mediatic visibility, an LGBTIQ person that is empowered, then the weak sides can be seen as strong sides, because it can be also very self-satisfactory for an organization to reach very concrete results in a mostly not-friendly environment. Changes are visible, there is a sense doing LGBT activism: the general public is every year more and more sensible to LGBT issues, we slowly, but unstoppably, are entering the institutional mainstream, we have more and more influence, and what is the most important the we, at least in Croatia, have a stronger, bigger, more open and diverse LGBT community.

Our allies/supporters... Other NGOs, especially those dealing with human rights, women's rights, feminist, pacifist, antifascist and left-wing youth and student's organizations. Some centre-left and liberal political parties, at the moment at the opposition in Croatia, have shown a certain degree of support and promoted some laws protecting LGBT rights, but their support is still not without calculation and their doors are not always open for us. In the last years in sensible a more higher degree of support from the LGBT community in general, especially from younger lesbians and gays.

**Franko Dota, Zagreb Pride, Croatia**

**Gordan Bosanac, Queer Zagreb, Croatia**

**Is the dense political agenda/tension in the region making it hard to do LGBT activism, or is it flourishing it? Who are your supporters from the civil voices?**

It could be easily said that a dense political tension has its affects on any activist cause. Military conflicts and political agendas can act to its detriment by pushing human and civil rights issues to a lesser national priority, or on the contrary, to its benefit by raising awareness to social mat-

ters that can bridge between opposing political powers. However, my personal opinion is that as a person acting to create a change in society, these struggles can't be taken separately. I don't see myself as an LGBT activist, but as an activist for a better society as a whole. In that sense, the plight for human and civil rights is universal. Whilst I do act predominantly within my immediate community, my aim is to raise attention and encourage activism in wider issues and for other communities, including political issues and conflicts. The fight for human rights is as important in the Israeli-Palestinian conflict for example, as it is in LGBT issues. If anything, the successes we have seen along the years with LGBT rights in Israel, show us that our society is in fact progressive and able to change. This fills us with hope regarding other issues that are very present in our society.

Yuval Kerstein, Israeli Gay Youth, Israel

How do the militarism discussions go in Armenia? Does the nationalism perpetuates homophobia towards you?

In case with IWPR Armenia Branch, which is a media support organization trying to build bridges between neighboring countries that are currently in frozen conflict, it is sometimes difficult to ensure people that its activities will not harm Armenia and Nagorny Karabakh. In this context we sometimes met some acts of aggression from nationalists or nationalistic groups/NGOs, but we try to build good relations with them to avoid public anger. And in case if we fail, we just ignore them.

**Sara Khojoyan, IWPR Armenia Branch, Armenia**

**Can you briefly update us about how the LGBTs do activism/politics in the Balkan region? Where do you place your activism in Europe?**

Even though we have some positive changes, it still to be quite chaotic. First is the lack of clear state policies toward LGBT issue in general. Some of Balkan states are more pro-European orientated and some other are more close to Russia, so in the Balkan region there is no clear idea what to do with LGBTs. On the other hand, there is no clear politics among LGBT organizations either. More or less, every Balkan country have several LGBT organizations, but (it is something like a rule) almost all have different approaches on LGBT activism. Very often organizations are not able to find common interest and make one unique platform for social change in they countries or region in general.

Also, there is huge gap between so called international standards and local situation. Very often, we, as LGBT activist, are forced to give support to the international standards, as well as to nations (so called) standards in understanding of human rights. In example, for Serbian Government Human Rights is something “we must do” – without space for support, promotion and quality work on this issue.

Where do I place our activism in Europe? If you asked me about LGBT activism in Serbia, there are some positive steps forward. We organize first Pride Parade; make a new organization that will organize every future Pride... Also there are some visible results like some law changes... If you asked me from my personal level, I'm happy to be part of group of people who want

to change something permanently and well thought art, culture, publishing and opening of different kinds of dialogue in society.

**Boban Stojanovic, Queeria Center, Serbia**

**We are often forced to go to the West to look for a solution if we want to survive as LGBTs. What are your thoughts of managing to stop that, as an exiled organization from Iran?**

That is true, most of the time we leave our countries to Western countries in order to have our peace and freedom. However, we have a long history of homosexuality in the East but it is forbidden. The love between two same sex is not allowed and we are illegal citizens. But in the Western countries rights are being respected and diversity is a a cultural value. In my opinion, Eastern countries do prefer to live in denial.

Nothing can stop people from leaving but political and cultural changes. However, homophobia does not have any border and we can let people to discriminate us against if we do not have self confidence and accurate information about who we are and what we want. Afghanis escape to Iran, Iranians escape to Turkey, Turkish escape to Germany, and it continues... The interesting point is that these people still have some sort of difficulties in their new countries because either they do not have self confidence or they do not know why they left.

**Arsham Parsi, Iranian Railroad for Queer Refugees Inc. (IRQR)**

## LGBT Situation in Armenia

**By Mamikon Hovsepyan**

*mmkarmenia@gmail.com*

Pink Armenia, Armenia

Discrimination towards lesbian, gay, bisexual, and transgender people begins with the family. Discrimination towards LGBTs by family members manifests itself through breaking off all contact, kicking them out of the house and disowning them. Afterwards, discrimination continues in nearly all stages and facets of life: study and work, military service, healthcare and other services, media, entertainment, and so on. Cases of violating anonymity and confidentiality, which more often take place in establishments that provide healthcare services and psychological support, legal bodies or military, are not uncommon.

Intolerance towards LGBT people more so relies on unwritten norms, customs and social memory.

There are cases of rape and even death of LGBT people in Armenia. The majority of LGBTs say that they have never and will never go to the police or law enforcement bodies for protecting their rights, since they not only don't resolve the issues at hand, but also become the cause for new issues to arise.

Nevertheless, it's also important to note that the public and the state must take into account its citizens' individual right to live freely and without violating other people's rights. However, the more an individual's external appearance or the way he carries himself reveals his sexual orientation or gender identity, the more serious the level of discrimination can become. Discrimina-

tion can manifest itself not only through articulating offensive statements, but also by carrying out physical, sexual and psychological violence.

There is a lack of trust towards professionals in different spheres. For example in healthcare, to overcome the situation, they avoid seeking professional help (a fear of not preserving anonymity and confidentiality). Some LGBT people, if not attempted then at least had thoughts of committing suicide.

On the topic of legal resolution, legislation and international documents that regulate or are connected to eliminating all forms of discrimination against LGBT people, encouraging public tolerance, and protecting LGBT rights were examined. Not only is the justice system that regulates the sector in which LGBT people's rights should be protected in the Republic of Armenia not united, but also legislative definitions within the boundaries of understanding and the legislation connected to this sector, which would guarantee the possibility of protecting their rights, are actually absent from legislation.

Neo-Nazi movement in Armenia is spreading hate and intolerance toward LGBT people, distributing tracks and disseminating heinous messages to the citizens, which content seek to reject homosexuality. Those movements promote also hate crimes and they have never been banned by the Government or legal bodies.

Police attack gay and trans people in the streets, taking them to police stations. There are many cases when GT people were physically violated at police station or in the streets by policemen. Police also blackmails them and take money for

not informing their relatives about their sexual orientation and gender identity.

Gay, bisexual and trans men can be exempted from military service, though not all of them come out with their orientation and instead they go to the army. Violations towards LGBT people in the army are committed by their peer and officers usually. There are cases of physical abuse, rape and psychological pressure, and those cases have never been reported by the Ministry of Defense.

In mass media, the cases of pedophilia between adult and underage men is considered as homosexuality, while pedophilia between adult man and underage girl is considered only pedophilia.

Mass media remains as a main hate promoter among society, usually comparing homosexual-

ity with prostitution, sects, diseases, and bringing negative examples while talking about LGBT people.

Armenian Church is one of the homophobic institutions in Armenia. Usually they organize meetings and discussion in Grigor Lusavorich Church and often they use the opportunity to touch the topic of homosexuality, to blame LGBT people. There were cases when participants promoted hate crimes during the meeting and it was accepted by the organizer priests as a right action. During press conferences and interview, regardless of what the interview is about (religious minorities, prostitution, addictions), priests use the opportunity to touch the topic of homosexuality and blame LGBT people.

## Empowering Zagreb and Other Parts of Croatia

**By Gordan Bosanac**

*gbosanac@zamir.net*

Queer Zagreb, Croatia

In 2007, Queer Zagreb has published the first book on history of homosexuality in Croatia entitled "Oral History of Homosexuality in Croatia". This book, based on interviews with LGBT persons living in Croatia during Yugoslavia, has showed continuous existence of sexual and gender minorities under different political systems. However, organized LGBTIQ movement first appeared after the independence of Croatia and kind of explosion of activism started at the beginning of 21st century by organizing the first Zagreb Pride in 2002 and Queer Zagreb festival in 2003.

What is interesting for Croatian LGBTIQ movement is the fact that since 2002 there has been different methodologies and approaches activism: from human rights to culture. On one hand many steps have been done in legislation, mostly due to EU accession process. However, Croatia was the first post Yugoslavia state which voted for same-sex partnership Act in 2003. Unfortunately, this Act was just a small symbolic victory since the Act guaranties only two rights for same sex couples: right to inheritance and financial support after breaking relationship. What is really funny about it is that one can enjoy the rights only if same-sex partnership fails. State actually accepted the Act which stimulates you more for splitting then sustaining relationship. As one can expect, there has been no records that any same sex couple has used the rights from the Act in the last eight years.

On the other hand, legal progress has been done in anti-discrimination policies. Many anti-discrimination articles were embedded within different legislation and since 2009 Croatia also accepted overall Anti-Discrimination Act which bans discrimination based on sexual orientation and gender expression. Since 2006, Croatian Penal Code has introduced hate crimes, but the implementation of the legislation was lacking due to the general fears of LGBT victims and non trust in the institutions and judiciary. At one point we had this paradoxical situation that legislation was very progressive but no one was brave enough to use it. This is why LGBT groups initiated more activities towards the community empowering LGBT persons to come out and express themselves more openly. It was ridiculous to have legal protection without strong community.

In this action cultural projects have been proven as successful. Queer Zagreb festival continuously was presenting LGBT arts in different forms (theatre, movies, books, exhibition and most important –thematic parties) and empowered domestic queer expressions. Today in Zagreb, one can find vital queer cultural community and many LGBTIQ persons enrolled in cultural queer scene which is still in a sphere of rather independent than mainstream commercial culture. During the years the number of participants at Pride March in Zagreb was increasing which has brought 4000 pride participants at the 10th Zagreb Pride in June 2011. However, this massive response was not the result of tremendous public support to LGBT rights in Zagreb but the reaction on Split Pride which took place only 2 weeks before Zagreb. Split is the town on Croa-

tian coast which in the last 20 years got the label of extremely conservative town. In June 2011, the first Split Pride was organised and provoked extremely violent reactions. Around 10000 anti Pride protestors were attacking the Pride. After Split Pride, reaction from the media was fantastically supportive towards LGBT communities, and many public figures, decision-makers and politicians condemned loudly the violence. This has resulted with massive support at Zagreb Pride.

Even more important is the feeling that more and more LGBT persons are ready to report discrimination and violence and LGBT groups have organised legal and psychological support for the victims. Particularly, younger generations living in Zagreb are every day more open about their sexuality. The problem stays in the fact that some kind of openness has been achieved in Zagreb capital, but in other parts of Croatia LGBT communities are still invisible.

Although the progress has been done in legal protection of LGBT persons, we are still witnessing a lack of more political support towards a better protection of sexual and gender minori-

ties. One of the examples is the recent change of Croatian Constitution (due to the EU requirements) when LGBT groups were lobbying for recognition of sexual orientation and gender expression in the constitutional article which prohibits discrimination. Although social democrats have supported the proposal in final negotiation with conservatives they gave up from the proposal. After this failure, we came with idea that LGBTs should be perceived rather as national than sexual minorities since national minorities (due to the recent ethnic conflict) have better legal protection. We do have a (rainbow) flag and (Lady Gaga?) anthem but the only thing which is missing is a State! Our proposal would be that Croatia becomes the first state which claims full citizenship based on "LGBTIQ nationality/identity". Due to the poor demographic growth, this is a way how we can significantly increase the State population. If the human rights arguments can not be heard, maybe this approach will have more response within Croatian policy makers. Until then, LGBT rights will be only the meter of bargaining and branding between non existing left and right.



## Georgian Legislation on LGBT Issues

**By Giorgi Gotsiridze**

*gotsiridze@gyla.ge*

Georgian Young Lawyer's Association

&

**Tamta Melashvili**

*tamta@drcaa.org*

Diversity Research and Community Activism Association

### **Constitutional Guarantees**

\* Article 14 of Georgian Constitution prohibits discrimination on the basis of several grounds.

\* The sexual orientation is not directly mentioned in the article. Unlike European convention on human rights, Georgian constitution gives exhaustive lists of the ground on which discrimination is prohibited.

\* Constitutional Court of Georgia is the competent body to interpret Constitution. Court took broad interpretation of Article 14. The Court stated that discrimination was prohibited on the ground which might not be directly mentioned in Article 14.

\* The court has not dealt with the case concerning the discrimination on the ground of sexual orientation.

### **Labor Rights**

\* Since the amendments were introduced in the Georgian Constitution on 15th of August 2010, Labor rights should have been regulated by the organic law. This is superior law than the ordinary one.

\* Ordinary Labor Code introduced in 2006 was replaced by the organic labor code on 16th of December 2011.

\* There has not been reflected any significant changes in the new code. The relevant provisions on the prohibition of discrimination have been kept.

\* Article 2 of this code prohibits discrimination, inter alia, on the ground of sexual orientation

\* Article 38 enables an employer to fire employee without invoking any reason. The motivation of the contract breaking could be the sexual orientation of the employee.

\* If the employee fired were not afforded with the reasoning explanation, he or she would be unable to produce any reliable evidence to the court in order to prove that the employer had treated him//her in a discriminatory manner.

### **Prison**

\* A same-sex partner is entitled to have short-term visit with the person incarcerated. The short-term visit lasts from 1 to 2 hours. The meeting should be taken place by the visual control of the prison administration.

\* While the draft amendments in the prison code were being discussed by Georgian parliament, the right to long term visits was declined for same-sex partner due to the plain homophobic approach.

\* Long-term visit gives possibility for the prisoner to live in the separated compartment of the prison facility with his or her spouse for 3 days.

### **Right to Marriage**

\* Defining meaning of the marriage, Article 36 of Georgian Constitution does not mention that only opposite-sex couples could get married.

\* However Civil Code of Georgia defines marriage as "relationship between a man and a women".

\* Georgian Constitution keeps the issue open whether the prohibition of same-sax marriage is constitutional.

\* Georgian legislation does not guarantee for same-sex couples to enter into the registered

partnership relationship.

### **Parental Rights**

\* A single member of the LGBT community is entitled to adopt a child

\* A single women, including lesbians, can use artificial insemination and be recognized as a parent of the child given a birth through the artificial insemination.

\* Couples, not being necessary to be the spouses, are entitled to use extracorporeal fertilization in order to have their own children.

### **Prohibition on Blood Donation**

\* Order of the Minister for Labor, Social and Health Protection prohibits risk groups of HIV/AIDS from being a blood donor.

\* Homosexuals are directly listed as the risk groups of HIV/AIDS. LGBT people are clearly stigmatized as homosexuality in itself has been exposed to be the risk factor as a cause of HIV/AIDS.

### **Right to Change Identity**

\* Transgenders are entitled to change their first names, family names and paternal names after their gender have been reassigned resulting from surgeon intervention.

\* However transgenders who have not been reassigned their gender yet are entitled to change only their first names.

### **Hate Crimes**

\* Criminal Code of Georgia considers hate crimes as an aggravated circumstances of a particular crime. The racial, religious and ethnic hatred are the motives which are punishable under criminal code of Georgia. Homophobia as a possible motive of particular crime has been excluded from the list of hate crimes.

\* A criminal who kills a person because of the victim's ethnic origin, should be punished from 13 to 17 years of incarceration, while the killing motivated by the victim's sexual orientation should be punished only from 7 to 14 years of incarceration.

### **Hate Speech**

\* There is no criminalization of hate speech in Georgian Penal Code; however, it is regulated by the law on broadcasting. Under the Article 56.3, any television or radio station should avoid broadcasting programs that stir up hatred, discrimination or the offensive content to any person or group on the basis sexual orientation.

\* The complaints on the alleged homophobic programs should be addressed by the internal review mechanism of the broadcasting company concerned.

\* The courts as well as National Communication Commission are prohibited from considering complaints on alleged homophobic sentiments in media.

## **“Being Unnecessarily ‘Provocative’ by ‘Defaming’ ‘Sacred’ Symbols”**

**By Andrea Gilbert**

*contact@athenspride.eu*

Athens Pride Organizing Committee,

InterPride Region 15 Director, Greece

All forms of homophobia impact negatively on the everyday lives of lesbians, gays, bisexuals and transgender persons. For the most part, Greek popular and institutional homophobia is expressed in hypocrisy. When compared the violent manifestations in the surrounding region, this may seem like a minor issue –a problem of “luxury,” as it were. However, this deeply entrenched hypocrisy itself a form of oppression, violence and abuse. It creates a veneer of just enough false tolerance to make everyone believe that everything is all right, and perpetuate the status quo. It constructs a closet so fortified that most Greek gays and lesbians not only accept this situation as a normal way of life but actually believe that it is a satisfying existence from which they are reluctant to emerge. Coming out to one’s immediate family and acquaintances can pose an insurmountable challenge. And although there is legal protection of sexual orientation (but not gender identity) in the workplace, few LGBT persons are willing to disclose to their employers or co-workers.

Very few urban Greeks will admit to being homophobic or believe that they are, as evidenced in a poll conducted on Athens’ busiest shopping street by the Colour Youth group this past May 17th. Passersby were asked what they would do if they discovered that someone close to them was gay, lesbian or transgender. On face value the responses seem positive or at least indifferent –people clearly wanted to appear

open-minded. But closer analysis betrays their fundamental contempt, misconceptions and fears, which are verified by Colour Youth members’ personal accounts of parental brutality and schoolroom bullying.

The “violence of the closet” is also manifest in the way in which gays and lesbians and their families deal with hate crimes. That is, they don’t deal with them at all. No one has any idea of the number of violent attacks –mostly on young gay men in the club district of Athens– simply because they go unreported. The victims are reluctant or terrified to report the incidents because it would mean coming out to their families, and potentially humiliating themselves before the police –not to mention a public disclosure in a court of law if the perpetrator happened to be caught. However, and more importantly, even if the victim were bold enough to press charges, the case would be handled as an ordinary assault because there is no provision in Greek law for any hate crime, much less on the basis of sexual orientation and gender identity.

In actuality, there is very little to legally protect LGBTQI persons against hate speech and incitement to violence. This legislative deficit has allowed a self-proclaimed neo-fascist lawyer, orally in a Greek courtroom and before the Bar Association, and in writing to the Office of the Prosecutor, to personally call me, with total impunity, an “antisocial element,” “mentally disturbed” and a “sexual deviant” because I’m a lesbian, and to claim that I am also a perjurer because, “a woman who does not respect her nature cannot possibly respect the truth.” But activists have not let this pass in silence: a land-

mark class-action suit against this lawyer for defamation was scheduled for trial in September 2011. A second suit on the same charges has been brought by me individually; we are awaiting notification of a trial date before the end of 2011. These will be the first trials of their kind in Greece.

In other legislative matters: A final judicial decision in a court in the competent Prefecture of Rhodes has recently been handed down, annulling the two same-sex marriages that were performed by the Mayor of Tilos Island in June 2008. The two couples plan to take the case to the Greek Supreme Court. Also, despite requests for proposals and promises from the ruling PASOK Party in 2010, the LGBTQI community of Greece is still waiting (since 2008) for the current unconstitutional draft legislation on Domestic Partnerships to be extended to include same-sex couples. A recent letter by three NGOs addressed to former Prime Minister George Papandreou, the Minister of Justice, and other political parties demanding accountability for the delay the silence has been answered by PASOK with the inexcusable excuse of the government's current absorption with the financial crisis. In other words, human rights are ignored in times of economic difficulty.

However, on a positive note: Athens Pride, which took place this year on June 4th under very difficult social, political and economic conditions, continues to grow. Despite a rainstorm and civil unrest on our parade route, a record 10,000 participated in the Athens Pride Parade. Many of the ever increasing numbers of our young attendees and volunteers cite that the experience changed their lives, giving them the courage to accept and disclose their sexuality. Following Athens Pride 2010, several volunteers

founded the Colour Youth group, Greece's first registered association for LGBTQI people under the age of 30.

As an activist organization, Athens Pride tries to provoke society, or at least make people think. Our 2010 poster featured Greece's foremost nationalistic symbol, the Evzone Guard, stationed in front of Parliament and the Tomb of the Unknown Soldier. The photograph was overprinted with the words "gays, lesbians, bis and trans" and that year's slogan, "We Are Everywhere". The idea that this embodiment of Hellenic manhood, bravery in the battle for Greek independence, and national pride could be usurped by "perverts" and "fags" produced unprecedented venom and threats of violence (which fortunately remained in words) from every reactionary and religious front. This was to be expected. But even more revealing were the negative reactions from society's more moderate elements, who accused us of being unnecessarily "provocative" by "defaming" this "sacred" symbol. Of course, no one objects when waiters dress up in this costume to sell lamb chops! This same rancor was voiced in 2008 against our official logo –a representation of the Parthenon dressed in rainbow colors. So, apparently, Greek Queers are not permitted to be "real" Greeks, with equal rights to the national symbols of Hellas.

This year our slogan was "Kiss Me Everywhere" –referring to kissing everywhere on the body as well as kissing in plain sight, everywhere that heterosexual couples are free to kiss, but LGBTQI persons are not. It was inspired by the recent censorship of two popular music videos by two TV channels that cater to a youthful audience. This was only the most recent instance of same-sex kissing censorship in the performing arts. The channels justified their self-censorship as

fear of the Greek National Council for Radio and Television (ESR). This independent, seven-member body appointed by the Greek Parliament has the authority to levy enormous fines for whatever they consider improper or obscene. This can be anything from a same-sex kiss in a TV serial to the dignified presentation of transgendered guest on an afternoon talk show. On the other hand, the ESR rarely censures violence and graphic heterosexual sex, and never objects to degrading and stereotypical depictions of LGBT persons. So something as ordinary and as natural as a kiss is also the measure of equal rights in Greek society.

And finally, a footnote to our campaign: On May 25th Athens Pride requested a formal hearing with the ESR to question these policies –a legitimate right and procedure. The Council convened on June 7th, when our request was introduced. Despite the fact that the date was well within the required deadline, their written response was simply: “The Council has shelved the case because the Council did not meet until today (7 June) and the request has become obsolete.”

## The Past and The Present: Two Communicating Vessels

By **Efklia Panagiotidou**

*efkliapanag@hotmail.com*

Lesbian Group of Thessaloniki, Greece

The malfunction of the Greek community in issues of identity and sexual behaviors arises from remnants of its past, on the one hand as a result of ultraconservatism and on the other hand because of the inability to give a new meaning to the democratic regime, the aftermath of the military dictatorship overthrow in 1973. The seven years of dictatorship bore the triptych of “motherland, religion, family”; which continues to exist until today as a natural collective consciousness of the Greek community. These three singular concepts create a hazardous monism that interprets the notions by making reduction to a “one and only material” and proportionally of the triptych, in only one country, one religion, and one type of family. Derivative of the monistic philosophy is nationalism, which uses the triptych as its point of reference, thus externalizing a particular set of values. The consistency of the system is based on uniformity, which isolates and ostracizes “the different” in an ideological confrontation with pluralism.

Words are given a different meaning in each value system. In the Greek Orthodox value system, the triptych is as follows:

“Motherland”: It is understood as the Greek nation-state, of which imaginary community is recognized mainly by the common Greek ancestry, and by the Greek language. The nation-state and its future existence are achieved through the perpetuation of the species and specifically the Greek species (the Greek nationality supports the notion that “you are born Greek, not

becoming one”).

“Family”: It describes the patriarchal family model that is based exclusively on heterosexuality, because it is the only way that prospects reproduction, so as to complete the Christian maxim “Grow and multiply”.

“Religion”: It refers to the Christian Orthodox Faith, which treats any different sexual behavior, other than heterosexuality, as an unnatural, abnormal behavior that results from the deduction of human morals.

Consequently, it becomes understandable that the Greek Orthodox philosophy and homosexuality are two conflicting values. Same-sex relationships have no potential for reproduction and for this reason same-sex couples are considered unable to perpetuate the Greek species, an inability that excludes them from the notion of “family”. Moreover, homosexuality is rejected de facto, since the inspired Christian law appointed it as perversion from the beginning of the world (Bible: Epistulae to the Romans and the Corinthians). Homosexual behavior disrupts the balance of the existing system of values and that is because its free expression puts on the table questions about the fairness of the system, or even its viability. The homophobia of the system results from the assumption that, “if homosexual behavior prevails against the heterosexual, then the Christian maxim ‘grow and multiply’ will no longer define the existence of the individual and the Greek genus will not be multiplied in order to finalize the existence of the Greek nation-state over time”.

### Politics

The protection of homosexuals was recently legislated in the Penal Code, with the new anti-

racism law in February 2011, which extends the protection of law to groups and individuals who are not identified solely on the basis of race, color, religion, and national or ethnic origin, but also of their sexual orientation. The laws of the Penal Code contradict each other and that is because according to Article 347.1(b), "Unnatural licentiousness", there is a clear discriminatory treatment against male homosexual prostitution, while the same practice in case of heterosexual relationships does not constitute a criminal offense. More to add, discriminatory treatment is the provision of a different lower age of consent in sexual acts between heterosexuals and homosexuals. For homosexual acts the lower age is defined the 17th year, while for heterosexual acts it is the 15th year.

Moreover, there is no official recognition of same-sex couples. However, on June 3, 2008, the mayor of the island named Tilos, taking advantage of the provisions of the Civil Code on civil marriage that does not indicate the exact sex of the intended spouses, performed a civil marriage between two same-sex couples. The marriage was declared unconstitutional and unsubstantiated and the Minister of Justice in accordance with decisions of the Supreme Court forbade the marriages between and ordered the persecution of any mayor that was going to wed same-sex couples. Also, absent are settings that would allow the adoption of children by lesbian or gay couples. It is an open secret that in the event of a lesbian or gay couple attempting to adopt a child, the court will reject the adoption on the ground that these couples are unsuitable to care for children.

With regard to military service, homosexuality and transexualism are characterized as "severe psychosexual and gender identity disorders"

and homosexuals for recruitment are classified in the special category I/5, a category featuring "people unfit for recruitment". For this reason, homosexuals tend to hide their sexual identity under the fear of unemployment, since those who do not serve in military are deprived of their right to work for the public services sector.

### **Media**

The presentation of homosexuality in the media is primarily negative. Nevertheless, it could be considered positive the fact that the media do not conceal the matter, denying its existence, but they expose it in the context of a social reality. Besides, even a negative presentation is better than absolute concealment of the matter, which in the background it totally rejects the existence of homosexuality as a reality. When we refer to homophobia in the media, it is impossible not to mention ESR. ESR is the national broadcasting council, which controls the quality of television programs, and gives penalty payments and fines on the programs that undermine the quality of the broadcast. There exist many cases when TV series ("kleise ta matia"), movies ("straight story") and music videos ("firework" by Katy Perry or "raise your glass" by Pink) with homosexual content were heavily censored and were fined by that council, on the ground that "homosexuality refers to a small group of people, it is a deviation that goes beyond the normal, and the reference to these issues may affect negatively the normal development of the personality and sexual behavior of the underage viewers, it may cause confusion as to their sexual orientation, and generally as to the role of the two sexes."

The externalization of the perception of the media towards homosexuality, comes to the

surface via two different expressions, that of the “perverse behavior” derived from religious and right-winged circles, and the expression that “anyone can do whatever he/she wants in their bed”, coming from the artistic circles. That last perception may partially accept the sexual diversity, restricting it however in the narrow limits of privacy, without leaving room for an externalization of sexual identity as a normal and legitimate extension of personality during the process of socialization.

### **Religion**

The beliefs of the Orthodox Christian Faith are based mainly in the New Testament, which through its passages expresses its homophobic nature. Specifically, in the Letters to the Romans, Apostle Paul says: “...Because of this, God gave them over to shameful lusts. Even their women exchanged natural sexual relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed shameful acts with other men, and received in themselves the due penalty for their error” (Romans 1:26-27). Also, in his Letters to the Corinthians it is stated that: “Do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived; neither the immoral, nor idolaters, nor adulterers, nor effeminate, nor homosexual offender], nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the kingdom of God” (Corinthians, 6: 9-10).

Having as the pillar of its philosophy the Letters of Apostle Paul, the Church of Greece is the element that presents the most intense homophobic attitude. When the issue of civil partnership for same-sex people and the protection of sexual orientation were discussed in the parliament, as

well as when television broadcasts were referred to the phenomenon of homosexuality, the reaction of the Orthodox Church was on either case really violent and harsh against homosexuals. The metropolitan of Thessaloniki, stated on live television, during a preaching, that “this kind of measures bring the legalization of prostitution and of immorality. If they are implemented, we will find ourselves against nature and we will become even worse than animals”. He even called homosexuals to repentance from the defect of homosexuality.

The preaching of metropolitan of Piraeus, a city close to Athens, ranged at the same wavelength. The metropolitan said: “Here comes the question: Are there many sexual orientations so that it’s a necessity of a specific state to protect this variety of sexual orientations? In a person are there many brains, many stomachs, and many heart muscles? Isn’t it the sexual function clearly defined from the ontology of the human kind and isn’t it expressed specifically with male and female? Is there another sex in the human genus?” From these statements, it’s easy for somebody to realize that the knowledge and understanding of church concerning sexes and gender identities are completely on a fetal level.

The disappointing thing is that the right of the Greek Orthodox Church to express such an extreme homophobic opinion is as powerful and legalized as the right of each government to express an opinion in the parliament. It is legalized both from the parliament itself and the society, which in formal statistics is supposed to be 99% Christian orthodox. It is not accidental that every time I am using the word “Greek” in front of the term “Orthodox”, (Greek Orthodox) because we are talking about a national church and here



is the point where religion meets nationalism and together they form a homophobic vicious circle.

It is really crucial to understand the source of the high legalization that clergy's beliefs have. That's why we need to focus on the position that Orthodox Church had, from Byzantium to the Ottoman Empire and in the modern Greece according to our national history. Orthodox Church and its clergy are supposed to be the 2 elements which kept the Greek language alive during the Roman Empire and the 300 years of Ottoman slavery. And it did not only keep the language alive, but also connected Greeks under the same "Greek Orthodox" identity and gave them the reason to fight against the Turkish Muslim conquerors for their independence and freedom. The historical past and present of "Greek Republic" is directly connected with the existence of church and the orthodox identity, so connected that an imminent reaction against the Christian Orthodox opinion would be a reaction against the foundations of Greek nationalism.

### **Society**

Greek society is characterized by an identity crisis. Being a member of the European Union since 1978, serving simultaneously as an integral part of Balkan and also being influenced by its Ottoman past, it is very difficult to find a balance between these three different role identities. The interaction of these identities is confrontational, because the European one is in favor of protecting and legalizing homosexuality, while the Balkan and the Oriental perceive it through an intense homophobic conservatism. Greek society tries to escape from its Balkan and Oriental character, because they are against modernization, and to be identified as European, though it still misses that consciousness

of tolerance and of equal treatment of people with different sexual orientation, which is observed in the north-western Europe. It is hard to define if this is due to a local framework lack that protects sexual orientation or if this legal framework is inexistent because of this social unconsciousness.

It is interesting that although Greece is pushed from the guidelines of the European Union Community to impose constitutional changes concerning equality, cohabitation agreement, civil marriage and adoption laws for same sex couples, every changing effort is denied from the Greek parliament. Greek Europeanization-Progressivism is hypocritical and this is reflected in that large part of society which agrees with the legalization of civil marriage or cohabitation agreement between same sex couples, but they continue to consider homosexual behavior unnatural. Progressivism lost its value, firstly because it is assumed as an extension of Europeanization and not as an extension of social maturity for human rights, and secondly because it emphasizes on norms, such as marriage and loses the essence. Pure progressivism should only be translated as a substantial acceptance of homosexuality, as a natural sexual behavior between diverse manifestations of sexuality.

Social maturity can only occur as a result of proper sexual and gender studies education, which should be offered to the citizens by the state. However, the Greek educational system is deficient on such issues, and that is the reason society is unable to understand positively or at least neutral, terms that are negatively charged. But even in cases where a scientific analysis of "homosexuality" seem to be taught without being charged with taboos or prejudices, people found themselves in great confusion to inter-

pret homosexuality, because of the conflicting social and scientific perception of the term.

During psychotherapy, many psychologists and psychiatrists set as a target to help the person repel the gay identity and not to accept it so that it will be led to a proper socialization of its identity. These kind of examples are contrary to professional since according to DSM-IV-TR (2000) (Diagnostic and Statistical Manual of Mental Disorders) of The American Psychological Association (APA), a manual which is taught at the Greek university and it is used from psychologists and psychiatrists as their tool to recognize psychopathological disorders, homosexuality is not referred as a disorder.

Another issue is Homosexuality in Ancient Greece. There is a big amount of evidence, such as the Symposium of Plato or the poems of Sappho, where homosexual activities are described, a fact that is tried to be hidden systematically. Many books have been written, from representatives of the ultra-right political party, in which it is referred that homosexuality in ancient Greece is just a big myth. This situation is not acciden-

tal and it is strongly connected to the power of the Greek Orthodox Church and to these ultra-right parties in the parliament, which support its manifesto. Imagine how strong an argument it would be, the revelation of this entire part of different sexual behaviors that existed in a society thousand years ago. Maybe an argument that would help people to realize this timelessness of the existence of different sexual orientations, not only just in Greek society, but also in societies around the world.

Despite the sincere homophobic atmosphere, there is still a space of optimism, given by the existing gay life in Greece. The LGBT movements, the gay bars and the developing gay village in Gazi (Athens), the homosexual scene in Mykonos and the lesbian in Eressos of Lesbos which gather a great amount of gay people, and the annual celebration of Athens Gay Pride, all these show that there are still LGBT people who are not afraid to show their faces, to face the discrimination against and to externalize ideas, which give a different perspective on diversity --We are all different and all equal.

## Stripped of Basic Civil Human Rights in Iran

**By Arsham Parsi**

*info@irqr.net*

Iranian Railroad for Queer Refugees (IRQR), Founder and Executive Director, Iran (Based in Canada)

IRQR is an international queer human rights non-governmental organization (NGO) based in Toronto, Canada. The primary mission of IRQR is to aid and assist Iranian Gay, Lesbian, Bisexual and Transgendered refugees in countries all over the world, and who now face the threat of deportation back to Iran, to the best of our abilities in obtaining asylum status in safe countries. IRQR helps those refugees through complicated asylum processes and provides funding for safe houses through donations wherever possible, as most of our queer refugee clients are in physical danger in their countries of transit as well.

Today, IRQR is the only active NGO that works on behalf of the global population of Iranian queers, (i.e. lesbians, gays, bisexuals and transgendered persons). We document human rights violations against Iranian queers on the basis of sexual orientation; provide letters of support for Iranian queer asylum seekers and refugees; and vigorously support anti-homophobia, anti-transphobia and anti-persecution efforts in Iran. Our documentation is widely respected for its accuracy and credibility.

I am also the coordinator and cultural ambassador for the Stockholm-based International Lesbian and Gay Cultural Network (ILGCN), an official member and affiliate of the Brussels-based International Lesbian and Gay Association (ILGA), the Toronto-based Rainbow Railroad Group, and the Berlin-based Advisory Commit-

tee of the Hirschfeld-Eddy Foundation for LGBT Human Rights. In April 2008 the Iranian Queer Organization (IRQO), the former NGO which became the foundation for IRQR today, was awarded the Felipa De Souza Human Rights Award by the New York-based International Gay and Lesbian Human Rights Commission (IGLHRC). In June 2008, IRQR was recognized at the Toronto Pride Award for Excellence in Human Rights.

Iranian queers have well-founded fears of persecution based on their sexual orientation or gender identity. The Penal Code of the Islamic Republic of Iran, which is based on strict Sharia law, permits the punishment of queer people by lashing, hanging, stoning, cutting in half by a sword, or dropping from a tall building or cliff. Additionally, under Fiqh – Islamic jurisprudence used in conjunction with Sharia law – homosexuality is punishable by beheading or burning alive.

My own and IRQR's experiences in researching human rights violations in Iran suggests that in "moral" cases, stringent standards of evidence are likely to be flouted by the judiciary in the name of protecting cultural and religious standards. In Iran, four male witnesses who attest that a defendant is homosexual, simply on the basis of rumor or slander, are likely to find their testimony accepted in lieu of more rigorous cross-examination of their sworn statements. Iranian legal and judicial procedures ensure that a judge's prejudice against a particular defendant, even based solely on a defendant's appearance or demeanor, is allowed near-limitless scope to determine a verdict based purely on subjective opinion. It is worth noting that even

under the reform government of the former President Mohammed Khatami (1997-2005) the Islamic judiciary remained one of the bulwarks of religious conservatism in Iran, a judicial and legal status which has been strengthened and reinforced under the hard line rule of current President Mahmoud Ahmadinejad.

In a sign of the general judicial attitude to homosexual conduct in Iran, Ayatollah Musavi-Ardebili, prominent Iranian clergy member and chief justice in Iran, said the following in a sermon delivered in 1990 at Tehran University, while he was serving as the head of the Supreme Council of the Judiciary: "For homosexuals, men or women, Islam has proscribed the most severe punishments... Do you know how homosexuals are treated in Islam? After homosexuality has been proven on the basis of Sharia, the authorities should seize him [or her]...they should keep him standing, and should then split him in two with a sword, cut off his head at the neck or split the head. He will fall down. They (queers) get what they deserve."(1)

Homophobia runs both wide and deep in Iranian society. This in part reflects the influence of the conservative Islamic legal and religious standards established by the government. The Supreme Leader – the highest ranking political and religious authority in the Islamic Republic of Iran – Ayatollah Ruhollah Khomeini notoriously called for homosexuals to be exterminated as "parasites and corruptors of the nation" who "spread the stain of wickedness"(2). Because of Khomeini's status as the principal marja-e-taqlid ("source of information") in 1979 when he spoke these words, his remarks carry a great deal of influence in the law. The extent of homophobia in Iran also reflects a non-secular patriarchal social system in which sexuality is controlled and

feared, except when used for reproductive purposes.

Within the region, Iran is distinguished by the extreme severity of the penalties it imposes on adult homosexuals engaging in consensual acts. Lavat, or sodomy, is punishable by execution on the first offense regardless of whether the partner is passive or active. Article 111 of the Islamic Penal Code states that: "Lavat is punishable by death so long as both the active and passive partners are mature, of sound mind, and have acted of free will." Death is also the proscribed punishment for a first offense involving sex between two males, one who is a Muslim and the other who is not a Muslim. According to Articles 121 and 122 of the Penal Code, Tafkhiz (the rubbing together of thighs or buttocks, or other forms of non-penetrative "foreplay" between men) is punishable by one hundred lashes for each partner. After a fourth conviction of Tafkhiz, the punishment is death. Article 123 of the Penal Code further proscribes that, "if two men who are not related by blood lie naked under the same cover without any necessity" each are to receive ninety-nine lashes(3).

According to Iran's Penal Code, an accused person can be convicted of sodomy if he reiterates a confession to the act four times, or if four "righteous men" testify that they have witnessed the act(4). Medical evidence of homosexual activity can also be used as direct evidence. This most arbitrary and capricious legal code also offers ways to circumvent normally high standard of evidence. Judges may lodge convictions for sodomy based solely on "the knowledge of the judge", which in practice allow a wide range of circumstantial evidence to be admitted in court as proof of guilt. Torture is also commonplace in Iran, and the practice of torturing prisoners

to extract confessions is widespread. Forced confessions are openly accepted as evidence in criminal trials.

In June 2002 Iran's Council of Guardians, a committee of 12 senior clerics, vetoed a bill passed by the Majlis (Iran's Parliament) that would have placed certain restrictions on the use of torture, and would have limited the judicial use of confessions obtained under duress. Yet even that bill would have provided inadequate protections against torture. For example, it would have set no limit on the length of time which a person could be detained incommunicado, and would have exempted from its protections of certain categories of arrestees, including "mofsed fil arz" ("corruptors of the earth"), a general category for dissidents or "moral offenders" which could also be interpreted to include homosexuals. The refusal of Iran's government to enact even rudimentary safeguards against torture sends a clear message to legal authorities that confessions can be obtained from arrestees by any means. In both word and deed, the Iranian government has continued to stigmatize certain categories of arrestees as undeserving of even the most minimal protections(5).

In March 2009, The Army of Guardians of the Islamic Revolution of Iran (Sepah-e Pasdaran) announced that they had discovered corruption in the largest network of online activities, and had dismantled it. Several official news releases indicated that the moderators and members of certain websites such as Avizoon, XPersia, and BiaKlip were arrested, interrogated and identified as the perpetrators of a cyber "velvet revolution" (a non-violent gentle revolution). The groups' photos, names, and their online aliases were published on a website run by Sepah-e Pasdaran(6). Moreover, the identities of some

of the arrested individuals have been exposed on national television as confessing to their "crimes". Since that time, two other websites and a number of individuals have also been arrested and publicly accused of hosting illegal content.

The Iranian government recently passed a bill on "Internet Crimes." This bill allows a judge to issue a sentence of either execution or extreme punishment for those caught hosting or distributing content that is "anti-religious, pornographic, or uncomplimentary to government officials." According to the Iranian Penal Code, homosexuality is considered obscene, and same-sex acts are crimes punishable by death. Also implicit in the penal code is the permitting of male kin to commit "honor killings" on homosexual or transsexual members of their families. The websites that contained any reference to homosexuality were the first ones to be dismantled and their moderators intimidated. These incidents all constitute attempts by the Iranian authorities to silence human and civil rights activists, as well as gay, lesbian, bisexual and transgender bloggers whose only means of communicating with the outside world and one another is through posting on the internet.

Accusations against the bloggers from the Iranian courts may include "publishing stories and articles containing obscene and unethical sexual relationships" and referring to extra-marital and same-sex relationships. In one well-known case in Iran, a man and a woman had allegedly published "stories and articles on same-sex sexuality" and were arrested for it, though neither of the two identified as gay, lesbian or bisexual. Asqar R.L.A., a 39-year-old male residing in Shiraz, and Maryam G., a 27-year-old female residing in Yazd, have been accused of and have confessed to publishing articles and stories on

same-sex relationships and spreading "homosexuality" among the youth in Iran(7).

So far, four of the detainees in the aforementioned cases confessed to publishing illegal sexual material online. Since same-sex acts are punishable by death, and promoting queer activities is considered "moral" actions against the state and the laws of Iran, unjust arrests, persecution and executions of members, friends and allies of Iranian queer communities will continue to increase. The recent arrests and exposure of the names of well-known gay bloggers in Iran revealed to all what the new decree targeting the queer internet community in Iran is doing.

Queer bloggers in Iran form one of the strongest networks of bloggers in the region. They vigorously oppose homophobic legislation and criticize Iranian authorities for denying them their basic human rights. So far, a number of queer bloggers have removed their blogs in order to avoid investigation by the authorities. Some blogs, well known for their success in raising awareness of the absence of civil rights for queers in Iran's constitution, have been filtered. A number of other queer bloggers received official letters from police informing them that they are being followed, and any content, including e-mails and published weblogs that can be traced back to them, will be considered criminal activity. The letter demands that the writers cease all internet communication.

IRQR is concerned for the dire situation queer bloggers now face in Iran as the Iranian regime cracks down on the top minds of the queer community. The Iranian queer movement is a peaceful civil rights movement, whose primary goal is the attainment of fundamental human rights: the right to live as legal citizens of their motherland, and without fear of persecution. The execution of queer bloggers is yet one more nail in the coffin of the Iranian queer community. The laws and accepted cultural norms in Iran create extremely harsh conditions for queers who are already leading lives in society's shadows, and hiding under pseudonyms and stripped of basic civil human rights in Iran. There is an alarming rise of attacks on queer bloggers and the crime of "publishing homosexual materials" which will inevitably end in the demise of writers and civil activists in the queer communities of Iran.

1. (BBC Monitoring, 21 May 1990).
2. Maarten Schild, "Islam," in Schmitt and Sofer, eds, *Sexuality and Eroticism among Males in Moslem Societies* (New York: The Haworth Press, 1991), 184.
3. For more information on the Islamic Penal Code on homosexuality, please see the attached document.
4. For more information on the Islamic Penal Code on homosexuality, please see the attached document.
5. Scott Long, "No deportations of LGBT Iranians to Torture," Human Rights Watch, October 5, 2005, [http://hrw.org/english/docs/2006/10/06/nether14359\\_txt.htm](http://hrw.org/english/docs/2006/10/06/nether14359_txt.htm).
6. Gerdab Website: <http://gerdab.ir/home.php>
7. Gerdab Website, Mozlemin2: <http://gerdab.ir/fa/pages/?cid=157>

## The LGBTQ Bill of Rights

**By Yaron Gal**

*community@joh.org.il*

The Jerusalem Open House for Pride and Tolerance, Israel

On July 29th 2010, Jerusalem Pride was marched in memory of the one-year anniversary of the attack at the Tel Aviv Lesbian, Gay Bisexual, Transgender and Queer (LGBTQ) youth center. The Pride Parade, which purposefully ended at the front gates of the Knesset (Israel's Parliament), is but one part of the protest against the inequality and discrimination faced by the LGBTQ community in Israel.

While producing the parade, we developed a list of the legal rights the LGBTQ community demands, which identifies the presence of discrimination in practice as well as enshrined in 700 clauses of Israeli law.

The following topics were originally designed by a legal team of the LGBTQ community and later refined through a series of community meetings throughout the country.

The below list of rights denied to LGBTQ individuals are in no particular order.

### ***The Right to Family***

#### **"Third-party" adoption- from theory to practice**

Despite a supreme court ruling and a declaration by the welfare minister that LGBTQ couples are to face no obstacle to adopt children, these advances have yet to be put into practice. We need to establish a precedent that will allow future couples to adopt a child/baby, as having this right only on paper is not enough.

#### **Adoption in the family - change of procedure**

Currently if two parents use a form of adoption that does not end with the child being placed with a biological parent (surrogacy, sperm banks, etc.) the adoption process is overly complicated and cumbersome. Further, this process can last several years during which time the parent has no legal relationship with the child. The current process discriminates against children of the LGBTQ community who have the right to have both of their parents recognized at birth.

#### **Surrogacy law**

The current surrogacy law allows only married women to use a surrogate mother. We demand that this law be expanded to include gay couples. Expanding Israel's surrogacy law to include gay couples would help decrease the bureaucratic process involved in using surrogacy abroad while also enabling couples to better cope with the complex ethical issues that arise when using surrogacy in a Third World country.

#### **Marriage**

Many of the legal rights of same-sex couples today only exist due to "holes" in Israeli laws. We demand a change in legislation that would allow gay couples to marry, divorce, register as parents, have the rights granted from "common law" status, and much more.

#### ***The Right to Protection from Hate***

##### **Prevention of Incitement**

Today, the Penal Code prohibits the incitement of racism. The law defines racism as "persecution, humiliation, contempt or hatred, hostility or violence, or causing discord to the public or sections of the population, all due to color, race

or belonging to national-ethnic group." However, the LGBTQ community regularly suffers from racism. The incitement of racism encourages violence against LGBTQ community members. We require an amendment to the Penal Code that recognizes this reality. We demand protection against the incitement of racism for the LGBTQ community.

### **Hate Crimes (Compensation)**

A hate crime is different from other types of crimes as it is a social crime. As a result of the terrible murder of the LGBTQ youth in Tel Aviv, we have demonstrated the true need for government backing of severance damages in similar cases.

### **"Refugee" status based on sexual persecution**

The Refugee Convention (of which Israel is a part of) states that a person is a refugee if he was persecuted due to "race, religion, nationality, membership of a particular social group or political opinion". Courts throughout the Western World (including USA and Europe) interpreted the phrase "particular social group" to include sexual orientation and gender identity. Israel however has rejected asylum applications of LGBTQ people and demanded that they return to their countries.

### **The Right to Identity**

#### **Gender change in the ID**

The Interior Ministry requires a person wishing to change the gender on his/her ID to provide confirmation of a sex change operation. However, we ask that the clause be changed depending on the law of "registry of sex", according to a medical certificate given by law. The Interior Ministry also currently refuses to change the sex on the birth certificate even if the certificate owner had a sex change

operation.

### **Interpretation Act (sexual orientation= gender identity)**

Prohibiting discrimination based on sexual orientation should also include the prohibition of discrimination based on gender identity. We demand a change in the law so that wherever "sexual orientation" is mentioned "gender identity" will also be included.

### **The Right to Health**

#### **Health Care**

Transgender individuals are highly discriminated against in various areas of health care. These areas include budgets and funding allocations for treatments, ignorance among physicians, and the lack of medical research. We demand that all relevant treatments for transgender people that are currently not covered be provided, including but not limited to funding for freezing sperm, eggs and embryos, IVF financing, and funding for breast surgery when medically necessary.

#### **Magen David Adom - Blood donation**

When donating blood to MDA's blood bank, one must fill in a form that asks, among other questions, if you have had a man-to-man sexual relationship since 1977. If the answer is yes, your blood cannot be used. We seek a change of wording in the questionnaire. We want the question to refer to unprotected sexual acts without referring to the sex of the participants in the act. The current question is discriminatory, as potential donors are denied the opportunity to receive annual blood insurance, which is received by all blood donors.

In addition, MDA categorically prevents blood donations by people who have undergone sexual reassignment surgery. This policy is carried out silently, where the guidelines banning trans-sexual blood donations are kept secret.



Spouses and other rights for medical treatment  
We seek to promote the “power of attorney card” in cooperation with the Ministry of Health. Unlike married couples, members of the same sex couples do not receive automatic spousal status if one of them is hospitalized. The “power of attorney” which allows non-married couples to have similar status to married couples currently requires a complex bureaucratic procedure. We want there to be a card, issued by the Ministry of Health, that would allow every person to authorize another person (even if that person is not their spouse) to make all medical decisions on his/her behalf during a hospitalization.

**The Right to Equality in State Resources  
Municipal and government funding**

LGBTQ organizations are currently supported by individual cities and municipalities. Many municipalities change the criteria for their support, to prevent LGBTQ organizations from receiving funds promised to them by law. We demand that budgets be given to LGBTQ organizations and that those budgets reflect the community’s activities, size, and needs.

**Indirect economic discrimination**

Apart from the inherent discrimination within the laws, many members of the LGBTQ community are indirectly discriminated against by the many institutions in Israeli society. For example, they may be discriminated against in relation to housing or employment.

**Equality at work**

Within Israeli society there is now a significant gap in wages between men and women. Lesbians, being a household of two women, are even larger victims of this wage gap.

**Education and information**

We require that resources be provided to help

educate and inform others about the LGBTQ community with a specific emphasis on tolerance and non-discrimination.

**About Jerusalem Open House**

**Mission**

The Jerusalem Open House (JOH) - a grassroots, activist organization of lesbian, gay, bisexual, transgendered (LGBT) people and their allies - aims to provide direct services for the LGBT community in our city and to secure LGBT rights in Israeli society at large, while reaching out with our message of equality and acceptance to all those that hold Jerusalem as a holy city. With a constituency as diverse as the city itself, JOH transcends political, ethnic and religious boundaries to build and unite a community in pursuit of the common goal of tolerance and mutual support.

**Goals**

- Community Support  
To provide direct support services for the LGBT community in Jerusalem and to foster cooperation and unity among those of differing faiths, sexual orientations, genders and world views.
- Human Rights Advocacy  
To advocate for social change on issues related to the LGBT community, taking action to promote the values of tolerance and pluralism.
- Religious inclusion  
To empower LGBT people of faith to better integrate their identities, while pursuing visibility and inclusion in their religious frameworks.

**Accomplishments**

When the JOH was founded in 1997, many were incredulous as to whether LGBT people even existed in Jerusalem, let alone whether we could sustain a vibrant LGBT center. Much has changed since then. In the intervening years the JOH has firmly established itself in our city, be-

coming a leading LGBT service and advocacy organization with deeply committed volunteers, hundreds of supporters in Israel and worldwide, and thousands touched by our message. Our annual Jerusalem Pride marches have become the largest human-rights demonstrations in Jerusalem, creating important legal precedents for freedom of speech in Israel. With Jerusalem Pride already a cornerstone of LGBT public visibility in our country, in 2006 the JOH brought Jerusalem to the international LGBT stage by hosting WorldPride. The JOH also founded the first LGBT health clinic in Israel and developed innovative programming including a comprehensive youth program and unique projects bridging LGBT and religious identities.

The JOH's annual budget is derived entirely from private donations, foundation and federation support, and membership and participation fees. The JOH does not receive financial aid from municipal, governmental sources or commercial sponsorships, while we challenge the illegality of lack of funding by the Jerusalem Municipality. Our current institutional supporters include the UJA-Jewish Federation of New York, the JCF of San Francisco, the Arcus Foundation, the Schusterman Foundation, FrontLine -The Foundation for the Protection of Human Rights Defenders, and the MAC AIDS Fund, amongst others.

### **Current Programs**

*The Jerusalem Open House (JOH) operates in three somewhat overlapping spheres, in a local scale providing services to those community members in Jerusalem, on a national scale as we advocate for legal change, and on a global scale as Jerusalem is an important city for people of faith around the world, so advances made by the LGBT community here are significant the world over:*

### **The Jerusalem Sphere**

The Jerusalem Open House is a vibrant community center in the heart of downtown Jerusalem that enables lesbian, gay, bisexual and transgender (LGBT) people to explore their personal identities and to build community where almost none existed before in the city. The center serves as a gathering place for the entire community, providing a safe and affirmative environment for an incredible scope and variety of activities.

### **Community Platform**

- Community wide picnics, regular movie nights, soccer games and a constant array of lectures and speakers offer opportunities to meet new people, pursue shared interests and gain insight on a range of topics.
- Monthly trips around Jerusalem and Israel, led by trained guides are a very popular activity at the Open House.
- The welcoming service for first time visitors offers community members with information about the programming of the Open House. In times of crisis the welcoming service acts as a referral service to those in need to the JOH Psycho-Social Services, which in turn provides mental care in need.
- Various interest groups meet regularly, such as vegetarians/vegans, English speakers, religious men/women, singles, parents of LGBTQ people, future parents, and many others.
- The Open House is open daily as a community center where young and old can come have a cup of coffee, check their e-mail, meet a friend or enjoy the center as they like.

### **Safe Space for Youth**

- The JOH is the only center in the city to address the needs and well-being of LGBT youth. Weekly group meetings facilitated by trained counselors offer LGBT and questioning youth unbiased

information, a safe space, and a sense of belonging as they explore their sexual and gender identities.

- The Speakers Bureau sends volunteer speakers to schools and other educational networks to address stereotypes and to help change the reality in which our young people live.
- Hore BeCafe (or parent in the coffee) offers youth a parental perspective in a casual setting. Those young people who are unable to go to their own parents are able to speak to a parental figure.
- Motzei ShBentz is a more open, club like program for youth that meets biweekly and offers youth an opportunity to socialize with their peers in a safe environment.

### **Arts & Culture**

- The center is one of the only venues in Jerusalem that promotes LGBT arts and culture. Exhibitions by promising new artists are continuously displayed on the walls of the community center. The JOH also promotes a variety of cultural activities focusing on LGBT artists throughout the year.
- We offer free access to a library with nearly eight hundred volumes of activist writing, gay fiction and the latest LGBT magazines from around the world.

### **The Open Clinic: free and anonymous rapid HIV/AIDS testing in Jerusalem**

- The JOH's pioneering efforts to increase HIV/AIDS awareness and encourage better care and prevention in Jerusalem culminated in 2007 with the launch of Israel's first LGBT health clinic: the Open Clinic. In a city where conservative culture deters at-risk populations from receiving HIV/AIDS testing, the Open Clinic has created unprecedented accessibility to HIV/AIDS testing for the city's residents, whether they iden-

tify as LGBT or not. The clinic provides the only free, anonymous, rapid-result HIV/AIDS testing service in the country. Created by the community, for the community, it offers a medical "safe space" where clients receive care and counseling from professional staff that is sensitive to their needs and concerns and free of prejudice. The clinic has shown a remarkable ability to reach at-risk populations, including ultra-orthodox men, new immigrants and Palestinians.

### **Leadership Development**

- The JOH's "Jerusalem LGBTQ Leadership Initiative" is helping to transform Jerusalem into a younger and more diverse city by shaping young, socially engaged community members. The program fosters leadership and community engagement among LGBTQ teenagers and young adults, by offering participants the necessary training to become the next generation of leaders for our community. Thus far the "Leadership Initiative" has been very successful, producing youth community leaders as well as many of the key volunteers at the center including youth counselors, health clinic volunteers, and members of the speakers' bureau.
- We are also developing a youth leadership program that will travel overseas to meet with their peers and work together to develop their leadership skills. The first youth delegation is planned to go to Germany this summer.

### **The Israel Sphere**

Located in the capital of Israel we are the leading advocacy organization for LGBT rights in Israel. Our approach to this work is one of leading through inclusion; The JOH founded and leads a national platform of LGBT organizations and activists working together to improve our community's legal rights and social acceptance.

### **Advocacy and Social Change**

- The JOH takes action on a variety of issues concerning the LGBT community through campaigning and advocacy. We are working to achieve recognition for LGBT victims of the Holocaust and their inclusion in Israel's national Holocaust memorial ceremonies; and to eradicate "conversion therapy" and its disastrous consequences.
- Targeted advocacy campaigns and community-wide discussions enable LGBT people of all backgrounds and age-groups to collaborate on issues of civil rights.
- JOH is also the coordinator of the efforts to gain legal rights for the community on a wide range of issues (see attached LGBTQ Bill of Rights). We are leading a platform that brings together all of the organizations working on behalf of the LGBT community to collaborate in the fight for equal rights.
- The JOH works closely with other LGBT and human rights organizations to promote social change and foster tolerance in Israeli society. By working to build new and/or stronger coalitions, and by collaborating and sharing experiences with these coalitions, the JOH is able to more effectively advance LGBT rights.

### **Jerusalem March for Pride and Tolerance**

- Since the first March for Pride and Tolerance in 2002, Jerusalem Pride has become an established event in our city, each year bringing in additional partners and supporters. The march the city's largest human rights demonstrations with thousands of marchers. Meeting violent opposition from religious extremists and the stabbing of three marchers in 2005.

- Jerusalem Pride 2011 is scheduled to take place on July 28, 2011 and will be marched in commemoration of the fatal attack on the Tel Aviv youth Center two years ago. JOH is leading the march, that will end at the Knesset (the Israeli Parliament), demanding LGBTQ legal rights. These include the right to family (marriage and parenthood), the right to protection, the right to identity, the right to health, and the right to equality in state resources. The rights we will be demanding are written out in the attached LGBTQ Bill Of Rights, that was presented in Pride 2010.

### **The Global Sphere**

Being the birthplace of the three monotheistic faiths, Jerusalem is a place of special significance in the heart of people of faith around the world. Through our appeal to audiences worldwide to raise their voice in shaping Jerusalem, we encourage people to seek a better balance between their own sexual and religious identities, and to act towards inclusion in their own frameworks and institutions.

### **Religious Programming and outreach**

- We foster local faith communities through religious and spiritual activities;
- Our local communities develop networks with faith-based groups around the world, seeking to develop a joint religious narrative and activism platforms.
- The JOH is highly visible in international LGBT religious fora, sharing experience and accumulated knowledge and advocating ownership and visibility in religious frameworks.

## Dealing with the Past, Transition and Democratization

**By Boban Stojanovic**

*bobanqueeria@gmail.com*

Queeria Center, Serbia

Almost a decade after the last of the country's wars, violence on people with different sexual and gender identities in Serbia remains a powerful force, manifested in visible (brutal attacks on Belgrade Pride Marches) and less visible forms (institutional homophobia or lack of public critics toward Serbian Orthodox Church homophobia). Far from isolated incidents, such episodes are related to and symptomatic of a trend visible in Serbia since the end of Slobodan Milosevic's regime on October 5, 2000. This phenomenon in Serbia, with parallel trends in region of ex Yugoslavia, must be situated within the region's particular experience of post-socialism, namely, the unique political and social consequences of the demise of the former Yugoslavia, including the legacy of the Milosevic years and the public discourse on violence and war.

While the countries of the former Yugoslavia have all entered into various processes and projects that fall under the umbrella of "dealing with the past", the links between past and present gender and sexuality-based violence have largely been ignored. In the running for a better life, democracy, Europe, very often we forget analyze changes in dominant relations in the field of gender and sexuality that appeared during the wars in the former Yugoslavia in the nineties and, the ways in which these changes intersect with the processes of dealing with the past, transition, democratization and the implementation of human rights in the former Yugoslavia. In the frame of understanding homopho-

bia in contemporary Serbian society we have to describe and produce an analysis of the factors leading to the alarming rise of sexual violence and homophobia in Serbia traceable since the wars of the nineties.

The current problems faced by sexual and gender minorities are manifold, and direct links to the legacy of war are not difficult to find. In the wars that took place in the former Yugoslavia during the past decade, gender identities and gender roles became extremely polarized, with men perceived as warriors and women as mothers and victims, thereby contributing to a strengthening of the traditional balance of power, social and cultural roles and norms. This patriarchal model of male-female relations, the general impoverishment of society, the recent wave of neo-conservatism and strengthening of clericalism have compounded the negative effects of transition that have characterized the last twenty years of life in Serbia and the region in its entirety, and have contributed to the deterioration of the status of women.

While some of these trends have been well-documented and discussed, others remain in the shadows. For example, the UN Bassiouni Report showed that one in ten rapes or sexual abuses during the wars were the violence of man against man. In parallel, in Serbia and Croatia there is a rise in homophobia, and hatred of gay people who of one's own accord enter into same-sex (sexual) relationships. In parallel with such phenomena occurring on the battlefield, there is a process of retraditionalization of the gender roles in Serbia and Croatia, as well as a significant change in the public representation of women and men. Women's rights are con-

stantly brought into question, and one of fundamental women's rights –the right to abortion– is the topic of an ongoing debate, played out in the media. After the war, one of the biggest problems in the process of democratization and taking the whole region closer to the European Union is related to the acceptance of women's and LGBT human rights. The human rights of these two groups are constantly threatened by strong nationalist forces that strongly oppose to dealing with the past. The reason for opposing is the alleged conflict of women's and LGBT rights with traditional values, as women's and LGBT rights are considered as a "perverting the nation." Such a reaffirmation of patriarchal patterns has also influenced a strong rise in homophobia, frequently manifested in extreme violence carried out against members of the LGBT population. Such violence has direct consequences visible to the whole world: it is not possible to organize a successful gay parade in Belgrade, somebody always gets beaten in Zagreb, while in Bosnia the united nationalist and religious extremists from all the dominant ethnic and religious communities (Serbs, Croats and Bosnians; Orthodox, Catholics and Muslims) prevented Sarajevo Queer Festival from taking place.

The situation in the media scene corresponds to the general situation in society, with smaller outlets struggling to survive in a climate of economic and social crisis. The media's deep connections with centres of political power and dependence on new riches results in a lack of balanced

reporting. Bias, sensationalism and moral nihilism are key problems of the Serbian press, particularly visible in the so-called "yellow press", or tabloids. This is particularly visible in reporting about minorities where the reporting of crime inappropriately makes reference to the religious, ethnic, sexual or other background of a minority. The print media in Serbia still constitutes a massive violation of basic human, civil and minority rights. Research of the Media Centre in Sarajevo "Representation of women in print media in south east Europe" from 2007 shows that the polarization of traditional gender roles and identity, strengthening the dominant gender stereotypes is reflected in the media. This marginalization of women's voices in the public sphere, the media make it impossible to hear these voices and prevent readers from looking at women as people with ideas and expertise. This prevents women from participating in democratic debate and discourse. This deprivation of the right to communicate is one of the methods that keep women "in their place" -in the private sphere, with no authority to act as representatives or to speak out as experts. Moreover, the media still ignore gender issues as important topics worthy of addressing. Also, the media do not recognize the need for gender perspectives in their coverage of various social problems. Considering the importance and influence of the media and the methods of their reporting in shaping public opinion, this is a situation that is more than worrying.

## The Agenda of the LGBT Movement in Turkey

### Unnatural Sexual Relation or Psycho-Sexual Deficiency: A Third Way Impossible?

By Ali Erol

*alierol@kaosgl.org*

Within the society of Turkey, which is surrounded by the spiral “masculinity” and “military service”, sexism and homophobia is ever present. Militarist institutions, humiliate and label homosexuals, they treat them recklessly and make their life miserable, especially when the “military service” is in case. First of all, army as an institution has been presented as a bestowal, being impossible to reach, if one is gay. The fact that the institution called “army”, known as the fortress of “masculinity” and of institutional militarism excludes women and homosexuals does not mean of course that they cannot serve in the army or cannot fight. The fact that women and gay are being insulated is an implication of the ideology of masculinity. This ideology and its spearheading institution army among others where this ideology engenders, perceiving homosexuality solely as “faggotry”, humiliate the gay individual by treating him not as a human being and assault his soul and character. It insults, it makes him worthless.

Army as an institution where authority is almost made absolute is always a threat, not only to the insiders, but also the individuals who remain outside. This act of threat is not restricted to what has been experienced in wars. In fact, everything the army opposes exists in itself as an institution. It opposes only what has been done without its permission, what it cannot detect and supervise. It is against filthiness, but it per-

ceives woman absolutely as a sexual commodity, it never refrains from sexual harassment and rape. The army does not permit when a military officer cohabit a woman, whom it does not find appropriate, but it is not a problem for the institution when it calls this woman for “striptease” parties for soldiers. It is told that today there are no more female soldiers who are raped or sexually harassed in US army. But all armies do this because all armies are “male”.

In Turkey military psychiatry provides a ground to the ideological approach of militarism. Military psychiatry still makes use of DSM II (Diagnostic and Statistical Manual of Mental Disorders) of APA. To wit, according to military psychiatry homosexuality is a psycho-sexual pathology in opposition to what has been stated in the current literature of psychiatry. Those who have a psycho-sexual “deficiency” cannot be recruited even if they want to be. If it is the case that his “deficiency” is revealed after the process concerning the election, then there is the same approach. In this stage the law concerning “unnatural sexual relation” is put to practice. Through the aforementioned law the soldier who has “homosexual relation” is not only discharged, but it is also told in the first place that the aforementioned relationship is not natural! However, the real situation may not occur always just as it is prescribed on paper. There are people, who are recruited, because they hide their homosexuality, and those, even not being homosexual, have sexual relation in “home of soldier” (the place where one pays service as a

soldier), these are facts of life! When what happened is revealed, three approaches are taken. These are as following: To overlook, to ignore so that the force may not fall into disgrace; to exile related people to various places, and in particular, if one defines himself as homosexual, to give a medical report and "to send". As one may surmise, which one of these approaches will be put into practice, depends on the place and military officers. Military is obligatory in Turkey. The right of conscientious objection is not recognized. The reply given to conscientious objectors, not obeying forcible recruitment, are arrests and imprisonment because of their civil resistance. TSK (Turkish armed forces), accepting homosexuality as an illness, fires gay military officers and labels gay privates with medical reports. Gays, labeled as "Psycho-Sexual deficiency: Homosexuality", are exposed to physical and psychological discrimination in working life and violation of rights through this report they take. Turkey is the sole army among the NATO countries which recognizes homosexuality as illness.

Through the medical report claiming "psycho-sexual deficiency to the highest degree" (homosexuality or "tv"/"ts"), (17th article, who are obvious homosexuals who cannot be recruited), homosexuality is regarded as a psycho-sexual pathology, on the other hand psychology and psychiatry as science do not accept that homosexuality is an illness today. Yet military psychiatry uses DSM-II which defines criteria of psychiatry and psychology before 1973 and recognizes it as an illness. It is not known when GATA (Gülhane Military Medical Academy) will accept (or whether will ever accept) the criteria of DSM IV-R, to wit, that homosexuality is not an illness or a psychosexual problem, that it is rather sexual orientation, or whether it will continue the intra-professional regulations of military in order

to get rid of this problem from the perspective of "science" of "scientificity". It seems that the entire problem entangles in "masculinity". Otherwise, everybody knows that Turkish Armed Forces does not need to count heads. If in Turkey as the sole NATO country, which regards homosexuality as "illness", military psychiatry will persevere to regard itself as "science", this approach should be revised somehow, from the aspect of EU as well. Up to now don't let it out of the military post logic was prevalent. Up to now they did not care about the ways of managing it without ever injuring "masculinity" and without articulating it if possible, but tomorrow they should think about it somehow even if not by brooding on it.

Through conscientious and/or total objection military may be questioned and one can struggle against every kind of militarism. Moreover demanding equality in every sphere, some of gay and bisexual men may regard this situation as a discriminatory practice. On the other hand, professional soldiers/ military officers may regard the article 153 (as to "unnatural" sexual relation) as discrimination concerning sexual relation within the scope of their working law. At least, these areas may be the possible agendas of the following process.

In the medium run things may be at sixes and sevens, since those who have reports experience problems or are exposed to discrimination and are deprived of constitutional equality. The recognition of conscientious objection may be dealt more comprehensively in order to find a mid way for gays who do not want to pay military service but at the same time do not want to be labeled.

If the article 153 for military officers, and DSM-II of the military psychiatry for privates will be an-



nulled, how would the new reorganization be: An exemption based upon a declaration which is in itself sufficient, equality, and the right to conscientious objection?

Since there are more choices than those between the devil and the deep blue sea, as it were, we come to a stage where no one knows how to handle. Formerly, from the perspective both of military and of gays, more precisely of "homosexuals", things were handled somehow, it had your number on it anyway, everybody was rubbing along. The question how much one sees from the angle he is found is a different issue, but it is a fact that since 15-20 years everything has changed so rapidly in Turkey. Now will these winds of change devastate or will there be a reorganization where parties will be included? Even if it is not as obvious as it is needed yet (even if it is not at a stage where it is discussed in public opinion sufficiently) two dimensions of the problem come to the fore. The military front believes that it may continue the game infinitely thanks to the present legal regulations by monkeying gays. And gays are complaining constantly but cannot decide to choose which of the three ways mentioned above should be chosen.

The problem is obvious from many aspects: According to psychiatry-science and scientificity, according to civil officers working in military, from the aspect of discrimination in sexual orientation as to profession, equality in working life and in working life regarding the situation of military officers, according to the legality of mortgaging one's remaining life in its entirety thanks to a report given by military of which the

service takes only a local time and place, from the aspect of what Turkey has been accepted through the international agreements with UN and EU, from the aspect of the necessity of the application of the decisions being accepted by members and candidate members... Unfortunately military is one of the areas where gays are most humiliated and oppressed. This situation does not change in the whole world. Even Clinton's "don't ask don't tell" did not work. To ponder upon this subject is indeed a must for the gay struggle. Without ever diluting the issue and without strangling each other because of national issues, we should reason about the issue. For many gays are hurt...

"You are a brave and honest person. I believe that you are sincere in what you said. However homosexuality is not a problem for us. We may be homosexuals as well, there is no problem. Your homosexuality is not obvious; you do not have feminine behaviors. You do not have to say that you are homosexual. Pay your military service just as a man."

"If it suits you, you say "pay your military service as a man", if it suits you, you label as pervert and ill. If homosexuality is not a problem, then why do you dismiss people from the army on the grounds of being homosexual? In fact you are the one who is not honest."

"Alright, as you wish. You are suitable. Take your findings from the information desk. You may leave."

"I am not leaving. You will do what is written in law and regulations. Do your obligations."

**Decision: D/17 F-4**

<http://www.kaosgl.org/node/746>

## **Kaos GL News and Magazine: Intersection Points Between All Discriminations**

**By Ali Erol & Barış Sulu**

*alierol@kaosgl.org - baris@kaosgl.org*

In those years when the idea of publishing Kaos GL as a magazine came to the fore, the idea of “internet publishing” was not present yet, though our dreams being infinite. Let alone having internet, we did not even have a computer. I think it was the last days of typewriter and the process developed so suddenly before even dreaming about an electronic typewriter! We set about our movement with “the magazine”, but the sphere of the second stage, developing so rapidly, was the “website”. Firstly, we began with spreading and archiving of the magazine, rather than with the internet publishing through “geocities”.

When we reached to the stage of kaosgl.org in 2007, we published news concerning LGBTs which we gathered rather from media. And in 2008 we reached to a new stage. As from that period Kaos GL, being updated on a daily basis, became the follow-up center of LGBT movement in Turkey and internationally. In this process, we organized the Local Correspondent Network Trainings in order to establish and develop an understanding of reporting purified from homophobia, transphobia and sexism. During the process of trainings, many writer and correspondent candidates, evaluating what is happening from the perspective of LGBTs, have participated in the process of training. Correspondents and writers have thrived the kaosgl website with their articles, writings, news and translations. During this process website as news portal has reached to a point where both LGBT community and other seg-

ments of society begin to follow it.

At the same time the critical approach of Kaos GL towards media and its political vision has become a basis where kaosgl.org has flourished and institutionalized itself. kaosgl.org has brought about its own autonomous sphere as a publishing organ apart from the magazine Kaos GL. It both has nurtured the alternative media sphere and has made a critical contribution to the transformation of mainstream media through a language and approach, which it has developed in this autonomous sphere.

Kaos GL has produced politics and projects in order to put the critical approaches it has developed into practice as to handling and presenting homosexuality within homophobic discourse which is dominant in media. kaosgl.org, in addition to performativity, has become a part in this stage, and has a function of leading LGBT struggle of freedom to a point of visibility in media, and it made LGBT question something “possible to be expressed”.

At the same time, kaosgl.org -thanks to its alternative journalism- has flourished as it has fulfilled a need of “news agency” in media, and thus has achieved credit. Thus it has provided news of its base audience in order to develop an effective discourse against homophobia within media during the process of the creation of a sphere where LGBT reality may not be abused in media and may be able to reveal itself without ever hiding its own existence.

When lesbian, gay, bisexual and trans identities are abused through news of media, thanks to

kaosgl.org, base news within this sphere have made reaching to independent communication channels, human rights organizations and to international community possible.

The visibility and expression of LGBT reality in every sphere of life and society have begun to find its reflection in mainstream media through kaosgl.org journalism which produces and publishes the news of struggle practices for purifying each sphere of life from homophobia and transphobia for LGBT individuals. Reversely, it nurtured the struggle against homophobia and transphobia, by transmitting the news as to the developments in these spheres to LGBT community through following up the developments in social, cultural, political spheres which did not express LGBT reality up to now. On the other hand, the possibility of direct transference and production of news out of what LGBT individuals living outside big cities experience and their problems has developed especially through Local Correspondent Network. Thus, kaosgl.org has become an organ both receiving and publishing news.

At the same time as Kaos GL Magazine, right from the beginning of its establishment, is developing LGBT community during this process of journalism, it has transformed and developed the social segments besides LGBT, in particular academia, media and political circles, as well and similarly kaosgl.org has undertaken this function in the sphere of new media. The function of the website, different from that of the magazine, is augmented immeasurably through the opportunities of the sphere of new media. Beyond its function to take part in daily and current publishing, it can contribute to the conflict and transformation in related segments positively, since the messages can reach to social and political segments where it is not

possible to reach directly, by transcending homophobic, transphobic and sexist barriers.

Making journalism on the basis of rights with a focus on LGBTs, kaosgl.org considers the development of liberties as well, and directs its projection towards intersection points between different discriminations. Through a journalism of this kind it makes both the violation of rights of segments exposed to different discriminations and problems visible, and remarks at the opportunities in liberating us together against the system which is the source of the aforementioned discriminations.

While Kaos GL tries to make connections between different discriminations in the struggle against homophobia and transphobia, kaosgl.org brings the news about the practices of struggle and freedom against the aforementioned discriminations in the website together, and circulates them among spheres. It draws attention to the connections between the question of homophobia, transphobia and sexism, nationalism, racism, militarism, and produces news out of these links. Kaos GL with a follow-up demonstration of "the news" conveys its struggle against nationalism and militarism to Kaosgl.org through journalism of peace once more.

Producing news of various spheres of discrimination and circulating them, the distinguishing characteristic and particularity of kaosgl.org is to distance itself from becoming a "bulletin" besides not restricting itself to the aforementioned spheres. While following up news through a perspective of common liberty against the system, it is able avoid to look at these aforementioned spheres from a single perspective. It realizes this with a need of creating an opportunity not as a necessity of fake

objective journalism of mainstream media, but for showing the difference inherent to each sphere and thus to express those differences themselves. Through the neatness it shows in this respect, kaosgl.org is not only followed up by different segments of civil society, but also has become a website being followed by different segments of LGBT community. Despite the fact that different needs and political expectations of LGBT community are in conflict, precisely through this neatness kaosgl.org functions as the intersecting area of all these different expectations.

kaosgl.org, taking over the publishing culture and politics brought about by Kaos GL Magazine, continues the same preference and func-

tion in new media sphere. Besides being a website focused on LGBTs, it is known that kaosgl.org is not an intercommunication website among LGBT solely. kaosgl.org, being in the publishing business since four years, develops itself as a sphere where it may circulate everyone's word and deed. Following the agenda and the struggle practice of Turkish movement against homophobia and transphobia, by continuing as a contribution to the anti-heterosexist transformation of social opposition, it is able to turn the eyes of both civil society and public organizations towards LGBT community thanks to the agenda it brings about via social, cultural and politic existence of LGBT individuals.

## The Murder of Ahmet Yıldız

**By Barış Sulu**

*baris@kaosgl.org*

Ahmet Yıldız, was a university student, being 26 years old. He was murdered by his father on the night of 15 July 2008. According to newspapers, Yıldız made an allegation to the attorney generalship because he was threatened by death as he was gay.

Two months before the murder, he wrote an article to Beargi Magazine, in this article he was mentioning how he came out to his family and how they reacted against him. After Ahmet was murdered, his lover Ibrahim Can, a German citizen, being Turkish in origin, stimulated LGBT public opinion. The Independent announced what had happened under the heading "Is it the first gay honor killing in Turkey?"

Many LGBT people, from Europe to Japan, supported the campaign initiated in internet. His friends in Turkey made demonstrations and searched for the answer of the question "Which shame may be greater than the shame of being a murderer?" The murderer of Ahmet Yıldız has not been caught yet.

After four years has been passed after the murder of Ahmet Yıldız because of being gay, despite the fact that it has been identified wheth-

er the suspect is still in Iraq, LGBT organizations protest that there has been no development in the endeavors of the police and the legal authorities in previous lawsuits.

LGBT people, gathering through the appeal of KaosGL in Ankara, asked "What do the police and the legal authorities wait for to reveal this murder immediately and to catch the murderers!" and they made a statement "We proclaim that those who do not find the murderers are accomplices, if there is not a war proclaimed against LGBT individuals!"

The first lawsuit of Yahya Yıldız, who is charged with the murder of his son on the grounds for the latter being gay, was heard on 8 September 2009 in Üsküdar Courthouse 1st High Criminal Court. Two years have been passed after lawsuit has been started, and two years after Ahmet has left us, and the murderer of Ahmet Yahya Yıldız, being at the same time his father, could not be caught yet.

The 8th hate crime case of Ahmet Yıldız was heard on Thursday of 15th September at 12.00 am in Üsküdar Courthouse 1st High Criminal Court. In the case tried on 15 September 2011, the decision was issued that murderer Yahya Yıldız may be sought with red notice.

## **Locating “Queer” Politics within Social Movements in Turkey**

**By Begüm Başdaş**

*bbasdas@gmail.com*

Just several years ago, it seemed impossible to imagine the existing diversity, visibility and the momentum achieved by queer politics today. Over the last 20 years, various LGBT groups have successfully flourished around Turkey struggling for LGBT rights and creating promising spaces for change. The recognition of discrimination based on gender identity and sexual orientation has recently been developing among different human rights organizations in Turkey thanks to the increased visibility of queer communities and their commitment to claim their rights on diverse aspects of everyday lives. It is then time to question the location of queer politics as a social movement in Turkey. In an ideal world, all social movements regardless of their central motivations should address differences based on sexuality, age, ethnicity, class, disability, ecology, and so forth. However, we know that the real scenario is far from this dream. To make sure that LGBT issues are not only left to the practices of LGBT groups and organizations, we should ask, what is the nature of the relationship among social movements that we desire to attain?

Is it about any of these: Working together on collaborative projects, supporting each other's causes, walking side-by-side in the demonstrations, including LGBT rights within organizational manifestos, sharing office spaces, or is it signing our group's name underneath a statement read in press releases and circulated widely via emails? Every day we receive dozens of emails from different rights-based organizations on urgent sets of issues. Under the statements addressing their claims, we usually meet

with a list of names of other groups' allegiances -most frequently the “usual suspects”. Quantity indeed matters, but we also need to re-think the responsibilities that come with the alliances we establish by adding our “names” on the list. Are we paying lip service to different social movements, or is there anything deeper to what we share?

When the editors of this issue requested me to review the relationship between queer movements and other social movements in Turkey, I was skeptical, questioning whether there is any real collaboration among social movements. My second thought was to acknowledge that there is no single queer movement in Turkey. Numbers of groups that organized over the last few years prove that queer politics have diverse political motivations and methods, thus the relationships they form are varied.

Before we locate the LGBT movement within a wider spectrum of social movements in Turkey, we need to question how LGBT groups and organizations are related to each other. The first task then would be to question our umbrella terms and how they relate to existing sexualities. For convenience or for lack of a better term, we reiterate “LGBT” because we are used to the widely circulated familiarity of the term. (I suffer from such limitations throughout this review as well.) We sometimes revert to LGBTIQ to include people who identify as intersex and queer, but how to include other diverse non-confirming sexualities, or people who do not really “tag” themselves remains problematic. How far LGBTIQ people relate to the differences among each other? Whose concern is the intersex? Of course, there are some basic ground rules that all LGBTIQ and so forth groups share

against violence and discrimination based on sexuality, but besides these common denominators, we see how they diverge in theory and praxis. Acknowledging the differences within these movements and examining our relationships to one another would be pivotal towards articulating the location of queer politics within the social movements in Turkey.

The emergent groups within the LGBT movements, such as Hevjin, Voltrans, Illet, and LGBTIQ people with disabilities address issues that have not been brought to the foreground by the LGBT movements for a long time. These groups challenge identity politics within LGBT organizations and emphasize intersectionality. Through intersectionalities of ethnicity, sexuality, gender, class, disability, ecology, and so forth that contribute to social inequalities, we may better understand the (dis)connections between queer politics and other social movements.

Feminist movements and many women's organizations have long been a safe haven for LGBT people and been influential in creating the theoretical framework of this particular alliance with its criticism of the hetero-patriarchal society. In Turkey, feminists in the last decade have recognized the potential diversities within themselves in terms of sexuality (besides others) and have collaborated with LGBT organizations in their struggles against violence and discrimination against LGBT people -some feminist groups more than others. Feminists started to question heterosexism, homophobia and transphobia as they tried making amends with their own sexualities. However, still many lesbians and bisexual women are closeted in their home feminist groups for the fear of exclusion. Also, it has been always easier to establish solidarity against violence than for

embodied desires and pleasures. As the queer politics emerged in Turkey and LGBT groups have diversified, the relationships between these long-term partners have strained. While the union against the patriarchal societies' normative imperatives, thus the definition of sexuality via oppression and violence, remains as a strong point of collaboration, the emergence of diverse feminisms and the discourses on sexuality based on pleasure, desire, and passion proved to be difficult matters to deal with. The rights of sex workers and the experiences of trans men that have become central to queer politics remain off the grid of most feminist politics. While it would be unfair to generalize and dismiss the commitment of individual feminists, still I would dare to argue that LGBTIQ rights are recognized within feminist agendas as long as the 'queers' remain within the frames provided by the feminist movement and do not present themselves as embodied, desiring sexual agents in public.

Within the history of the LGBTIQ movements we have experienced collaborations with other social movements, such as with groups working on ecology, human rights, anti-militarism, anti-capitalism, ethnic rights and more. These ongoing yet temporary collaborations have indeed been fruitful for all parties. Also, some social movements sensitive to LGBT issues have started to include rights of LGBT people (I/Q remains invisible) within their constitutions. However, this way of looking at the collaborations between social movements creates the illusion that these are always bi/multi-lateral relations between groups and organizations. Instead, we need to define these relationships as more complex, permeable, and diverse since none of the groups are homogenous structures. Thus to examine the relationships

between social movements we need to also follow individual forms of organizing and how people within movements form multiple webs of belongings and identifications. This perspective would allow us to see the potential forms of strong connections between movements. Otherwise all we may see would be a hectic activist, identified as eco-feminist, anarchist, and queer, who is running around from one meeting to another located in distinct movements. While there have been disadvantages of links based on individuals between movements as those links heavily depend on these individuals and might exist only as long as they persist, these webs of individuals promise subversive and transformative possibilities.

We also need to rethink whether we define the relationships among different social movements as of involvement or intervention. LGBTIQ movements, rightfully, track other social movements' records on LGBTIQ rights violations, and aim to respond (intervene) immediately. LGBTIQ rights watch within and outside Turkey is established by well organized, long standing organizations, such as Kaos GL and Lambdaistanbul. The reverse "watch" occurs too, but to a lesser extent. For example, no one really examines how LGBTIQ organizations politicize ecological problems. Looking at the recent archives and remembering the experiences of Istanbul Social Ecology Platform (Istanbul Toplumsal Ekoloji Platformu - ITEP) could be valuable here. The platform's constituents fo-

cused on gender, sexuality, class, ethnicity and ecology, and their collaborative involvements contested liberties and solidarities in social movements by questioning peace, violence, and sustainability in Turkey. Whether the outcomes of ITEP were successful or not is a topic for a different review, but such involvements are still rare with LGBTIQ movements. These days, LGBTIQ people are regularly invited to series of conferences and lectures for their input on countless issues, and while visibility remains vital to queer politics, we still need to be cautious that it is not add-(the queers)-and-stir.

I would like to end by returning to my earlier skepticism about the existence of substantial collaborations among social movements. Different social movements are progressively mushrooming in contemporary Turkey, but when we inquire about the relationships between queer movements and other social movements, which social movements are we talking about? With which social movements do we desire to establish relationships, belongings and involvements? It is important to create spaces of dialogue with groups that deny the rights of LGBTIQ people. However, at the end of the day, we still pick and chose our alliances on the way. We open up cracks, diffuse, and flow -but how well we host differences is still up for grabs. A common social movement where all actors are entangled is far to achieve, and I worry we are bound to the good old list of "usual suspects".



## The Psychologization of the Islamic Discourse on Homosexuality

By Berk Efe Altınal

*bealtinal@gmail.com*

American Psychiatric Association (APA) removed homosexuality from DSM -the great book of Psychological Disorders- in 1973, but in Turkey, it is still a matter of debate whether homosexuality is a psychological disorder which needs treatment or not.

It has been a while since former state minister responsible for women and family affairs Selma Aliye Kavaf said that she believes homosexuality is a disorder in an interview with a mass media newspaper *Hürriyet*. Few days later, the interview followed by a press conference by some Islamic NGOs, noting that they do support the comments of the minister and they also believe that homosexuality is a disorder and it needs to be cured by psychological treatment.

According to the mainstream Islamic discourse, the homosexual relationship has been considered as a sinful act. But recently, it is more and more common to see an Islamic columnist write about homosexuality and claim that it is a psychological disorder. It is sometimes a shift from "sin discourse" to "psychological disorder discourse" or sometimes mix of those both discourses as the example follows below:

(I write this to) let people know that homosexuality -which is against the disposition, creation of human kind (fitrat)- is an emotion belongs to the self (nefs) and it is possible to recover the original nature by psychological support. Even if you don't have belief to the references of Islam, you should still not forget that homo-

sexuality may cause the collapse of the society. (Arzu Erdoğan, *Vakit*, 2011-07-26)\*

### Power of the Rhetoric

I believe, science is maybe the most powerful resource to shape the public opinion in the contemporary society of 21st century. To read something like "According to recent research; if you eat vegetables you will have 25% less risk for cancer" could be more convincing than reading a sentence like "It is healthy to eat vegetables" for most of the society.

Science gives the "owner of the scientific knowledge" a unique power to claim a truth. Usage of the scientific discourse creates a contradiction between the truths that have been discovered by the scientists and the irrational thoughts; it separates the world as black and white, right and wrong.

Psychological discourse has its sources and references in the scientific discourse and in the medical discourse. According to psychology textbooks, by the experiments and observations, psychologists have been discovering the secrets and the underlying mechanisms of the human mind and soul. Clinical psychology draws the line between normal and abnormal, healthy and pervert, just as the scientific knowledge, right and wrong -with a slight difference: Clinical psychology also has the ability to treat the mentally ill, psychologically disordered. That ability is called "psychological therapy".

It is acceptable, convincing and very popular to explain various matters -such as relationships, child development, political issues, so-

cial problems etc.- with psychological terms. It is also fully compatible with the capitalist ideology, because it reduces the problems to the individual level. For instance; if I am not happy with my job, it is not the alienation caused by the capitalist working conditions but a depression that was caused by my brain chemicals or cognitive schemas. So why attempt to change the system, I am supposed to change myself!

### **Psychology and Apocalypse**

Clinical Psychology is a very useful and powerful tool in politics. It is not a new invention to portray your political opponents as mentally ill, abnormal or simply "mad". It would give you the position of being the rational one, so that you can judge the other one who is irrational, who has no agency, no political rights or awareness of oneself.

But when it comes to homosexuality and Islamic discourse, calling homosexual people as psychologically disordered is not just a stigmatization issue. Because Islamic discourse has another powerful discursive tool: "sin". "Sin" is an act that is forbidden by the laws of religion. Religion -just like the science- has strict borders and contrast between the right and the wrong. The religious thought needs no proofs or rational explanations. The main reference is the holy book and so it is not possible to change or criticize what is sin and what is not. So why the Islamic NGOs choose to use "psychologically ill" instead of "sinner"?

One of the main targets of the science is to discover the nature of the things and predict what is going to happen next. When it comes to psychology, it is not so different. Islamic discourse combines the psychological discourse with an apocalyptic narrative about future. According

to the narrative, the society will collapse, the future of the human race is under a great threat because of the homosexuality:

*What we think is that homosexuality –which is promoted by the lobbies/ideologies/organizations that are risking the human race and the future of the world- is an abnormal situation. Not accepting homosexuality as an abnormality is a threat to the future of the humanity and human race, causes the people who are suffering from that not getting the treatment or therapy they demand. (Press conference, Islamic NGOs)*

"The therapy they demand"! Of course there are some therapists who are accepting even promoting the idea of homosexuality as a psychological disorder. They are promoting the so-called therapy method called "recovery therapy" or behaviorist therapies. Even though those kinds of therapies are not acceptable by psychological norms and it is known that they cause depression, even suicides, there is no control or authority to ban or stop those therapies. An association known as CİSED (Association for Sexual Health) is the leading organization that is spreading propaganda on homosexuality-as-a-psychological-disorder and misleading hundreds of people by their websites, books, flyers and so-called educational seminars. Cem Keçe, founder of the organization, claims that he is able to "treat" the homosexual people by therapy!

Clinical Psychology references the book called DSM to analyse if someone is "normal" or "mentally ill". The most recent version of the book is its fourth reviewed edition –DSM-IV-TR. Homosexuality is not listed as a disorder in that book and it is a success of LGBTQ movement. Yet, it does not mean that DSM is acceptable in the terms of gender question.

I have seen certain amounts of articles referenced to DSM to claim that homosexuality is not a psychological disorder just to oppose Kavaf's and Islamic NGOs' claims. I am not going to do that, I refuse to check out some psychiatry catalogue to know homosexuality is not a psychological disorder. That would be giving clinical psychology the right and power to classify people as mentally ill or normal.

I do believe that the society we live in is a heteronormative society where homosexuality is considered as abnormality; a sin, a mental illness and so on. So, it is not unexpected for a homosexual person to be unhappy about her/himself and demand psychological therapy. Because of

the abnormality discourse, there is discrimination, violence, even murders against homosexuals. The psychological discourse would tell you to change yourself. But in the contemporary world lots of LGBT people are getting organized, getting political, because they are made unhappy. And instead of changing themselves, they want to change the society.

\* Eşcinsel evliliği onaylamak mı? Asla! (Approving gay marriages? Never!), Arzu Erdoğan, 2011-07-26

[http://www.habervaktim.com/yazar/40540/escinsel\\_evligi\\_onaylamak\\_mi\\_asla.html](http://www.habervaktim.com/yazar/40540/escinsel_evligi_onaylamak_mi_asla.html)

## Turkish Dilemma: Hate Crime or Unjust Provocation

By Elif Ceylan Özsoy

*ceylanoszoy@gmail.com*

Hate crimes; quite new as a term in Turkey, however, extremely old as a crime. Hate crimes towards LGBT persons is one of the major agendas of the movement in Turkey. Since 2006 over 30 people had been killed because of their sexual orientation or gender identity according to the Human Rights Reports of LGBT organizations. There are definitely number of others which have not been detected by the organizations through their limited resources. Despite the number of such crimes, Turkish government does not collect any data of hate crimes which is also quite impossible in the absence of hate crime laws.

### No Law, No Data

Although hate crimes fueled by homophobia and transphobia are common, there is neither a measurement nor a regulation in terms of combatting them. According to Turkish legislation, bias motivated crimes targeting LGBTs are listed as ordinary crimes. In other words, hate motive under these kind of crimes are unpunished. In the absence of hate crime laws, litigations fail to reveal the motive of the perpetrators and they are only punished for the base offences; the hatred under these offences are not even investigated. After such a poor investigation, many cases, which LGBT organizations could not interfere to, are closed and lost among the non-hate crime cases. That is why the real number of hate crimes cannot be determined in Turkey.

The main problem while dealing with hate crime issues is combatting hate crimes without an instrument. Criminal Laws are instruments through which governments express their attitude towards certain acts and motivations. Since targeting people because of their sexual orientation and gender identity is not listed as a "substantive offence" or an "aggravating circumstances clauses", Turkey is not condemning hatred against LGBTs. Turkey is not protecting its LGBT citizens against hate. Turkey is not taking necessary measures to protect and preserve the right to life of LGBT persons. Turkey fails to meet with its positive obligations as a state under International Human Rights Law.

### Instead of Hate Crime Laws, What Do We Have?

While international human rights criterias aim to empower the vulnerable groups against hate crimes, Turkey pursues an exact opposite situation. The extensive application of "unjust provocation" clause penalizes the victim instead of the perpetrator. During the litigation when a perpetrator urges gay panic defence, penalty is extremely reduced due to his statement. Especially in murder cases, unjust provocation reductions function as a reward to homophobic/transphobic perpetrators for "cleaning" the society from LGBTs. Judicial authorities do not even consider the multiple number of stabbings once the gay panic defence is on operation. In some cases without any intercourse but just offering is adequate for courts to reduce punishments under "unjust provocation" which

also limits and penalizes the expression of sexual orientation in addition to the hatred.

Additionally, people tend to underreport the violations and crimes due to lack of civil and political rights of LGBTs. Whenever a homophobic motive is mentioned, judicial, administrative and police authorities violate the fundamental rights of LGBT victims, moreover discriminates them. These kind of discriminative attitudes make it harder to claim rights and report hate crimes before authorities.

Since the protection before law is not ensured and rights are not guaranteed, interpretation of unjust provocation in the hate murder cases are left to judges' subjective moral values. The decisions in favor of hate crime perpetrators by First Instance Courts and case laws of Court of Appeals approving these rulings have some vital consequences regarding to LGBT rights.

Under these circumstances, "Being an LGBT is not a crime in Turkey" motto is questionable. Because, according to law, unjust provocation shall be applied to unlawful acts of the victim which lead the perpetrator to commit a crime. Unlawful means acts that are against law so once an intercourse offer of a gay person is considered as an unlawful act, the offer itself goes against law. Labelling expression of sexual orientation as an unlawful act makes "being an LGBT is not a crime" motto questionable. For example in the case of Baki Koşar, a Kurdish gay journalist, who was killed in 2006 in a hate crime, the perpetrator and Baki had met at a gay chat room after having an intercourse at Baki's home. He had killed Baki by stabbing more than 20 times and stole Baki's mobile phone. When he was brought before the court, he urged gay panic defence and got a serious penalty reduction. His penalty was reduced from life sentence to 16 years.

As in Baki's case, committing crimes against LGBTs is "promoted". Instead of protecting LGBT rights, court decisions are turning LGBT persons to soft targets. Reduction of penalties depending on the statement of perpetrators promotes homophobia and transphobia in society. On the other hand, LGBTs do not feel safe and equal as committing a crime against an LGBT citizen is subject to less punishment than committing a crime against a non-LGBT citizen. Although right to be equal before law is universally recognised and protected under International Human Rights Law, it has constantly been violated in terms of sexual orientation and gender identity in Turkey.

The joint Hate Crimes Report of Kaos GL, Siyah Pembe Üçgen İzmir and Pembe Hayat Associations demonstrates that 15 male gays and 6 transwomen, that organizations could document, have been victims of hate murders in 2010. In every single case, perpetrators plead a gay panic defence which earns them penalty reductions. Unlike male gay murder cases, in trans murder cases courts recently started not to apply unjust provocation reductions depending on heteronormative grounds since two years. Courts argued that a trans woman cannot succeed in an intercourse physically therefore the transpanic defence is found inadmissible.

The main problem in hate crimes is not only lack of hate crime laws, but also interpretation of unjust provocation is a very serious problem which encourages homophobia/transphobia in society via judicial rulings. The connection between discrimination and hate crimes should not be ignored by Turkish government. Once the government starts taking action against homophobia and transphobia, hate crimes will decrease visibly. For this reason unless homophobia and

transphobia are openly condemned by government, hate crimes do not seem to decrease. Turkey should comprehend the negative cor-

relation between social peace and hate crimes and take action urgently.

## To Provoke the Anarchistic

**By Eren Barış**

*sizomelankolye@gmail.com*

### *Ji bo bîranina Evrim Alataş*

The reason why I make use of the term anarchistic rather than anarchism is because I favor the anarchistic rather than anarchism, and the reason why I use the verb “to provoke” is that I favor a politics related to body, thus a politics where desire and inspiration, augment together. Indeed, my aim is to convey this question to the borders of current anarchism and to endeavor a provocation within this course, by handling the issue “Anti-Authoritarian Practices and Perspectives within the Struggle Against Homophobia and Sexism” of Kaos GL as a question. Since I define myself akin to anarchists, it would be more correct to read this text as written not by an anarchist, but by an anarchistic archeologist or worker. In order to anticipate a new social anarchism, discussion should be oriented towards the momentum of anarchistic politics, towards turning the politics of legacy upside down, towards becoming “aware” of specific conditions, and evaluating the domination and oppression within the context of civil war, by pondering upon the conditions in Turkey, and by taking into consideration the anarchistic groups with whom I have been in touch as well, in particular with groups from Europe. The issue how an anarchistic politics may be to-come (as a Derridean tense) (1), and how the alliance may be realized, not only among categorical groups (LGBT and anarchists), but also through anarchistic contacts among different groups is something I/we encounter as a question that I have not clarified yet, but the question always makes me puzzle whenever

I have feverish discussions with my friends, while having a walk.

### **Politics of Legacy**

I think that one has to consider current anarchism within the frame of dynamics inherent to the past in order to talk about its presence today. And while we problematize the past, this, indeed, corresponds, to a certain extent, to mediating upon the fact that the past is not “something” that has passed. I suppose that the succinct and short answer to this question is hidden in the fact that one cannot betray sufficiently whatever having been inherited. We cannot claim that “We do not choose the legacy”, legacy is there and is simply with us. It penetrates to our eye sockets, to the curves of our uvula, to our lungs just as sand scattered by the tempest. The crucial point in the issue of legacy is about how we will face it even if we did not choose it. In geography like Turkey where the legacy is owned solely as a national link, to face the past is both hard and necessary. Theodor W. Adorno, states in one of his articles where he ruminates upon “processing the past” that if the reasons of the quiddity of the past are removed, only then the past would be processed.

But he adds that the magic spell of the past has not been broken until now because the reasons as to the existence of the past still persevere (2). The magic spell of the past, not being broken yet, reinforces the authoritarian Turkish modernization in Turkey. As the adventure of modernization reinforces the politics of legacy, it also reproduces this politics in various ways. In this sense, an anarchistic politics which is to-

come should examine the transformations of the legacy inherent to stages and fault lines, when examining the process of modernization. Therefore, what opposed movements will scrutinize at firsthand should be about how they make sense of the legacy and how they functionalize it. The legacy should be evaluated not only within the context of historicization, but also according to the regimes of social opposition. For the inheritance of the legacy, politics is an obstacle for social movements in analyzing the authentic conditions in Turkey.

### **Authentic Conditions**

What we will call authentic conditions are indeed conditions of each geography inherent to them. Without analyzing these conditions, it is almost impossible to bring forth politics. This impossibility still holds for leftist movement. Since it is still true, it brings about the fact that Kurdish Question functions as a "scale". On the other hand, it would be easy to claim that the test of anarchists in Turkey (though one can count on the fingers of one hand for them) with Kemalism is at stake. The most obvious indicator that the Kemalist legacy is accepted by anarchists is the minimum intellectual endeavor in understanding the will of Kurds. Such that it shows us how this nationalistic discourse that is asserted by many liberal leftist intellectuals from Baskin Oran, who perceives the rising nationalism in Turkey and the demand for right of Kurds on an equal basis, to Murat Belge develops double edged and is also in effect in the case of the anarchists who find the discourse acceptable as well.

To perceive the demand of a people, a person, a woman, or a child for the right of a language forbidden, of association and of living as na-

tionalism is another way of saying that only a "legitimate" society may live. What we confront here, either a struggle based upon ethnic-identity or upon gender-identity, the important thing is in which direction the momentum of this movement will advance. Otherwise, we would have to face these questions: Will we evaluate the resistance of Algerians against the French as Arab nationalism? Will we recognize the Black Panthers as an identitist movement? Will we forget the place of '68 May in sexual revolution? Where will we place the Zapatista natives in EZLN Nacional whom we admire (3)?

This entire much ado for nothing shows that the strongest vein for becoming free knots in Kurdish Question. Many anarchistic momentums such as autonomy against nation-statism, the participation of women against the violence against them on every level, grassroots against vertical party organization are embodied within the opposing Kurdish movement. For example, it seems that the boycott against the plebiscite for the Constitution, which approached to 90% and even exceeded it, will be a first and last in authoritarian-representative democracies such as Turkey. Besides, school boycott has a symbolic importance in the liberation of children from west to the east, and in removing the obligatory religion course. The school boycott should be interpreted not only as a demand for education in native language, but also as a resistance directed towards the suppressive education system itself. Here the success of a party-movement is not important, but the way subjects organize the movement according to their own agency. Just as the agency and policy of subject-workers in their resistance for TEKEL who broke the representation of the trade union and thus exceeded the given borders of it. To sum up, it is to broaden



the rights-based demands of Kurds inspired by political liberalism through the criticism of anarchistic politics.

### **Anarchistic Alliance and Anarchistic Politics**

Anarchistic alliance is the refusal of each and every pursuit as to mass organization and as to struggle which brings about a party regime. This principle, is the formation of space production and of subjectivities for the will of those "struggling against hegemony" as a common line. To create one's ally is to create politics as well. It is to ponder about the political itself. For each interwoven surface alliance line is related to a process where politics restratifies itself. Alliance is not an "experience" where it is realized among big categorical groups, movements or parties. Alliance can occur by the solidarity of anarchistic subjects and subjectivities present in different categorical groups or movements. The relationalities and attempts for association to be established otherwise are the evolution of politics towards mediocre. Mass politics inherent to classic forms of politics corresponds to the number of heads as many as possible in agreement on ideas which would affirm us. Our difficulty and our obligation are to make the competence concerning the realization of politics possible even of that minority within the anarchistic minority. Politics is a way which makes the forms of contact visible. It is a living being mediating upon its own body just as philosophical thinking does. Anarchistic alliance should transform itself into the movement itself after a while, and politics, forms of making politics, should presuppose a crisis. Anarchistic politics should create the moments of crisis against the programmatization which is determined, coded, archived and tongue-tied through capitalistic devices of the powerful.

Concerning the generation of an anarchistic alliance and politics, there is a momentum of some anarchistic subjects and LGBT subjects already present. However, on some grounds the disputes and conflicts should be strengthened. These grounds should not only include the meetings take place at certain days, but also each day whence calendar pages fall one by one. Anarchistic alliance is to engrave ideas and the lines of the emotions of those ideas to hearts...

### **Bibliography**

1. A relation between Derridean concept to-come and anarchistic politics may be established within this context: ["Democracy to-come" does not mean a democracy that will someday be "present"; a democracy in future. Democracy will never exist in present time; it may be presented, it is not a regulative idea in Kantian sense. But there is an impossible, of which the promise is written by the democracy –a promise which always bears and has to bear the risk of being transformed into some danger. The impossible is present and the impossible remains as impossible because of the aporia of demos. On the one hand demos is a possible resolve of a secret one should respect because of the social tie, by anybody, beyond the present situation, beyond the stance of any "to be-subject" against incalculable particularity, beyond citizenship, beyond each "state", to wit each "people" and even a living being which is defined as a living "human being", on the other hand the universality of rational calculation, the equality of citizens before the law, whether there is a contract or not, is to live together.] Jacques Derrida (2008). Otoimmünite: Gerçek ve Simgesel İntiharlar - Jacques Derrida'yla Söyleşi. Terör Günlerinde Felsefe. Çeviren: Emre

Barca. İstanbul: YKY. p.151

2. *Theodor W. Adorno (1999). Geçmişin İşlenmesi Ne Demektir?, trans. Tarhan Onur. Defter. No.:38 İstanbul: Metis Yayınları. p. 121-137.*

3. When discussing the nationalism of subordinates, The Hardt & Negrian approach claims that in fact the ex-colonialists and the nations without a state create a resistance against pressure. [The nationalism changes there its face and as a defense line against those powerful,

and as an element of resistance against the Empire, the verification of the identity of weak threatened achieves a progressive dimension. However, in this case "better" nations are those that do not exist yet. For a nation right from the moment of having existence as a state, loses its progressive functions.] Antonis Liakos (2008). *Dünyayı Değiştirmek İsteyenler, Ulusu Nasıl Tasavvur Ettiler?.* trans. Merih Erol. İstanbul: İletişim Yayınları. p.113.

## Did Somebody Say *Homophobia*? \*

By Hakan Ataman\*\*

*hataman.gg@gmail.com*

American psychologist, researcher and author, Gregory M. Herek has finished his essay, namely "Beyond "Homophobia": Thinking About Sexual Prejudice and Stigma in the Twenty-First Century", offered us some perspectives about combating homophobia:

More than 30 years have passed since George Weinberg first defined homophobia in his essay, "Words for the New Culture." We owe him a great debt for creating the term and helping to push society to recognize the problem of anti-gay hostility and oppression. Yet, it is now time for researchers and theorists to move beyond homophobia. After three decades, the culture whose language Weinberg helped to create is no longer new. It has matured and evolved in ways not imagined in the 1960s.

In the new millennium, social and behavioral scientists are creating a scholarship that endeavors to explain hostility toward gay, lesbian, and bisexual people in its many individual and cultural manifestations. For this project to advance, we must reexamine our language and move beyond homophobia in defining the foci of our inquiry. Sexual stigma, heterosexism, sexual prejudice, and other terms we may adopt are unlikely to equal homophobia in their impact on society. What is important, however, is that the words for our new scholarship enable us to understand hostility and oppression based on sexual orientation and, ultimately, eradicate it.(1)

It is obvious that we need a comprehensive

approach to eradicate homophobia and transphobia, but what do we need to do to eliminate this type of human rights abuses in the world and in Turkey?

Historically, sexual orientation and gender identity have been an integral part of our civilization. However, these kinds of sexuality have always been considered as a moral offense since divine religion appeared in the world.(2) In 2007, on the occasion of the anti-homophobia day, former secretary general of the Council of Europe Terry Davis wrote a powerful article, "Hate, Hypocrites and Human Rights." In his article, Mr. Davis explained the Nazi concentration camps and the current situation of the social and state homophobia in Europe:

In 1936 the SS Reichsfürer Heinrich Himmler created the Gestapo's Central Office for the Combating of Homosexuality and Abortion. As a result, an estimated 100,000 men were arrested as homosexuals, and some 50,000 of these men were sentenced. Some spent time in regular prisons, some were forcefully castrated as an alternative to incarceration, and thousands were sent to Nazi concentration camps.

Men with pink triangles(3) were often treated particularly severely by guards and other inmates alike. Some homosexuals were also victims of cruel medical experiments, designed to change them into heterosexuals. Estimates are that more than half were executed or died from disease and malnutrition, but for those who survived, the liberation from the Nazi concentration camps did not end the suffering and humiliation LGBT people were not acknowledged as victims of Nazi persecution, and compensa-

tion was refused. Some homosexuals liberated from the concentration camps were even forced to serve out their terms of imprisonment. Sixty years later, no one has apologised for this tragic and shameful treatment of camp survivors. Regrettably, the wall of prejudice, discrimination and hypocrisy has not yet disappeared and Europe is often more tolerant of homophobes than their victims.”(4)

In 1973, “homosexuality” was removed by the American Psychiatric Association from the Diagnostic and Statistical Manual of Mental Disorders (DSM-II) classification of mental disorders after reviewing the evidence that it was not a mental disorder.(5) Homosexuality was also removed by World Health Organization (WHO) in 17 May 1990 which was declared as International Day Against Homophobia.(6) The European Court of Human Rights (ECHR) has ruled against the criminalization of homosexuality and has also found that states are required to legally recognize the gender change of post-operative transsexuals.(7) There is also a EU (European Union) Directive against discrimination, including sexual orientation.(8) Most recently, the United Nations (UN) Office for High Commissioner for Human Rights has also started to work against homophobia.(9) Despite the positive developments regarding the international and regional measures to protect the rights of LGBT people, there are still huge human rights abuses against LGBT people around the world and in Turkey.(10) There is a serious gap between the developments in international human rights law and the situation in Turkey. Recently there has been an increase in torture and ill-treatment cases and those victims are frequently LGBT people who are particularly vulnerable. LGBT people in detention are subjected to torture and ill-treatment. In large cities there has been a significant increase in the num-

ber of homicides and hate crimes on the bases of homophobia and transphobia. Additionally, security forces carry out regular raids on the homes and associations of LGBT people. LGBT associations have been confronted with closure cases. LGBT people are being fined on the basis of the Misdemeanour Law. Internet censorship is another problem. The laws and regulations in Turkey are not sufficient to prevent of discrimination and violence against LGBT people. There is no social protection mechanism. In conclusion, the LGBT question in Turkey is a deep problem still waiting for a solution.

### **Multidimensional Problem**

In my opinion, homophobic and transphobic attitudes and behaviours are derived from different factors, including strong religious beliefs that disapprove of sex and/or sexual orientation and gender identity; having little or no social contact with LGBT people; traditional family values, conservative tendencies; having little or no personal or public awareness on sexual orientation and gender identity or false consciousness and extreme right wing political ideologies such as racism, ultra-nationalism and orthodox-Marxist movements. Therefore, human rights violations in relation to sexual orientation and gender identity are not only vertical abuses which have happened between state and individuals/groups, but also horizontal ones that have occurred among citizens.

We have faced multidimensional problems, which are related to homophobia and transphobia, blocking out societal peace and full citizenship towards which there is not one way solution in Turkey. Therefore, I think what we need are both reactive and non-reactive measures to deal with homophobia and transphobia as well as other phobia such as xenophobia

in Turkey. Reactive measures which include adequate legal protections and provisions, regulations, improving justice system, ending impunity, should be ensured by the Government of Turkey. However, reactive measures are not adequate towards full citizenship and societal peace. Therefore, we need also non-reactive measures which include pro-active measures such as social protection and cooperation, solidarity, education as well as creation of positive atmosphere for dialogue between different people and empathy. It seems that the social justice is needed as well as justice. In conclusion, our task is hard rather than being impossible! Therefore, we should take positive steps towards full citizenship rights and societal peace for LGBT persons in Turkey. Following the recommendations is a bibliography of reports, articles, legal opinions, experiences, studies and documents detailing human rights standards as they apply to sexual orientation and gender identity.(11)

### **What do we need to do?**

In the front of the multidimensional problems which are briefly mentioned above, a multidimensional strategy and action plan should be followed. First of all, lessons for sexual health which include sexual orientation and gender identity prepared in the light of the works of international scientific, educational and human rights organisations such as the World Health Organisation, World Medical Association, etc. should be part of the curriculum at all educational levels in Turkey. The materials of textbooks should not include misleading information about LGBT people. Additionally, the related governmental institutions in collaboration with LGBT and Human Rights Organisations should undertake campaigns to

raise awareness, directed at the general public as well as actual and potential perpetrators of violence, in order to combat the prejudices that underlie violence related to sexual orientation and gender identity. There should be specific educational programs, developed by the governmental institutions in cooperation with scientific, educational and civil society organisations, on sexual orientation and gender identity, that target state officers including teachers, prosecutors, law enforcement officers, social workers, medical professionals, etc. The government of Turkey should work to end violence and discrimination on the basis of sexual orientation and gender identity by taking all necessary legislative measures including enacting a comprehensive non-discrimination law providing specific protections against unequal treatment and passing a hate crimes law that enforces appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment when these are based on the sexual orientation and gender identity of any person or group of persons, in all spheres of life, including the family and the workplace. The restrictive legal requirements for sex reassignment surgery should be replaced with efficient and easily understandable procedures for changing one's name and gender on official documents, in accordance with the case law of the European Court of Human Rights.

Related governmental institutions in Turkey should also amend and/or review laws and regulations in order to eliminate vague crimes such as "exhibitionism" and "offences against public morality" and clarify some definitions such as "obscenity" and "misdemeanour" which lead to subjective interpretations and can be used to harass and persecute people (especial-

ly transgendered individuals) based on their sexual orientation and gender identity. All necessary legislative and administrative measures should be taken to ensure that a victim's sexual orientation or gender identity of the victim may not be offered to justify or excuse violence against LGBT people or to mitigate the punishment of perpetrators.

These legislative measures and governmental policy should also ensure that violence against LGBT people in Turkey is rigorously investigated, and that, where appropriate evidence is found, those responsible are prosecuted, tried and duly punished, and that victims are provided with appropriate remedies and redress, including compensation. The military policy of Turkey should be also changed to admit homosexuals into the armed forces, to allow conscientious objection if compulsory military service is deemed necessary, and to end all humiliating medical examinations to determine whether an individual is homosexual.

Related governmental institutions should develop programs for transgender people which will open employment possibilities outside the sex work trade and help to ease the discrimination they are facing. Social services that support LGBT people should also be established and regulated. Professional associations such as bar associations and medical or health associations should develop specific programs and policies aimed at the prevention of discrimination and violence against and the harassment of LGBT people. Bar associations could establish offices that provide legal assistance to LGBT people and to the general public on other issues related to sexuality. Health professionals including mental health workers should oppose any psychiatric treatment, such

as reparative or conversion therapy, which is based upon the assumption that homosexuality is per se a mental disorder or based upon the a priori assumption that the patient should change his/her sexual orientation. Health professionals should also oppose the "forced sterilisation" requirement in respect to sex reassignment surgery.

These organizations should urge their members to take the lead in removing the stigma of mental illness and/or biological disorder that has long been associated with non-heterosexual sexual orientations and gender identity. Media professionals can also play an extremely important role in ending the stigmatization of and prejudice against LGBT people. These professionals and their organisations should encourage media organs to eliminate from their programming rhetoric that contributes to the stigmatization of and prejudices against LGBT people.

\* This essay is the summary of "Less than Citizens: Lesbian, Gay, Bisexual and Transgender Question in Turkey" which was originally published in "Societal Peace and Ideal Citizenship for Turkey" published by Lexington Books in July 2011. "Societal Peace and Ideal Citizenship for Turkey" was edited by Rasim Özgür Dönmez and Pinar Enneli.

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## An Example of a Long-Term Lynch: LGBT People in Media

By **İdil Engindeniz Şahan**

*idilengindeniz@gmail.com*

**Lynch:** Being killed by more than one person illegally and without trying because of a certain behavior which is counted as crime according to the view of those. (Source: Türk Dil Kurumu). Something done by a crowd to lynch someone (Source: Larousse).

**Lynch:** Killing without legal sanction

**Lynch Law:** A common phrase used to express the vengeance of a mob, inflicting an injury, and committing an outrage upon a person suspected of some offence.

**William Lynch:** The American lieutenant who anticipated illegal public courts established in Virginia around 1810. (Nişanyan Sözlük)

**to lynch (s.o.):** To kill without trying (Source: TDK)

**to lynch:** To end the life of someone or to expose him/her to violence in the hands of a crowd or a group without a legal judgment (Source: Larousse)

What we have looked after in each three sources are the same: The noun “lynch” and the verb “to lynch”. But what these three sources offer us is slightly different from each other. If we leave the implication to Lynch Law of Nişanyan Sözlük aside (1), there is an utmost remarkable difference in the definitions of the words transmitted by TDK and Larousse. As Larousse defines “to lynch” as “without a legal judgment/decision”, TDK adds the expression “because of a behavior which is perceived as a crime according to their

view” to the issue of illegality, when mentioning lynch.

In a country where the statement “I murdered him because he proposed butt sex.” brings about reduced sentence, most probably a secret justification may not sound peculiar. If the emphasis on “extrajudicial execution” is removed and replaced by “crime according to some people” as to the punishment of an action, an association emerges such as “to provide justice whenever the law is insufficient”. “Public conscious” cannot tolerate what has happened and thus lynch begins. For example, the most unbearable crime where lynch contains physical violence is rape. “Lynch via media”, either oral or written, within the scope of this article may choose for itself various targets. If you search Google via the Turkish expression “medyatik linç” (lynch via media), you can meet news about Ahmet Kaya, Fethullah Gülen and Onur Öymen within the first few pages. Besides personalities, it is occasionally complained about the lynch via media against some groups –for example Islamic communities (2). As Ragıp Duran mentioned in one of his columns, one should not forget the events of 6-7 September, one of the most important examples, where media brought about physical lynch (3). To sum up, when visio-audio-printed media organs publish material(s) which is (are) accusatory, targeting or is (are) humiliating one person or a group without ever grounding this act upon a valid decision, the most “insignificant” effect of such broadcasting may be to nurture the hatred and prejudices in society, thus to narrow or even to annihilate the living space within society of a certain individual or group as well as those individuals or groups may be directly exposed to

physical violence. To wit, an act, which may end with a social death, even if not a physical one, is present. If I have to explain why I make use of such an assertive expression named "social death", I may define it as: what has been realized by the lynch via media is to damage the reputation, social standing/status/acceptability of an individual (or of a group, within the scope of this article of LGBT).

Philosopher Axel Honneth, who heads the Frankfurt School after Jürgen Habermas, the person making the concept of public space one of the most disputed issues in social sciences, mentions three stages concerning reputation/acceptability (4). The first is to be recognized by the environment with which we have an emotional tie, the second is to be successful in possessing a legal-political entity, the third is the social recognition of some values, characteristics or some concrete talents and rights which one owns as to his/her cultural identity.

Honneth claims that "if there is a problem in one these three acceptance/recognition ways, this will be perceived as an offense against the entire identity of the person" and he adds: "This offense may be against one of the physical, legal or moral integrity of the person." In truth, the way media perceives and reflects LGBTs varies; it affects each three ways of acceptability.

For example, news under the heading "Homosexuality is observed rather in educated people" seems not to contain violence and not to lead to violence at first sight, but it may have such an implication: families of those individuals, who graduated from universities, may claim that "Look at the newspapers... Have you become like this because we have sent you to school?" Even if this example is a bit exagger-

ated, we have to note that it is based "on a true story."

To talk about lynch via media towards LGBTs seems so usual, but to be honest this concept, at least in Turkey, is not used so frequently as to being LGBT and/or LGBTs. Whence the language of media concerning LGBT individuals coincides so directly with the concept "lynch via media", the fact that the issue does not come to the fore is related to the fact that the acts of media in relation to lynch are taking place on a long-term basis, I guess.

Whereas lynch denotes a short-term offense yielding immediately, it seems that the attitude of media towards LGBT individuals does not attract attention as an example of long-term lynch. Besides, this continuity in language results in the "normalization" of what has been written-read-watched. Actually, the fact that the headings like "Frenzy of Transvestites" or "Terror of Transvestites" are used so steadily from time to time depends on that this phrase is being "learned" both linguistically and internally. In any case one needs not to ruminate upon the heading of "usual" third page news, and "as everybody knows" transvestites always drive into frenzy, they bring about horror and they are offensive etc...

Indeed this language is transforming, the relation established by rights organizations is changing the media (even if in a limited context). Maybe the problem is that the struggle being fought for the sake of this change should start continuously right from the beginning almost for each media organ. It is necessary to explain everything to everyone piecemeal and right from the beginning for including those who are writing most positive news with regard to LGBT do not know, for example, funda-

mental concepts correspond to what. And this ignorance cannot be overcome at least for 40 years.

I chanced upon an article of T. Kakinç in the newspaper *Milliyet* dated 10 July 1968, when I was looking at the old issues of newspapers -if I am not mistaken totally, he is the famous novelist Tarık Dursun K.. Kakinç mentions about the new topics cinema began to work on in his article about Berlin Film Festival and the spot of the article is "When the importance of sexual relations between men and women begins to abase film makers extend their limits first towards homoeroticism, then sadism and masochism, and finally to homosexuality." If we read the whole article, we understand that what is meant by homosexuality is lesbianism or as it is used in the article "sevici kızlar" (dyke girls). When discussing on the continuity of the lynch via media which LGBTs are exposed to, I am talking about a real stable continuity because I believe that not to know or to ignore is part of this lynch.

Even if we do not have a comprehensive study about Turkey, Pierre Tevanian and Sylvie Tissot, from the group "Les Mots Sont Importants", being established in 1999 in order to make political criticisms concerning the language of the media in France, claim in one of their articles that the main lines concerning the language of mainstream media could be expressed in a dual logic." (5)

According to this argument, the first determinant element is "the euphemism" concerning the violence executed by the authorities, thus it is to show something negative as less important and less grave, and is some sort of justification. What the authors mean by "authority" is state, employers, and patriarchal-heterosex-

ist-white social pressure. If we relate this with Turkey, the fact that with regard to hate crimes towards gays "proposing butt sex" is brought to the fore as a matter of mitigating confronts us not only as a euphemism related to media, but as a legal one as well. The second determinant element in the language of media is to exaggerate the violence exercised by those dominated -in fact as to the Turkish media the most conspicuous example is to relate transvestites always with violence, and to present this so-called violence just as being manifested suddenly and as if it does not have a past or future. Thus, what the suppressed party has said and its discourse is discredited.

Just as to defend the rights of LGBTs cannot be restricted to the rights of LGBTs, just as each struggle concerning rights should not be locked in its own sphere, and on the contrary it should be a struggle which will contain every oppressed, the criticism which we will make towards the language of the media cannot be independent firstly from the criticism of existent system of media, then from the society in which it exists and from the system in general.

The phrases like "work as a transvestite", "butt sex" gives an idea about how the journalist perceives the world (and in particular "homosexuality"), but also about the editorial system of newspapers and the structural problems which it experiences. Back to basics, in the first stage cheap and replaceable labor, that the organization of trade unions do not exist and that there is no job security bring about that the person who produce the news is not sufficiently qualified or that in order not to lose his/her job he/she has to work overcapacity, and thus he/she does not sufficiently ruminate upon what he/she writes. Since the working conditions and

qualities of the editor responsible for choosing and editing the news is not different from his/her subordinate, the control mechanism actually does not work and we, as the audience, are exposed to news written via average language and average understanding.

Thus, this average language and understanding cannot be imagined apart from the society on a general basis and this language continues to injure every oppressed within the entirety of public space –not only LGBTs or via the media. In a system where the textbooks present the mother as the housewife, the father as “the hero bringing home the bacon” where the minorities are humiliated and where LGBTs do not exist, we remain to be novices about how to react against the “foreign” willy-nilly. However “words are important”, please use them carefully.

(1) In Virginia William Lynch, deciding to change the way justice was exercised, established courts in United States during the War

of Independence where he was the chief, and who chose the jury. He led the execution, thus was both some sort of a judge and attorney, and public executioner. Thereafter, the fact that becoming a senator, he continued his life as a reputable person is interesting as to the fact that the word “lynch” shows a certain social justification –though this justification changes according to different periods of time.

(2) GÜZEL Murat, “İsmailağa’da Medyatik Linç”, (Lynch via Media in Ismailaga) *Anlayış* dergisi, Ekim 2006.

(3) DURAN Ragıp, “Linç Kültürü ve Medya”, (The Culture of Lynch and Media) *Bianet*, 23 Eylül 2006.

(4) A citation from the interview with Axel Honneth by Alexandra Laignel-Lavastine in journal *Philosophie* (5th Issue, October 2006).

(5) TEVANIEN Pierre & TISSOT Sylvie, “La Langue Des Medias, Pourquoi La Critiquer, Comment La Critiquer?”, *Mouvements*, n. 61, January-March 2010, p. 45 - 59, p. 47.

## Islam, “Homosexuality” and Secularism

By **Imge Oranlı**

*imgeoranli@gmail.com*

For a while, I am following the discussions concerning “homosexuality” and Islam carefully, continuing to take place in Taraf and Radikal newspapers. I want to bring into question an exquisitely problematic assumption lying behind the ground of those discussions. Primarily, it is useful to scrutinize the message which Hilal Kaplan and others alike are conveying to society. The message given is: “Homosexuality” is not an illness, it is a sin. And what is proposed or expected: when Muslim people become suspicious about their “homosexuality”, “they should discipline their desires”. To sum up, it is attempted to claim that “homosexuality” is not permissible according to “our religion”. Even if Hilal Kaplan establishes her discourse on the basis of Islam, and claims that she speaks on behalf of Muslims, it should be kept in mind that the discourse of Kaplan concerning Islam and “homosexuality” is not the only one. To claim that “homosexuality” and faith (in this case Islam) are mutually exclusive categories is only a product of a monolithic interpretation of Quran.

This kind of monolithic reading, which makes different interpretations impossible or which interprets according to the dominant discourse and social norms, is questioned among Muslim feminists seriously. Let alone there are churches in many countries of the world where gays may become religious officials, the idea that religion and sexual orientation together with gender identity are incongruous is questioned ever since by Muslim gays in Christian countries and by the LGBT movement active in

countries where the majority is Muslim. Therefore, the addressees of this discussion are, first among others, Turkish Muslim and non-Muslim gays.

However, a much more crucial problem is at stake in these discussions. What we observe here, is the attempt to define a religion as dominant, to impose its monolithic interpretation and to establish an unavoidable discourse together with a mechanism where public and private spheres are regulated by this heterosexist, patriarchal, nationalist and moralist discourse. On the one hand, remembering that we live in a country, which prevents Muslim women from higher education and working in government agencies through the prohibition of veil, we may say that discussions concerning “homosexuality” serve the attempt of organizing the society via Islam through some norms, rather than to serve Islam directly. Besides, one has to draw attention to a more problematic assumption: this religious discourse imposes that Turkey is a country where 99.9 % of its population are Sunni Muslims. Turkish Republic, while claiming that it is a secular state, treats its non-Sunni and non-Muslim citizens as second-class citizens.

Despite the fact that the clause “State’s religion” has been removed from the constitution, the fact that the place in identity cards denoting “religion” is not removed, that the state imposes obligation to its citizens for being a member of one of the three monotheistic religions, and that it founds these definitions concerning religion upon the definitions of dominant sects –for example, Bahaism is not recognized as a religion,- and that it continuously reminds Ale-

vis (though Alevis are not recognized as minority they are being exposed to violence by the state throughout the history), Christians and Jews that they are minorities, bring about that the state continuously violates the principle of secularism which it "upholds". Besides, the fact that an institution such as Religious Affairs Administration exists, that the state pays for the utility bills of this institution, that the courses of religion are obligatory in schools, that these courses are focused on Islam and that the students may have the right to be exempted from those courses, if and only if they assert that they are Christian or Jew, makes us question the quiddity of the understanding of secularism embraced by the state. Moreover, the fact that the state could not be secularized makes the secularization process in society a can of worms. It has nurtured a conservatism which causes exquisitely dangerous implications, such as an enmity as to religion, reaching to a level of frenzy, and an expression of panic and wrath brought about when one perceives in public sphere any sign related to religious faith, and a belief that being an unbeliever is immoral. However, secularism begins right at the point when one faces the reality concerning religion; it cannot be achieved by both claiming upon secularism and by establishing a dominant discourse via religion.

The fact that this utmost dangerous discourse is used by the state to define and organize the religion and to organize private lives as well, and that the discourse is accomplished through intellectuals, defining themselves as faithful Muslims, may have exquisitely crucial implications. I have not the intention to evaluate the official discourse of the state and the Muslim columnists on the same level, but unfortunately it is not the case to expect an opposite

attitude from this government and its antecedents. If in our country where hate crimes never come to an end, it is permitted to question the legitimacy of a vital right through an "indisputable" discourse such as religion, this violence would never cease. It is not possible to overlook that those columnists writing such articles experience serious problems as to ignorance both about Islam and "homosexuality". In this case, an aura is created, as if it is impossible to have a stance somewhere between these two sides mentioned above. In fact, the problems coming to the fore through the discussion with regard to Islam and "homosexuality", and to the way it is handled, especially to its superficiality, show that the issue is about secularization and about the process of becoming a nation state.

Primarily, being gay is a threat against patriarchal system and against the image of manhood which follows the former; being gay is a threat against the state militarism based on a certain image of manhood. If "homosexuality" is discussed via Islam and one wants to condemn it through Islam today, the concurrence of this discussion with conscientious objection movement spearheaded by gays should be questioned. The Republican mentality may prefer to lay "conservatisms" of every kind at the door of Muslims, and thus show Muslims as the only responsible party of the discussions about "homosexuality". At this instance, we should be aware and not conceive Muslims as a monolithic unity. Ayhan Bilgen, former president of Mazlum-Der, declares his views about this issue through his statements. Muslims who express that "homosexuality" and Islam are not mutually exclusive will give the most befitting response to the debates in regard with "Islam and homosexuality", just as Bilgen do: "The true definition is the one which is defined by the

homosexuals themselves. There may be a homosexual imam as well, as long as he perceives his stance coherently from his own aspect. I cannot say "If you are homosexual, how can you become a man of God?" Homosexuality is

a preference as well as piety. The reward and the punishment of both are received by the individual. Nobody can reward or punish him. What are you punishing on behalf of whom?"

## Interpreting the Censor on the Internet Through the Three Obsessions of Turkish Right Wing Policies

By Mutlu Binark

Başkent University, Faculty of Communication

[binark@baskent.edu.tr](mailto:binark@baskent.edu.tr)

[www.yenimedya.wordpress.com](http://www.yenimedya.wordpress.com)

In order to comprehend why the Internet is a political and social formation platform today in Turkey, one should remember that the fundamental instincts orienting the activities of Turkish right wing policies in culture industries are fed by discursive practices such as “preservation of national custom and traditions”, “appropriation of national culture” or “objection to the corruption of national values”. At this point, it should be noted that the discursive practices of the right wing targeting culture industries were gradually fleshed out with “Turkish-Islamic synthesis” after 1980 coup d’état and that the ideologists and culture industries’ instruments that were to popularize these discursive practices were supported by the state itself. It should also be mentioned that this synthesis has greatly evolved in today’s Turkey, cultural and social values deemed appropriate by the right wing policies for citizens are fed by the hegemonic values of Sunni Islam and all of the instruments of culture industry are successfully used as the tools to form/produce a society composed of “pious” people. The construction of “public recreation areas” such as “Wonderland” in Ankara and “Istanbul Aquarium” in İstanbul where lower-middle class and lower class people can meet their needs for leisure time and entertainment; design of spaces producing popular memory such as “Miniaturk” which generates a historical theme related to Anatolian geography based on Sunni Islamic culture and Neo-Ottomanism narrative; re-

discovery of Ramadan entertainments and Ramadan festivities organized through municipalities... Or referral to the Islamization of Constantinople in 1453 through the symbolic denomination of computerized curricula at primary schools as “The Conqueror” (in Turkish “Fatih”).

We should also state that capitalist production relations and system of exploitation lie behind this cultural and social design and constitute the paradigm of hegemonic political economy. In such a situation, it was undoubtedly inevitable that the staff of Justice and Development Party (AKP), namely the practitioners of this conservative and pious rightist discourse for the past ten years, set out to regulate the Internet, one of the new media, as a space of combat and intervention for the implementation of hegemonic political-social-cultural and economic paradigm. Having placed/positioned citizens within “submission” culture and declared that it has publicly obtained/received the fundamental rights of citizens, AKP government(1) censored the Internet under the name of “secure use”, which is in fact a new type of social and cultural intervention in culture industries. The hegemonic discourse of conservative-pious rightist policy, which has been concretized within AKP government in Turkey today, justifies the intervention in culture industries by triggering and feeding moral panic in public based on three fundamental fears. In fact, it can be said that these three fundamental fears are the fundamental obsessions of right wing policies: fear of child pornography, fear of the corrosion of the unity and integrity of family under the hegemony of father, suppression and con-



cern created based on the “single” authority’s saying “it’s only me that know what is right”.

It is necessary to decode the hegemonic discourse of AKP government and of the bureaucrats implementing it within the state mechanism immediately in order to purify our social, cultural, political and economic life from any kind of exploitation and dominance and to democratize our lives. We should clearly show how empty these three obsessions, which are the tools to gain the consent of citizens, are and reveal that the fundamental problems are in fact the problems which are not questioned by this hegemonic discourse at all. What are the problems ignored and excluded from the public space of discussion?

- Child abuse within families, incest;
- Child prostitution(2);
- Child laborer, being obliged to work without insurance as a child;
- Child brides;
- Violence against women within families/ all types of violence;
- Familial rape;
- Marginalization of different sexual identities under the hegemony of heterosexist sexual regime(3) and stigmatization of different sexual identities as “perverse” or “illness” by the minister in charge of women and family(4);
- Supervision of sexual life within the scope of moral policing;
- Regular and constant violation of privacy by media;
- Restrictions imposed by the Ministry of National Education and Presidency of Religious Affairs on sects other than Sunni Islam –primarily Alawism- and the efforts of the State to tame these sects;
- Donation policies of the Turkish authorities which popularize and normalize submission/obedience culture and deprive and subject people psychologically and economically instead of finding solution ways to strengthen them economically-socially and politically so that they can fight against poverty;
- Lack of independent media where different political-social- cultural points of views can be expressed(5);
- Articulation of capital owners to hegemonic political-economic discourse in traditional and mainstream media or support given by hegemonic political-economic discourse to media ownership(6);
- Non-unionization in traditional and mainstream media and undeclared work(7);
- Security of citizens’ personal data ;
- Gradual limitation of citizens’ freedom of opinion by hegemonic discourse(8);
- Exploitation of natural resources such as water, soil, forests and their sales to capital groups against the public benefit.

In Turkey, all of these problems which are not expressed in hegemonic discursive practices and not allowed to be expressed in mainstream media channels can only be discussed in public space on the Internet, which is a new medium. However, different from what is thought, the Internet is not a space free from censorship. The law numbered 5651 Regarding the regulation of publications made on Internet and the fighting against the crimes committed via these publications which was approved on 04.05.2007 and put into force after its publication in the Official Gazette dated 23.05.2007 sets ground for blocking Internet access based

on the catalogue crimes listed in Article 8. These bans are implemented via public prosecutors and Telecommunications Internet Board (TIB) that is informed by ihbar.web.

### **Censor imposed by the state through the decision of Information and Communication Technologies Board**

So, what kind of a social and cultural intervention will be made by the bureaucrats implementing the hegemonic discourse in the Internet on 22 August 2011 "Procedures and Principles Draft on Secure Use of Internet" was prepared by the Directorate of Sectorial Competition and Consumer Rights of Information and Communication Technologies Board in line with the provisions of Article 10 of the Regulation on Consumer Rights in Electronic Communication Sector which came into effect after being published in the Official Gazette dated 28.07.2010 and numbered 27655 as well as the Articles 4, 6 and 50 of the Law numbered 5809. This draft was approved on 22 February 2011 by the decision numbered 2011/DK-10/91 and published under the title of Board Resolutions of ICTB on 4 March 2011.(9) However, due to the citizens and NGOs critiques of this resolution, ICTB made some but showpiece alteration on the resolution. The new "**Draft Procedures and Principles on Safe Internet Service**" is published on the website of ICTB on August 4, 2011. The public is requested to give opinion on this draft for 10 days. According to Article 15 of this draft, these Principles and Procedures was going to be put in force on August 22, 2011, and will be generally effective in all "Turkey wide web" area by November 22nd 2011, following three month test duration.

This new showpiece resolution still censors Internet access in Turkey(10) through Internet

Service Providers (ISP), in other words limits "the right to access information", which is accepted as a fundamental human right by the United Nations. The position determined by the conservative right wing policy for citizens and briefly explained above, is foreseen also for Internet use. One of the important philosophers of the Enlightenment, Immanuel Kant draws attention to the fact that the most important right and responsibility that the Enlightenment introduced is the individual's capacity to use his/her own mind with his/her own free will. It is necessary for an individual to be able to access information sources so that s/he can use his/her own mind with his/her free will. In this respect, what lies behind the conservative and censorial supervision on the Internet can clearly be seen: the will to position citizens only as "loyalists" and/or "subjects" who do nothing but obey.

What do "**Draft Procedures and Principles on Safe Internet Service**" introduce? Now, the updated draft compulsorily categorizes Internet users in two groups: Internet users who demand "Safe Internet Service" and Internet users who do not demand such a service. It should be mentioned that the adjective "safe" is "tricky" and even "foxy". **This time**, the expressions "**black list**" and "**white list**" used for the sites inaccessible by families and accessible by children respectively **have been removed**. The expression "mandatory filtering done by the State" has been softened and it is presented as it did not exist. **The word "filter" which was one of the main concepts in the previous decision has been filtered and replaced with "list"**. By this misguided use of the words, the ICTB's censor to be imposed on the Internet users in Turkey is being legitimized under the pretext of "Safe Internet Service". The public is

misled with the expression “Safe Internet Service”.

In Article 4 (1-d) of the draft decision, **Safe Internet Service** is defined as follows: “The service composed of child and family profiles offered free of charge to the subscribers upon demand. The problem in this definition is about the family and child profiles which are explained in clauses (b) and (c) of the same article by feeding the moral panic named “protection of children and families”. In clause (b) of Article 4, family profile is defined as **“the profile in which there is no access to domains, sub-domains, IP addresses and ports mentioned in the family profile list sent to the operators by ICTB”**. In clause (c) of Article 4, child profile is defined as **“the profile where there is access to domains, sub-domains, IP addresses and ports mentioned in the child profile list sent to the operators by ICTB”**. These definitions are misleading. If one pays attention, s/he can easily see that ICTB, acting in the name of the State, can determine the websites it deems inconvenient for families and convenient/ideal for children however it wants. It sends this information to the operators through hidden channels and makes these lists compulsory. In fact, what is misleading is this soft/implicit wording. The compulsory and unavoidable filters to be imposed by the State are hidden. In Article 6, it is stated that each operator providing Internet service will offer these two profiles, namely “family” and “child” profiles, to users who have preferred “Safe Internet Service”. In fact, as it is seen, the political authority and its bureaucrats do not sacrifice from their new society design at all. The criteria of “suitable families and suitable children” are set out and planned. Briefly, **a single type of family and a single type of child** are foreseen for this society.

At this point, it should be stated that the conservative and right wing policy lying behind these principles and procedures does not regard its own citizens as individuals and thinks that only itself is capable of acting on behalf of them and that only it is the absolute and “single” authority and believes that “it’s only it that knows what is right”. In this respect, the capable and omniscient subject is the ICTB and “the esteemed citizens” are those who agree to the bereavement of their freedom of Internet access and right of choice on the Internet “in their best interests”.

In this sense, we should point out Ahmet Insel’s article titled “Muktedir Oluşun İfadeleri” (literally translated “Expressions of Capableness”) (2011). In this article, Insel evaluates the following statement of the Prime Minister R.T Erdoğan “...AK Party has formed a government, come to power. Many things that have been achieved so far are in fact the expressions of our being capable”. It is obvious that authoritarian and suppressive practices of AKP government that result from its being capable of imposing itself on civilian life and use of fundamental human rights will gradually increase. As a matter of fact, one of the obsessions of conservative rightist policy is the saying that “it’s only me that know what is right” and suppressing its citizens and forcing them to obey based on the power of “being capable”.

### **The impact of three obsessions on the censor on the Internet**

The hegemonic political power in Turkey triggers moral panic through the discursive practice concerning the protection of children and prevention of child pornography and supports this panic through the production of wrongful-missing and malicious media texts. As Stanley

Cohen puts it, "moral panic" is the situation, people and groups that are qualified as a threat to social values and benefits and it is presented in a certain format and in a stereotyped way by mass communication tools" (cited from 1980:9, Bremmer 1997:2). Moral panic is in fact a type of social construction, because it reproduces and fosters the society's existing fears and concerns. Moral panic can also be defined as follows "Revealing a widespread social problem which is already existing but has remained silent by naming it and even personifying it through examples, putting this problem on the public agenda and experts' proposing solutions for this problem". Moral panic draws people away from critical point of view. The child pornography concern produced and fed by the conservative rightist policy in the whole society, the concern regarding the loss of the unity and integrity of family under the hegemony of father and the fear of obeying the "capable" single authority that is presumed to know the truth are the examples of such social construction. The conservative rightist hegemonic discourse which reproduces/multiplies these fears and concerns claims that children are harmed by child pornography that is accessible through certain websites, the unity and integrity of families are impaired because of obscene contents, moral values of children and young people are damaged by harmful contents such as online gambling and games, privacy is spoiled because of the use of certain social media such as Facebook. Such discursive practices are continuously presented on the agenda and the moral panic justifying the necessity of "regulating" the Internet is thus constructed. This moral panic provides a basis on which the public consent can be gained for the censor to be imposed on the Internet.

At this point, we should mention the following: The Coordinator of the project named EU Kids Online that was organized for 25 countries including Turkey, Professor Dr. Sonia Livingstone stated at the Antwerp Conference on 27 May 2010 that researches should be done about the online risks that children may encounter and such researches should be updated constantly. Livingstone warned the researchers against the moral panic that is triggered by especially public institutions and media about the risks children may face with on the Internet. According to Livingstone, the researchers should pay special attention to the following question: "Are online risks more dangerous than the risks in real life?" Besides, Livingstone says that families can be endowed with quality information about the use of Internet if they are informed about the risks and opportunities equally instead of being frightened through online risk stories.(11) Professor Livingstone also said in the panel on June 16, 2011 at the IAMCR hold in İstanbul that the digital skills are insufficient in Turkey. This problem cannot be solved with technical bans blocking or allowing pages through filters and lists. In other words, the solution of this problem is not "list censor". Alternative Information Technologies Association says that "The LISTS imposed by the State (ICTB) cannot serve for democratic and pluralist social/cultural structure. On the contrary, they create a one-dimensional human profile and homogenize public discourse." (6 August 2011). Then, why does AKP government and its bureaucrats increasingly emphasize the risks instead of improving various Internet opportunities such as education-learning, content development and sharing, socialization, equal participation of citizens and career development? Why does AKP government and its bureaucrats pay attention positive experiences of

Internet use by children, young people etc. ?

In the text titled "Security Tips" which includes the proposals of the Safer Internet program developed by the Internet Board, ICTB and TIB in Turkey in 2010 and 2011 and supported by European Commission, the following answer is given to the parents who posed the question "What should I do until good filters are developed?" and are open to being influenced by moral panic:

"Filtering the Internet content can support parents and teachers in their giving education to children and young people in the media. Yet, this is not sufficient itself because it cannot intervene in children's' using online communication services. The educational supervision/support at school and home will contribute to the education of young people more than technological obstacles do and they will improve Internet and mobile online technologies as they use them."(12)

Deconstruction of hegemonic discourse: What does "secure use of Internet" really mean? "If families find filtering necessary, this should be done by the families themselves on their own computers. Those who are responsible for children at first hand are their parents. Total filtering by the State turns children into dependent individuals. Bans give birth to submission culture. However, parents can teach their children what is good and right; as children learn them, they construct their lives on the right values." Umut Vakfı(13)

Citizens must ask certain questions that would deconstruct "Procedures and Principles on Secure Use of Internet" so that they can appropriate their right to Internet access, which is a human right. What can these questions be?

- On the basis of which authority and competence does ICTB attempt to implement white and black lists/filters?
- Why is a uniform type of family and child profile envisaged?
- To whose interests does a uniform type of family and uniform type of child profile serve?
- Why is an ICTB-directed Internet access designed for citizens in Turkey?
- Why is the freedom of Internet access censored in Turkey?
- Child pornography is in fact child abuse and this problem can be solved by protecting offline victims -in daily life. Then, why don't we discuss the real sources and solutions ways and why doesn't the political will produce solutions for problems such as child abuse and child prostitution?
- Who is trying to justify the censor imposed by the State and make it necessary and how?

Alternative Information Technologies Association gave an answer to ICTB in its article titled "We want Secure Use of Internet, too!" (9 May 2011) and demanded the secure use of Internet for all citizens. However, here secure use of Internet refers to an understanding which "protects the personal data, respects privacy, develops the awareness of users against racist and sexist hate speech, excessively violent and aggressive contents, commodification and reification of the bodies of women-men and children, commercialization of data and users, database matching and hacking, digital surveillance and unqualified and misleading information". Improvement of new media literacy, particularly Internet literacy, in other words pedagogic solutions lie behind this understanding.

In accordance with Article 1 of Universal Declaration of Human Rights every person has two fundamental features resulting from "being human": They are endowed with reason and conscience. Therefore, citizens who use their minds with their free will should oppose to the "Draft Procedures and Principles on Safe Internet Service" that bereave their freedom of mind and will, deconstruct/decode the hegemonic discourse of hegemonic rightist policy and appropriate their right to Internet access, which is a human right. As mentioned by the Alternative Information Technologies Association "Citizens are entitled to the right to form their own opinions about a certain subject with their free will and to access information, documents, opinions and ideas so that they can reason. As it can be seen, this right is an integral part of freedom of expression." (9 May 2011).

As it can be seen above, the regulation on the Internet that will be enforced on 22 November 2011 in Turkey is a clearly political decision and a practice of the social design of conservative rightist policy; it is the bereavement/seizure of citizens' freedom of personal development, expression and access to information by the "capable" power that constantly says "it is only me who know what is right".

Let me end my words with an evaluation from TIB. The board says that "Internet is just like air, you can feel its presence when it is absent".(14) So, we are on the way to feel the presence of "Turkeywideweb" Internet through the ICTB's cloaked censor.

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#### Notes:

1. See: Prime Minister's speech dated 12 June 2011 and titled "Hesaplaşma Değil, Helalleşme Günüdür". <http://www.akparti.org>.

tr/site/haberler/hesaplasma-degil-helallesme-gunudur/8517.

**2.** For example, child prostitution is a problem which feeds also child pornography. Interpol Working Group draws attention to the fact that child pornography is sexual exploitation and abuse of children and proposes finding children who have become victims as a technique to fight against this problem (Çam, 2003:59).

**3.** The most striking example of the marginalization of different sexual identities by the hegemonic discourse can be observed in the Vice Prime Minister Bülent Arıç's stigmatization of citizens protesting against the Internet filters that will be enforced on 22 August 2011 in İstanbul and Ankara on 15 May 2011. Arıç comments on the public expression/civilian action of citizens as follows: "15-20 people held a public demonstration. They carried devises on which it is written "Don't interfere with my porno". I should not be on the side of these strange people who say "Don't interfere with my porno" and draw the picture of middle finger, excuse me, on their devises. They will do it; they will carry something called "gl kaos". Don't make me speak more openly. There will also be such people in the society. They will have such views. Yet, this is not the view of 72 million people". At this point, we should pay attention to the fact that homosexual individuals are stigmatized in Bülent Arıç's discourse which also calls for moral panic producing the threat of pornography. See: <http://www.bianet.org/bianet/ifade-ozgurlugu/130375-arinc-15-20-pornocu-gl-kaos-diye-bir-seyler-tasidi>, access date 12 July 2011.

**4.** Homophobia and transphobia fed by heterosexist sexual regime are not pertaining to the discursive practice of the Minister in charge

of women- Selma Aliye Kavaf. This is an underlying feature of conservative right wing policy in Turkey, heterosexist sexual regime.

**5.** For example, for the decision to withdraw and stop the publication of the newspaper, Azadiya Welat for 15 days see: <http://www.bianet.org/bianet/ifade-ozgurlugu/130746-tgc-azadiya-welatin-kapatilmasini-kinadi>, access date 12 July 2011.

**6.** That Can Dünder and Banu Güven discontinued their newscast before the general elections held on 12 June 2011 and the program called Basın Odası (literally translated Press Room) in which Nuray Mert, stigmatized by Prime Minister R.T. Erdoğan after the elections, was banned on NTV, the news channel of Doğuş Group, constituted a concrete and recent example of how the capital groups are articulated to hegemonic political will .

**7.** See: the research titled TESEV (2011) Türkiye'de Medyanın Ekonomi Politığı: Sektör Analizi. (literally translated Political Economy of Media in Turkey: Sectorial Analysis).

**8.** To cite examples from the recent history: The Governor of Sivas, Ali Kolat banned the commemoration of 33 intellectual people massacred at Madımak Hotel in Sivas on 2 July 1993 (<http://www.bianet.org/bianet/ifade-ozgurlugu/131284-madimak-anmasina-sorusurma>, access date 12 July 2011); Berna Yılmaz and Ferhat Tüzer, two university students were arrested and charged with 15 years of imprisonment because they unfurled a banner on which it was written "We want free education" during the speech of Prime Minister R. T. Erdoğan in Roman Workshop in Abdi İpekçi Sports Hall on 14 March 2010. Although the prosecutor decided that Berna Yılmaz and Ferhat Tüzer enjoyed

their constitutional rights and mentioned that in accordance with Articles 24,25 and 33 of the Constitution and European Convention of Human Rights, holding meetings and demonstrations and participating in protests are constitutional rights and these two people used these rights and therefore they cannot be charged for this and they should be acquitted and released, the judges of the court concerned decided on the continuation of their detention. This is also another example of the limitation of the freedom (See: <http://www.bianet.org/bianet/ifade-ozgurlugu/130205-pankart-acmaktan-en-az-20-ay-hapis-yatacaklar>, access date 12 July 2011). Moreover, it is possible to give more examples like this.

**9.** There is an ongoing lawsuit of annulment about it at the Council of State.

**10.** In its general session on 4 June 2011, the United Nations approved the Human Rights Council's report on "The Improvement and Protection of the Freedom of Opinion and Expression". The Council of Europe's decision titled "Protecting and Improving the Universality, Integrity and Openness of the Internet" added Internet access to the European Convention of Human Rights. This decision was approved at the conference of Council of Europe

held in Strasbourg on 18-19 April 2011 (<http://yenimedya.wordpress.com/2011/06/09/internet%E2%80%99in-evrenselligini-butunlugu-ve-acikligini-korumak-ve-gelistirmek/>).

**11.** Besides, technological prevention, in other words filtering is not mentioned among the below mentioned tips proposed in the document titled "Let's work together for safer internet" that is published for parents within the framework of EU Kids Online project:

"Talk with your children; ask them to show you what they are doing on the Internet. The basic element for security is communication.

Follow the latest news about Internet security on the following link: [www.guvenliweb.org.tr](http://www.guvenliweb.org.tr)

Many dangers on the Internet are related to attitude and manners not technology. The best guide in your online and offline world is your life experience."

**12.** See: [http://ec.europa.eu/information\\_society/activities/sip/safety\\_tips/index\\_en.htm#7\\_parental\\_control](http://ec.europa.eu/information_society/activities/sip/safety_tips/index_en.htm#7_parental_control), access date: 8 May 2011.

**13.** [www.umut.org.tr](http://www.umut.org.tr), access date 25.05.2011.

**14.** See: November 23, 2008 Activity Report of TIB, [http://www.tib.gov.tr/dokuman/faaliyet\\_raporu.pdf](http://www.tib.gov.tr/dokuman/faaliyet_raporu.pdf).



## **One-Two-Three-Four, We Don't Want Your Macho War!**

**By Senem Dođanođlu**

*senemdoganoglu@gmail.com*

According to the Turkish Armed Forces Health Aptitude Regulation, those whose "psychosexual capability" is not eligible for military service shall be exempted from military service. In other words, heterosexual male culture which exalts toughness, aggression, brutality doesn't need those who are not physically, emotionally and mentally capable to combat. Of course this statement is not the unique exclusion that introduces homosexuals with existing society but it is the symbol par excellence of the sexist structure of the social order.

It is obvious that the matter of homosexuals in the military is a matter of national defense, readiness to combat, making wars thinkable even winnable. And whenever a man identifies himself as "gay", he is actually declaring that he is ineligible for military service. I find it more worthy to be ineligible for armed forces rather than to be part of an institution dedicated to sexist, nationalist, repressive paradigm.

The question arises from this situation. Whenever we call authorities to remove homosexuality from Turkish Armed Forces official list of mental disorders, are we actually demanding

right to serve in military? It's true that the homophobia of the armed forces is indefensible. But maybe it is time to consider about the campaign demanding Turkish Armed forces to remove homosexuality as a disorder which can be easily linked to a demand right to serve. It is very important for LGBT movement to criticize the aspects of militarism while publicly declaring this demand. It is an urgent issue to gather with the movement of conscientious objectors and it is also urgent for conscientious objectors to welcome LGBT movement.

In November 1969, the massive march against the Vietnam War in San Francisco was joined by thousands of lesbians and gay chanting "One-two-three-four, we don't want your macho war". Nowadays we are reading that in Amsterdam Pride homosexual police officers and members of armed forces were marching together! This kind of mobilization to straight status qua is a denial of liberation. We do have to say something against the homophobia of armed forces but we have to remember that it is still honorable not to have "adequate potential" for soldiering. Right to be assumed "healthy" is not the issue; it is the duty to refuse all ideological assessments of militarism.

## Trans Identities That Are Aggrieved

By Umut Güner

[umut@kaosgl.org](mailto:umut@kaosgl.org)

[twitter.com/umutguner1977](https://twitter.com/umutguner1977)

On one hand writing is very easy and on the other hand it is very difficult regarding that the file topic of RFSL Magazine is 'making aggrieved'. Because in Turkey there are still too many problems on LGBT rights to be solved; we go through a process in which the injured party is aggrieved over and over again by law-enforcement officers and judges.

The police make the lives of trans people miserable by changing tactics and using different methods of punishment in order to discipline them. They are condemned to pay off because of their lives by; they are sentenced to fines that they cannot afford to pay according to the decisions of anti-prostitution commission which actually do not exist and the Misdemeanor Law.

It is a similar story of victimization that trans people began to be organized in Turkey, especially in Ankara and the establishment of The Pink Life Association. Buse Kılıçkaya and Selay Tunç came to Kaos GL in 2005. They told that the police had cut them off while they had been going to a friend of theirs by taxi, tried to take them into custody without any reason and asked 'What can we do?' I replied 'We can be organized' as someone who did not know another way apart from 'to be organized'. This is how The Pink Life Association was established. Of course their complaint was not taken seriously; instead, they were sued against for 'resisting police officers'. Eventually they acquitted but this fight was not over here. As trans

people began to be organized in The Pink Life Association and file complaints against the police officers, the grudge and hatred of the police continued to increase.

Until the car of Buse, Selay and their friends was cut off after The March Against Homophobia and Transphobia in 17 May 2010...While our trans friends who were arbitrary told that they needed to get off the car without any reason, tried to understand why they needed to get off the car, they were exposed to pepper spray and torture by the police. Not only the trans people in the car but approximately 30 people from Kaos GL and Pink Life who went there to stand by their friends were exposed to the same mistreatment and torture. And The Anti-Homophobia Meeting in 2010 was marked by arbitrary detention of trans people.

There was one sentence left for us from the terror created by the police in Bağlar Avenue, "Hit Buse"...

Yes, there was only one single thing police had learned from the struggle of trans people who had been organized for 5 years, from 2005 to 2010: considering Buse's organizer identity as a threat. One month later, Buse, Selay and Naz encountered with arbitrary detentions and The Law of Misdemeanor again. The trial ended in the last week of October; the president of The Pink Life Association Buse Kılıçkaya received imprisonment for resisting police officers. Selay and Naz, two trans friends who were on trial with Buse were acquitted by means of not committing this crime again for 5 years. Buse continues her legal struggle, she adjudicated. This method will probably be the new tactic

that will be used by police-judiciary to discipline trans people. All trans people will stand trial at least for once for resisting police officers and as a result of this trial, their freedoms will be mortgaged for 5 years under the condition that not resisting police officers. Everybody except the LGBT organizations approach this struggle from their own point of views. We are in the middle of a period in which everybody imitates three wise monkeys, at best.

What is written above is not a pessimistic film script or a story that I want you to complete. We will continue to struggle; we will work hard for human rights to win this fight. We will continue to struggle against arbitrary detentions of trans people for their identities, "because of the fault to be transgender", we will continue to fight for our rights... You cannot ignore trans identities, you cannot outlaw them! We will not let you aggrieve trans people!

## **LGBT People's Situation in Turkish Law**

**By Yasemin Öz**

*yasemin@kaosgl.org*

LGBT (lesbian, gay, bisexual, transgender) identities have never been illegalized in Turkish law system. Despite this, the law system tends to ignore the existence of LGBT people by not making any regulation in favor of or against LGBT people. However, there are few articles in Turkish Law regulating the situation of gays and transgender people in the army and reassignment surgery of transgender people.

While the law does not regulate the situation of LGBT people, in practice, references in the law relating to "the morals of society" and "unnatural sexual behavior" are sometimes used against LGBT people\*. There are several court cases where references in the law relating to "the morals of society" are used to discriminate LGBT people.

Besides, there is no anti-discrimination law to protect LGBT people from discrimination on the grounds of sexual orientation and gender identity. As a result, in practice, LGBT people face discrimination even on their basic human rights. There are many sample cases of this violation.

Although now there are five legally registered LGBT organizations, the rights to freedom of association of LGBT groups were violated many times and the government tried to close down all LGBT organizations when they were established and court cases were filed to close the organizations. Whenever an LGBT organization has been established in Turkey, the Directory of Associations has requested the closure of the organizations. Although the prosecutor offices

and the courts ruled in favor of the organizations, the authorities went on filing charges against the newly opened organizations. All the organizations faced the same process. In all cases, the authorities either claimed that LGBT organizations are against morality and ethics and/or ruin the structure of family.

Publications on LGBT issues are confiscated and censored several times; therefor LGBT people's right to freedom of expression has been violated. Internet access to LGBT websites is often censored by filter programmes used in internet cafes and some universities.

There is no law against hate crimes and the law also ignores hate crimes against LGBT people. Despite this, every year a great number of LGBT people face hate crimes. The courts tend to reduce the sentences of murderers by accepting their reasons to murder as "unjust provocation".

LGBT refugees have no protection from discrimination on the grounds of sexual orientation and gender identity. They face harassment both from society and the police. LGBT couples cannot receive each other's social security benefits as they do not have access to same sex marriage or partnership under Turkish law. LGBT people face discrimination in education and there is no protection from that. There are cases of gay teachers who are fired from work because of their sexual orientation.

Most LGBT people do not come out because of the family and society pressure and also because of the fear of not finding jobs and/or losing their jobs. There are some cases of civil servants and gay people working in the private

sector being fired from work because of their sexual orientation. Also, according to army regulations, gays and transgender people are not allowed in the army because their sexual orientation and gender identity are recognized as “physiological disorder”. Defining sexual orientation and gender identity as “physiological disorder” is the only clear sample of discrimination on the grounds of sexual orientation and gender identity in law. Most of the transgender people who are unemployed are so because of transphobic prejudice against them and they are forced to prostitution. Transgender people receive fines from the police for “disturbing the peace in society” simply when they are in a public place. These fines are given according to “Law on Misdemeanors”.

Reassignment surgery is regulated in Civil Code. This can be accepted as a positive attitude towards transgender people and it is the only regulation on transgender rights. But there are limitations to pass through reassignment surgery. The most important limitation is that the person should prove his/her infertility to pass through the reassignment surgery. Many psychologists and psychiatrists accept homosexuality and transsexuality as an illness and try to cure them. There is no sanction of such treatment.

Housing is a big problem especially for transgender people. They are continuously attacked by the people living around and are forced to move to other places and they receive no protection from the authorities. LGBT people are not allowed to enter many public places. Transgender people’s access to goods and services especially is very limited in practice.

The media’s attitude to LGBT people changes in a positive way day by day but still homophobia

and transphobia remains. TV channels showing LGBT movies/scenes receive fines. When it comes to hate speech, the previous State Minister responsible for Woman and Family issues, Selma Aliye Kavaf, stated on 7 March 2010 that she sees homosexuality as illness and something that must be treated.

LGBT groups and their rights are not denied by human rights organizations or human rights institutions of the state. Parliament’s Human Rights Monitoring Commission’s President Zafer Üskül officially attended Kaos GL’s anti-homophobia conference in 2008. Also some parliamentarians gave questionnaires to the parliament on LGBT rights in 2009 and 2010.

There is also no national policy on LGBT rights and there is no institution in charge. The only LGBT rights defenders are LGBT organisations and some women’s rights and human rights NGOs. LGBT organisations receive no funding from the government. In addition the government does not have any programmes on LGBT rights and there is no budget reserved for it. There is only case law on LGBT issues but case law differs when it comes to LGBT rights. It shows a positive way in some terms (such as freedom of associations, housing) and a negative way in other terms (hate crimes, freedom of expression). The LGBT movement raises its voice day by day but there is still a long way to go when it comes to reaching full equality for LGBT rights.

*\* Sexual Orientation/Gender Identity References - U.S. Department of State Human Rights Reports for 2009, page 47.*