

have made America the great democratic nation that it is and which have made America the great economic power that it is.

Furthermore, if you want to experiment with these school vouchers, why don't you do it at home? Why must we continue to use the District of Columbia as our pet laboratory for everything we like and don't like back home. Leave such matters to the people of the District. They deserve better than to be told what to do and that their children are experimental subjects.

Defeat this bad idea.

INTERNATIONAL HUMAN RIGHTS VIOLATIONS BASED ON SEXUAL ORIENTATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 7, 1998

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues to the global persecution of individuals based on their sexual orientation. Yesterday, I chaired a briefing of the Congressional Human Rights Caucus on this alarming situation. Mr. Speaker, I am especially grateful for the support and the participation of our distinguished colleagues, Congressman BENJAMIN GILMAN, Congressman BARNEY FRANK, Congressman WILLIAM DELAHUNT, and Congresswoman NANCY PELOSI.

I initiated yesterday's Caucus briefing because of alarming reports about the ongoing persecution of individuals based solely on their sexual orientation. These unacceptable violations of human rights have included arbitrary arrests, rape, torture, imprisonment, extortion and even execution.

Mr. Speaker, yesterday's briefing was not a discussion of our own nation's laws relating to homosexuality, transsexuality, or bisexuality. I have my own well know views on this issue, which I have clearly stated a number of times in the last couple of weeks when the domestic legal implications of these issues have been considered by the House of Representatives. Other Members clearly have different views, and they have clearly stated those.

Whatever our views on our own domestic laws, Mr. Speaker, the Caucus and all Members of Congress should be standing together in decrying the persecution of individuals and the denial of human rights for any reason, including sexual orientation. The purpose of the Congressional Human Rights Caucus briefing was to uphold the human rights that have been categorically denied all over the world to this persecuted minority.

If a government denies human rights to one group, then it is possible for that government to deny rights to any other group or every group. Gay, lesbian, bisexual, and transgendered people in communities all around the world have been brutally punished both physically and mentally for exercising their fundamental human rights to freedom of speech, freedom of association, and freedom of belief. Mr. Speaker, these violations fall squarely within the scope of international human rights laws.

Nowhere have basic human rights been more comprehensively defined than in the Universal Declaration of Human Rights, and this

year we will celebrate the 50th anniversary of this historic document. Mr. Speaker, the Declaration guarantees the protection of human rights for everyone. This most assuredly does not mean so long as an individual shares our political views, our religion, the color of our skin, our sexual orientation, or anything else. The 1993 UN Human Rights Conference in Vienna stated it unequivocally by demanding: All Human Rights for All!

We heard exceptional testimony yesterday. The individuals who briefed the Caucus made statements that were head and shoulders above the usual information that we receive at Caucus briefings. These outstanding witnesses were Cynthia Rothschild, Co-Chair of Amnesty International's Members for Lesbian and Gay Concerns; Scott Long, Advocacy Coordinator of the International Gay and Lesbian Human Rights Commission; Regan E. Ralph, Executive Director of the Women's Rights Division, Human Rights Watch; and Serkan Altan, a brave young man who was subjected to extreme violence in Turkey because of his sexual orientation and who has now been granted asylum in the United States based on his homosexuality.

Mr. Speaker, these witnesses exposed the tragic fact that basic human rights are not applied everywhere and that they most certainly are not accorded to everyone. I ask, Mr. Speaker, that their statements be placed in the RECORD, and I urge that my colleagues give considerable attention to their striking remarks.

CYNTHIA ROTHSCHILD, CO-CHAIR, AMNESTY INTERNATIONAL MEMBERS FOR LESBIAN AND GAY CONCERNS

I am pleased to be with you today in this precedent-setting meeting. I'd like to thank Congressman Lantos and his staff for making this briefing possible, and I'd like to thank all of you who took time from your busy schedules to be here. I also want to acknowledge Serkan, who will share with us today his personal history as a survivor of human rights violations targeted because of sexuality.

I am particularly glad to be able to contribute to a discussion about an urgent and often overlooked facet of international human rights law and activism—that dealing with human rights violations perpetrated because of sexual identity and conduct.

Documentation from around the world confirms that lesbians, gay men and transgender people are killed, raped, assaulted, subjected to the death penalty, imprisoned, beaten, forced to undergo medical and psychiatric treatment designed to alter our sexuality, brutalized by other forms of torture and arbitrarily deprived of basic liberties because of our real "or perceived" sexual identity and behavior.

These abuses are often sanctioned by the state through legal decree, tacit acceptance (for instance, the refusal to investigate violations or to punish perpetrators) or through promoting violence by official and unofficial state actors (ranging from police to immigration officials to prison guards). Factors such as gender, culture, race, ethnicity, age and geographic location affect the various forms of violations which take place. But no region escapes culpability—sexual behavior and identities are criminalized or vilified, albeit in different ways, all over the globe.

My argument here is quite simple—these abuses occur every day, they pose very real dangers to many, many people, they're in violation of international law, they disrupt lives and sometimes take them—and they must be stopped.

In this presentation, I will offer an overview of human rights violations as they pertain to sexual identity and practice and I will delineate some of the more salient and complicated issues implicit in these experiences. This information, as well as that included in Regan, Scott and Serkan's presentations, is designed to be useful to you as lawmakers, as human rights supporters and as concerned citizens.

Lest I be too vague, let me first set context with a range of specific examples (and please note that because I cite specific countries in these examples it should not be interpreted to mean that these violations don't take place in many other nation-states):

The following information has been compiled and documented by Amnesty International, the International Gay and Lesbian Human Rights Commission, Human Rights Watch, the International Lesbian and Gay Association, the Magnus Hirschfeld Center for Human Rights and countless other local organizations.

Some of the more flagrant human rights violations, gay, bisexual and transgender people face include abuses in the following three general, and sometimes overlapping, categories: (1) rights to physical and mental integrity, (2) freedom of association and expression, (3) discriminatory laws and discriminatory application of laws.

1. VIOLATIONS OF RIGHTS TO PHYSICAL AND MENTAL INTEGRITY

A. Execution Codified by Law: Under Islamic "Sharia" law, homosexuality is seen as an offense against divine will and is punishable by death. This is true in nine countries, including Saudi Arabia, Yemen, Kuwait, Mauritania, and Iran. In the latter country, death can be administered by stoning or by cleaving bodies in two.

In Afghanistan, you may recall recent reports (carried in the New York Times) of men convicted of sodomy being placed next to standing walls and buried under rubble as the walls were toppled upon them. While intended as a form of execution, it is of interest to note that some people were not actually killed in this process—so having a wall collapse on a person becomes simply a form of torture instead of execution.

B. Extrajudicial Execution (deliberate and unlawful killings by, or with the consent of, the state): In Colombia, death squads—often consisting of off-duty police—have been known to target areas where gay men congregate. As part of social cleansing efforts, victims of these death squads are gunned down in streets, or forcibly 'disappeared.'

C. Other Forms of Torture and Cruel, Inhuman and Degrading Treatment: In Saudi Arabia, male same-sex sexual behavior can be punished by flogging.

On a different but related note, Amnesty has noted that lesbians and gay men in the custody of government officials are particularly vulnerable to torture and ill-treated.

Consider the following quotation from an anonymous witness from Peru:

"In 1994, in Lima a very violent raid was carried out in the capital where about seventy-five lesbian women were beaten up and ill-treated by police. Prostitutes get a very rough time in jail. But the treatment of lesbians was even worse. Lesbians were beaten up because however degrading prostitution can be [perceived to] be, it is still regarded as normal behaviour, whereas lesbianism is seen as too threatening to the status quo." [Amnesty International, "Breaking the Silence: Human Rights Violations Based on Sexual Orientation"—1997]

And to cite a particularly relevant and recent example in the United States—most of you will remember the case of Abner Louima, a Haitian man who was attacked by

New York City policemen while being held in a precinct. During the beating (in which a toilet plunger handle was shoved into Louima's rectum), police allegedly yelled "faggot" as they perpetrated the attack.

Other topics which fit into this category of abuses include:

Forced psychiatric treatment to alter homosexuality;

Forced medical treatment;

Rape and other sexual abuse; and

Arbitrary detention.

2. VIOLATIONS OF RIGHTS TO FREEDOM OF ASSOCIATION AND EXPRESSION

In Uganda: President Yoweri Museveni speaking to the press on July 22nd of this year stated: "When I was in America some time ago I saw a rally of 300,000 homosexuals! If you have a rally of 20 homosexuals here, I would disperse it."

Abuse of "public decency" and "public scandal" laws: In China, homosexuality per se is not criminalized, yet gay men and lesbians are often arrested under charges of "hooliganism."

In Romania, Article 200 is used to harass and imprison gay men and lesbians under "public scandal" charges. (Scott)

Other topics which would fit into this category of abuses include:

Persecution of Human Rights Defenders;

Prohibition of establishment of non-governmental organizations (NGOs) that work on issues of sexual orientation;

Harassment of NGOs that do that work; and

Abuse of surveillance laws.

3. DISCRIMINATORY LAWS OR DISCRIMINATORY APPLICATION OF LAWS

In the United States, three states (Kansas, Missouri and Arkansas) have sodomy laws which target only same-sex sexual behavior—and in other states, facially neutral sodomy laws are more often enforced for homosexual than heterosexual conduct.

In Austria and the United Kingdom, age of consent laws are higher for gay men than they are for heterosexual and lesbian couples.

Given this broad brushstroke citation of the range of violations we're talking about, I'd like to shift to the next main section of this presentation, in which I seek to name some of the more salient and complicated theoretical points to keep in mind:

Not everyone we're talking about is "gay" per se. Many people are targets because of real or perceived sexual orientation. First, it is important to note that people who engage in same-sex sexual behavior do not necessarily claim the label of "lesbian" or "gay," nor can those terms be used to accurately describe same gender sexual conduct across regions and cultures. The sexual identities people claim often have little to do with how they are perceived.

Distinctions in perceptions, labels and identities open up doors for arbitrary discrimination based on appearance. This discrimination could, and does, elicit harassment and violence by police or immigration officials. This is true both for women who appear "too masculine" or men who appear "too effeminate." A related point here is that sometimes it is the behavior itself which is deemed "deviant" and not, in fact, the appearance of the person engaging in it.

Effects here include asylum claims being denied, rape in detention and cases of violence being ignored by police and governments.

Gender play a primary role in the enactment of human rights violations. Women often face different and additional obstacles due to sexist proscribed roles within a given society, due to codified government discrimination, and due to the invisibility of women's sexual lives.

Women and men often have different legal and de facto access to public space, particularly since in many countries women are restricted by family and societal discrimination in ways that affect their mobility. This has particular bearing on lesbians' (and all women's) ability to leave the countries in which they are being persecuted in order to (a) simply escape, and (b) engage in an asylum process.

Partly because of this difference in access to public space, gay men are more often targeted under sodomy or "public scandal" laws—in effect, their sexual expression is more "public" and more apt to be scrutinized by the state in particular ways. Sodomy laws in some countries (Armenia, Chile, Ghana and India, among other nations, target only male same-sex sexual behavior).

While some might argue that this invisibility "protects" lesbians from persecution under these laws, in truth, it is clear that this is far from the case. Women are often harassed under these and other laws, are subjected to rape, sexual abuse and forced pregnancy, and ultimately suffer from sexism as well as homophobia in any given society.

Sodomy laws differ from culture to culture, and within the U.S., from state to state. There are no fixed definitions of sodomy, no standard understandings of what comprises it or who can commit it. "Sodomy" can mean two men in a longstanding monogamous relationship having sex in the privacy of their bedroom, or it can mean particular sex acts committed by married heterosexual people.

The last main point:

Police, other state agents and government officials often act with impunity—It is too often true that the general public as well as law enforcement institutions/sites (including courts, police precincts, borders) will not come out publicly in favor of the rights of gay, bisexual and transgender people to be free from harassment and violence. These attitudes allow state actors the sense that they can violate the rights of lesbians, gay men, bisexual and transgender people with little chance of accountability. This, in turn, affects the willingness of gay people to report harassment, physical abuse and other violations. Fear of reprisal also inhibits proper reporting. Ultimately, there is the risk of a shroud of silence encircling these violations, and the risk of a cycle of abuse as a direct result.

In this final section, and in conclusion, I wish to delineate a few of our shared primary goals as human rights activists and lawmakers with regard to human rights violations and sexual orientation. (Please note that we've drawn up specific recommendations which are geared much more to practical use by U.S. lawmakers—I encourage you to take copies before you leave today).

Our work—and by "our" work I specifically mean that of the domestic non-profit sector along with concerned actors in the U.S. government—i.e. we on this panel and you in this audience—our work calls on all governments to be aware of and accountable for the violations of human dignity, physical integrity and fundamental liberties targeted at lesbians, gay men, bisexuals and transgender people.

Our work calls for governments to end cycles of impunity which surround violations connected to homosexuality by punishing perpetrators to the fullest extent allowed by law.

And our work calls upon us all to consistently include issues of sexuality in all of our conversations and documentation about human rights violations.

Given the severity of human rights violations perpetrated because of sexual orientation, identity and conduct, the dialogue

about this set of issues must become more prominent in human rights and law-making circles. Those working in NGO circles will work alongside you as we all face those who will engage in both vitriolic hyperbole and subtle attacks on dignity and bodily integrity.

This, after all, and at its core, is a matter of principle. As we seek to create a world in which all people recognize that human rights protections are indivisible and afforded to all people, we must work toward providing protections and recourse for those most vulnerable to sexuality-based human rights violations. We must argue together that human rights violations enacted because of sexual orientation are not acceptable and will not be tolerated.

SCOTT LONG, ADVOCACY COORDINATOR, THE INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION

Thank you, Mr. Chairman, and members of the Congressional Human Rights Caucus, for inviting us to testify today.

I want to begin by telling three anecdotes from Romania—because I know them, and the people in them, well. In 1997 two 18 year old youths—boys—were picked up by the police in Iasi, in Romania for kissing each other at night in a park. They were taken to a local police station and beaten, nonstop, for twenty-four hours. Their teeth were knocked out; they were knocked unconscious, and they were forced to clean out the police toilets and urinals with their bare hands. They are now free, but facing trial and five years in prison, for so-called "sexual perversion."

In 1995 Mariana Cetiner, a woman living in a small Romanian town, was arrested for asking another woman to have sex with her—which is illegal in Romania. The other woman had reported her to the police. Mariana was sentenced to three years in prison for this crime. I interviewed Mariana in prison. She had enormous bruises; she had been physically and sexually abused by the guards. The prison doctor told us, "After all, she is different from other women. You can hardly expect the guards to treat her as if she were normal."

In 1992 a lonely 17-year old placed a personals ad in a Romanian newspaper, looking for a lover. The ad was answered by a 21-year old; they met, and they fell in love. They were both men. They were reported to the police as homosexuals by the 17-year old's sister. They were both arrested and charged with "sexual relations with persons of the same sex." They were held in prison for three months, pending trial. There they were both raped, repeatedly, by inmates with the encouragement of the guards. They were finally freed, partly because of pressure from Amnesty International. But the older of the two, traumatized by what had happened to him, committed suicide.

I am not telling these stories to single out Romania as a uniquely repressive place. Far from it: these stories could happen in many countries around the world; they could even happen in many localities in the United States. Topeka, Kansas, for instance, has a law which prohibits two people of the same sex from having a conversation about having sexual relations. Quite literally, if an undercover policeman approaches another man, says, "Do you want to have sex?" and the other man answers anything at all—short of running away, speechless—that other man has committed a crime.

My point is that all these arrests, and the laws under which they happen, are wrong wherever they take place. The principle we are collectively here to represent is simple: that treating people differently before the

law because of their sexual orientation is wrong. In most countries in the world, two heterosexuals kissing in a park would not be sent to jail; a seventeen-year old boy who fell in love with a girl would not be sentenced to a hell of rape and abuse in prison for it; and one heterosexual who simply asked another to have sex would not serve a three-year penitentiary term for it—even, I believe, in Washington, D.C. To impose these punishments on comparable acts simply because they are committed by people of the same sex is both barbarous and absurd.

This principle of equality has been affirmed, as Ms. Ralph noted, by the United Nations Human Rights Committee, which is a landmark decision—*Toonen v. Australia*, in 1994—held that no state can allot discriminatory enjoyment of any right in the International Covenant on Civil and Political Rights because of someone's sexual orientation. This means that the Romanian legislation which permits the arrests I've just described, and imposes those punishments, stands in violation of international law. And so do similar laws wherever they are in force.

Yet this decision has a further and important ramification. In gauging the situation of gays, lesbians, bisexuals, and transgender people in a country, it is not enough to look at whether that country has so-called "sodomy laws," or whether they are enforced. One must look at how that country's laws, and its policies and practices, affect the other basic rights of gays and lesbians. Do they enjoy the right to speak freely? To move about in the street freely? To gather together, to organize in a group? Can they hold jobs, can they survive economically, while being open and honest about themselves? Will the police and the state defend them if their rights are violated? And here I want to refer back to Mr. Altan's testimony about Turkey: a country in which homosexuality is nominally legal, but in which there is in fact a culture of continual abuse toward sexual difference, enabled and reinforced by a culture of impunity. In many countries around the globe, police and officials harass gays, lesbians, bisexuals, and transgender people in constant, intrusive, and degrading ways. In Italy, in Albania, in Cuba, police raid gay bars and discotheques, check the IDs of patrons, and ostentatiously write down their names and addresses. In Thailand, the Ministry of Education tries to ban gay men from becoming teachers; in Bulgaria, the bar association tries to ban them from becoming lawyers. In numerous countries there are laws against certain kinds of stigmatized public behavior, laws which may not even specifically mention homosexuality, but which are used against people whose demeanor or clothes or friends put them under the suspicion of being different. In China and in other countries with Communist-era legal codes, provisions against "hooliganism" are used to arrest gay men whenever they gather for any purpose. In Cuba, Romania, and elsewhere, laws punish homosexual acts "which cause public scandal"—meaning that if a private sexual act becomes known to anyone else who disapproves, it can earn a prison term. In many Western countries, laws against so-called "public lewdness" are used to impose fines or prison terms on people who simply look gay in public when seen by the discriminating eye of a policeman.

Moreover, some of the worst abuses against gays, lesbians, bisexuals, and transgender people are not committed directly by the state—but by non-state actors, who inflict them with the indifference or even connivance of the police. In Brazil, as IGLHRC has documented in its report "Epidemic of Hate," gays and transgendered peo-

ple are murdered daily by gangs and death squads. But similarly, on the streets of American and Western European cities, hate crimes—violence, beatings, and bashings—ensure that people will think twice before they wear a pink triangle in public, or hold hands on the street.

And in many countries, the attempts of gays, lesbians, bisexuals, and transgender people to organize in response to these abuses are also met with repression. In Argentina, in Hungary, in Lithuania, in Russia, gay and lesbian organizations have been declared illegal on pretexts—because they allegedly "threaten public morals," or "public health." These actions violate rights to assembly and association which are protected in virtually every international human-rights instrument. Gay and lesbian publications have been threatened, punished, or closed down in Greece, in Russia, in Hungary. In Zimbabwe, where there is a tiny and beleaguered organization called Gays and Lesbians of Zimbabwe, President Robert Mugabe has campaigned for years to eliminate that group and erase all traces of homosexual identity from his society—calling them "beasts," "perverts," "worse than dogs, and pigs," and stating repeatedly that "homosexuals have no rights whatever." What has been the result? Last month, Keith Goddard, one of the leaders of that gay and lesbian group went to the police to report a man who had been blackmailing him with false allegations. In a case that perfectly evidences what Mr. Rahman has said about the denial of protection to gays and lesbians, when Mr. Goddard admitted to the police that he was homosexual, the police immediately arrested him, for sodomy. He now faces up to seven years in prison.

And why has the President of Zimbabwe devoted years to vilifying gays and lesbians, to blaming them for all his country's economic and social ills? Because he needed a scapegoat. As he flailed for support for his own corrupt and decaying regime, nothing was easier than to incite hatred against people who were, fortuitously, both invisible—unable to speak for themselves—and universally despised. This demonization of the different is familiar to us, or should be, from Nazi Germany. Gays and lesbians worldwide now seem to serve as a new, favorite victim.

The power of human rights in our century, of a discourse, as a symbol, is that it counters this demonization. Human rights knows no scapegoats, it recognizes no sacrificial lambs, and it accepts no exceptions to the rule. It insists that people cannot be singled out: that no quality basic to a human being, be it her religious belief, the color of her skin, her ethnicity or sex or her sexual orientation, be used as a pretext to deny her the rights which should be enjoyed equally by all.

Today, Mr. Chairman, members of the Caucus, we ask you to join us. Let us insist together.

Insist that the United States Government work for an end to discrimination, persecution, and abuse based on sexual orientation, gender identity, or HIV status, around the globe.

Insist that the US State Department specifically monitor sexual orientation as a category in its yearly review of countries' human rights records.

Insist that public officials, in law enforcement and elsewhere, across the United States be trained in human rights and in issues surrounding sexual orientation; and insist that in US programs to promote human rights abroad, sexual orientation be recognized as a category and component.

Insist that, as one first step toward creating a culture of non-discrimination in this country, states repeal their remaining sod-

omy laws; and insist that bills before this current Congress which expressly and individually target groups based on sexual orientation be defeated, as they deserve.

Insist that the US ratify human rights covenants it has so far refused to endorse, including the Convention on the Right of the Child, the Convention on the Elimination of Discrimination Against Women, and the Convention on Economic, Social and Cultural Rights; for it is sheer hypocrisy for us to hold others to noble promises that we have not even made ourselves.

We ask you to speak out, because silence is deadly. I would like to close by quoting the lines of a Hungarian poet, who was gay—and who suffered from that imposed silence, silence about the self, that I have spoken about here. Mr. LANTOS will not mind if I cite him first in Hungarian:

Akik a termesztett felnek,
termesztellenesnek neveznek bennünket.
De eygedul a hallgastas termesztellenes.

"Those who despise nature call us unnatural. But silence is the only unnatural act."

REGAN E. RALPH, EXECUTIVE DIRECTOR, WOMEN'S RIGHTS DIVISION, HUMAN RIGHTS WATCH

Thank you, Congressman Lantos, your colleagues on the Human Rights Caucus and your staff for inviting us to discuss this important human rights concern.

It has been fifty years since governments from around the world created the Universal Declaration on Human Rights. The fundamental and very simple idea underlying the declaration and the very notion of human rights is this: all human beings are born free and equal in dignity and rights.

No one should be denied their fundamental human dignity no matter what their race, their sex, their religion, their politics, their national origin, their birth or other status.

No one should be denied personal security. No one should be tortured. No one should have his or her private life invaded. No one should be forced to live as a second-class citizen, denied the rights extended to others.

A very basic guarantee of dignity agreed to fifty years ago. And yet in the past fifty years the world's commitment to really and truly protect everyone's fundamental dignity and human rights has been tested time and again.

Protecting women's human rights, to give one significant example, until recently simply was not seen as the responsibility of governments. Yet by exposing abuses against women and the role of governments in perpetrating or allowing the abuse, women have claimed the recognition that they too are entitled to enjoy their basic rights.

At Human Rights Watch, we have documented the violence, coercion and discrimination inflicted on women by governments and individuals around the world. Violence that directly destroys women's right to physical security and that limits women's ability to exercise other basic rights. Discrimination in law and practice that seeks to keep women under the thumb of some other authority.

Oftentimes, this violence and discrimination directly targets women's sexual and reproductive lives. Women are raped in war, sometimes with the express purpose of making them pregnant with the "enemy's" progeny. Women and girls are forced to undergo virginity tests. In many countries, they are forced into marriage at a young age or trafficked into forced prostitution and repeatedly raped. All of these violations grossly abuse women's fundamental rights. All of them are prohibited by international law. And, after years of silence, the international community has strongly condemned such actions.

But the rights of women remain under siege, particularly in the area of extending dignity and autonomy to them in their sexual lives. Here we come to another test of the universal nature of human rights because women—and men—also are subject to violence, coercion, and discrimination that is targeted at their real or perceived sexual orientation or identity. In countries throughout the world, lesbians and gay men are subject to discriminatory legislation, violent treatment and persecution by police and other authorities.

Again the ugly argument that some groups are not actually entitled to enjoy their basic rights rears its head. But this argument is as wrong about sexual orientation as it was about women.

On the contrary, international human rights law prohibits state-sponsored and state-tolerated violence and discrimination against individuals that attacks their sexual identity, sexual orientation or private sexual practices. The most basic human rights guarantees found in the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights—the right to life, liberty and security of the person, the rights to freedom of expression and association; the right against arbitrary detention; the right to privacy, and the prohibition against discrimination—extend to all individuals regardless of their status.

In fact, international law condemns the denial of fundamental liberties to persons on the basis of qualities inherent to their individuality and humanity. These include race, religion, colour, sex, national origin, birth, political opinion, and other status. Sexual orientation, too, is such a quality, a deeply rooted and profoundly felt element of self-hood.

You have heard cases of the gross abuses perpetrated against individuals because of their real or perceived sexual orientation. Add to those the fact that many countries, including Nicaragua, Uzbekistan, and Zimbabwe, criminalize consensual sex between same-sex adults. In China, lesbians and gays have been harassed by police, jailed, and fined. In different countries, gay and lesbian organizations and activities are targeted with violence and harassment that has forced them to close their doors or end their perfectly legal activities.

At the same time, the principle of universality is being upheld. Flagrant violations of human rights have been denounced at both the national and international levels. South Africa's new constitution, for example, specifically prohibits discrimination based on sexual orientation. International human rights bodies have also declared discrimination and violence based on sexual orientation or identity to violate human rights.

The European Court of Justice ruled last summer that employers could not deny the same employment rights to lesbian couples that are extended to unmarried, heterosexual couples. Another European body, the Court on Human Rights, has repeatedly held that laws criminalizing consensual, private sexual acts between adults violate internationally protected right to privacy.

The United Nations Human Rights Committee, the body charged with monitoring compliance with the Covenant on Civil and Political Rights, considers sexual orientation to be a status protected from discrimination under international law. In *Toonen v. Australia*, the Committee declared that the rights protected by the Covenant cannot be denied or limited on the basis of sexual orientation or identity.

In closing, I would like again to underscore the principle of universality; human rights guarantees must extend to all. If it is deemed acceptable to exclude one group from

human rights protections, it is that much easier to exclude another group and another and another. The only way we as individuals and members of a democratic society have of preserving our own rights is to ensure that no exceptions are made in respecting the rights of all.

—
SERKAN ALTON

Aslan Yuzgun, the writer of *Homosexuality In Turkey* says "Without a doubt, homosexuals are the worst treated minority in Turkey." The worst thing to be in Turkey is to be a man who is openly homosexual. Not only is it despised, it is seen as an affront to Turkish culture and an insult to Turkish manhood.

The police use terror and violence against homosexuals by permission of the central government. It is impossible for us to achieve any legal redress. No one—including the government, the police, the media—cares about how homosexuals are treated. Turkey has been a huge prison for all of us, mostly for homosexuals.

Any boy aged 8 years or older who displays any hint of effeminacy is very likely to be raped. Then the torture starts, especially in school. We homosexuals learn in school, along with other things, that we are going to be raped, beaten, and tortured both by the public and the police.

When I was 11 years old, I moved to Istanbul, the most modern city in Turkey.

When I turned 12, I started to go to a private school.

I soon realized I was an outcast. They started to call me names like "queer," "boy," "faggot," which I was not familiar with because I looked and acted like a girl. Things got worse when Rock Hudson had AIDS. Then my nickname became "AIDS". Still I had no idea what it meant to be a homosexual.

Everywhere I went, I was followed, taunted, and insulted. There were many kids who would try to beat me up. I didn't fight back, instead I kept my distance from them. Even though I sat quietly in the corner, my hair was pulled, my head was kicked, my private parts were pinched. Some threw balls and objects at me. Some pushed me and tried to make me fall.

There was almost no day for me to live my childhood with joy.

As the years passed by, I accepted the abuse. I knew they were going to hit and insult me, but I took it.

When I was 16, the head of the class forced me to have sex with him. He was known as one of the strongest guys in the school. Then he told every detail to everybody. While he became a hero, I was emotionally and physically abused more. I was called "a man with no dignity," and "disgusting queer." Some spit on my food, and I was left alone in one corner.

Every time I tried to pick up something from the floor, I felt pencils, fingers trying to penetrate me.

Things got worse and worse.

The school bathrooms were a place for the boys to gather and smoke and I was scared to go there. I had heard that other homosexuals had tied up their penises so that they did not have to go to the bathroom, so I tried to do the same. The walls and the doors of the bathroom were full with my name and telephone number. At night, I would try to wash it off and my hands would hurt.

Meanwhile, I saw the pictures of gays who were arrested because of their homosexuality on the cover of the nationwide daily newspapers. The headlines were "The End of a Queer, Homosexual Hunt." I still remember the pictures. They were dropped on the floor, beaten by metal covered truncheons and their heads were forcefully shaved. I still remember one particular picture of a transsexual whose breast implants were

beaten out, covered all over with blood because of the torture.

I knew what would happen to me if I admitted my homosexuality. I put books on my head so I could walk better, I tied my wrists up with wood pieces so I would not look like a sissy. I cried day and night, I prayed day and night so that they would stop abusing me.

There were so many incidents that caused me a lot of pain. I started to cut my arm with a bread knife in the shower, then used salt. I screamed, I yelled, I hit my head from one wall to another. I tried to kill myself three times. There was nobody I could talk to.

In the school, many teachers including the president of the school knew exactly what was going on. The president even invited me to her room and asked me if I was mentally ill. She implied I was homosexual. I was kicked, beaten, slapped in the face and insulted by her many times.

I prayed. I was the only one who openly prayed five times a day like Muslims do. While I was praying, I was kicked and washed by cold water in the winter time. I was told, "You are a faggot. God will not forgive you, you are wasting your time."

They took my money from my wallet and said, "You are a faggot, you can find the money from someone." They were trying to say that I could make money by selling my body. They even came to my house when I was alone and sexually harassed, then robbed me.

Just like me, gays in Turkey are raped often by the police and the society. The police arrest gays, beat them up with metal covered truncheons and torture them. The Turkish government approves of the torture and doesn't allow us to speak out. Gays are in fear all the time.

When I was 18, I came to the United States as a student. I started to realize what happened to me and what is happening to the others was and is not supposed to happen.

So I came to the point when I said, "The hell with culture, the hell with tradition."

I became an activist. The anti-terror law in Turkey says, "anyone who speaks against the country in or out of the country can be arrested." Knowing that most writers, journalists, and human rights activists are imprisoned in Turkey, I decided to apply for a political asylum in the U.S. based on my homosexuality. Last year I was granted political asylum.

While seeking asylum, I researched and found a lot of information about the persecution of gay people in Turkey.

In 1989, during a police raid on the houses of homosexuals, a 17 year-old gay boy committed suicide by jumping from a sixth floor balcony in order not to be tortured by the police chief who had tortured him before.

A Turkish gay leader, Ibrahim Eren, gave a press conference in 1990 and he said that the same police chief had beaten transsexuals. The police chief then stomped on their chests until their breast implants were forced violently and bloodily through the skin.

Recently, a gay festival designed to draw attention to gay and AIDS issues was banned by the central government because, "it is against Turkish culture and public morality."

Just like I have, gays in Turkey experience cruel, inhuman attacks from the government. We can't do anything. Gays who report police torture are silenced or tortured more and more. The Turkish government meanwhile does a great job of denying and covering up all this torture.

We have to tell the Turkish government that it is not OK to attack, torture, and kill anyone just because they are gay.