

Homophobic and transphobic violence must be stopped

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During my mandate as Commissioner for Human Rights, I have repeatedly received information about violence against lesbian, gay, bisexual and transgender, or LGBT, persons in Council of Europe member states. Many have suffered physical attacks and some have even been killed. Unfortunately, this is also a reality in Turkey.

No less than 36 hate killings were recorded in Council of Europe member states in the period of January 2008 to November 2010. Of these cases 13 were reported from Turkey. This according to reports from a reliable non-governmental source (Transgender Europe). Harassment and violence by police toward LGBT persons has also been flagged as a major concern by several human rights organizations and activists in the country, including in a report published by the Istanbul Provincial Human Rights Board.

In the past five years I have monitored the implementation of human rights for LGBT persons in the 47 member states of the Council of Europe. The result was recently published in a report: "Discrimination on grounds of sexual orientation and gender identity in Europe."

The report (parts of it will be soon available in the Turkish language) lists a number of obstacles to the full enjoyment of their universal human rights. It shows, for example, that the official registration of LGBT organizations was obstructed or refused in five countries in Europe, including in Turkey. Attempts to criminalize "propaganda or promotion of homosexuality" were identified in three member states. Peaceful Pride demonstrations in a worrying number of European cities have been brutally attacked by hooligans and other counter-demonstrators. Homophobic and transphobic harassment in the workplace and bullying of LGBT persons in schools is common in practically all member states

There has been little response to national studies and reports that flag that a disproportionate number of young LGBT persons see no other way out than committing suicide due to the non acceptance of their sexual orientation or gender identity by their peers and families. Very few countries recognize homophobic or transphobic violence in their hate crime legislation.

Transgender persons face particularly severe human rights problems in almost all areas of life. If they want their preferred gender to be legally recognized, in 29 member states they face a legal requirement to undergo gender reassignment surgery, leading to infertility. Some 15 member states even require the transgender person to be unmarried in order to obtain recognition, which entails mandatory divorce if the person is already married.

Too often politicians and policy makers ignore the human rights of LGBT persons when designing policies or drafting legislation. There are disturbing examples of debates in national parliaments which are characterized by a high level of prejudice, bias and outdated information, including claims that homosexuality is an illness.

Governments need to pursue legislative reforms and social change to enable LGBT persons to fully enjoy universally recognized human rights. National and international monitoring, including by Equality Bodies and Ombudsman Offices, is needed to measure progress.

Change is only possible if European countries show more genuine political will to address this problem with much more determination than has so far been demonstrated.

Thomas Hammarberg is Council of Europe Commissioner for Human Rights

The report "Discrimination on grounds of sexual orientation and gender identity in Europe" can be ordered at <http://book.coe.int/EN/> or downloaded at www.coe.int/t/commissioner.

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