

“Covid-19 is not Feared as Much as the ‘Other’”

Outcome Report of “The Exit from the Tunnel of Hate: Remembering the Hope” Panel

December 5, 2020

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While the Covid-19 pandemic tested humanity with a life-or-death experience, in countries where right-wing populism is active, this experience introduced brand new problems to societies already struggling with various problems. The tendency of autocratic dynamics to use the pandemic as a means to further restrict the democratic space in countries where hostility against LGBTI+'s began to be institutionalized such as Turkey; where public authorities loudly voicing hate speech against "others", filled the stay-at-home days with anxiety for all the marginalized others, primarily for the LGBTI+'s.

As an outcome of the urge to remind the empowering aspect of the hope, Kaos GL Association organized the panel “The Exit from the Tunnel of Hate: Remembering the Hope” in memory of Hrant Dink on December 5, emphasizing the driving power of solidarity against the increasing hate speech during the darkness of pandemic days, and discussed what can be done against hate.

In the panel where poet and writer Karin Karakaşlı discussed the reflections of hate on human life and the ways out; Mona Taheri, refugee LGBTI + rights activist from Radio Rangin Kaman, discussed the hate against refugees and

LGBTI+'s. Following İdil Engindeniz, who presented the report of Kaos GL, "How the Diyanet's Hate Speech Reflected on the Media" focusing on the increasing hate speech during the pandemic, Att. Kerem Dikmen addressed hate speech and hate crimes in a legal context.

In the online panel facilitated by Yıldız Tar, a Q&A session took place after the presentations.

During the opening remarks, Yıldız Tar reminded that the hate against LGBTI+'s continues in the pandemic, "They are saying that we are all on the same ship. However, even if we were on the same ship, some of us are working in the captain's cabin while others are working in the bottom of the ship. Every time I hear this analogy, I remember the movie Titanic. The camera was shooting a cis-hetero romance while those in the lowest chambers were dying. We are expected to watch the cis-hetero romance that is acceptable for the camera and forget about the trans women of Bayram Street who were subjected to raids and left homeless."

Then the first speaker, Karin Karakaşlı, recalling the "Tales of One Thousand and One Nights" and Şehrazat, "Since I live this neverending hate speech and murder spree like an eternal night, I got even more confused during the pandemic. In a period where everything repeats itself over and over again, hate remains intact in its race against the pandemic, losing nothing of its essence. Despite all this, the life-changing power of struggle stories like Şehrazat in the Tales of One Thousand and One Nights is the only thing we have left with."

Referring to storytelling and its transformative power, Karakaşlı said, "Hrant was such a storyteller. Do not underestimate the tales, these tales are the only way to express the truth. Suddenly your presence is perceived as the

most dangerous weapon and you have to be silenced. You will dynamite the very foundations of the hate” and continued as follows:

“We are fighting an intertwined network of endless hate. At first, there was a logical optimistic expectation that this creature called the human being would collectively shake off the pandemic and seek some social changes. The same is true for the state apparatus. They do not stay idle. We saw the wheels of the system coming right on us with all the noise. Our lives are discarded, we do not worth the same with them. There is a situation where social stratification is on extremes, where every state turns more or less quickly to what they have. The unwavering truth is that everyone needs a scapegoat.

“The stories are being emptied-out, state repression and extremist groups are becoming more powerful... Foundation for xenophobia and racism is being built on an abundance. Corona is not feared as much as the 'other'. Although it sounds romantic, being a good person is not a characteristic of being human. One does not be good out of the blue, it takes effort to be good.

“Hate is the weapon of fascist, totalitarian regimes. The process of scapegoating is elaborately instilled... The finely tuned demonization, the legitimization of violence and then the mechanism of impunity. Nonliability so that the consecution can continue. Hrant, who fell directly victim to a hate crime, exposed these mechanisms throughout his life and death. ”

Then Mona Taheri from the Rangin Kaman Radio conveyed the experiences of refugee LGBTI+'s in Turkey saying "Being refugee is not a choice, its the result". Reminding the death sentences in Iran, Taheri continued as follows:

"Many people know about Iran, but taking refuge in Turkey does not make a huge difference. The same things that we've talked about are happening in Turkey too, and things are worsening. Recently, a trans woman friend of ours working in the textile industry in Denizli has experienced sexual harassmt,

her boss said 'I will do whatever I want' and when she tells him that she is going to call the police, the boss hits her with a wooden bat and injures her. The police say, 'I don't recommend you to file a complaint, it can happen to anyone.' Those who are subjected to hate speech and xenophobia are told 'if you complain bad things will happen to you'. It is very common not to rent houses citing the smell of food, and many are thinking that the coronavirus came from Iran.

"Refugees and especially LGBTI+ refugees are the first group to be expelled. Contacting them is especially hard due to coronavirus for those who are working with them. It is much more difficult to help them because of the pandemic. As a foreigner, it is difficult to even warn a citizen not wearing a mask. Hate and discrimination can be fatal. "

Following Taheri, Tar said, "Not being able to even warn people about the mask is the summary of being a refugee and a queer. Because there are people waiting in line to put you back into your place. And especially regarding LGBTI+ refugees, each of us needs to think about the moments when we become the perpetrators, check our privileges and create an environment of solidarity" and gave the floor to İdil Engindeniz.

İdil Engindeniz, who prepared the "How Was The Diyanet's Khutbah Reflected on the Media?" report, explained the debates in the print media which are invoked by the Diyanet's khutbah. Reminding that the report is based on media monitoring data from April 19 to May 20, 2020, Engindeniz said:

"We have observed that two not often discussed LGBTI+ related issues to become the subject of the public debates after the statements of senior political and official authorities. One of these two issues was the Netflix series Love 101, which is launched on a paid platform, and the other was the statements of the Chairperson of Diyanet (Religious Affairs Administration of

Turkey), Ali Erbaş, who see homosexuality and "adultery" as elements to be fought against. These issues were also addressed within the scope of the Istanbul Convention and multiple bar association discussions, which are the other two contentious issues, and were used as proof of the "danger" of the Istanbul Convention towards society and the "unacceptable attitude" of the bar associations and their "uncontrollability".

"We see that they are discussing the issue through baseless, speculative arguments. conspiracy theories can be created and easily circulated on an artificial notion of "enemy" and anyone, really or allegedly, related to it. We see that the media is acting with the motive of creating instant, negative and strong emotions instead of rationalism."

After Engindeniz's speech Tar said "At the moment I read this report, the post-truth period came to my mind. The part of how this hate speech is constructed and by which connections is disclosing the attack on the truth. The new trend is to bend the reality to the opposite of reality and use it in hate campaigns. At this point, talking about freedom of expression becomes even more important" and gave the floor to Kerem Dikmen.

Att. Kerem Dikmen of Kaos GL explained the legal dimension in the context of hate speech and its relation to freedom of expression. Stating the states' obligation to restrict hate speech, Dikmen said, "Hate speech cannot be addressed within the scope of freedom of expression. As a matter of fact, the resolutions of the European Court of Human Rights indicate this. More precisely, hate speech is not a notion included in the freedom of speech. Hate speech cannot benefit from the protection of freedom of expression."

Reminding that hate speech is a violation of a group's rights, Dikmen continued as follows:

“Although there is no international consensus on the definition of hate, this lack of consensus does not apply to members of Council of Europe system because the Council of Europe Committee of Ministers has recommendations on the concept of hate, and although it does not provide concrete definitions, decisions of the European Court of Human Rights constitutes a basis on what should be qualified as hate.

“In other words, even if the hate speech against LGBTI+'s does not present any immediate danger, if the call for violence does not find a response among the masses, even if it does not cause an increase in crimes against LGBTI+'s, hate speech is not considered within the scope of freedom of expression. At this point, there is a strict distinction between "speech" and "hate speech" and unless there is a definition as "freedom of hate speech" in the ECHR, hate speech will not be able to include in the freedom of expression.

“The fact that hate speech is not addressed within the scope of freedom of expression is closely related to the motivation for realizing the ideal of “peace and justice in the world”which is included in the introduction of the ECHR. Therefore, states are obliged to ensure both the freedom of expression of individuals and the protection of other rights listed in the convention. As long as the Convention and the Constitutions give individuals the right to "demand respect for their private life" (ECHR 8) and prohibit discrimination (ECHR 14), hate expressions against lesbian, gay, bisexual, trans, intersex and other identities will not be included in the freedom of expression.”

Covid-19 is not Feared as Much as the 'Other'

Summary from Karin Karakaşlı's speech

These days that turned into a neverending night by all the hate speech and murders got even darker with the pandemic. The intensity of hate makes it a competitor of the pandemic.

Like Şehrazat's tales of 1001 nights, the stories of struggle have the power to change life. When the stories reach hordes of hate, there will be a chance to break the wheels of hate. There are prices to be paid to have this chance; not everyone survives like Şehrazat in the struggle to break the wheels of hate. Just like Hrant Dink who told tales for the sake of expressing the truth. The existence of those who struggle against hate, who dynamite its very roots with their tales, is perceived as the most dangerous weapon by those who cling to hate, and those people must be silenced.

The fact that hate is used as a tool by the state apparatus, which caused the fade of the optimistic belief that there would be some social changes during the pandemic; revealed how hate, like the coronavirus, envelops the entire society in an endless intertwined web. The neo-capitalist wheels of brutality, which the pandemic laid in front of our eyes starkly, continued to come down on the others with all of its squall. The fact that some of people's lives can be easily sacrificed and the values of individuals are not equal has made everyone feel the stratified nature of this system. In these extraordinary days, the state's utilization of hate as an antidote has resulted in mass scapegoating campaigns on the others.

Contrary to the expectation that people would appreciate the value of survival and humanity would strive for the better; hate as a tool, as an emotion, as an epidemic, buried this expectation deep down. The fact that hate can easily find a legitimate ground for itself, to recreate itself as an intense human emotion with a sense of self-righteousness, brings a reckoning with it. States' tendency to turn this intense emotion into a weapon shows the true potential of the danger.

The hatred directed at certain people and the communities they represent are spreading to the whole public as an outcome of the policies of totalitarian regimes that set the stage for hatred. While finely organized scapegoating, demonization and impunity deepen violence in the process of legitimizing hatred; the perpetrators, the whole system that became the perpetrator, are met with impunity.

As an identity-based movement, the LGBTI+ movement is greatly different from ethnic or religious identity advocacy. The ethnic identity movements have the risk of deviate to nationalism. Being an apolitical, moderate person is not a problem in any identity-based movement, but life itself is political. The hate speech of the Diyanet in the middle of the pandemic, the attitude that combines Covid-19 with HIV hatred, the fact that some elements who call themselves dissidents supporting hatred towards those living with HIV, TERF's, incidents on Bayram Street... Finding a formula to eliminate hate is getting harder with all these happening. Hate speech needs to be coded and named correctly by abandoning the rising romance of "free speech". Any rhetoric that would cost a person their life shouldn't be coded as "free speech." We need to put a constant resistance to this spiral of hatred; not to give up the fight against nationalism, patriarchy, hate against LGBTI+'s and misogyny, which all are arm-in-arm with fascism.

Being a Refugee is not a Choice, but an Outcome

Summary from Mona Taheri's speech

Hate against LGBTI+ refugees exists in multiple dimensions. LGBTI+ refugees, targeted by racism and hostility towards foreigners and phobia, are treated like they chose their status. The best way to show that being a refugee is not a choice but an outcome is to achieve an awareness of the life-threatening situations that refugee LGBTI+'s face in their countries of origin.

The fact that being LGBTI+ is met with death sentences or floggings in countries like Iran does not differ very much for the refugees in Turkey in sense of the hatred they face.

The multi-layered hate spiral that refugee LGBTI+'s face in all aspects of life often replaced by hate-based violence and the indifference of public officials against this violence. Especially for refugees who have to work without a work permit, this situation becomes even more intense.

Xenophobia and hate against LGBTI+'s, which are associated with the pandemic, creates very deep problems for refugee LGBTI+'s even in access to the most basic rights.

The fact that refugee LGBTI+'s are among the first groups to be expelled from the country, makes it difficult for refugee LGBTI+'s to have a safe space feeling. The unique challenges of the pandemic period present themselves by the multidimensional problems of the same intensity. During this period, the pandemic continues to be a human crisis for refugee LGBTI+'s who face a wide range of obstacles in access to fundamental rights, especially the right to health.

The Pandemic Period has Turned into a Climate of Hatred for LGBTI+'s

Summary from İdil Engindeniz's speech

The pandemic era has raised concerns about security and right-to-life for LGBTI+'s, primarily regarding healthcare, as the institutionalized LGBTI+ opposition has reached a new peak. The aftermath of the hate khutbah of Ali Erbaş, head of religious affairs administration (Diyanet), against LGBTI+'s, free women and those living with HIV, and this spiral of hatred's echoes on the media, illustrated the severity of the situation. Following the statement of

the Ankara Bar Association, the discussions of the multi-bar association and the Istanbul Convention, which put LGBTI+ hatred on its backbone, turned the pandemic period into a climate of hatred for LGBTI+s.

The widely sampled "How Diyanet's Hate Khutbah Reflected in the Media?" report, which examines national and local publications through keywords, also reveals how various LGBTI+ related keywords have evolved in the process. Even though the justifications for LGBTI+ hatred have changed, both the polemics on Netflix series and the supportive attitude of public institutions towards hate in these polemics engraved this process to our memories. During this time only a small number of ethical journalism examples could find a place for themselves while hate journalism was being promoted; this situation revealed that the Turkish media has a very suitable ground for hate.

The fact that hatred towards LGBTI+ is presented by blending with the debates on the Istanbul Convention also revealed the method of the mainstream Turkish media of associating all the "dissidents" with LGBTI+'s. The media, which diversified hatred by establishing an LGBTI+ illusion on every dissident group, sees no problem in becoming a propaganda tool of a worldview symbolized by the words of Ali Erbaş.

The fact that the hateful language used by columnists is often fraught with an approach that criminalizes LGBTI+ identities reveals that the media is deliberately broadcasting to socialize the hate and spread it to the masses.

On the other hand, the fact that the LGBTI+ related news from international media are being deliberately mistranslated into Turkish opens up a new space for devaluation.

The biased language of the press, which ignores the subjects, subject organizations, ie the addressees of the issue, sets the media's black propaganda approach in concrete.

Hate Speech Cannot Benefit from the Protection of Freedom of Speech

Summary from the Kerem Dikmen's speech

Although there is no international consensus on the definition of hate, this lack of consensus does not apply to members of the Council of Europe system because the Council of Europe Committee of Ministers has recommendations on the concept of hate, and although it does not provide concrete definitions, decisions of the European Court of Human Rights constitutes a basis on what should be qualified as hate.

Hate speech is an expression of hatred towards a particular group. It is used to scorn the race, ethnic identity, religion, or whichever group the person belongs to. In practice, racist, xenophobic, homophobic or aggressive expressions against the group which the person belongs to are considered under the concept of hate speech.

Although there is no universally accepted definition of hate speech, the Council of Europe Committee of Ministers stated the term shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

The European Court of Human Rights utilizes this recommendation as a regional consensus and refers to the recommendations. The types of hate listed here are not "limited in number". In other words, expressions of provocation and humiliation based on discriminatory and hate-motivated intolerance also include discriminatory language against sexual orientation, gender identity or sexual expression.

All kinds of discourse that intended for the humiliation and exclusion of a person due to their sexual orientation or gender identity, the criminalization of orientation or identity, stating that it is a sin, perversion, deviation, poisoning the family, poisoning young people and children, are hate speech, without an exception.

The fact that hate speech is not addressed within the scope of freedom of expression is closely related to the motivation for realizing the ideal of "peace and justice in the world" which is included in the introduction of the ECHR. Therefore, states are obliged to ensure both the freedom of expression of individuals and the protection of other rights listed in the convention. As long as the Convention and the Constitutions give individuals the right to "demand respect for their private life" (ECHR 8) and prohibit discrimination (ECHR 14), hate expressions against lesbian, gay, bisexual, trans, intersex and other identities will not be included in the freedom of expression.

The second paragraph of Article 10 of the ECHR, in which freedom of expression is guaranteed, states that expressions of aggression against the honor and reputation of individuals may be restricted. In addition, the eighth article of the same convention guarantees the right of individuals to demand respect for their private life.

"Hate speech" cannot benefit from the protection of freedom of speech. In other words, "freedom of speech" will not protect the perpetrator of hate speech against a complaint or lawsuit filed for hate speech.

We can say that freedom of expression can be restricted in the following three situations, based on both the convention and the decisions of the European Court of Human Rights. The first of these is the incitement to violence. Of course, the concept of "incitement" cannot be interpreted broadly here. The context in which the statement was used, whether it really wanted to cause

violence, and also whether that statement actually raises a real possibility of violence is subject to assessment. Of course, it must also be considered whether the perpetrator was capable of causing such violence. Naturally, states are responsible of proving the elements of this. In addition, the only method of restriction is not limited to investigation or prosecution.

The second situation in which freedom of expression can be restricted in the context of the ECHR is the Nazi propaganda, denial of the Holocaust and any legitimating references to Nazi ideology. This, as explained above, is quite meaningful when the relationship between the foundations of the convention and the historical conditions of the previous period considered together. As a matter of fact, it would be inconsistent to expect a convention to pave the way for political practice aimed at abolishing the system it established.

Another form of expression is hate. The Convention does not apply the protection of freedom of speech to hate speech. The reason for this is the second paragraph of the tenth article on freedom of speech. According to the contract, states are obliged to protect the reputation and rights of others while employing the freedom of speech. Indeed, the second paragraph of Article 26 of the Republic of Turkey Constitution states that individuals cannot violate the reputation, rights or private-life-related rights of others while enjoying the freedom of speech.

Whether the Constitution of Turkey is inclusive or not, or if Turkey is acting in accordance with its constitution or with its international commitments is the subject of another debate. However, neither the international conventions that Turkey is a part of nor the Constitution of Turkey includes hate speech to the freedom of speech.

Sources:

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