



HOMOPHOBIA AND TRANSPHOBIA BASED HATE CRIMES IN TURKEY

2020 REVIEW



HOMOPHOBIA AND TRANSPHOBIA
BASED HATE CRIMES
IN TURKEY
2020 REVIEW

Publisher: Kaos GL Cultural Research and Solidarity Association

1st Edition: October 2021, Ankara

Prepared by: Murat Köylü

Consultant: Yasemin Öz

This booklet cannot be sold and can be used freely in the non-commercial activities
that aim to support human rights.

Kaos GL Association

PK 12 Tunus PTT Kavaklıdere Çankaya - Ankara - TURKEY

Phone: +90 312 230 0358

Fax: +90 312 230 6277

E-mail: bilgi@kaosgldernegi.org

www.kaosgl.org

www.kaosgldernegi.org

Design

CeketMedya



*This report is produced by Kaos Gay Lesbian Cultural Research and Solidarity
Association with the support of The Swedish International Development
Cooperation Agency (SIDA). This does not mean that the report
reflects SIDA's official views.*

INDEX

1. FOREWORD.....	5
2. KEY FINDINGS.....	9
3. PREJUDICE BASED VIOLENCE AGAINST LGBTI+ PERSONS.....	20
3.1. LEGAL STATUS OF HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES	21
3.2. HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND HATE CASES	24
3.3. GENERAL CONSEQUENCES-QUALITATIVE OBSERVATIONS....	26
3.4. CITATIONS FROM THE SURVIVORS' EXPRESSIONS.....	38
4. ATTITUDE OF SECURITY FORCES.....	41
5. QUANTITATIVE FINDINGS IN ACCORDANCE WITH VIOLENCE CATEGORY	42
6. APPENDIX	43

1. FOREWORD

Kaos GL conducts Homophobia and Transphobia Based Hate Crimes Research since 2013 and shares the results of these researches with public. Nevertheless, 2020, the year which is covered by this report, should be counted as a period that the already existing social and institutional discriminations against LGBTI+ persons' rights. This year haven't witnessed only the hate campaign against LGBTI+ which has been systematically fueled up by the very high level representators of government and pro-government media and which was all too common homophobic/transphobic discourses. But the aggression was so increased that LGBTI+ persons were stigmatized by these centers as the very reason of Covid-19 pandemic. While LGBTI+s are one of the social groups that has been most overcome by the pandemic as United Nations' Independent Specialist mentioned¹, they were exposed these kind of irrational and unconscientious discourses. Kaos GL translated this important document into Turkish.² Hence, "legitimization of homosexuality" discourse has been used by the government as the main argument to quit Istanbul Convention, the very basic function of which is to protect persons against violence.

Just right here, it is usefull to think on the possible meanings of this political position taking at an institutional, civil life, and everyday life level. The message on the institutional level is obvious: to the public authorities having governmental executive forces are being ordered obviously for discrimination. Which public authority might question the state's obligations of human rights while the already existing institutional discriminations against "state and sociey's enemy" LGBTI+ persons are being more and more instutionalized by government itself? What is conveyed to the society is also obvious: "We evaluate any human right violation against LGBTI+ as legitimate even if it is violent. Just for this reason, we quitted from an international convention which takes its name from one of our cities." Such an attitude provides a strong example to hate speech-hate crime relationality. Hate crimes are being legitimized and promoted by the power which were obvious or hidden in the lines.

1 <https://www.ohchr.org/Documents/Issues/SexualOrientation/ImpactCOVID19LGBTpersons.pdf>

2 <https://kaosglidernegi.org/images/library/covid-19-bm.pdf>

Kaos GL's hate crimes report presents us such data again and again; all is not so surprising and in a way is stating the obvious. However, evaluating 2020 Report with the projection of above mentioned picture would provide another tool for understanding the nature of hate crimes. It is not for nothing that the hate crimes are at the same time called as "political crimes" or "message crimes". These crimes generally take aim at the "marginalized", "minoritized", "proscribed" groups. "Political" side being a constant, it becomes more hurtful and systematic under the existence of governments like Turkey. A very singular hate crime might trigger a chain of human rights violation such as access to justice, health or habitation rights. Key Findings Chapter of our research tells these patterns but it is important to mention some significant findings here.

Most hate crimes are at the same time lynchings

According to research findings, for two out of three homophobia and transphobia based hate crimes, the perpetrators are two or more than two persons. 2020 findings indicates that more than half of the crimes were executed in the presence of bystanders, which indicates that the perpetrators do not abstain to be caught red-handed. This finding shed light to some interpretation. First of all, the members of hegemon and majority commit these crimes as power play against LGBTI+. Even though there exists one single individual at the receiving end, the perpetrators cooperate in these political crimes in order to "give a message" to LGBTI+ community and consolidate their power. While committing these crimes in flux, they, as Prof. Dr. Melek Göregenli defined, "share the responsibility of the crime". In a sense, they legitimize this obvious crime as it is declared in the penal code by committing it collectively. In addition, they turn this crime to a punishment against LGBTI+ persons.

The Crimes committed mostly in public spaces and in the presence of bystanders

Another significant finding is the spaces the crimes were committed. Schools, hospitals, dormitories, restaurant, hotels, cafes... Police stations... Most of the crimes were committed in public spaces and in the presence of bystanders. While for half of the cases the bystanders did not react; for one of fourth cases they react together with the perpetrators. The rest is the cases that occur in homes and this fact pictures the domestic violence that LGBTI+ persons were exposed more and more during pandemic. Individual who think that they might be the violence receiving side in almost anywhere struggle with a deep "exclusion" and "insecurity" emotions. The high doses of anxiety felt by the individual who were

exposed to hate crimes in their own homes or public space because of their sexual orientation, gender identities or gender characteristics are being amplified by the lack of confidence and even fear towards public institutions especially towards armed forces. This causes the extreme low rate of hate crime declaration to the authorities.

Police forces approaches most cases with a sense of humiliation or indifference

According to the findings of 2020 research, only 17 of 118 cases have been reported to the police forces. Most common reasons for not reporting are “not believing the report would not work out”, “abstain from disclosure to family or media by police forces” and “not wishing to be discriminated by police forces”. These answers point the lack of confidence of LGBTI+ right owners towards state authorities in the example of police forces. Even when they experienced most obvious cases of Turkish penal code crimes physical violence, threatening, sexual harassment, even rape; instead of search for justice they chose not to report to the police forces “in order not to be discriminated more”. The reaction of police forces for the reported cases put over these choices of “not reporting”. For more than half of the cases reported in 2020, the police reacted “indifferently”. There are participants declaring that they have been humiliated. This finding points out the institutional roots of homophobia and transphobia based hate crimes as well as social roots. For most of the cases, the police sees the perpetrators as excusable and victims as deserving crimes.

The solution is human rights laws and pluralist, participatory democracy

Here the target is not only individuals. Towards individuals what is targeted are the “inacceptable” social groups and the society’s living together capacity. This is because only the legislations in penal code is not enough for preventing the crimes and eliminating forfeiture. It needs the different institutions’ cooperation for protection, prevention, surveillance, reporting, healing, and awareness policies that also needs effective public-civil society collaboration.

Then what is to be done? Of course, the very first steps would be to create a hate crime legislation and policy frame that takes AGIT standards as reference point. Turkish Penal Code Article 122 in its existent form is far beyond to meet these standards. There is no other legislation/law or political precaution. There is much to do and naming all of them is not in the scope of this report however

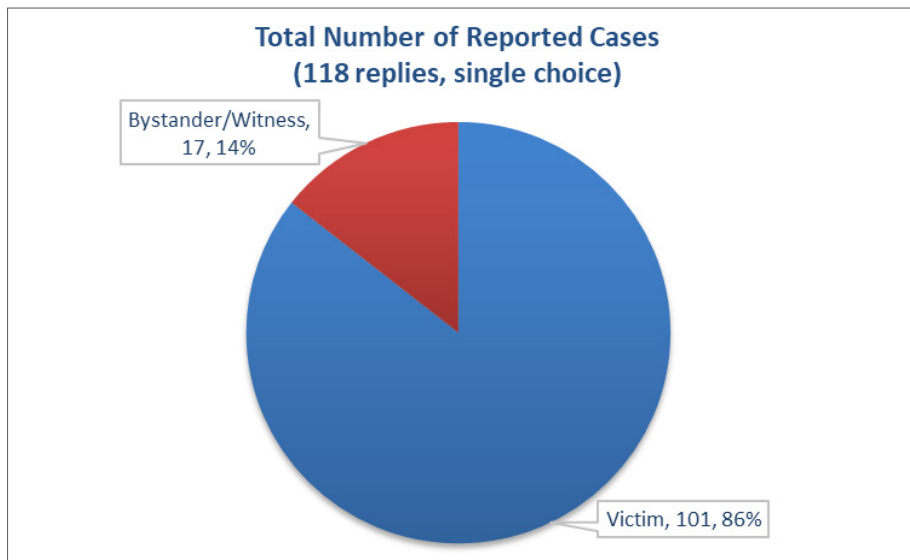
permanent success would come from providing political participation rights of the groups which are targeted by hate crimes. That is LGBTI+s and other “having been disadvantaged” groups must have a word in political and bureaucratic decision making mechanisms and they must be encouraged for these participatory practices. For example, a starting point would be a multi-lateral National Strategy against Hate Crimes in which LGBTI+ organizations are included and which privilege public-civil society collaboration. Unless the necessary solution paths with all of the different groups of society opened; unless necessary paths for creating an agenda for their own problems and needs opened; and unless all these turned into a “common practice”, LGBTI+ and other “disadvantaged” groups will be the targets of hate crimes. Just because there exist “inequality” at the very basis of these crimes.

2. KEY FINDINGS

Kaos GL Association used SurveyMonkey Pro Online Survey tool for collecting the data that would be the basis of this report. 2020 is to be the last year that SurveyMonkey Pro is used. Starting from 2022, and throughout 2021, another hate crime reporting tool will be used in association with Stonewall and ERA Association. This tool's content, questions, and choices are prepared in accordance with AGIT criteria, and by using Kaos GL's existing tool.

Kaos GL, in addition to SurveyMonkey, especially cared for the daily updated news web portal and other social media tools effectively in order to be able to reach to survivors of hate crimes and possible witnesses.

SurveyMonkey survey link has been added to these tools. The survey questions are prepared in cooperation with ILGA Europe considering Organization for Security and Cooperation in Europe (OSCE) criteria. A careful and sensitive filtration has been adopted to answers of participants in terms of criterias of reliability, completeness, consistency, and elimination of repetitive inputs. Therefore **118 case input** have been found appropriate to be reported. Last year, number of participators were 150.



Total 118 cases presented in this report were being reported by 101 survivors and 17 witnesses. Only the bystander surveys that were in the site in person were considered as reliable. It is significant that the last year's and this year's survivor/witness rates are so similar. In 2019, of 150 total replies were 120 victims (80%) and 30 witnesses (20%).

Survey study was conducted in between the dates of April 15, 2020 and January 15, 2021. Those included in the report are limited with which occurred in 2020. The cases that is understood not to have happened in 2020 were excluded.

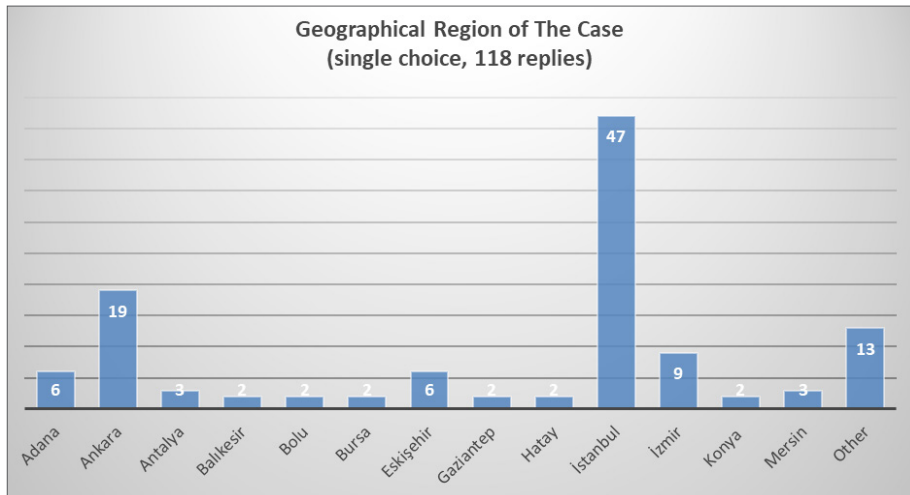
It is important to highlight that: Kaos GL Association's another research of Human Rights Monitoring Report has a different documentation system.³ Kaos GL's Homophobia and Transphobia Based Hate Crimes Report in 2020 in this very report, which you are reading right now, a observation method constructed upon the replies provided to online surveys has been used and **only the cases reported by survivors and direct witnesses'** accounts are taken into consideration. Because of that, much more numbers and types of hate crimes are documented and reported in contrast to Monitoring Report. Yet some of the cases included in Monitoring Report may not be included in Hate Crimes Report.

Participation come from **31** different cities. Geographic distribution of reported case is in accordance with Turkey's general demographic structure and the relative visibility of LGBTI+ people in big cities. While analyzing this distribution, what must be taken into consideration is the LGBTI+s' reality of inner mobility(migration). LGBTI+s are mobilized through big cities from smaller ones, especially toward three big metropolitans. That is why, most of the LGBTI+s in small cities remain to be in closet in small cities, whereas in big cities they can be "more disclosed" and more interrelated to each other. Besides, the presence of LGBTI+ organizations in big cities might create a pull factor for migration. Although it is not mentioned as a hate crime by LGBTI+ persons; the obligation to migrate towards big cities, non-ability to keep their own lives in the places where they were born and raised, violation of the right to choose where to live, and sometimes as a violation to life security, all these conditions could be another research point.

Becoming more visible may be a significant factor for the "impudency" and "vulgarity" of potential aggressors. That the LGBTI+s have been assaulted more in big cities might be related to their being able to behave more disclosed in kozmopolitan metropolis and in crowded public spaces, and thus might be related to the rise in the possibility of being assaulted. It is obvious that there should be more elaborated, and detailed researches in order to be able to determine the conditions in public and private spaces and the city

³ Kaos GL Association LGBTI+ Rights Moniting Report:: <https://kaosgldernegi.org/images/library/insanhaklariraporu2020.pdf>

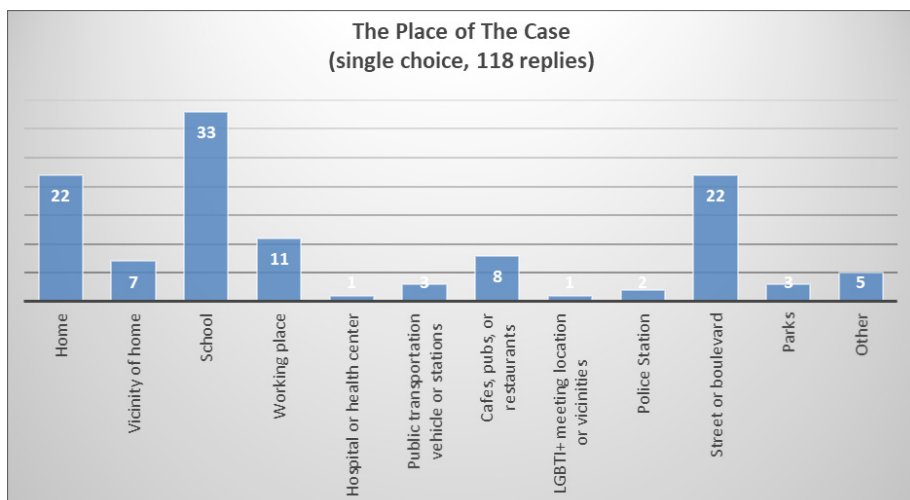
specific differentiations. These kinds of detailed information could guide local municipalities' policies towards public spaces and human rights.



Others: Aydın, Batman, Bitlis, Edirne, Kahramanmaraş, Kocaeli, Malatya, Muğla, Nevşehir, Sakarya, Trabzon, Uşak, Yalova.

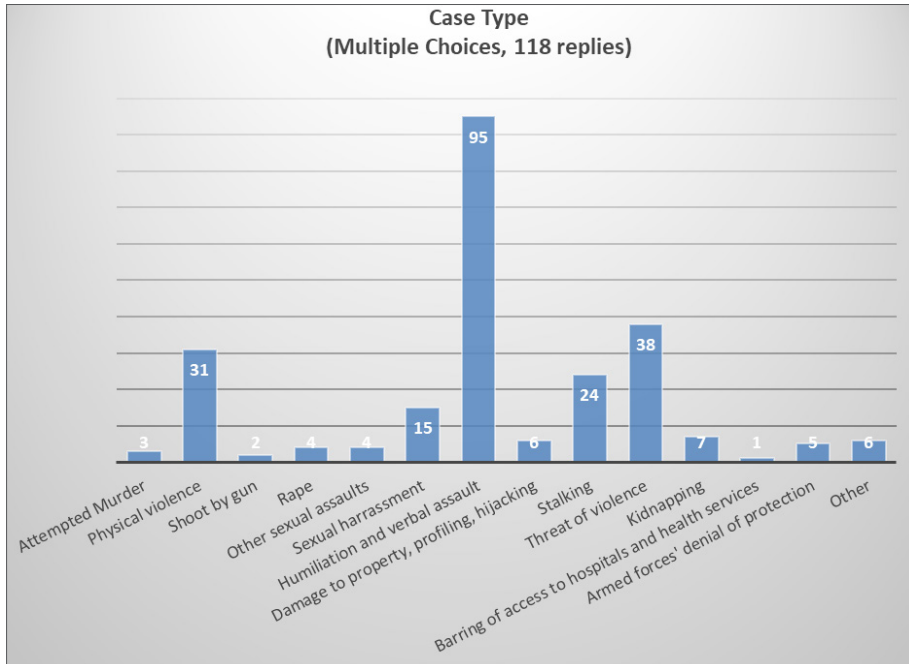
Participations come from **31 cities in total**.

- As it was last year, most of the hate crimes based upon homophobia and transphobia occurred at home, vicinity of home, in public transportation vehicles or at stations, cafes and bars, in streets and/or other public spaces. That the hate crimes occurred in mostly public spaces might be related to the increased visibility of LGBTI+ in these spaces.



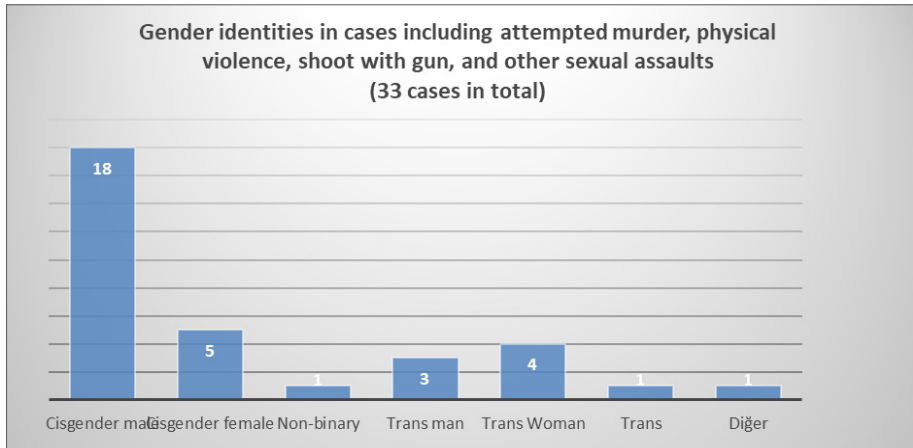
Others: Instagram, social media (2), taxi, technical courses.

- Persons who were violated and lost their rights have been exposed to more than two rights violation per case in average: 118 participants declared 241 actions that are qualified as right violation. Mostly, hate crimes and violence threats based on sexual orientation and gender identity have been accompanied by “more heavy” actions. Physical violence occurred at the third row.

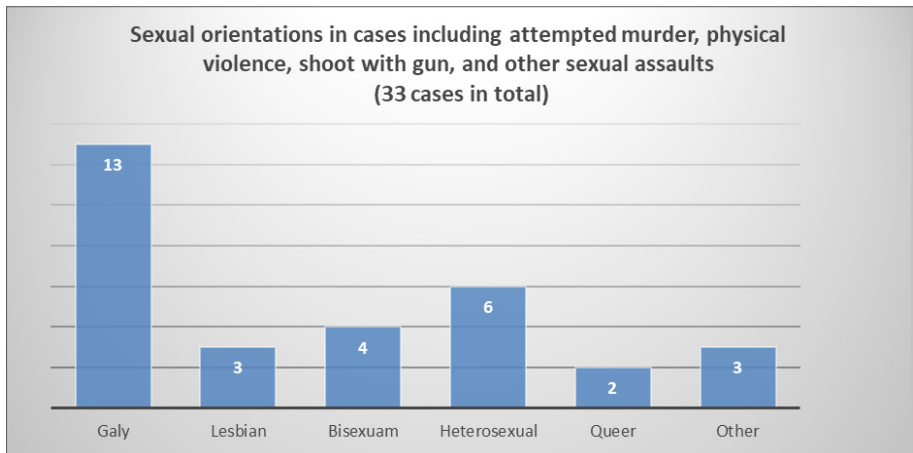


Other: “Psychological violence”, “I got complained to school management and psychological counselor when one of my friends learnt me being homosexual. After this information got disclosed in the class, and school having a conservative profile, I had to leave the formal education.”, “neglection”, “mobbing”, “I was told that I cannot participate in the occupational union workshops in which I am a member of. I am threatened to be disclosed to public, and threatened to get accused of being insistent stalking and harrasser.”, “In class, the professor using sentences such as “Homosexuality is a filthy disease” equated homosexual relations to rape to animals.”

- Out of 118 cases, 33 occurred as physical violence towards an individual including attempted murder, physical violence, shoot with gun, rape or other sexual assaults. Out of these 33 cases, only 13 of them have been reported to police, only 3 of them have been brought to trial. According to testimonies of survivors, out of 12 cases which have been reported to the police, the police act indifferently in 7 cases, standard in 3 cases and supportive in 2 cases. For the persons who survived through the above mentioned acts -there is no murder reported-, the gender identities and sexual orientations are as follows.



Other: "Intersex".

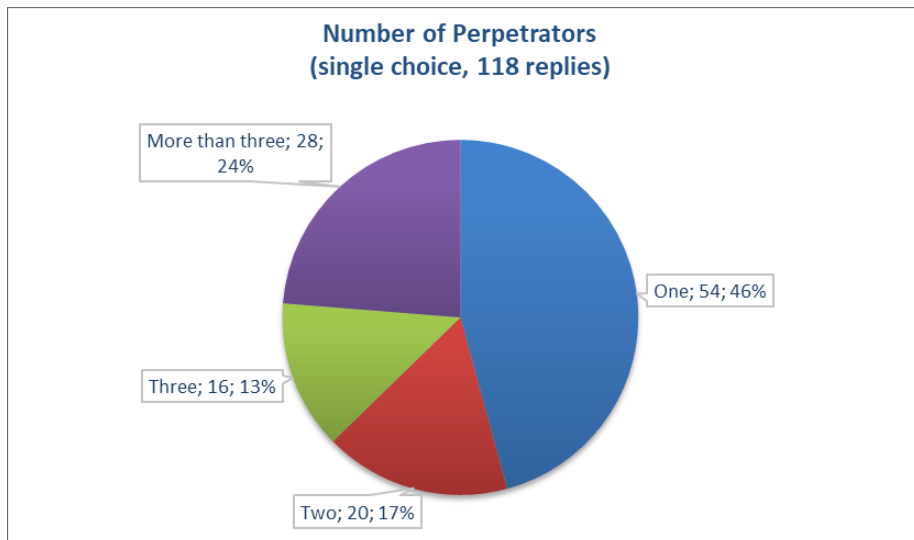


Other: "Trans man", "Queer", "Trans", "Pansexual".

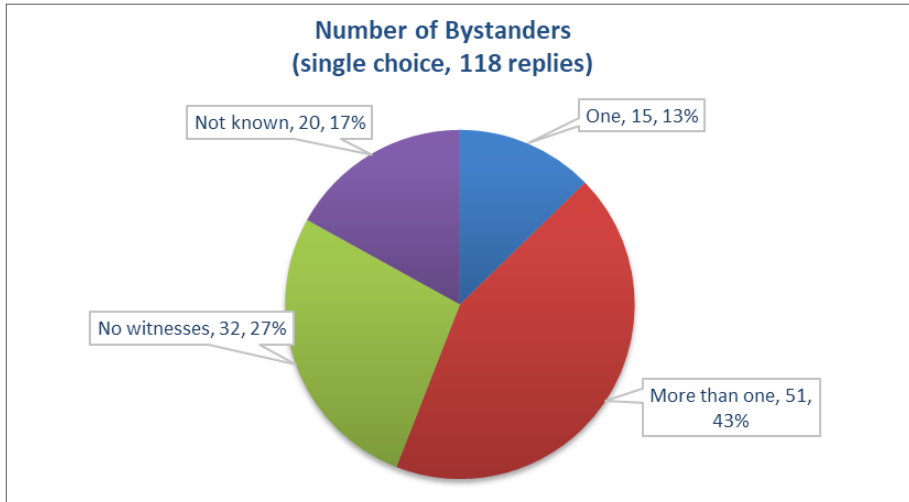
- Most of the survivors were seriously afraid of their families and of armed forces. They do not trust the courts and other state institutions. This is because, so far, less cases have been reported to the courts or police. Out of 118 cases, only 17 have been reported to the police and only 4 of them were carried to the trial. For only 2 cases, the police evaluated the situation as hate crime, which only reflects the perception of the police since there is no official categorization and separation of transphobic and homophobic hate crimes.
- For two thirds of the cases, perpetrators were two or more persons. Out of 118 cases, 28 include three and more perpetrators and had a lynche quality.

These results are consistent with the previous researches and findings from other countries experiences. That the hate crimes against gay people is higher might be related to heterosexist male ideology targeting gay people more, and also might be related to gay identity is much easier to recognize. That the rates of official complaints to security forces for hate crimes are lower than other crimes, is pointed by Herek and others' researches (1999). Independently from the gender and sexual orientation of the victims, hate crimes are being much less carried to the police in contrast with other types of crimes. According to this research, 36 % of lesbians reported hate crimes whereas they reported other kinds of crimes committed against them with a rate of 68%. Amongst gays, 46% reported hate crimes and 72% declared that they reported other types of crimes. Bisexuals reported 32% of hate crimes, while 62% of them reported other types of crimes.

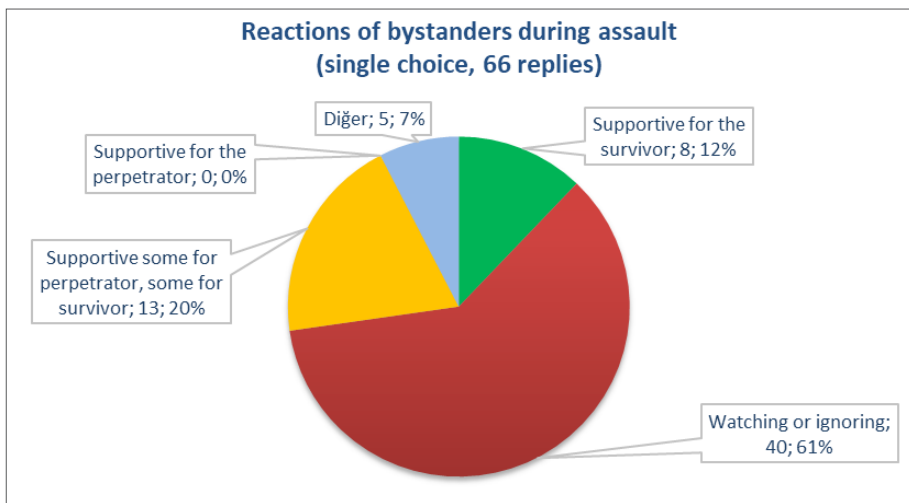
The finding that the perpetrators of hate crimes are usually more than one might be interpreted as legitimization of crime for perpetrators via distribution of responsibility.



- 43% of all assaults happened in front of two and/or more bystanders.

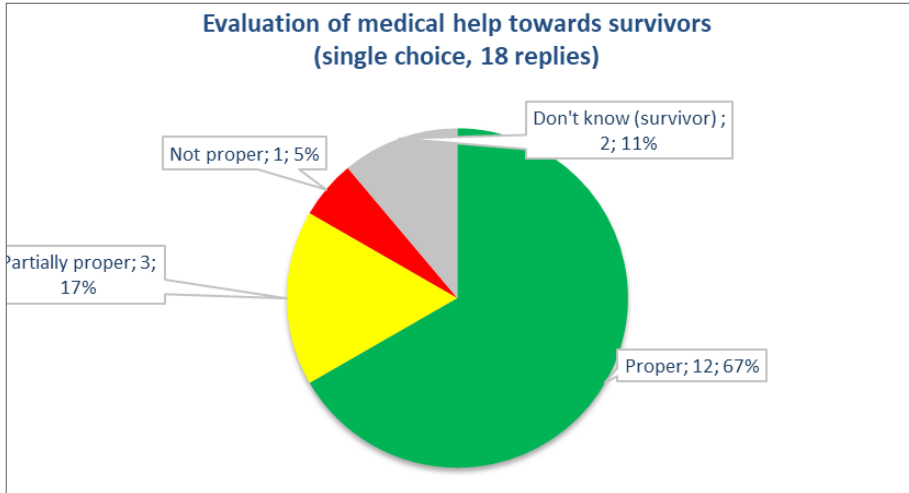


- 63 % of bystanders did not show any reaction to the assaults. Only 12 % of bystanders took a supportive attitude towards the survivors. For 20 % of cases, bystanders supported the survivors, whereas other bystanders in the very same act supported to perpetrators. Silence of bystanders against hate crimes or having been in a promoter attitude makes easier commit the crime whereas this also points out the social background of ideologies that causes hate crimes.

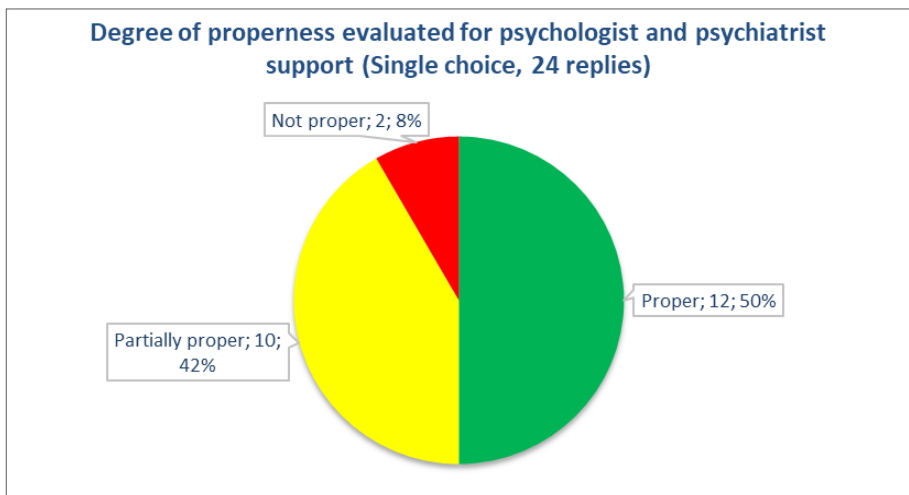


Other: “ They did not recognize verbal assault”, “Some supported me, some did ignore me”, “I lived through mobbing, I could not learn what is happening at the backstage”, “All of my friends could not get over the shock what has happened, I had to overcome these all by myself.” “They was experiencing the very same act, we were together with my partner”.

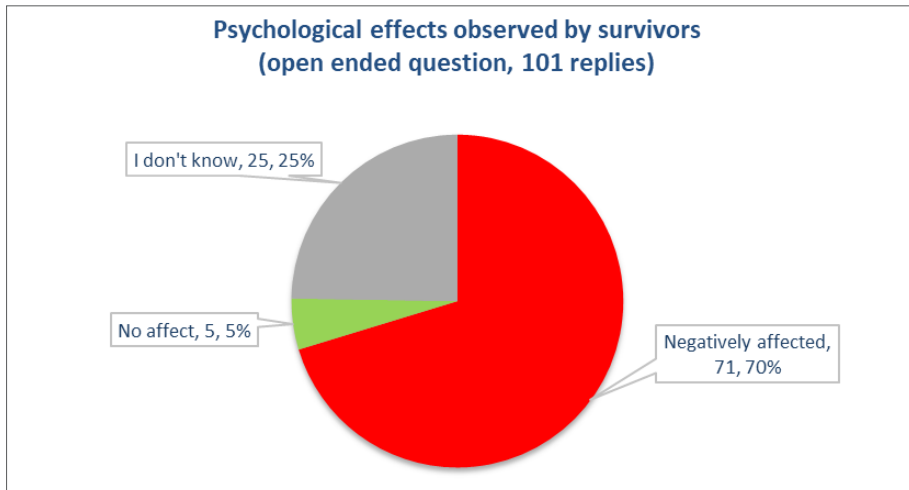
- In 28 of 118 cases the survivor got wounded. 18 of them got medical help. The testimonies of these 18 persons about medical treatments and general approachh in medical facilities as follows.



- After the assaults, most of the survivors have experienced serious psychological damage and this damage made survivors' life worsen with long ranged effects. A small number of persons (only 24) got professional support (psychologist or psychiatrist support) in order to overcome the serious problems based upon PTSD, depression, anxiety, rage, and/or paranoia. 50 persons did not get any help or supportive practice including family or friend support.



- Below listed psychological results expressed by survivors of hate crimes, certainly points the long term effects and the need for a serious and continuous professional support.



Below words are chosen from the expressions of participants and cited as spoken.

“Yes, it reminded me of exclusions that I had lived through as a child. It made me feel that such a minority I am and how desperate I am when facing something like this again.” (verbal assault and violence threat; gay man)

“Still I live through a trauma. I fear even the smallest piece of voice.” (physical violence and rape; bisexual cisgender woman)

“I wish my life to end.” (rape, non-binary gay)

“Desperate, like a freak, other of other, I feel lost and too much unhappiness as I am committing a crime. And I cannot explain this, I can't talk, I am in a dilemma, I fear.” (verbal assault, bisexual cisgender woman)

“At nights, I burst into cries. The pressure to tell someone was making me anxious all the time.” (verbal assault, gay trans man)

“At family home, I don't feel myself secure, I see that I am being neglected.” (Verbal assault, psychological violence, bisexual agender)

“I started to struggle over depression after the event.” (Verbal assault, bisexual cisgender man)

“So much affected because it was in the middle of Istiklal street, and while the assailant were shouting as “faggots, gay bitches” to me and to my friend; everyone was only watching. I was so angry and wanted to attack physically but my friend held me, which made me angrier, and while that homophobic was cursing on us I still cannot overcome that we had just left there.” (Verbal assault and violence threat, bisexual cisgender woman)

“There were moments of over furiousity.” (Verbal assault, gay cisgender man)

“That made me be estranged from my mother.” (Verbal assault, bisexual cisgender woman)

“After the verbal assault and threat which happened near my home, I have changed my everyday way. I don’t go to usual places on the way such as markets. Even while going in a car at that road, hiding myself in the car.” (Stalking and violence threat, gay cisgender man)

“I got very upset and for a long time I shut myself inside.” (Verbal assault, bisexual non-binary)

“I had to move from that house.” (physical violence and sexual harrasment, gay cisgender man)

“Witnessing from first person point of view that even someone close to you might go against you and bully you made me upset and angry.” (Damage to property, bisexual cisgender woman)

“I lost my self-confidence and started to feel myself less safe.” (Stalking and violence threat, gay non-binary)

“Generally I don’t get affected by these kinds of situations but deep down you feel a bitterness, a feeling of brokenness, and you interrogate those moments every time it occurs whether I am free or not.” (Sexual harrasment, gay cisgender man)

“While I thought that I could disclose my sexual orientation, I start to realize that I need to hide it.” (Verbal assault, bisexual cisgender woman)

“Each time I took on a taxi, I remembered that incident and could not use taxi for a long time. I struggled to overcome the trauma for a long time, and I thank all of the taxi drivers that I occasionally use for providing me security.” (Sexual harrasment and stalking, gay cisgender man)

“I felt myself excluded and deserted as a citizen.” (Verbal assault, gay cisgender man)

“My belief in humanity has broken.” (Physical violence, gay cisgender man)

“I became a target in social media. I don’t feel well because of threatening messages and curses for being an open-identity artists. I didn’t expect that everything would turn so hard.” (Violence threat, lesbian cisgender woman)

“Me living all these in a medical faculty frustrated me as a MD candidate about the medical ethics in Turkey.” (Damage to property, profiling, hi-jacking, gay cisgender man)

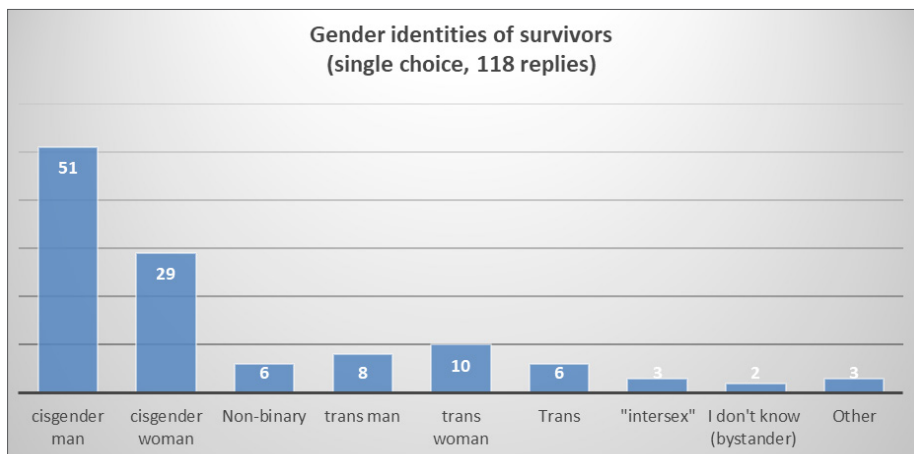
“I started to feel nothing since I am exposed to multiple cases of violence, maybe feeling nothing is one of the biggest effects....” (Physical violence and sexual harrasment, lesbian cisgender woman)

“Someone, whose only duty is to provide equal educational conditions, exposing me and other LGBTQI+ students to hate speech caused traumatic consequences for me. My prejucides against teachers escalevated. For example, after this incident, I don’t believe fair and objective points for my works and exams.” (Insult and verbal assault, gay cisgender man)

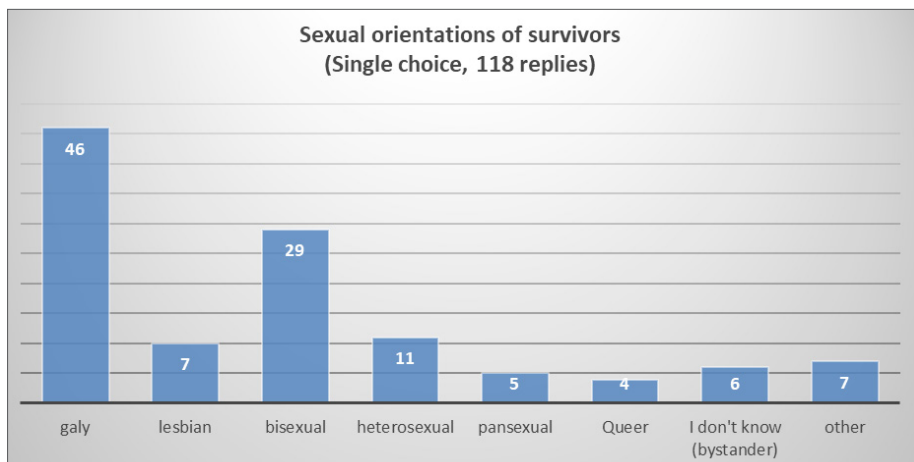
“I thought weeks and weeks whatever I did, this wouldn’t have happened. I took precautions for not seeing that person. I felt worthless.” (pansexual cisgender woman)

3. PREJUDICE BASED VIOLENCE AGAINST LGBTI+ PERSONS

Following tables illustrate the testimonies of survivors and bystanders about gender identities, sexual orientations and/or gender characteristics.



Other: "Agender", "Queer", "Genderqueer".



Other: "Transgender", "Trans man", "Trans prefers being like opposite sex not wanting their own body (bystander expression)", "Asexual", "Trans", "Panromantic asexual", "None".

3.1. LEGAL STATUS OF HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES

By the year of 2020, Turkey recognized hate crimes legislatively in a limited way; whereas “sexual orientation, gender identity and gender characteristics” are not included in the protected basis; there exists no juridical opinion that turned into a norm. Regulation of Penal Code Article 122 that was enured in March 2014 does not include sexual orientation, gender identity and gender characteristics. Only the hate crimes about “language, race, nationality, gender, disability, political opinion, philosophical belief, religion or sect” are recognized by law. In addition, the political precautions and socio-culturel aspects that we have tried to picture in Introduction are not in the legislation.⁴

According to this article content, a prevention of access to property and services, and also prevention of employment by economical causes rooting from above mentioned hate crimes are regulated as crime. In such a country like Turkey, in which hate crimes against the unity of spirit and body are so high, existent legislation is not enough. And also in case of consideration related to the individual hate affect of perpetrator might cause the article completely useless.

There is no open authorization for executing studies on “sexual orientation” and “gender identity” of Ombudsman Institution. Turkey Human Rights and Equality Institution Law, which does not include sexual orientation and gender identity discrimination, was enured in 2016 by published in Official Newspaper against all of the oppositions from civil society. Aforementioned law, by not including the term “ett cettera”, limited human rights categories with the government’s own ideological perspective. Political power’s this kind of approach is effective against the perception of LGBTI+ identity and supports the basis for immunity to hate crimes. A decision taken by this institution in February 2019 in the direction of homophobic and transphobic ideology as opposed to universal human right standards and rules, is particularly significant.⁵

Türkey’s juridicial system, in accordance with the political power which neglects its duty of protection and prevention, continues to not care about prejudice motive. De facto, the perpetrators get awarded by Turkish courts by “unjust provocation” or “good conduct” remission instead of taking motive of homophobia or transphobia as a matter of aggravation. In 2017, the court executed “unjust provocation” and “good conduct” remissions in the decision about the hate murder

4 See. Turkish Penal Code Article 122 - <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf>

5 <https://www.kaosgl.org/haber/tihek-cinsel-kimlik-ayrimcilik-temeli-sayilamaz>

in which Syrian immigrant Wisam Sarýkari got killed.⁶ Although there has not been yet any consequence on court decisions or political power's discourses, as a positive development, in 2014, Constitutional Court gave an obvious decision about the crime status of hate speech, although not hate crimes not included again.⁷ However, in 2018 court turned away from this judicial opinion and went outside of European Union Human Rights Court judicial opinion.⁸

All these articles that might be related to hate crimes in Penal code shows the lack of legislation against prejudice based crimes:

- **Turkish Penal Code - Article 3 (The Principle of Equal Treatment before the Law):** (1) Any penalty and security measure imposed upon an offender should be proportionate to the gravity of the crime. (2) In the implementation of the Criminal Code no one shall receive any privilege and there shall be no discrimination against any individual on the basis of their race, language, religion, sect, nationality, color, gender, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions.
- **Turkish Penal Code - Article 115 (Prevention of the Exercise of Freedom of Belief, Thought and Conviction):** (1) Any person who uses force against, or threatens, another person in order to compel him to alter or declare, or in order to prevent him from declaring or disseminating, his religious, political, social, or philosophical beliefs, thoughts or convictions shall be sentenced to a penalty of imprisonment for a term of one to three years. (2) (Amended on 2 March 2014 – By Article 14 of the Law no. 6529) Where communal religious worship or ceremony is prevented by the use of force, threats or by any other unlawful act a penalty in accordance with paragraph 1 shall be imposed. (3) (Added on 2 March 2014 – By Article 14 of the Law no. 6529) Where life styles originating from beliefs, thoughts or convictions are interfered with or altered involuntarily by using force, threats or by any other unlawful act, a penalty in accordance with paragraph 1 shall be imposed.
- **Turkish Penal Code - Article 122 (Hatred and Discrimination⁹):** (Amended on 2 March 2014 – By Article 15 of the Law no. 6529) (1) Any person who (a) Prevents the sale, transfer or rental of a movable or immovable property

6 <https://www.kaosgl.org/haber/wisam-sankarirsquonin-katiline-haksiz-tahriksquo-indirimi>

7 <https://www.kaosgl.org/haber/aymrsquoden-bir-ilk-escinsellere-sapkin-demek-nefret-soylemidir>

8 <https://www.kaosgl.org/haber/aymye-gore-escinsellere-sapkin-demek-nefret-soylemi-degil>

9 The title of this article was amended to its current form while the title was “Discrimination” with the article 15 of the Law no. 6529 dated 2/3/2014.

offered to the public, (b) Prevents a person from enjoying services offered to the public, (c) Prevents a person from being recruited for a job, (d) Prevents a person from undertaking an ordinary economic activity on the ground of hatred based on differences of language, race, nationality, colour, gender, disability, political view, philosophical belief, religion or sect shall be sentenced to a penalty of imprisonment for a term of one year to three years.

- **Turkish Penal Code - Article 125 (Insult):** (1) Any person who attributes an act, or fact, to a person in a manner that may impugn that person's honour, dignity or prestige, or attacks someone's honour, dignity or prestige by swearing shall be sentenced to a penalty of imprisonment for a term of three months to two years or a judicial fine. To be culpable for an insult made in the absence of the victim, the act should be committed in the presence of at least three further people. (2) Where the act is committed by means of an oral, written or visual medium message, addressing the victim, the penalty stated in the above paragraph shall be imposed. (3) Where the insult is committed: a) against a public officer due to the performance of his public duty; b) because of declaring, altering or disseminating, his religious, political, social or philosophical beliefs, thoughts, or convictions, or practising in accordance with the requirements and prohibitions of a religion he belongs to; or c) where the subject matter is deemed sacred to the religion the person belongs to the penalty to be imposed shall not be less than one year. (4) (Amended on 29 June 2005 – By Article 15 of the Law no. 5377) Where the insult is committed in public, the penalty to be imposed shall be increased by one sixth. (5) (Amended on 29 June 2005 – By Article 15 of the Law no. 5377) Where an insult is made which arises from the duties of public officials who are working as a committee, the offence shall be deemed to have been committed against the all members of that committee. In these circumstances the provisions of the article concerning successive offences shall be applied.
- **Turkish Penal Code - Article 153 (Damaging Places of Religion and Cemeteries):** (1) Any person who damages the buildings, associated buildings (or structures upon such) of a place of worship or the removable property therein, or a structure with the purpose of protecting a cemetery by destroying, damaging or breaking such, shall be sentenced to a penalty of imprisonment for a term of one to four years. (2) Any person who soils the places or structures listed in the first paragraph shall be sentenced to a penalty of imprisonment for a term of three months to one year, or a judicial fine. (3) Where the offences in paragraphs one and two are committed with the aim of defaming a related religious group then the penalty shall be increased by one third.

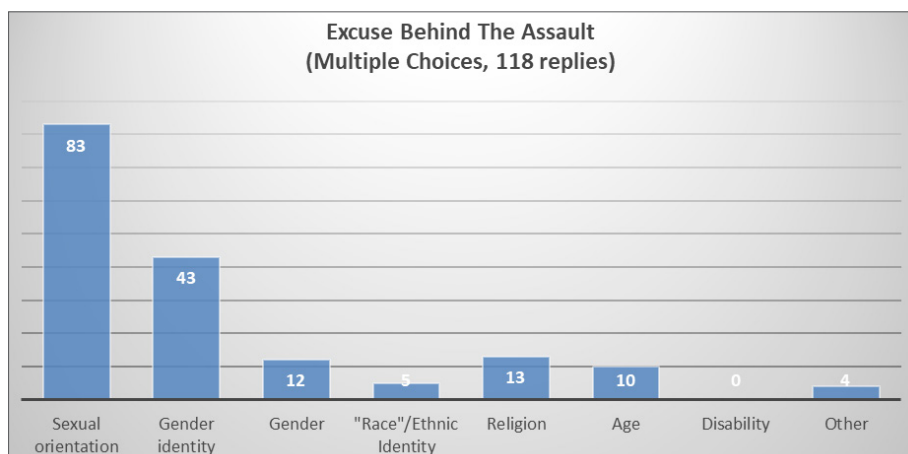
- **Turkish Penal Code - Article 216 (Provoking the Public to Hatred, Hostility and Degrading):** (1) A person who publicly provokes hatred or hostility in one section of the public against another section which has a different characteristic based on social class, race, religion, sect or regional difference, which creates a explicit and imminent danger to public security shall be sentenced to a penalty of imprisonment for a term of one to three years. (2) A person who publicly degrades a section of the public on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to a penalty of imprisonment for a term of six months to one year. (3) A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.

https://www.legislationline.org/download/id/6453/file/Turkey_CC_2004_am2016_en.pdf

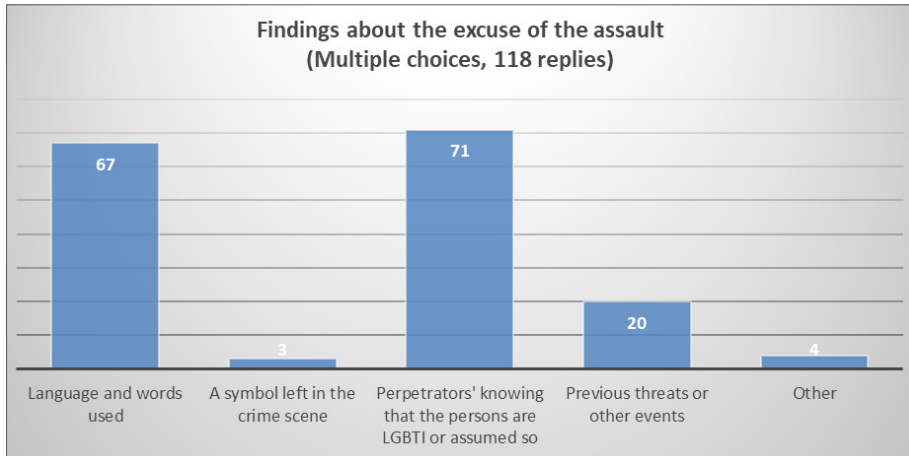
As it may be noticed, articles of Turkish Penal Code does not pay attention to the naturally multi dimensional hate crimes issues, it only focuses de facto and legislatively framed “constitution of crime”s. Here, just like lots of other categories sexual orientation and gender identity is not under protection. Also there existed no judicial opinion for such a protection by Turkish courts.

3.2. HOMOPHOBIC AND TRANSPHOBIC HATE CRIMES AND HATE CASES

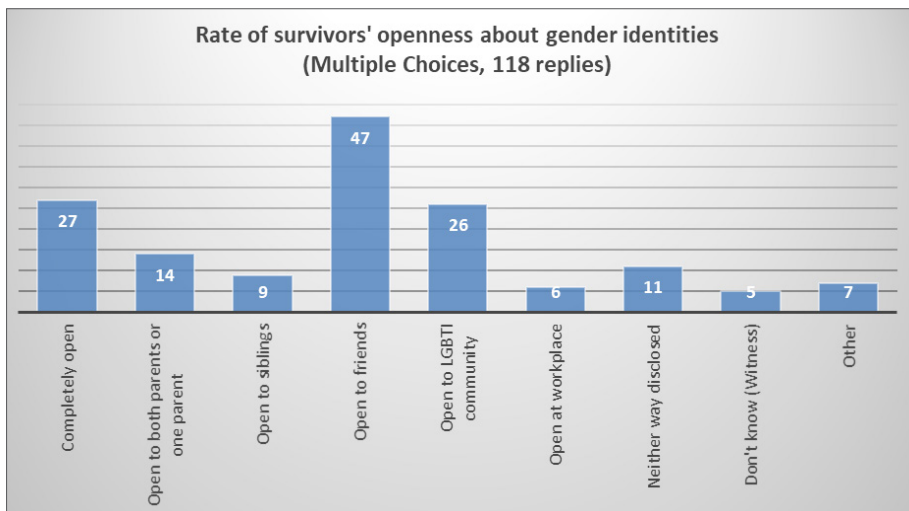
The motives about the excuses and facts of the assaults are defined as follows by victims and witnesses.



Other: “My worldview”, “feminine appearance”, “physical appearance was a big issue”, “my political view”.



Other: "While going down of metro station entrance, one of the perpetrators made a move toward my sexual parts", "It was a homophobic culture dominated workplace.", "LGBTI+ Hatred homophobia", "In my occupational institution, under ageds, women and LGBTI+ persons are humiliated, crushed, discriminated."

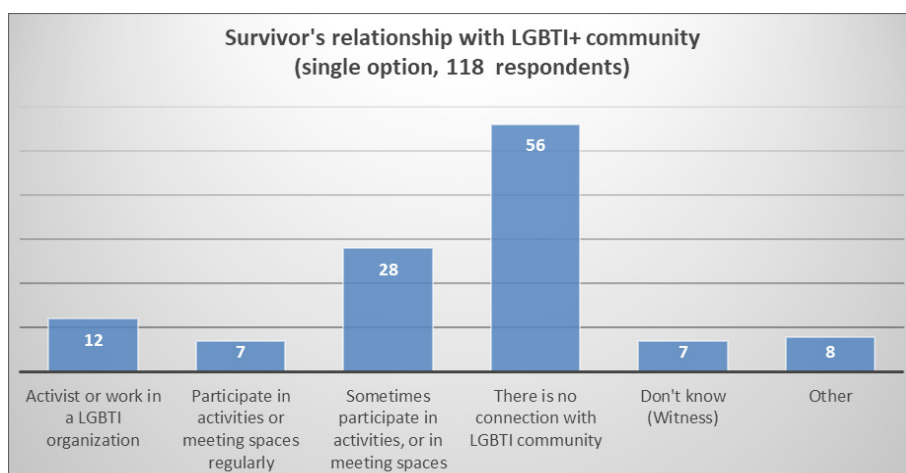


Other: "to my cousin and some of my friends", "I am open to some LGBTI+ persons", "I am open to three close friends", "who knows knows and the gossips expands", "A few of my friends", "My mother and father do not know"

Findings show that to be a target of hate crime, it does not necessary to be fully open about sexual orientation or gender identity. Perpetrators seemed to act against any sign, guess or verbal expression. This situation is defined by social scientists researches about hate crimes. The targeted group belonging is not necessary to be real, it is enough for the perpetrator to wildly guess about it.

How much the stereotypes and “essentialist beliefs” of social gender ideologies are spread, wild guesses about group belongings would be accordingly expanded. For example, the acceptance of “femininity” as a signature of being gay for a man or dressing “masculine” as a sign of lesbianism make these kind of wrong references much more possible.

- As it can be understood from the following graphic, out of 118 cases, 12 persons who work for or activists in LGBTI+ organizations are targeted. This high rate also underlies the responsibilities of government towards these persons and their special position since according to international consensus and United Nations Human Rights Defenders' Declaration,¹⁰ these persons should be categorized as “human rights defenders”



Other: “Because of the geographical region I am at, I have no connection with LGBTI+ community”, “There is no community in my city, but if it existed, I would work for it actively. I would regularly help the associations”, “I am following only the civil society organizations as an independent activist”, “I am a part of the community .but don’t participate in activities, usually I support the cause via internet and social media”, “An individual activist with their own name at Facebook”, “Although I couldn’t participate in meetings or marches, I try my voice to be heard always”, “I support the activism through social media”, “We have a LGBT group in our class comprised of 4-5 people.”

3.3. GENERAL CONSEQUENCES - QUALITATIVE OBSERVATIONS

Gender identities of survivors

- Out of 101 survivors who answered the survey 46 declared themselves as cisgender man, 27 as cisgender woman, 6 as trans man, 7 as trans woman,

¹⁰ <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/DeclarationHRDTurkish.pdf>

4 as trans, 2 as “intersex”, 6 as non-binary, 1 as queer, 1 as agender and 1 as genderqueer.

- For exactly half (59) of the cases (out of 118) that have reported by witnesses and survivors, victims were trans and cisgender men.
- Other gender identities comprised the rest of the sample: 29 survivors were cisgender woman, 10 trans women, 6 trans and in 6 cases non-binary. This finding might be read as the on men are more open about their gender identity and/or their sexuality. Another reading might be men are less tolerated when they did not meet with the cisnormative and heteronormative expentancies and they are exposed to much more violent reactions. “Women who shows masculine traits” are much less “hostilized” because of the gender codes defined for the benefit of men and in a sense might be tolerated. In addition to this, again because of the very same sexist social political ground, lesbian and bisexual xomen are much less visible in LGBTI+ community. This less visibility must have a consequence on the comprehensivity and thus results of the research. A similar problematique is valid for intersexes. That there is one intersex person participating in the survey does not prove that there is no hate crime against them, on the contrary, it shows that their problems are considered in the medical realm but not in human rights realm and also proves that they stay away from civil society organizations. In addition to this facts, lots of intersex have been exposed to surgical intervention without giving their informed consent during their babyhood or childhood, lots do not know they had had a surgical operation and so they cannot relate their exustent problems to these operations that broke down their will, that did not reflect their real identity, and crashed their bodily unity. This situation makes them stay away from the protective forces of human rights realm. Besides, even thougp kpe intersexuality has been preserved as they are, in face of social prejudices, they might be less targeted than other identities. This is because of the thought that the intersex identity comes not as a choice but a natal trait, and it is out of the individual will and control. Therefore less “hostilization” may occur. The researches shows that when it is thought that the gender identities and sexual orientation come out of “choice” rather than natal, it is more likely to create prejudices.

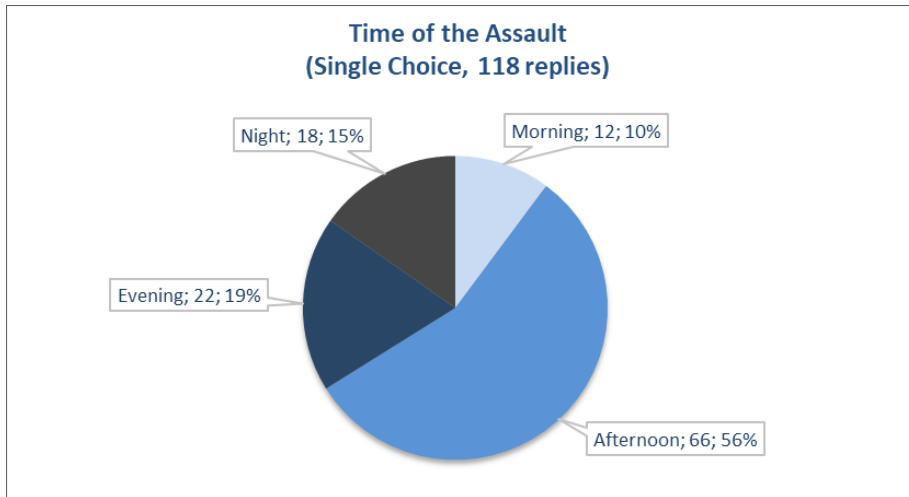
Sexual orientations of the survivors

- Out of 101 survivors who answered the survey declared themselves as gay, 9 as lesbian, 26 as bisexual, 9 as heterosexual, 2 as queer, 6 as pansexual and 1 as “no sexual orientation”

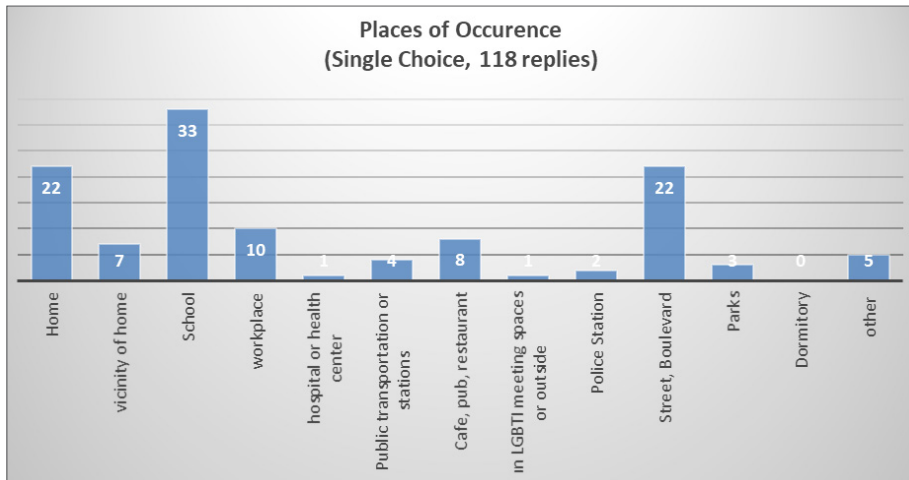
- Out of those 26 who defined their sexual orientation as bisexual, 5 identified their gender identity as cisgender man, 16 cisgender woman, 1 trans man, 1 trans, 1 agender and 2 as non-binary.
- Out of those 7 who defined their gender identity as “trans woman” 1 identified their sexual orientation as gay, 1 as lesbian, 4 as heterosexual, and 1 as queer.
- Out of 4 survivors who declared their gender identity as “trans”, 1 identified their sexual orientation as bisexual, 1 as pansexual, 1 as “non”, and 1 as pan-romantic asexual.

Time of event occurrence

- More than half of the cases (56%) happened after noon hours. There is an increase of physical violence and/or brutality degree for the cases, if the assaults happened evenings or late night hours.



Places of occurrence



Others: Social media (3), taxi, courses.

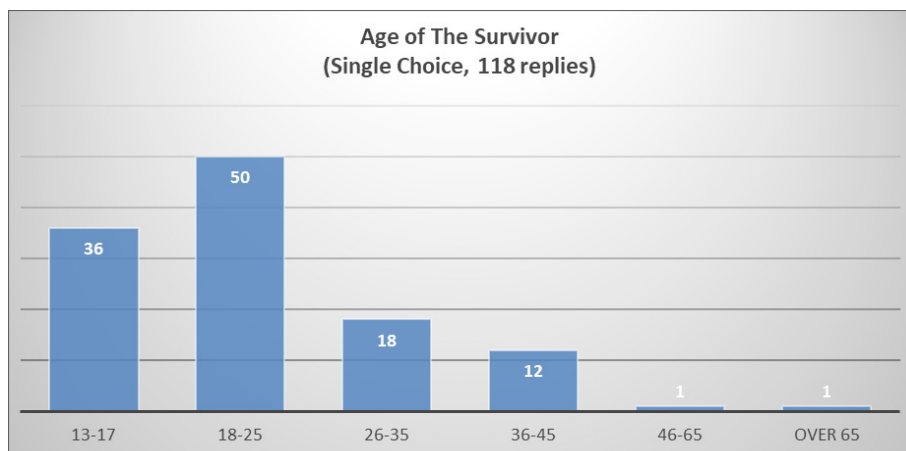
- LGBTI+ right owners are not safe in their own home, vicinities of their home, in their school, in hospitals or similar public institutions. LGBTI+ kids are exposed to assaults of teachers and peers. In the light of small number of cases for workplaces (14) it might be concluded that so few of LGBTI+ persons, especially lesbians, gay or bisexuals are open at workplaces. The research of Kaos GL in association with Kadir Has University, LGBTI+s situation in Private Sector¹¹ and Public Institutions¹² confirms these results. Other spaces in which LGBTI+ persons were attacked are mostly openly public places such as hospitals or health centers, public transportation system, bars, cafes, parks, streets and boulevards.
- Out of 3 attempted murder cases, 1 was at home, 1 was at workplace, 1 was at the LGBTI+ meeting places or vicinities.
- These findings show that LGBTI+s might feel safe and secure against hate crime as opposed to other ordinary crime types. While the lack of juridical-public protection points the effect of general political approach, the assault which occurred at their own homes either coming from inside or outside proves that the social heteronormative ideology is strongly widespread. The violence which occurs because of persons' sexual orientation and gender

¹¹ <http://www.kaosglidernegi.org/yayindetay.php?id=274>

¹² <http://www.kaosglidernegi.org/yayindetay.php?id=275>

identities are called as stigmatization common in the society. Sexual stigmatization means that the society has a negative attitude towards all of the behaviours, identities, relations, and groups except heterosexual and natrans ones and the commonality of these attitudes are in accordance with the widespread of hate crimes.

Ages of survivors



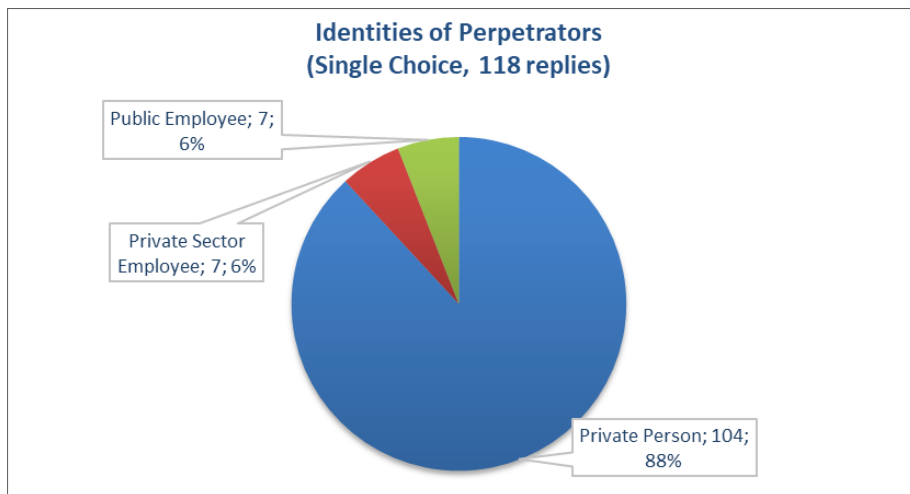
- Out of 3 persons who survived attempted murder, 1 was in between 18-25, 1 was in between 26-35, and 1 was in between 36-45. Out of 31 physical violence cases reported. 7 survivors were in between 13-17, 14 were in between 18-25, 4 were 26-35, 5 were 36-45, and 1 was in between 46-65.
- 1 person who survived shoot with gun was in between 26-35.
- Out of 4 rape cases, 1 survivor was 13/17, 2 were 18-25, and 1 was in between 36-45.
- Out of 4 cases reported as “other sexual assaults” and including physical contact, 1 survivor was 13-17, 3 were in between 18-25.

The increase in the number of hate crimes of early ages might be related to higher visibility in public spaces through these ages. This situation might increase the risk of coming face to face with assailants in public spaces. Besides, as the victims get older, it might be thought that they become more aware of the precautions against assailants. One of the high numbers of victimhood at early age might be that the assaults coming from family or relatives are higher in early ages. However, it also should be highlighted that the sample range of this survey is mostly around these ages.

Kids exposed to hate crimes

- Out of 118 reported cases, 41 were kids, that is under 18. Out of these 41 cases, 36 is directly reported by the kids, 5 is reported by witnesses.
- The common crimes against LGBTI+ kids were rape in 1 case, physical violence in 7 cases, sexual assault in 1 case, sexual harassment in 3 cases, stalking in 6 cases, and insult or verbal assault in 35 cases.
- Kids are targeted mostly at their school (22 cases) and at home (7 cases)
- Out of 41 kids, only 12 of them could get psychological or psychiatric support.
- The likelihood of hate based crimes against kids in schools shows the high effect of cisnormative and heteronormative male ideology. Heterosexist male ideology, through its socialization, is constructed with the practices of assaults and exclusion towards non-heterosexuals. And this happens mostly amongst peers. When it is taken into consideration that the sexual orientation and gender identity is externalized during puberty, this period is definitive for both the victims and perpetrators. Researches show that heterosexual malehood acquired especially in puberty as a kind of gay opposition and hate show.

Identities of perpetrators



- Private persons: Majority of the perpetrators (88%) were private persons. Amongst these private persons, there were family members, school friends, dormitory friends and the close circle of the survivors. These numbers do not include managers and employers. Out of 104 hate crime which were committed by private persons, 49 were committed by persons whom the victims don't know. This can be explained in two ways. Firstly, in addition to cis heterosexual women and kids, LGBTI+ adults and kids are also amongst the targets of systematic violence. Second, negative attitude of the government towards LGBTI+s turns these persons into "an easy target" for the ordinary violent acts of family, work, school and dormitory friends or close circle. What these two points indicated is the fact that the patriarchal and sexist ideology and politics walk hand in hand with cis-heterosexist ideology and politics, thus they cause similar violations including physical violence. The social status of the perpetrators in the reported cases in the following chapter.
- Public sector employees: Out of 7 cases in which the public sector employees have been reported as perpetrators, 1 case is about health workers, 1 case is about teacher or school personnel, 1 case is about municipality employee and 1 case is about associate dean.
- Private sector employees: Out of 7 cases, 4 are about the employer or managers, 1 case is about private health services personnel, 2 are about private security.
- Evaluation of these findings points the need for a multi-dimensional and manifold struggle in order to eliminate hate crimes against LGBTI+s. Lack of juridical and public protection strengthens the common social ideology, and supports the perception of impunity. Thus, public actors might use violence as a "disciplinary" tool.

Ages of perpetrators

- Out of 118 reported cases, in 27 (that is approximately 23%) the perpetrators were under 18.
- In these 27 cases of perpetrator kids, 22 of them targeted their school friends.

Prevention to access of health services

- Out of total 2 cases in which the victims were prevented to access health services, 1 person who lost their right was heterosexual trans woman, and the other one was heterosexual trans man. The perpetrators in these cases were health workers.

Denial of protection demand

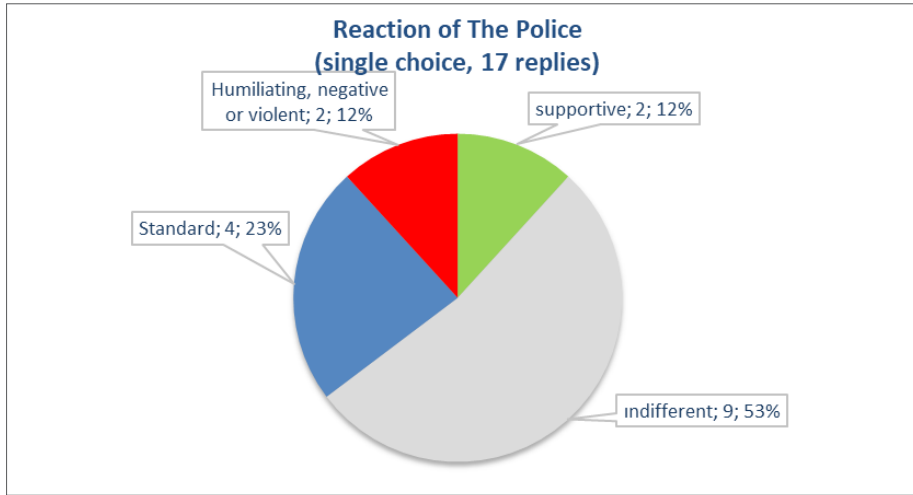
- Out of total 5 cases in which the demand for protection have been denied, 1 was queer trans woman, 1 was pansexual “intersex”, and 3 were cisgender gay. From these 5 cases, 2 were exposed stalking and violence threat, 2 were exposed to physical and sexual harrassment and 1 was exposed to attempted murder.

Report to the police forces

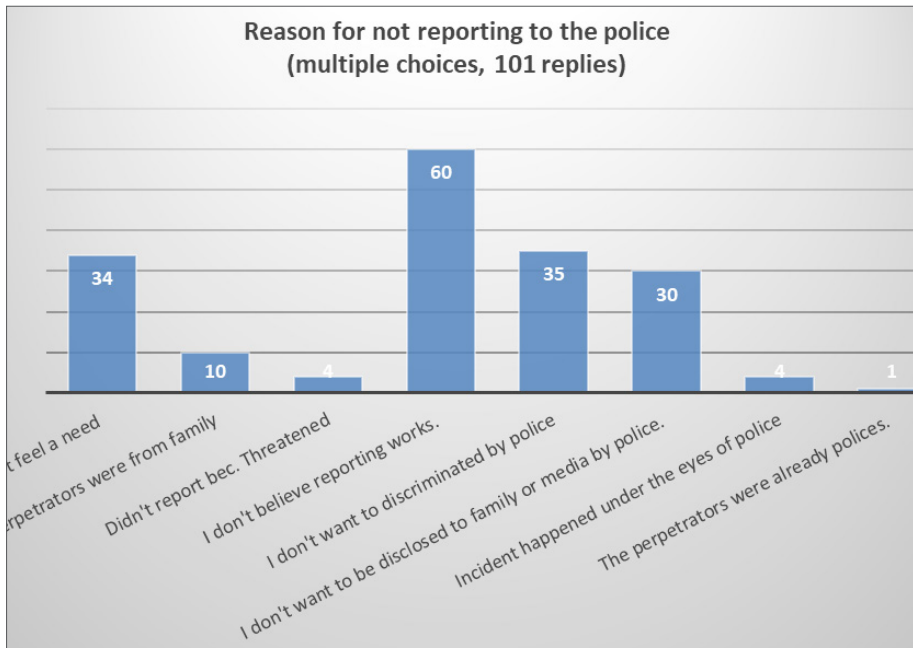
- Above it was mentioned that only 17 cases have been reported to the police forces out of 118. The bystanders of 4 cases were not aware about this.
- Only 1 of the attempted murder of 3 has been reported to police.
- 12 of physical violence involving cases of 31 have been reported to the police.
- Out of 2 shoot with gun cases, both have been reported to the police.
- Only 1 of 4 rape cases has been reported to the police.
- 2 of 4 sexual assault cases have been reported to the police.

Attitude of the police forces

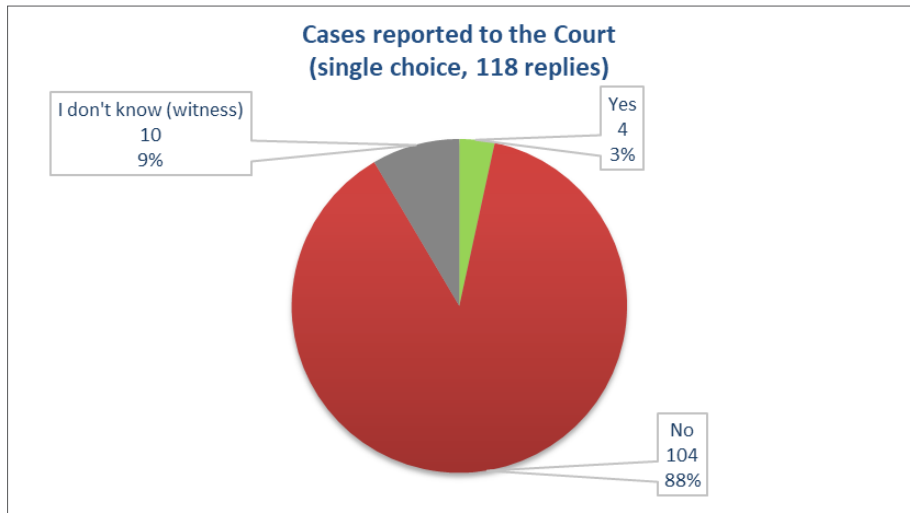
- At this point, only 17 cases out of 118 have been reported to the police forces, in 10 of which the persons were wounded.
- The police acted supportive for 2 cases, indifferent in 9 cases, and standard in 4 cases.
- According to survivors and witnesses, out of these 17 cases only 2 have been identified as a hate crime by the police.
- The answers for the attitude of police provided by the survivors and the witnesses are shown following graphic.



4 main reasons for not reporting to the police forces (out of non-reported 101 cases)



Cases reported to court



- Only 1 of the attempted murder cases of 3 went to court.
- Only 4 of the physical violence cases of 31 went to court. one of the witnesses did not aware that.
- Out of 2 shoot with gun, both went to court.
- Neither of the 4 rape cases went to court.
- Neither of 4 sexual assault cases went to court.

These findings show that survivors of hate crimes did not get any social or juridical support. This only does not cause a feeling of social isolation and exclusion, at the same time causes an individual or group based closure because of the need to establish a support group of similar persons.

Cases reported to the other mechanisms

- None of the mechanisms in Ombudsman Institution and Turkey Human Rights and Equality Institution have been employed as an application mechanism.
- 4 cases have been reported to the inner management.

- 20 cases have been reported to LGBTI+ organizations.
- None of the victims or witnesses mentioned about the juridical help supported by bars.



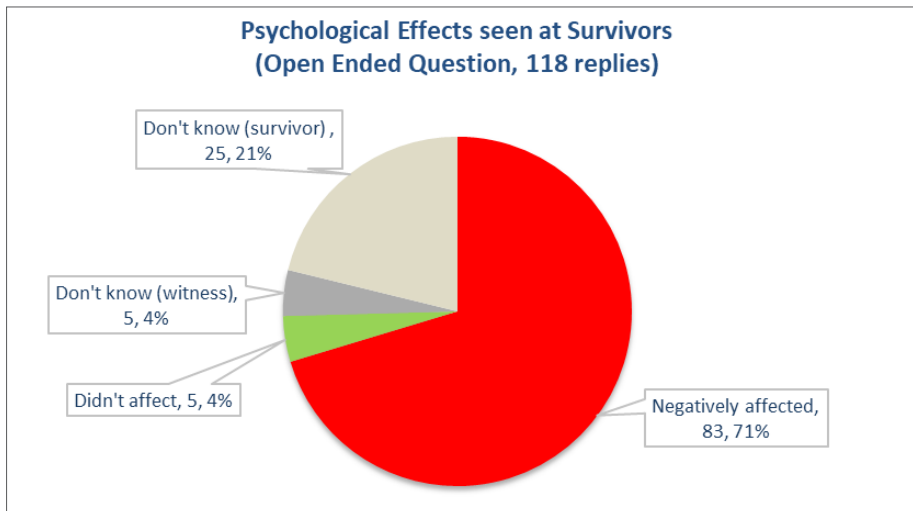
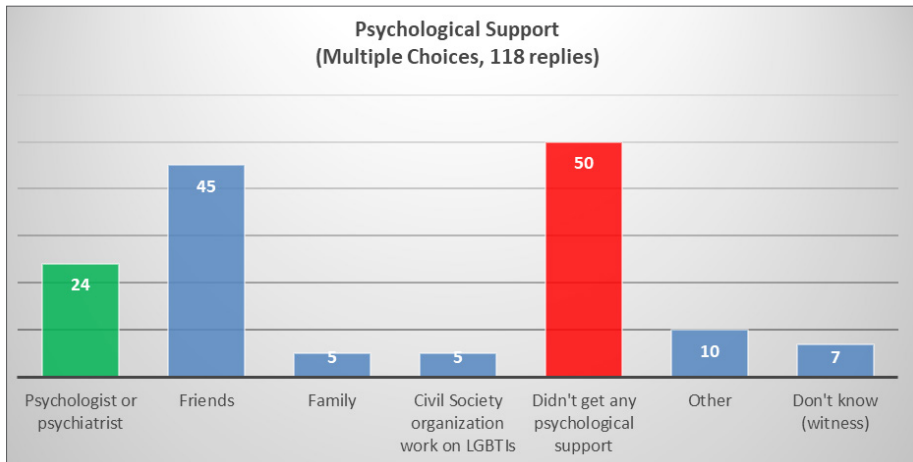
Health services

- Out of 118 cases, 28 victims were physically wounded. 18 of these 28 cases chose to get help from medical institutions.
- 12 of these 18 cases find the attitude towards them as “proper”, 3 as “partially proper”, while 1 evaluated the help as “not proper”. 2 cases answered as “I don’t know”.

Psychological effects and support

- 50 of 118 victims (that is approximately half of the cases) did not get any (professional or social) psychological support.
- None of the attempted murder cases of 3 got psychological or psychiatric support.
- Only one of the rape survivors of 4 got psychologist or psychiatrist support after the incident.
- Only 9 of the physical violence cases of 31 got psychologist or psychiatrist support after the incident.

- None of the 2 cases of shoot with gun took psychological or psychiatric support after the incident.



Selected expressions on the psychological effects of hate crimes are as follows:

“Yes, it reminded me of the exclusion that I had been through as a kid. And made me felt again how such a minority I am in this society and how desperate could I been if I live through something similar.” (Violence threath, cisgender gay man)

“I still live in trauma. Afraid of any smallest piece of noise.” (Physical violence, cisgender bisexual woman)

“I wanted my life to end.” (Sexual assault, pansexual non-binary)

“I turned myself in and fear.” (Verbal assault, cisgender bisexual man)

“That affected my socialization much, left me with deep traumas.” (Physical violence, cisgender gay man)

“I feel desperate, other of the others, as broken as if I am committing a crime and so unhappy, I can’t explain, can’t talk, in a deadlock, I fear.” (Verbal Assault, cisgender bisexual woman)

“I live through nervous breakdowns at nights. Oppressure not to tell someone makes me feel anxious all the time.” (Verbal assault, gay trans maPanicn)

“I don’t feel myself safe in my family home, I see myself neglected.” (Psychological Violence, bisexual agender)

“Panic attack and insecurity.” (Physical violence, cisgender gay man)

“I felt so sorry and kept myself in for a long time.” (Physical violence, bisexual non-binary)

“I kept depressed and sociophobia.” (Physical violence and stalking, lesbian intersex)

“I had to move from that house.” (Physical violence and denial of protection by armed forces, cisgender gay man)

3.4. CITATIONS FROM THE SURVIVORS’ EXPRESSIONS

Below is cited some of the examples of survivors who participated in the survey:

“The hatred which was poured all over the country recently affected my family and people around me negatively/disturbingly, who at first do not reach out LGBTI+s with hate/not evaluate them as a threat. While my family and people around me had not produced any previous hate speech, now (I guess out of fear) started to see LGBTI+ persons as a “project”, “plan that would cause to the end of the society”, “main responsible of unmoral behaviors”. Especially after the pandemia, I see myself as a

LGBT person whose system changed, as my freedom and sharing spaces got restricted. I feel myself desperate and so lonely. When I got a job after this hatred wave, I witnessed disturbing sometimes threatfull words in my workspace (kitchen). Before LGBTI+s were considered as a “difference” but after they are referenced as should be “exterminated”. Nowadays, I only take strength from “hoping”.

“The evilness of people is anymore bearable...”

“I am a human. Just because I love a person not for their body but for their soul, I am exhausted, got tired of being treated as anormal, diseased, of looked down as if I am a pervert, disgusting. I hated my country and my own people deeper and deeper. Crying everyday, eating out myself, thoughts of what happens if my family learns, they destroy me, since I know they will not listen to me, event beat me, or make worse than beaten, maybe I can’t get up from the hits that I get, let alone myself, they might chease after my girlfriend, they take her away from me, she will receive verbal or physical violence. For all of these I live in secrecy. Because all, I lost myself in a conondrum, I can’t breathe. It’s enough. Wanting a world in which lives are more easy, love is enough for everything, dreaming a world like that not be seen like man or woman but like a human, is it a crime to want a life that we aren’t restricted to the genders or patterns?”

“Young LGBTYQA+lar had to return to their family because of economical reasons and closing of universities during the pandemia. This affect badly both our bodily unity and mental health. We are being neglected, ignored, and exposed to violence in family.”

“I am very sure that thousands of LGBTI+Q+ persons are exposed to verbal, psychological, physical violence and much more. We kept lost of them in ourselves because we feel unsafe even in the instutions that must protect our safety. The police officers in the force should get education about discrimination.”

“My mother pressured on me saying that ‘if you are a lesbian, then kill yourself.’ I was 25 years old. Now 26. I have to live with her in the same house after the pandemia for a while. I don’t fear less. Social media and my friends contributed a lot for my strengthening. But also the threats for disclosure from social media have lots of share my fears.”

“For almost 11 years, just for bread money, sometimes working as if I were 5 different persons, I was an employee that was defined as “hardworking, kind, gentleman”. I experienced psychological violence when they took

my status and graded me as a new employee. In a sense, I was forced to quit, and then economical violence arrived, they said they would not give my compensation... After a while I started to think that my open profile on Facebook have been investigated and felt like exposed to discrimination. Because, whomever I talked they could not provide me a reason for my degradation. Now, I am more ok, got together myself... My family is in good condition. I couldn't find a job, after the pandemia I will search again. As a person who ate what earnt oneself for all of my life, my proud is broken, of course. But as I said, my family does not care about it, I make myself sorry."

"Sorrowfull consequences might occur all society especially the health workers lack education about LGBTI+ persons."

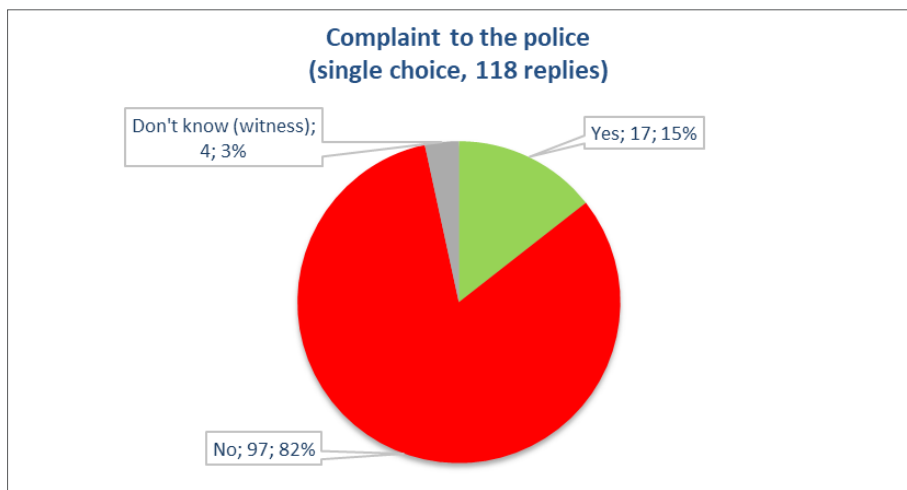
"Do not judge a person by their sexual orientation and identity."

"I am homosexual, 26 years old, making my PhD. Although I have a qualified education and a certain degree of economical opportunities, I experienced violence some time to time in different phases of my life."

"I hope teachers get more concious."

"I realized by this survey how continuous abuse sometimes physical sometimes verbal tired me off starting from age 17, my family, my partners, ex husband, even to dormitory teachers. Sharing is so good. Thanks."

4. ATTITUDE OF SECURITY FORCES



According to research findings, Police Forces were the main complaint mechanism for the victims.

However, only 17 of 118 cases have been reported to the police. 97 of them have not been and, witnesses of 4 cases did not aware of that. There were several cause of such a small number of reports. First, the survivors do not believe that the complaint would work. Second, they have a fear of disclosure to their family and media by the police forces. Third, they hesitated because they felt like they would get discriminated by police since they are LGBTI+s. Besides, for some cases the perpetrator was already a police officer, or the incident has happened in front of polices. Consequently, most of the survivors did not want to contact with police.

In summary, in addition to the police reported 15% of the cases and the above cited experiences also complete the negative table of police behaviour against LGBTI+s human rights.

As the facts that there exists no hate crime based upon sexual orientation, gender identities and gender characteristics in Turkish law system and no recognition for LGBTI+s, in addition to those below graphic shows police's attitude towards LGBTI+ persons, not surprisingly.

5. QUANTITATIVE FINDINGS

IN ACCORDANCE WITH VIOLENCE CATEGORY

For a detailed statistical information about the categories of attempted murder, shoot with gun, rape, sexual harassment, sexual assault, physical assault, damage to property, threats and psychological violence, hijacking, isolation, stalking, violence threat, insult, or verbal assault, denial of access to medical services, and denial of protection by armed forces, please contact with Kaos GL Association.

6. APPENDIX

What does it mean the concepts of sexual orientation, gender identity and intersex?

As it is declared in Yogyakarta Principles:

Sexual orientation is understood to refer to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

Gender identity is understood to refer to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerism.

Intersex persons defines the individuals who born with genitals or reproductive system that is accepted as "atypical" by existent medicine for men and women. Intersex persons are the persons that cannot be classified on the basis of chromosomes, gametes or anatomical gender as "male or female body" norms.

What is Hate Crime? (Organization for Security and Cooperation in Europe's definition)

Hate crime is a crime executed against a specific group in a society on the basis of prejudice. Two different criteria should be met a crime to be defined as hate crime:

- The crime must be defined as a crime in the penal code of judiciary under which it is committed.
- The crime must be committed with the prejudice impetus.

"Prejudice impetus" means crime targets its victim on the basis of the protected status.

“Protected status” is main or core status shared by a group of society, of “race”, religion, ethnic root, language, sexual orientation, gender identity, disability, health status and etc.

The target of hate crime might be any individual, more than one individual or property that is related to a group of protected status.

Acts defined as crimes for many European country national penal code

Category	Sub-Category	Description
1. Murder		<ul style="list-style-type: none"> All types of assaults that cause someone to lose life
2. Overt physical violence		<ul style="list-style-type: none"> All types of assaults that have the capacity to cause someone to be physically harmed Bir bireyin fiziksel zarar görmesine sebep olma potansiyeline sahip tüm saldırı biçimleri All types of assaults such as throwing molotow cocktails or fire raising that target the property and that have the capacity to kill the persons in the property either because they live there, or visit to property. Bombed mail included all explosives. This includes all explosives that may explode or the practicable/viable explosives that have been defused so threat lives. This category also includes all tools although it has been understood that it had been set up wrongly so broken, which was aimed to be viable by its producers. Kidnapping Shooting Assault with a gun or an object that might harm
	Sexual assault	<ul style="list-style-type: none"> Sexual violence act might come from victims' life partner (either married or not), ex life partner, family member or someone sharing home. Rape¹³. Sexual harassment¹⁴. Sexual abuse by a professional helper, in other words all types of sexual communication types with a client/patient and a helping professional (doctor, psychiatrist, health worker, clergy, teacher, professor, police officer, lawyer etc.). <p>It is sexual abuse that all types of unwanted sexual attempts, sexual favor demand, or exposing sexual nature verbally or physically.</p>

¹³ Rape; can be defined as an act of forced intercourse, including vaginal, anal, or oral penetration. Penetration can be with an organ or an object. Rape victims may be forced into engaging intercourse with threats or physical means. Anyone can be the victim of rape: women, men or children, heterosexual or homosexual.

¹⁴ Sexual assault; it can be defined as unwanted sexual contact that does not lead to rape or rape attempt. This includes sexual touching and hugs.

Category	Sub-Category	Description
3. Assault		<ul style="list-style-type: none"> All types of physical assaults that target one or more persons but targeting does not constitute any life threat for the targeted or perpetrator. this includes minor types of assaults. Attempted assault is the assault that fails to succeed because fo victim's self defense or run away. Throwing object to one or more persons, including the cases in which the object do not reach the target.
4. Damage to property		<ul style="list-style-type: none"> All types of assault that target property and do not compromise any life threat. This includes writings of insults, signs; sticking posters or etiquettes to the property, or graphitti, or includes the acts that the targeting of property is concious since there seems to be a relation with the property owner and LGBTI+s. Damaging to the objects or automobiles of LGBTI+ community members when it is obvious that targeting causes because of.
5. Fire Cracking		<ul style="list-style-type: none"> Concious fire cracking acts, in which there was no threat to the life, for example noone living there. Attempted assaults, for example being not able to crack the fire or the cracker disturbed.
6. Threats and psychological violence		<ul style="list-style-type: none"> All kinds of open and specific threats, either verbal or written. If the threat is not open and specific it can be reported as malicious behavior. All kinds of explosives that can be understood it is fake. This includes all that have been designed to seem real but not viable, for example a mechanism that do not content explosives.. Stalking, including unsolicited repeated communications (phone call, e-mail, letter, unexpected appearance, etc.), stopping or monitoring the individual for the purpose of waiting for the individual, threatening the individual and/or family members Blackmailing by claiming to reveal that the individual is a member of the LGBTI+ community, to the public, to family members of the person, or to people at work Restriction of freedom (eg: locking the person) Smear, for example revealing the person's LGBTI+ identity. Bullying (for example at school, at work)

Other acts that has been committed with the prejudice motive (7th category)

These events may or may not be criminalized under national criminal law. It is important to monitor these articles as they contain LGBTI-phobic elements.

Malicious behavior	Hate speech	<ul style="list-style-type: none"> Verbal attack targeting individuals. It can be done face-to-face or by phone. It also includes speeches that are mistakenly directed to and heard by individuals who are not members of the LGBT community. Written attack targeting individuals. It also includes email, phone, SMS, and social media (Facebook, Twitter, etc.) or targeted letters (letters written to or about a specific individual). It also includes written documents sent to individuals containing offensive comments about the LGBT community or individuals. It does not matter in this context whether the recipients are from the LGBT community or not. Sending insulting brochures, e-mails or other publications to the masses will also be considered in the Literature category. Verbal and written misconduct where individuals are not targeted (general homophobic and transphobic comments not directed at a specific person). It also covers behavior performed via the Internet and social media. Public hate speech (for example, speeches by politicians).
	Literature and music	<ul style="list-style-type: none"> Insulting literature and music produced as a result of mass production and sent to more than one recipient. This category covers mass mailings rather than individual hate mails. Hate e-mails directed at individuals are covered in the Abuse or Threats section (depending on the content). Literature that is inherently offensive, regardless of whether the buyer is a member of the LGBTI community or not.
Discriminative acts		<ul style="list-style-type: none"> Every types of discriminative acts that is not defined as crime.

The present report is an output of the Increased Reporting of Homophobic and Transphobic Violence Project supported by ILGA-Europe, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). The aim of the project is to strengthen the skills of lesbian, gay, bisexual, trans or intersex (LGBTI+) non-governmental organizations in Europe to monitor and report homophobic or transphobic hate crimes and incidents on a more permanent and continuous basis.

ILGA-Europe developed a harmonized data collection methodology to prepare this study in 2012. Methodology; Evaluation of the presentations made across Europe taking into account international standards and the Annual Report on Hate Crimes prepared by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) and comparigin the facts with the participation of ILGA-Europe! It was

structured on expertise gained through past experiences, such as the project to make hate crimes visible.

The activity to increase reporting of homophobic or transphobic violence started in 2013. ILGA-European Documentation and Advocacy Fund, with the support of the Dutch Government, provided specific resources to 12 national and local civil society organizations in Bosnia and Herzegovina, Greece, Ireland, Italy, Latvia, Lithuania, Moldova, Poland, Portugal, Spain, Turkey and Ukraine. . These non-governmental organizations were trained on the methodology previously developed by ILGA-Europe and committed to applying this method in order to produce comparable data.

Data collection and publication activities are expected to be developed on a more professional and sustainable basis in the future, with the support of the capacity building aspect of the current project. ILGA-Europe's methodology will be made available to more LGBTI civil society organizations following this pilot initiative.

Herek, G. M., Gillis, J. R. & Cogan, J. C. (1999). Psychological Sequelae of Hate-Crime Victimization Among Lesbian, Gay, and Bixexual Adults. *Journal of Consulting and Clinical Psychology*. 67 (6), 945-951



Kaos GL Association
PK 12 Tunus PTT Kavaklıdere - Ankara - TURKEY
Phone: +90 312 230 0358
Fax: +90 312 230 6277
E-mail: bilgi@kaosglternegi.org
www.kaosgl.org
www.kaosglternegi.org