

MONITORING TRANSPHOBIC INCIDENTS

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The present document has been created with the greatest care, but it does not and cannot claim to be complete.

Please send feedback and suggestions for amendments to Boglarka Fedorko, at boglarka@tgeu.org or tgeu@tgeu.org.

While the guidelines aim to provide information on the online monitoring system developed by TGEU, HURIDOCs and partners, it is strongly recommended that you seek advice from TGEU before starting to use it. Contact TGEU at boglarka@tgeu.org or tgeu@tgeu.org.



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INTRODUCTION

Since 2008, Transgender Europe (TGEU) has been a pioneer in research on trans people's experience of violence and crime: its Trans Murder Monitoring (TMM) Project has documented 1,518 cases of murdered trans persons in five years (89 in Europe).¹ In 2012, the EU Fundamental Rights Agency's (FRA) LGBT survey² also identified transgender persons as particularly vulnerable to hate crimes and unlikely to report them. One of the most shocking results is that 35 per cent of the respondents had been attacked or threatened with violence in the five years before the survey was carried out.

The results also shed light on the extent to which trans people face bias-motivated discrimination in different areas of life, including employment, education, healthcare, housing and other services. Transgender respondents, as well as lesbian and bisexual women, were more likely than gay and bisexual men to have been discriminated against on the basis of their gender in the 12 months preceding the survey. Furthermore, almost a third of responding trans persons felt discriminated against in their employment or job

search in the 12 months prior to the survey. Every fifth transgender person also reported discrimination in healthcare settings, which rate is twice as high as among those who don't identify as transgender.

The FRA concludes that the most frequent reasons for not reporting were a belief that "nothing would change", a lack of knowledge about how or where to report an incident and fear of homophobic or transphobic reactions from the police. In line with the FRA's recommendations on focusing on improving the reporting rates of hate crimes and improving systematic recording, TGEU has gradually been placing more emphasis on monitoring and reporting transphobic incidents in the form of discrimination, hate speech and hate crimes. By working together with LGBT and trans groups and NGOs within the framework of the ProTrans project (see more in *The ProTrans project* section), we wish to provide systematic and credible data needed to improve public policies to prevent and tackle discrimination and violence against trans people.

The present booklet aims to provide an introduction to the topic of monitoring discrimination, hate speech and hate crimes by defining the most common terms and present guidelines on how to use the online monitoring tool developed by TGEU in partnership with its LGBT and trans partner organisations. We acknowledge that setting up a monitoring scheme and accompanying victim support services is an enormous task that requires careful resource planning and expertise. However, we still attempt to highlight some key issues and showcase one hopefully useful tool for those groups and civil-society organisations that want to improve their monitoring and reporting activities and engage in comparative data collection at the European level.

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- 1) For more information on the project, see http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results.htm
 - 2) <https://fra.europa.eu/en/survey/2012/eu-lgbt-survey>

VIOLENT INCIDENTS AGAINST THE TRANSGENDER COMMUNITY

In this section, we highlight some aspects of violence that particularly affect transgender people, drawing from TGEU data and other evidence from civil society.

DOMESTIC VIOLENCE

Transgender people live in a societal climate that marginalises gender variance and allows crime and violence against transgender persons to flourish. For many, rejection, bullying and violence start in the family of origin. The continuously felt threat of violence negatively affects transgender individuals' ability to pursue their personal development and fulfillment. In one case, the father of a young trans woman chained her and locked her up in a cellar for eight months, beating her daily with a rubber pipe and suppressing any social contact. In the end, he forced her into a marriage. "When I had to go to the toilet, he put a rope around my neck and then controlled me from a distance. He did the same when I took a shower.... After eight months, he forced me to marry someone, not legally, but more as a religious ceremony... My patience ran out and I attempted to commit suicide".³ It is often not possible to turn to others for help, as "disclosing domestic violence would often result in

coming out, as the causes for the domestic violence would become public",⁴ with all the adverse consequences that this situation would entail. Moreover, the ongoing strain on an often isolated individual without access to transgender peers or suitable support often results in serious mental-health issues for trans individuals and their communities.

VIOLENCE AND HARASSMENT IN PUBLIC

Many trans people continue to find themselves exposed to verbal and physical assault in public. In its *Transgender EuroStudy* (2008),⁵ TGEU found that 79 per cent of respondents had experienced some form of harassment in public, ranging from transphobic comments to physical or sexual abuse. This number was confirmed by the *Transphobic Hate Crime in the European Union* report published by Press for Change in 2009.⁶ The OSCE (Organization for Security and Co-operation in Europe) confirmed that homophobic hate crimes and incidents often show a high degree of cruelty and brutality. They often involve severe beatings, torture, mutilation, castration, even sexual assault. They are also very likely to result in death. Transgender people seem to be even more vulnerable

within this category. Many documented cases, which reveal the high rate of violence against transgender persons, have been reported by human-rights activists. Perpetrators of violence against transgender persons are clients (in the case of trans sex workers), gangs, police and other individuals. The statistics of TGEU's Trans Murder Monitoring Project show an alarming trend, illustrated, for example, by the increasing number of reported murders in Turkey in recent years (2008: 4, 2009: 7, 2010: 6, 2011: 6, 2012: 7). In Europe, further reports were received of a total of 89 murdered trans people in five years.⁷ The research into these cases suggests that trans murder victims in Europe are frequently migrants or sex workers, and often both.

There is little appropriate reporting about violence against transgender persons, as has been described by researchers in the *Transrespect versus Transphobia Worldwide* report, published by TGEU.⁸ "Apart from the lack of information and the inappropriate and obfuscating reporting by the media, hesitant prosecution of the perpetrators and especially lack of evaluation of the perpetrators' motives by the police and courts often pose a challenge for the TMM, which relies on media reports and court decisions". Because many acts of violence and murders against trans persons go unnoticed, they remain unpunished.

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- 3) Forced Out: LGBT People in Azerbaijan – Report ILGA-Europe/COC. Fact-finding mission – 2008, p. 23.
 - 4) Identifying the Difficulties Experienced by Muslim Lesbian, Bisexual and Transgender Women in Accessing Social and Legal Services – Initial Findings – January 2003 – The Safra Project – Paragraph 5.4.
 - 5) The entire study can be read at <http://tgeu.org/Eurostudy>
 - 6) The entire study can be read at http://www.ucu.org.uk/media/pdf/r/6/transphobic_hate_crime_in_eu.pdf
 - 7) More results from the project are available at http://www.transrespect-transphobia.org/en_US/tvt-project/tmm-results.htm
 - 8) The publication is available at http://www.transrespect-transphobia.org/uploads/downloads/Publications/TvT_research-report.pdf

IMPUNITY AND STATE-SPONSORED VIOLENCE

In cases of violence, transgender persons' access to justice mechanisms is limited for two reasons. First, transgender survivors often do not trust judges or do not have the financial means to cover the costs of legal proceedings. And second, many transgender persons do not have the required information about how to respond to incidents of violence. Those seeking justice are often faced with a reluctant and ill-equipped judiciary. As TGEU research has shown, trans people are particularly vulnerable where there is widespread impunity, since transphobic incidents are not properly investigated.

In many countries, such as Turkey and Greece, the majority of trans women have few economic opportunities other than engaging in sex work. This occupation increases their exposure to violence, particularly from the police. Unfavourable legislation surrounding sex work and the above-described negative attitudes of law-enforcement bodies towards transgender sex workers have a major impact on these individuals' safety and security. Supposedly "neutral" legal measures such as public morality and public-order legislation, anti-vagrancy laws, anti-homosexuality laws, anti-prostitution laws, nuisance laws, etc. are used by law-enforcement personnel to pro-

secute trans people on the grounds of their gender identity or gender expression.

As a trans-rights activist from Turkey reports, "The majority of physical attacks and killings are directed at trans* sex workers, as they are pushed into insecure environments at the margins of society, where the police and/or judicial authorities legitimize the violence they face through their actions". Inappropriately low sentences for perpetrators send a further discouraging signal to the transgender community. Another factor involved in failing to prosecute transphobic hate crimes is that trans women are often treated as men by the criminal-justice system:

- Attacks on trans women by men are implicitly regarded as "male-on-male" attacks rather than male-on-female attacks. Trans women's vulnerability as women and as trans women is overlooked. In many cases, trans women are regarded by the police as the cause of the incident, rather than the victim.
- The legal definition of rape, which is often based on gender, genitals, etc., often excludes trans women.

Another common pattern is that judges rule that the victims engaged in "unjust provocation", exculpating perpetrators and further confirming social prejudices.

THE PROTRANS PROJECT

These guidelines have been compiled within the framework of the ProTrans project, initiated by TGEU in 2013 and supported by the U.S. Department of State and the Ministry of Education, Culture and Science of the Netherlands. This project aims to better protect trans people and their communities in Central, Eastern and Southeastern Europe against violence and impunity. To this end, five trans-rights organisations are working together with TGEU in a two-year project to increase their capacities in monitoring, victim support and advocacy.

The participating organisations are the following:

- Gayten-LGBT, Serbia (www.transserbia.org)
- GenderdocM, Moldova (www.lgbt.md/eng)
- Labrys Kyrgyzstan, Kyrgyzstan (www.labrys.kg)
- Red Umbrella, Turkey
- Transvanilla, Hungary (www.transvanilla.hu)

The project started with the development and implementation of a systematic yet simple **monitoring** system in an inclusive process by participating trans-rights organisations and TGEU to moni-

tor transphobic incidents. The monitoring form has been drafted in a process of three in-person meetings with ProTrans project partners and TGEU member organisations' representatives from:

- ACCEPT Association, Romania (<http://accept-romania.ro/>)
- Trans Aid Croatia, Croatia (<http://www.transaid.hr/>)
- MIT - Movimento Identità Transessuale, Italy (<http://www.mit-italia.it/>)
- TransInterQueer e.V., Germany (<http://www.transinterqueer.org/>)

In conjunction with the monitoring, project partners offer **community-based support services for survivors** of violence and increase legal literacy about possibilities for redress among the transgender population. The project provides local partners with the necessary means to pursue legal action and use domestic redress mechanisms. As a result, the legal literacy of transgender people is increased, as is their confidence in seeking legal or other forms of redress for the infringement of their rights.

After analysing the results of the joint data collection, TGEU and partners will engage in **fact-based advocacy** to increase public awareness of domestic authorities' responsibility to provide appropriate ad-hoc and long-term responses and to address European stakeholders (policy makers, equality bodies, human-rights NGOs and journalists) in order to make them aware of the systematic maltreatment faced by transgender persons.

THE MONITORING TOOL

The development of the monitoring tool has been supported by HURIDOCS, an international NGO helping human-rights organisations use information technologies and documentation methods to maximise the impact of their advocacy work. HURIDOCS develops tools and techniques and provides advocates with customised training and support.⁹

The tool developed is a customised form in OpenEvsys, a free and open-source software application that human-rights NGOs use to record and analyse information on human-rights violations. The form, which records information on the transphobic incident (by capturing important aspects of the incident itself, the victim, the perpetrator and the follow-up actions after the incident took place – for the entire form see *Annex: The monitoring form*), aims to be comprehensive, but at the same time makes it possible to record only key facts in the event that there is no detailed and/or first-hand information available on a case, e.g. the source of information is the tabloid media. Therefore, users can choose how detailed to make the information they collect, depending upon the data available and existing resources for data entry.

Several security measures make OpenEvsys a secure tool for trans human-rights defenders to use:

- It is hosted with an encrypted <https://> account, and an external analysis has shown that its code is secure.
- OpenEvsys allows the creation of different types of users who have access to all or parts of the database (data entry, analysis, administration) and who can carry out all or some specific tasks (reading, creating, updating, and/or deleting records).
- Furthermore, users can mark cases as confidential so that they can only be accessed by themselves and other users selected by them.
- OpenEvsys contains two features to further enhance security that can be set up by individual users: Google Authenticator, which requests a 6-digit code available on the user's smartphone, and Yubikey (<http://www.yubico.com/>), which works with a physical authentication device that is slotted into the USB slot of the computer used.
- In addition, ReCaptcha, which protects against attempts by automated software to obtain access to the database, can be set up for all users under the Admin-System settings.

ADDITIONAL SECURITY TOOLS:

<https://securityinabox.org/>

Protection manual for LGBTI defenders:

<http://protectioninternational.org/publication/protection-manual-for-lgbti-defenders-2nd-edition/>
Chapter Ten, Security of communications and information technology

USER MANUAL:

HURIDOCS's user manual provides assistance in using the various functions of the program (e.g. data entry, analysis):
<https://www.huridocs.org/wp-content/uploads/2010/06/openevsys-users-manual-1401.pdf>

Videos about the program are also available:

<https://www.huridocs.org/openevsys>

9) For more information on HURIDOCS, see <https://www.huridocs.org/>

BASIC PRINCIPLES OF DOCUMENTING TRANSPHOBIC INCIDENTS

In this section, we give a brief overview of some considerations to keep in mind when starting a systematic monitoring activity.¹⁰

In order to provide firm data for governments, international bodies, local authorities or any other stakeholders, data need to be compatible with the national data-collection standards and legal categories in use. Because criminal codes, anti-discrimination laws and other legal tools vary greatly between jurisdictions, it is challenging to apply uniform definitions of discrimination, various types of crimes or hate speech in a single multi-country database. Therefore, we are using a common **classification system** to determine the category of the transphobic incident in question, which is also in line with OSCE ODIHR (Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe)¹¹ standards (detailed in the next section on page 21-23).¹²

Civil-society groups might rely on various **data sources** when monitoring incidents (victims, witnesses, police, media, NGOs, etc.). If the aim is to produce credible data, it is essential that the data collected is based on direct evidence as much as possible. Therefore, reports that come to our attention should be verified if possible; e.g. besides the victim's reports or media articles, we should also ask witnesses about their perceptions, if any. Proper follow-up is especially important if our source of information is a newspaper or any other less credible media outlet.

Hate-motivated incidents differ from other forms of crimes in that they target a whole group by selecting individual victims by their (perceived) membership in that group. These incidents thus have a profound impact on entire communities.

In order to highlight this aspect and the affectedness of the transgender community, sufficient attention needs to be paid to document the **bias** aspect of the crime. Several **indicators** might suggest that bias was involved when the perpetrator committed the act (e.g. offensive language used, offender characteristics, such as belonging to a group, etc. – more on bias indicators on page 25-26).

It is also very important to choose carefully from existing **mechanisms for receiving reports** of transphobic incidents. The most common mechanisms are:

- setting up an online reporting form that enables victims to report directly and anonymously if they wish¹³
- phone hotline (providing support by skilled phone case workers)
- face-to-face meeting with victims
- media monitoring

Groups need to think through the resources they have, the needs of the community and socio-cultural factors when deciding on which monitoring mechanism to use. Both face-to-face interviews and the operation of a phone hotline require great capacity to assist victims of transphobic incidents.

When setting up a consistent monitoring system, **victims' needs and rights** also need to be catered for. Victims need to know what details of their incident will be shared and with which third parties, and they need to consent to provide their details for civil-society organisations' recording. Legal complications might arise from the relevant data-protection legislation, which must therefore be studied carefully before engaging in data collection. Victims have the right to know what will happen with the documentation of the incident they have reported and the exact steps that will take place during the monitoring process. In order to avoid unmet expectations, those who agree to share their stories need to be aware of the limitations of fact-based advocacy, too.

TGEU's monitoring tool aims to ensure the greatest degree of **confidentiality** of victims with enhanced security measures, e.g. no storage of names. But those groups or NGOs that sign up for this tool must also aim for maximum security in their own data-collection practices, complying with national standards and the specific needs of local community members.

10) The list is not exclusive. For further information, please consult the following materials:

• The Facing Facts! Project's Monitoring Guidelines (available in various languages): http://www.ceji.org/facingfacts/?page_id=411

• ILGA-Europe's human-rights documentation tools: http://www.ilga-europe.org/home/how_we_work/developing/resources_on_capacity_building/tools

11) ODIHR supports government officials in designing and developing monitoring mechanisms and data collection on hate crimes.

12) <http://www.osce.org/odihr/39821?download=true>

13) One example to be used is the form of Transgender Equality Network Ireland, available at <https://transequality.wufoo.eu/forms/stad-2014/>

RECORDING AN INCIDENT IN THE ONLINE SYSTEM

This section explains each field of the online monitoring form (for the entire form, see *Annex: The monitoring form*), by providing guidelines on how to record data. If you wish to access the system, please get in touch with the Project Manager of the ProTrans project at boglarka@tgeu.org.

The screenshot shows the 'Adding Person information ...' form in the OpenEvSys system. The form includes the following fields:

- Name (code): Text input field.
- Gender identity: Select dropdown menu with a 'CLARIFY' link.
- Age range: Select dropdown menu with a 'CLARIFY' link.
- Connection with LGBTIQ community: Select dropdown menu.
- Confidentiality: Radio buttons for 'Yes' and 'No'.
- Short description (local language): Text area.
- Short description (English): Text area.

The monitoring form

Name (code)

The code that you have to apply for the incident will be assigned to you by TGEU after it has provided you with access to the system.

Guidelines

No names should be recorded here, even if they have been released by the media. If you want to store names for your internal organisational purposes, use secure software, e.g. Keepass.

Entry

Be sure to code precisely and try to give multiple violations consecutive numbers (for instance, when a victim of harassment turns to the police and suffers further abuse).

Examples

SER_GAYTEN_001

Gender identity

The victim's felt gender identity, only if it is known.

Guidelines

Gender identity is not known in all cases, but if it is (e.g. the victim has been in contact with the organisation for a long time, is a volunteer at it, or has been a client for some time, etc.) record it. In some situations, it might not be appropriate to ask a victim about their gender identity, especially straight after a traumatic incident. Be cautious with the identity reported by the media, as media reports on this issue often cannot be relied upon.

Entry

Select the relevant identity/identities. If it is not on the list, use the text field to specify "other".

Examples

MTF – Cross-dresser

Age range

The victim's age on the date of the incident.

Guidelines

If known, age can be a factor to be taken into consideration, for instance when analysis wants to distinguish between children and youth victims.

Entry

Select the appropriate age range.

Examples

41-50

Connection with LGBTIQ community

The victim's involvement in the LGBTIQ movement and events.

Guidelines

In some cases (for instance, in a series of attacks against the activists of an organisation), it might be important to record the victim's affiliation with LGBTIQ organisations, venues or the movement.

Entry

Select how involved the victim was in the LGBTIQ movement. If they worked for an LGBTIQ or trans group or organisation, specify which one.

Examples

Participate in Pride.

Confidentiality Yes No

Visibility of the case to other users in the system.

Guidelines

In sensitive cases, confidentiality might be required. Opting for a confidential case means that the case won't be visible for other users.

Entry

Select yes or no.

Examples

Yes.

Short description (local language)

Short description (English)

Narrative description of the incident.

Guidelines

An abstract of the transphobic incident contains the most important aspects of the event (what happened where and to whom). It also briefly describes the bias indicators (what indicates that the incident was hate-motivated – driven by transphobia, whorephobia, etc.).

Entry

Be concise in entering information and aim not to use more than 3 or 4 sentences. This way, the data on the various cases can easily be synthesised and compared. If there is relevant follow-up (police intervention, court case initiated, etc.), try to include some information on it.

Examples

A 16-year-old trans woman was barred from entering a female toilet in a shopping mall in city X by a security guard, who asked for her ID and then spoke to her in a discriminatory and offensive manner. She reported the incident to the Scottish police, who started investigating the case.

or

A transgender man was attacked by two unknown perpetrators after he and his band performed at a club in city Y. He was hit in the face with a bottle, then followed to his car and beaten. At the police station, police officers made derogatory comments about his clothing. The case was not registered as a hate crime.

Date of incident

The date when the incident took place.

Guidelines

Indicate the date when the incident occurred. If multiple similar incidents occurred, indicate that in the comment section.

Entry

Select a date from the calendar. You can enter the date manually in the following format as well: yyyy-mm-dd.

Examples

2014-09-01

Time of incident

The time when the incident took place.

Guidelines

Indicate the time when the incident occurred. If multiple similar incidents occurred, indicate that in the comment section.

Entry

Select a time of day (morning, afternoon, evening, night).

Examples

night (9 pm to 5 am)

Place of incident

The country where the incident took place.

Guidelines

Select the country where the incident occurred.

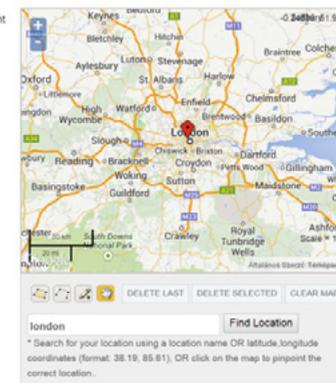
Entry

Select a country.

Examples

Croatia

Location of incident



The location where the incident took place.

Guidelines

Provide the location where the incident took place. You can be specific, giving the exact place (for instance if you aim to draw a map with locations to be avoided after Pride marches, using former locations of incidents), or you can just choose a county and region if you don't wish to reveal the identity of the victim (in the case of a small village where only one trans person is known to the community, e.g.).

Entry

Search for your location using a location name or latitude, longitude coordinates (format: 38.19, 85.61), or click on the map to pinpoint the correct location.

Examples

Szeged, Hungary

Type of location of incident

The type of location of the incident (e.g. Internet, prison, public space, etc.).

Guidelines

Categorise the location where the incident took place.

Entry

Select from the predefined categories. If the location is not on the list, specify the type of location.

Examples

Restaurant, bar, club

Type of incident

The type of incident that took place.

Guidelines

Classify the incident according the following tables. If multiple violations took place, select all of them. Note that all hate crimes involve a hate and bias motive towards a group; therefore, if you choose any of them, you don't have to indicate discrimination as well.¹⁴

Hate crimes:

Actions that are crimes according to the national criminal law in most European countries.

Category	Subcategory	Description
Homicide (murder)		<ul style="list-style-type: none"> Any attack on a person that causes loss of life.
Extreme physical violence	Serious bodily harm	<ul style="list-style-type: none"> Any attack on a person that potentially causes serious physical harm. Any attack on property, for example by arson or petrol bombs, where there is the potential for people in the property to be killed, for instance if the building is inhabited or occupied at the time of the attack. Bombs, including letter bombs. This includes any viable device that either detonates or is defused, and therefore was life-threatening. It also includes any device that is assessed to have been intended by its sender to be viable, even if after analysis it is found that it was incorrectly constructed and therefore would not have gone off. Kidnapping. Shooting. Attack with weapon or any other object that can be used to harm.
	Sexual assault	<ul style="list-style-type: none"> An act of sexual violence can be committed by the victim's partner (married or not), previous partner, family member or co-habitant. Rape Sexual assault Sexual exploitation by a helping professional, i.e. sexual contact of any kind between a helping professional (doctor, therapist, caregiver, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient. Sexual harassment, including unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature.
Assault		<ul style="list-style-type: none"> Any physical attack against a person or people that does not pose a threat to their life and is not serious. This would include lower-level assaults. Attempted assault that fails, due to self-defence, or if the victim runs away. Throwing of objects at a person or people, including where the object misses its target.

14) The tables describing the different categories of hate crimes, hate speech and discrimination are adapted from

- The Facing Facts! Project's Monitoring Guidelines (available in various languages): http://www.ceji.org/facingfacts/?page_id=411
- ILGA-Europe's human-rights documentation tools: http://www.ilga-europe.org/home/how_we_work/developing/resources_on_capacity_building/tools

Category	Subcategory	Description
Damage to property	Attack against property, including desecration	<ul style="list-style-type: none"> Any physical attack directed against property that is not life-threatening. This includes the daubing of abusive slogans or symbols, or the placing stickers or posters, on property, including graffiti, or damage caused to property, where it appears that the property has been specifically targeted because of a perceived connection between the owner and the LGBTI communities. Damage to cars or other personal property belonging to members of LGBTI communities, where it is apparent that they have been targeted for this reason.
	Arson	<ul style="list-style-type: none"> Arson attacks on property where there is no threat to life, for instance if the building is uninhabited at the time of the attack. Failed attempts, for instance attempted arson where the fire fails to catch or the arsonist is disturbed.
Threats and psychological violence		<ul style="list-style-type: none"> Any clear and specific threat, whether verbal or written. If the threat is not clear and specific, then the incident should be recorded as "Abusive behaviour". Any "bomb" that is assessed to be a hoax. This includes something that is designed to look like a real device but is not intended to be viable, for instance if it does not contain any explosive material. Stalking, including repeated undesired contact (phone calls, emails, letters, unexpected visits, etc.), following or lying in wait for the individual, making threats to the individual or their family. Blackmailing to divulge publicly, or to family members or at work, that a person belongs to the LGBTI community. Restriction of freedom (e.g. locking up a person). Defamation, such as outing the LGBTI identity. Bullying (e.g. at school, at workplace).

Hate speech and discrimination:

These incidents may or may not qualify as crimes under national law. They are elements of a LGBTI-phobic context, as a result of which it is important to monitor them.

Category	Subcategory	Description
Hate speech	Public hate speech	Verbal or written abuse in public, e.g. by a politician.
	Cyber Hate	Hate speech channelled via the Internet and/or social media.
	Abusive behavior	<p>This type of behavior may often fall short of constituting a criminal offence; however, it is important to monitor it.</p> <ul style="list-style-type: none"> Verbal abuse, whether face-to-face or via telephone or phone messages. This includes abuse that is mistakenly directed at, or overheard by, people who are not members of LGBTI communities. Written abuse (including mobile-phone text messages, graffiti and targeted letters (that is, those written for, sent to or about a specific individual). This includes written abusive comments about LGBTI communities or persons that are sent to individual people, regardless of whether they are members of LGBTI communities. This abuse is different from a mass mailing of abusive leaflets, emails or other publications, which are dealt with in the separate "Abusive literature and music" category.
	Abusive literature and music	<ul style="list-style-type: none"> Mass-produced abusive literature or music that is sent to more than one recipient. This covers mass mailings rather than individual cases of hate mail, which fall under the "Abusive behavior" or "Threats" categories, depending on the content. Literature that is abusive in itself, irrespective of whether or not the recipient is a member of LGBTI communities.
Discriminatory incidents		Any form of discriminatory incidents that are not considered a crime.

Entry

Select from the list.
You can select multiple.

Examples

Sexual assault

Witnesses Yes No

Indication of whether there are known to be any witnesses.

Guidelines

For the purposes of verifying a case, it is important to recording witnesses' accounts as well, if they are known. If you have testimony from a witness, upload it to the document repository after securing their consent.

Entry

Select yes or no.

Examples

No

Basis for bias in incident

The (perceived or known) characteristic of the victim that constituted the basis for the perpetrator to commit the incident(s).

Guidelines

Discrimination, hate speech and hate crimes are all motivated by bias. In many cases, there are multiple (perceived or known) characteristics of the victim that provided the basis for hatred and bias. In the "bias indicator" field, you can read more about how to identify indicators of bias.

Entry

Select one or multiple categories.

Examples

Age + Gender identity/
gender expression

Bias indicator

The aspect of the incident that indicates bias/hatred on the perpetrator's part.

Guidelines

Discrimination, hate speech and hate crime are all motivated by bias. As the hate motive implies that the incident was committed not primarily against the victim, but against a whole community based on the bias related to the individual victim's (perceived) belonging to a group, it is crucial to prove and document this aspect. In order to assess whether an incident was motivated by bias, the following bias indicators can be used:¹⁵

Bias indicators	Questions that can help determine if a bias indicator is present
Victim perception	Does the victim perceive that the incident was motivated by bias? Keep in mind that the victim does not always understand that s/he may have been victimized in a bias-motivated attack. Victims often search for other reasons to explain an attack because their sexual orientation, gender identity or gender expression represents an aspect of themselves that is not generally possible to change.
Witness Perception	Does the witness perceive that the incident was motivated by bias? Victim perception and witness perception may be different. Both need to be considered.
Difference between suspect and victim in terms of racial, religious ethnic/national origin, gender, sexual orientation, etc.	Do the suspect and victim differ in terms of sexual orientation, gender identity or gender expression? Has the victim recently moved to the area in which the incident took place? Was the victim engaged in activities of LGBTI communities at the time of the incident? Is the victim, although not a member of LGBTI communities, is a member of an advocacy group that supports members of the LGBTI communities, or was the victim in the company of a member of LGBTI communities? Is the victim associated to a member of the LGBTI communities (e.g. married, or a family member)? Is the victim's sexual orientation, gender identity publicly known?
Location and/or timing	Was the victim in or near an area or place commonly associated with or frequented by members of the LGBTI communities (e.g. an LGBT bar, venue)? Did the incident happen near locations related to the perpetrator's group (e.g. headquarters of extremist organizations) or any hot spots for hate crimes? Did the incident occur on a date of particular significance for the LGBTI communities (e.g. day of LGBT pride march)?
Language and word used, including written statements, gestures, graffiti, visible signs of the suspect	Did the suspect make comments, written statements or gestures regarding the victim's background? Were drawings, markings, symbols or graffiti left at the scene of the incident? Did/does the suspect wear any visible sign (tattoo, clothes, haircut) to deduce his/her membership to a specific group opposed to LGBTI communities?
Organised hate groups	Were objects or items left at the scene that suggest the crime was the work of paramilitary or extreme nationalist organisations? Is there evidence of such a group being active in the neighbourhood? Did any organized hate group claim responsibility for the crime?

15) The source of the table is: http://ilga-europe.org/media_library/ilga_europe/how_we_work/ilga_europe_as_a_funder/tools/types_of_crimes_bias_indicators

Bias indicators	Questions that can help determine if a bias indicator is present
History of previous bias crimes/ incidents	Is there a history of similar incidents in the same area? Has the victim received harassing mails or phone calls or experienced verbal abuse based on his/her sexual orientation, gender identity or gender expression? Has the victim been blackmailed that his/her sexual orientation, gender identity or gender expression will be made public (e.g. the victim's identity as LGBTI)?
In case of attacks against property	Is the attacked/damaged property in a structure or location that belongs to LGBTI communities (e.g. LGBTI venue/bar)?
Offender Characteristics	Does the offender have a history of previous incidents/crimes with a similar modus operandi and involving other victims of the same race, religion, ethnicity/national origin, disability or sexual orientation? Does the offender have a prior history involving hate motivated conduct? Is the offender a member of, or associates with members of, an organized/less organized hate group? Does the perpetrator, in post-arrest statements or in the commission of the crime, recognize the victim to be a member of LGBTI communities?
Degree of violence	Was the degree of violence used against the victim particularly intense?

In all cases, the victim's perception of the incident should be the defining factor in determining whether it was motivated by bias or hate. A victim of a transphobic hate crime does not necessarily have to identify as a trans person (e.g. the perpetrator perceives them to be a trans person

because they work for a trans group) to perceive the crime to have been motivated by hatred or bias. Therefore, it is not sufficient to state that the victim was a trans person for the incident to be classified as a bias-motivated incident.

Entry

Select one or multiple categories.

Examples

Witness perception + Location +
Language used

Clarification of bias indicator (local language)

Clarification of bias indicator (English)

The description of the bias indicator (see previous field).

Guidelines

Provide a narrative description of why you believe the incident was motivated by bias or hatred.

Entry

Use 2-3 sentences.

Examples

The perpetrator said offensive things to the victim (calling her whore, tranny). The location (street sex-work venue) also indicates that the perpetrator intentionally went to this area to commit the crime, targeting trans sex workers.

Source of information

The description of the source from which you received the information.

Guidelines

Indicate the primary source of your information on the incident.

Entry

Select one or multiple.

Examples

Victim + Media

Number of perpetrators

The number of perpetrators.

Guidelines

Indicate how many perpetrators are known.

Entry

Provide a number.

Examples

2

Type of perpetrator

SELECT

The type of perpetrator(s).

Guidelines

Indicate whether the perpetrators belonged to organised hate groups, the police, the army, etc., and whether they had a relationship with the victim (family, workplace, etc.).

Entry

Select one or multiple.

Examples

Co-worker

Description of perpetrators (local language)

Description of perpetrators (English)

The description of perpetrator(s).

Guidelines

Provide any relevant and known details on the perpetrators, e.g. identifiers (for instance, tattoos), based on which you believe the incident was hate-motivated. Do not store names in the system, but separately in a safe location, as perpetrators' name should not be revealed as long as they have not been convicted.

Entry

Give a 2 to 3 sentence description of perpetrator(s), including number of perpetrators, age, perceived gender, relationship to victim, etc.

Examples

Two men between 25 and 30, wearing the local football team's jersey with swastika tattoos. Witnesses have seen them before in the area.

Impact (local language)

Impact (English)

The impact of the incident on the victim and/or community.

Guidelines

Provide details on the incident's impact on the mental and physical health, personal life, living and job conditions of the victim and the community.

Entry

Give a 2 to 3 sentence description of how the mental and physical health, personal life, living and job conditions of the victim and the community have changed due to the incident.

Examples

The victim was hospitalised with severe injuries. The local trans group held a protest in front of the police station in District 12 of Gurian.

Medical care needed Yes No

The victim's need for medical care.

Guidelines

Indicate whether medical care was needed after the incident.

Entry

Select yes or no.

Examples

Yes.

If yes, reaction of medical staff

SELECT

Reaction of medical staff.

Guidelines

Indicate whether service was provided and categorise how medical professionals treated the victim.

Entry

Select one of the options.

Examples

No medical care provided – distrustful

Other support received

SELECT

Other support received by victim.

Guidelines

Indicate if any other support was received (e.g. from a psychologist, friend, family, etc.).

Entry

Select one or multiple. Specify if not on the list.

Examples

Friends.

Reporting to the police Yes No

Indicate whether the incident has been reported to the police.

Guidelines

Indicate whether the incident has been reported to the police.

Entry

Select yes or no.

Examples

Yes.

If no: reasons for not reporting to the police

SELECT

Reasons for not reporting to the police.

Guidelines

Indicate why the victim did not report the incident, if known.

Entry

Select a reason or specify "other".

Examples

Fear of violence and humiliation.

If yes: Reaction of the police

SELECT

Reaction of the police if the incident was reported to them.

Guidelines

Indicate whether the police filed a report and what their reaction was like.

Entry

Select one. Specify if not on the list.

Examples

No police report filed – distrustful.

If multiple violations in case, link to other record

Multiple violations.

Guidelines

Indicate whether, apart from the primary incident, the victim has suffered from further abuse from the police or medical staff.

Entry

Provide the code of the other incident (from the name (code) field) recorded in the system.

Examples

NOR_NTO_013

Response of local authorities (local language)

Response of local authorities (English)

Response of local authorities to the incident(s).

Guidelines

Describe statements made by public officials in press releases and/or meeting with representatives of the targeted community.

Entry

Give a short summary of the local authority's response.

Examples

The mayor of the town immediately convened a press conference and expressed her deepest condolences to the transgender community. The police affirmed that they would focus on protecting the affected community with all their available resources.

Reporting to other organs Yes No

Indicate whether the incident has been reported to other organisations or institutions.

Guidelines

Indicate whether the incident has been forwarded to any institutions, NGOs, monitoring bodies, etc.

Entry

Select yes or no.

Examples

No

Other organs reported to

SELECT

Organisations and institutions (other than the police) that have received the report of the incident.

Guidelines

Indicate what institutions, NGOs, monitoring bodies, etc. have received the report of the incident.

Entry

Select one or multiple and specify in the text field. If not on the list, specify.

Examples

International – OSCE

Court case initiated Yes No

Indicate whether the incident has resulted in court proceedings.

Guidelines

Indicate whether the incident has been taken to court.

Entry

Select yes or no.

Examples

Yes

Description of court case
and decision (local
language)

Description of court case
and decision (English)

Description of court case and decision
if legal proceedings were initiated.

Guidelines

Provide details on the court case
and decision.

Entry

Give a 2 to 3 sentence description of the
parties that provided legal support for
victim, the legal process, the court deci-
sion, appeals, etc.

Examples

The police recorded the case as a hate
crime on the basis of gender identity and
charged the two offenders identified by
the witnesses with sexual assault.

Violation status

SELECT



Status of the case indicating whether it
has been confirmed as an incident or if it
was a likely, unlikely or possible violation.

Guidelines

Determine – based on the follow-up on
the case – whether the details of the in-
cident have been confirmed or if it is an
unlikely, possible or likely incident.

Entry

Select from the list.

Examples

Possible

Supporting Documents [Show Supporting Document\(s\)](#)

Supporting documents.

Guidelines

Upload any materials that can be relevant
to the incident (witness testimonies, me-
dia articles, hospital records without sen-
sitive information, press releases, etc.).

Entry

Provide a document title, name of the
creator and a short description of the file.
Indicate the language of the document.

GLOSSARY OF TERMS¹⁶

Advocacy

The deliberate process of influencing those who make or have responsibility for implementing policy decisions. As such, the word “advocacy” is quite pliable and is used variously to suit organisational agendas. It is understood in terms of the work an organisation does and the fundamental mission of the organisation.

Bias indicators

Criteria that can assist law-enforcement professionals in determining whether a particular crime should be classified as a bias/hate crime. These criteria are not all-inclusive, and each case must be examined on its own facts and circumstances.

Bias motivation

A bias or hate crime or hate-motivated incident can be based on one of the following motivations: race/ethnicity, religion/faith, nationality, age, disability, sex, sexual orientation, gender identity, or other grounds.

Data collection

Data collection implies determining what information is needed and establishing the means to acquire it. Fact finding and monitoring are part of this process. Methods include a wide range of tools such as surveys, interviews, questionnaires, etc.

Documentation

The term “documentation” can have different meanings, depending on the geographical context or the field in which it is employed. It is important to stress that documenting is a process that includes different steps, which can vary depending on the goal of the documentation. Generally, documentation is the process of organising and classifying the collected data such that it is accessible in the short and long term. It implies categorising the collected data according to certain criteria (such as the profile of victims/perpetrators; categories of incidents; bias indicators). This makes the data accessible and creates possibilities for analysis. Analysing data includes elaborating statistics, charts and graphs to make findings more visible. Good documentation is the basis for good

reporting and dissemination to actors (government authorities, European/international institutions, human-rights institutions, etc.) that can take action. Good documentation can also be used to create effective advocacy tools, such as educational materials, articles, and posters that support the changing of attitudes.

Gender identity

Gender identity refers 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 mannerisms. (Yogyakarta Principles 2007)

Hate crime (or bias crime)

Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. This could be based, inter alia, on gender, gender identity, sexual orientation, ethnicity, religion, age or disability. A hate crime comprises two distinct elements:

- It is an act that constitutes an offence under the criminal law, irrespective of the perpetrator’s motivation; and

- In committing the crime, the perpetrator acts on the basis of prejudice or bias.

Thus, the perpetrator of a hate crime selects the victim based on the victim’s membership or perceived membership in a particular group. Where the crime involves damage to property, the property is chosen because of its association with a victim group and can include such targets as places of worship, community centres, vehicles or family homes.

Hate speech

Forms of expression that are motivated by, demonstrate or encourage hostility towards a group or a person because of their membership in that group. Since hate speech may encourage or accompany hate crimes, the two concepts are interlinked. States differ considerably as to which forms of expression can be limited or prohibited because of their hateful nature.

Monitoring

A broad term describing the active collection, verification and use of information to address human-rights problems over time. Human-rights monitoring includes observing and gathering information about incidents and events (elections, trials, demonstrations, etc.); it has a temporal quality, as it generally takes place over an extended period of time. In the speci-

16) The glossary of terms builds on TGEU’s and ILGA-Europe’s working definitions. More information on ILGA Europe’s hate crime monitoring resources: http://www.ilga-europe.org/home/how_we_work/developing/resources_on_capacity_building/tools

fic context of hate crimes, the purpose of monitoring is to document violence motivated by hatred and to draw the attention of national authorities or international organisations to the violation of recognised human rights. Monitoring ultimately aims to collect sufficient evidence of hate crimes to convince authorities and the public that something has to be done to improve the situation. Monitoring is also done to ensure that the authorities are adhering to the law, guidelines or agreements. It can also show trends over time.

Transgender or trans people

Transgender or trans people have a gender identity that is different from the gender assigned at birth. This includes people who intend to undergo, are undergoing, or have undergone gender reassignment as well as those who prefer or choose to present themselves differently from the expectations of the gender assigned to them at birth.

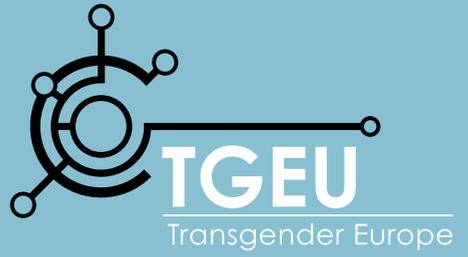
Transphobic incidents

The term describes acts motivated by prejudice/bias/hatred against trans people ranging from those that are merely offensive to those that constitute criminal acts. Although hate-motivated incidents do not always involve crimes, such incidents often precede, accompany or provide the context of hate crimes.

Victim of a homophobic or transphobic hate crime/incident

A victim of a hate crime/incident is a person who has suffered any incident, which may or may not constitute a criminal offence, that is perceived by the victim or any other person as being motivated by prejudice or hate based upon their sexual orientation, gender identity or gender expression. The perception of the victim or any other person is the defining factor in determining whether an incident constitutes a homophobic or transphobic hate crime.





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