



Documentation of homophobic and transphobic violence in Portugal during 2013

ILGA Portugal
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1. Introduction

The present report is **the Portuguese outcome of “Step up reporting on homophobic and transphobic violence”**, a project supported by ILGA-Europe, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association. **The objective of the project was to empower European LGBTI civil society organisations to more consistently monitor and report homophobic and transphobic hate crimes and incidents.**

To prepare this work, ILGA-Europe had developed a harmonised data collection methodology in 2012. The methodology builds on international standards and on the expertise gained in different past activities, such as the elaboration of European-wide submissions to the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) in view of its Annual Report on Hate Crime,¹ or ILGA-Europe’s participation to the “Facing Facts! Making hate crime visible project”.²

“Step up reporting on homophobic and transphobic violence” was launched in 2013. ILGA-Europe’s Documentation and Advocacy Fund, with the support of the Government of the Netherlands, provided dedicated resources to 12 national and local NGOs in Bosnia and Herzegovina, Greece, Ireland, Italy, Latvia, Lithuania, Moldova, Poland, Portugal, Spain, Turkey and Ukraine. These NGOs were trained on the methodology previously developed by ILGA-Europe, and committed to apply it in order to produce comparable data.

Data collection and publication is expected to be developed on a more sustainable and professional basis in the future, thanks to the capacity building aspect of the current project. Following this pilot initiative, ILGA-Europe’s methodology will be made available to more European LGBTI civil society organisations.

The present report refers to the data collected by ILGA Portugal. The data was collected in the year of 2013, from 15 April until 31 October, **and refers to hate crimes and/or discriminatory incidents that occurred between 1 January and 31 October 2013.** Two different surveys with the exact same questions were applied in parallel: one tailored for victims of homophobic and transphobic hate crimes and discriminatory incidents, and another for witnesses. The data was merged and analysed

¹ <http://www.osce.org/odihr/108395>

² <http://www.ceji.org/facingfacts/>

together, unless stated otherwise.

Questionnaires were available online,³ and were disseminated through various means: emails were sent to several organisations and institutions; numerous mentions to the project were made in our website and facebook page; and through posters/flyers distributed in different places and occasions. Printed questionnaires were also available during Pride, in a venue especially developed for the project’s purpose. **We collected a total of 164 valid questionnaires: 82 from victims and 82 from witnesses. Each questionnaire corresponds to one hate crime or discriminatory incident.**

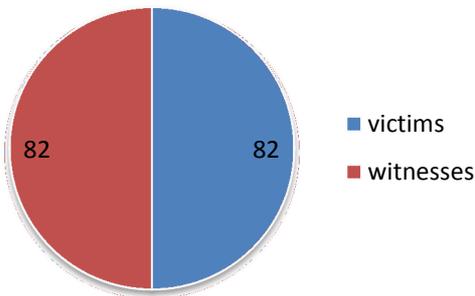


Figure 1. Hate crimes/incidents reported by victims and witnesses

Participants could choose more than one option in relation to **gender/gender identity of the victim**. As can be seen in Figure 2, 46% of the victims identifies (or was perceived by the witnesses) as male, 44% as female, 6% as trans man, 2% as trans woman, and 1% as intersex. One point seven percent chose the option “Other” (“homosexual community”; “nightclub” and “all options”). Must be noted that all but one hate crime/incident targeting trans people were reported by witnesses.

³ <http://ilga-portugal.pt/observatorio/>

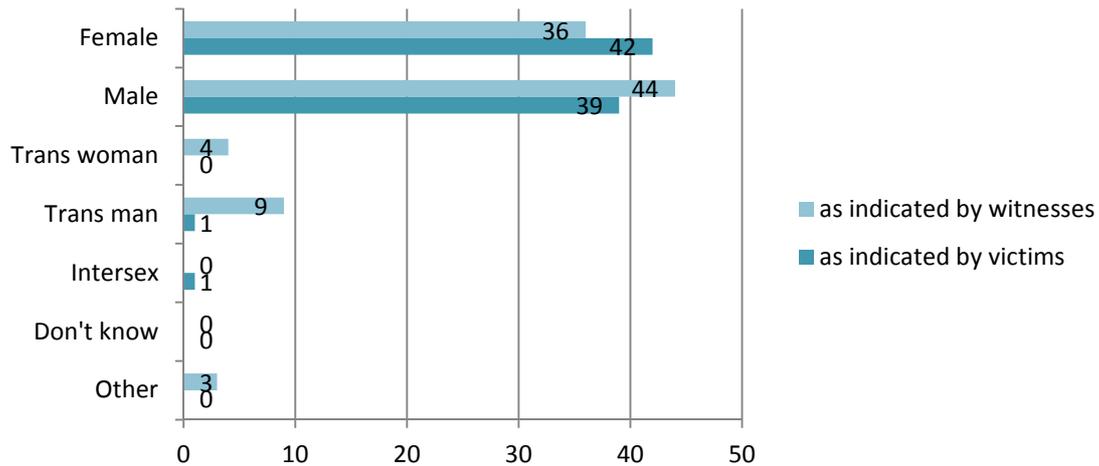


Figure 2. Victims' gender/gender identity

Concerning the **sexual orientation of the victims**, 41% identifies (or was perceived by the witnesses) as gay, 24% as lesbian, 20% as bisexual, 4% as heterosexual, 4% chose the option "Not sure", and 6% chose the option "Other".

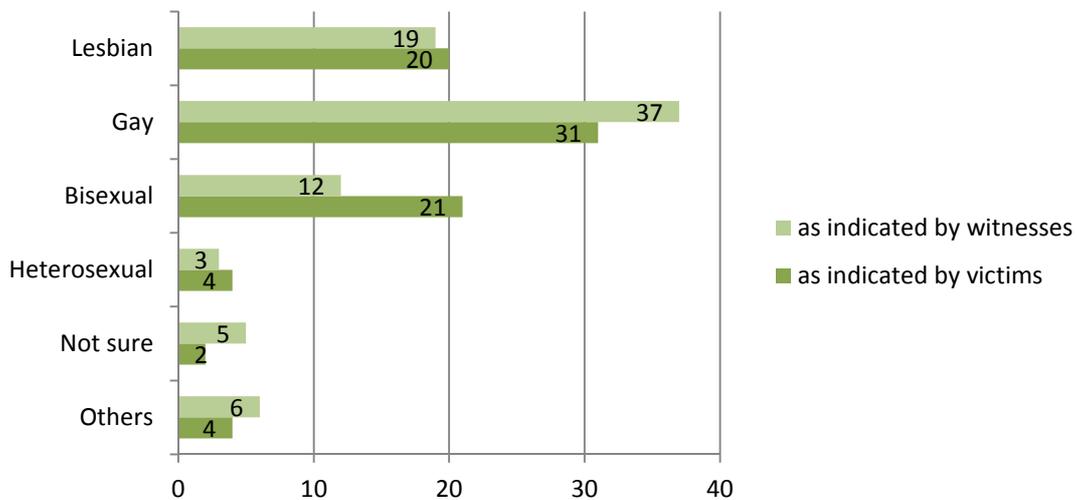


Figure 3. Victims' sexual orientation

In relation to **extent of "being out"**: 69% of the victims is out to friends, 44% is out in the LGBT community, 30% is out to one or both parents, 28% is out to brothers/sisters, 21% is out to all family, 16% is out in the workplace.

In relation to the **involvement with the LGBT community**: 36% of the victims regularly goes to LGBT venues, 26% participate in some events, 25% went at least once to a Pride event or to a LGBT venue, 13% is not involved at all with the LGBT

community, 10% is involved as an activist or working in an LGBT NGO, and 5% regularly goes to LGBT events.

2. Key findings

Between 15 **April and 31 October 2013** ILGA Portugal has gathered **164 valid questionnaires** reporting cases of homophobic and transphobic violence in Portugal.

According to this data collection the **most frequent cases of discriminatory incidents and crimes committed against LGBTI persons and/or persons perceived as LGBTI are insults and verbal abuse** (123 reported incidents), **followed by threats and psychological violence** (69 reported cases) **and extreme physical violence** (37 cases).

Participants could choose more than one type of crime/incident, thus from 258 incidents, **112 clearly qualify as hate crimes** under the OSCE definitions (please refer to the glossary).

Verbal abuse and extreme physical violence affects more women than men whereas the opposite occurs in threats and psychological violence and damage against property reports.

According to the reports collected, **victims are quite young, between 14 and 20 years old, are out to friends and, regularly go to LGBT venues.**

Perpetrators usually act in group and are unknown to the victim. The average age of the perpetrators varied between 18-25 years old in cases of insults and verbal abuse; 25-40 years old in cases of threat and psychological violence; and, 16-18 years old in cases of extreme physical violence.

The most cited motives for the discriminatory incident and crime was the victim's actual or perceived sexual orientation and gender expressions.

The reports usually occurred in Lisbon and on its outskirts, in the afternoon (and less frequently in the evening) and in a public space.

Though often there was more than one witness, reports mention their inability to intervene as they seem to ignore the situation.

Victims and witnesses mentioned the **negative impact** the discriminatory incidents and crimes had on their (the victim's) personal or social life, but **very rarely did the victims resorted to any type of professional psychological support** (mainly benefiting from

friends' support) **nor did they report it to the police.**

3. Bias motivated violence against LGBTI

3.1. The legal situation of homophobic and transphobic hate crime

Hate crime is not an autonomous criminal offence in Portugal, but it is recognised as an **aggravating penalty for sexual orientation and gender identity-based crimes.** Accordingly, Articles 132.º e 145.º of the Criminal Code imposes aggravating circumstances for, respectively, murder and offences to physical integrity if motivated by the victim's sexual orientation or gender identity. Furthermore, Article 240.º foresees racial, religious or sexual discrimination and prohibits the organisation or promotion of violence, defamation or threats, thus homophobic and transphobic discrimination are protected under the sexual discrimination framework.

In addition, it is important to note that **it is possible to present complaints but not to record data on the motivation of the crime**, thus there is no available data on crimes committed against the LGBT community, which of course affects policies' decisions on the issue. Furthermore, **none of the existing complaints mechanisms are anonymous**, which of course hardens the complaints rate and trust levels with the security forces.

Moreover, there is a **transversal lack of appropriate training and public policies** specifically addressing sexual orientation and gender identity issues and there are no formal units or liaison officers tasked to address these issues or to maintain contact with the community. This gravely affects the appropriateness of professional responses to the needs of LGBT people and contributes to the social invisibility of the LGBT community, given that there are no clear messages or awareness-raising actions promoted by public officials.

Regarding redress mechanisms, it is crucial to highlight the inconsistency of the legal system. According to the existing legislation, **everyone has a right to seek legal protection from situations of discrimination, but the existing mechanisms are generic and their effectiveness is arguable.**

3.2. Homophobic and transphobic hate crimes and hate incidents

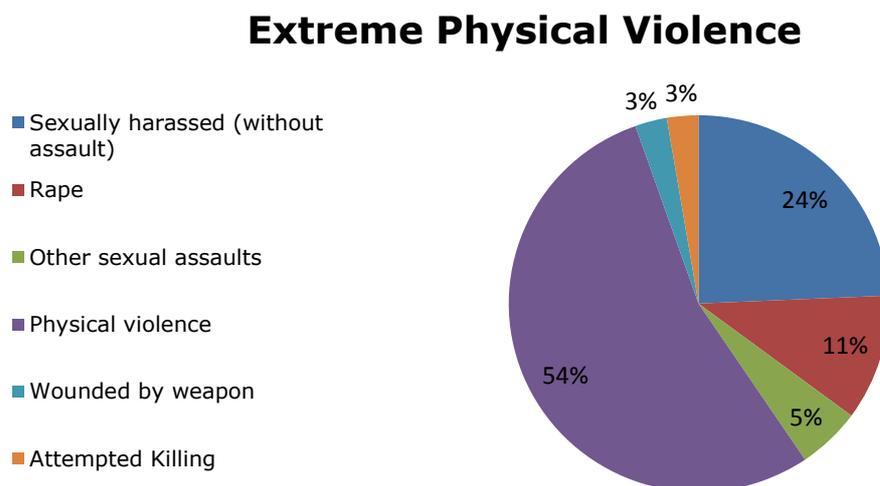
Please note that in this section participants could choose more than one option of type of incident. For this reason, of the total of 164 valid questionnaires below there is information pertaining to 258 incidents.

1. Homicide

No cases of homicide were reported by witnesses.

2. Extreme physical violence

For the purpose of this report we have categorised the following incidents as “extreme physical violence”: sexual harassment (without assault); rape; other sexual assaults; physical violence; wounded by weapon; and attempted killing.



Out of **37 reported incidents of extreme physical violence**, 17 were reported by victims and 20 by witnesses. No victim reported any attempted killing or other sexual assault, whereas no witness reported any incident where a victim had been wounded by

a weapon.

54% of victims are women, 40% are men. There was one case reported by witnesses where the victims was a trans woman and three where the victim was a trans man. The victim's sexual orientation was fairly divided between lesbian and gay (27% each) and 19% of victims identified themselves or were identified by witnesses as bisexuals. **The average age of the reported victims of extreme physical violence is between 14-20 years old**, being the 20-25 years of age the next most frequent age slot. Regarding the victim's involvement with the LGBT community **29,7% regularly goes to LGBT venues**, 27% regularly participates in LGBT events, 22% went at least once to a Pride Event or to an LGBT venue while only 19% had no contact with the LGBT community.

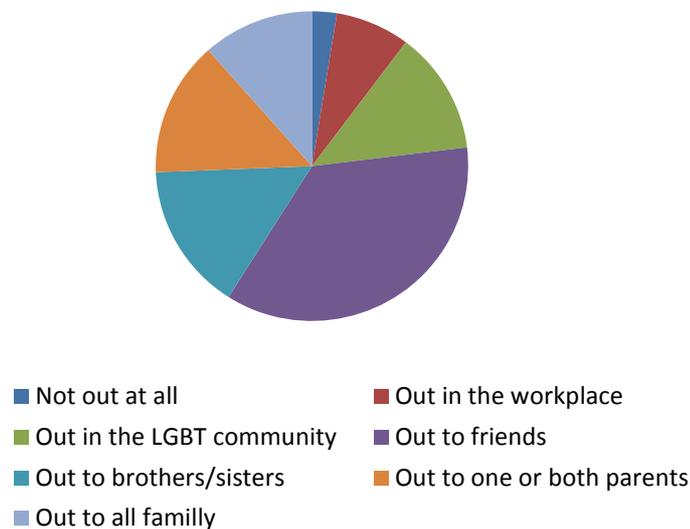


Figure 3. Extent of "being out"

The majority of reported incidents of extreme physical violence occurred in the area of **Lisbon and its outskirts** and took place in the **afternoon or evening**. In relation to the place of the incident the three most frequently reported were **at other public space** (24%), **at school** (19%) and, **at home** (11%).

Regarding the perpetrator, he/she is an **individual** (private person), **acting in group** in 49% of the reported cases and **usually unknown to the victim** (5% referred the partner and 3% family members). The average age of the perpetrator is between **16-18 years old** (24%) and 25-40 (22%). In more than 70% of the reported cases, there were **more than one witnesses but who did not react** (in some cases the victim mentioned that some witnesses laughed at the situation). **The most frequently cited motive for the incident was the victim's sexual orientation and gender**

expressions due to the insults (*fagot, dyke*) or expressions (*It's Adam and Eve not Adam and Adam*) used or because the perpetrator(s) knew or thought the victim was an LGBT person.

Regarding consequences and follow up actions, the large majority of victims did not sought any type of support (medical or psychological), even if injured and although admitting that the incident had had an impact on the victim's personal or social life (65%). In addition **the majority of victims did not report the incident to the police** (some mentioned that it was not worth it, that nothing would happen); the only three cases were victims mentioned having reported to the police none felt supported.

3. Assault

No cases of assault were reported neither by witnesses nor by victims.

4. Damage against property

There are **six reports of damage against property**, two submitted by victims and four submitted by witnesses.

In two cases the victims were lesbian women, in other three the victims were gay men and the last case was of a trans man who was identified by a witness as probably bisexual. **The age of victims varied between 14 and 33 years old** and in all reported situations the victims had regular contact with the LGBT community and in all but two cases they were **out to friends and family** (though none in the workplace).

In all six reports, the **incidents took place in the afternoon and in Lisbon**. Three incidents happened in the school, one at home, other in the workplace and the other near or inside an LGBT venue.

The perpetrator was an individual (private person), usually in group and in just one of the reports the perpetrator(s) was unknown to the victim; the rest included a co-worker in the Armed Forces, students of the same school and parents. Thus, the age of the perpetrator(s) varies greatly from **16-18 to 40-65 years old**. In three of the reported cases there were more witnesses but there was no feedback on their reaction. **The motive pointed-out for the attack was the victim's sexual orientation and gender expressions because of the insults used (*fagot*).**

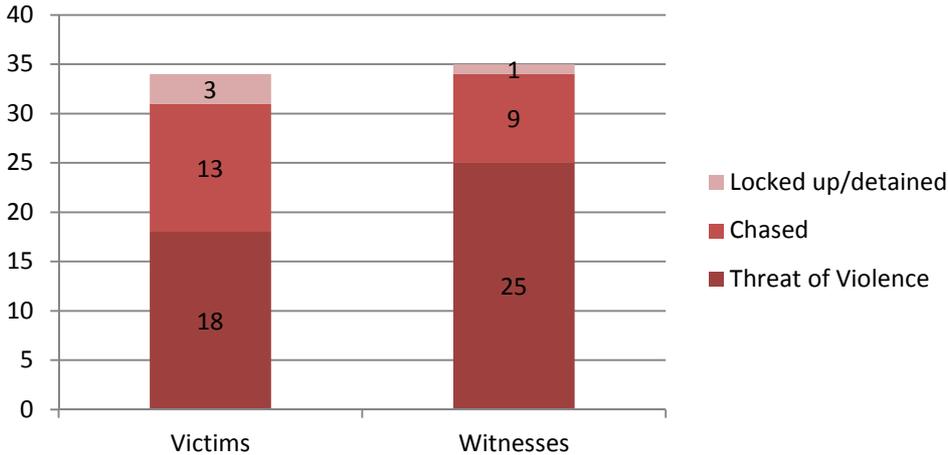
In all cases the **victims did not sought any type of support** (medical or psychological) thought both victims and witnesses have mentioned that the incident had impacted the victim’s personal or social life. In addition, **no formal complaint was presented to security forces.**

5. Arson

There are no recorded cases of arson.

6. Threats and psychological violence

For the purpose of this report we have categorised the following incidents as “threats and psychological violence”: threat of violence; chased; and, locked up or detained.



69 reports fall under this category. 34 were submitted by victims and 35 by witnesses.

42% of victims of threats and psychological violence are men, 39% women, 9% trans men and 1% trans women. Regarding the victims’ sexual orientation, 30% are identified as gay, 25% as bisexuals and 13% as lesbians. And **the majority of victims are between 14 and 20 years old (48%) or between 20 and 25 years old (17%). 27% of victims regularly go to LGBT venues, 20% went at least once to a Pride event or to a LGBT venue, whereas 16% has no involvement with the LGBT community.**

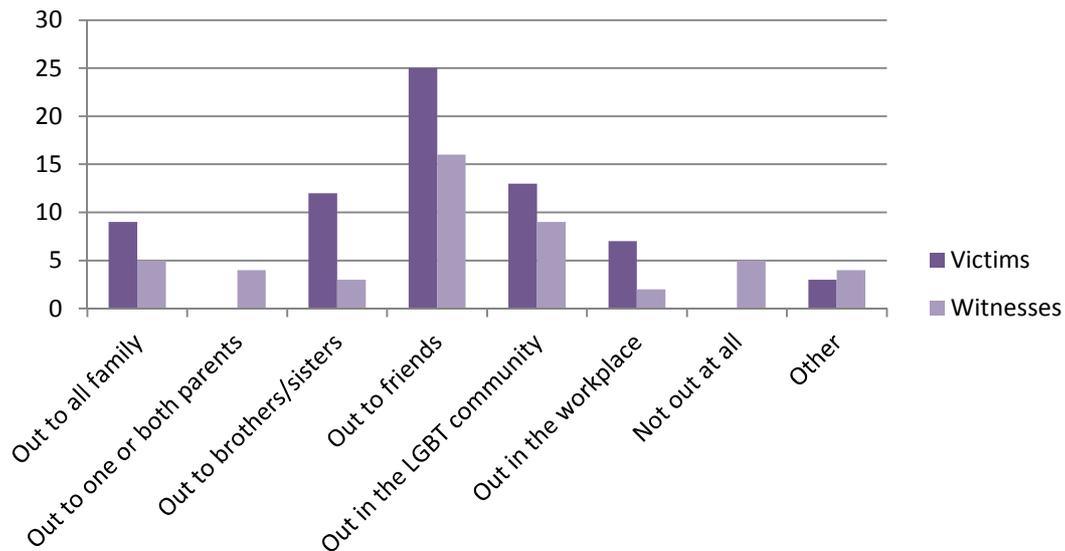


Figure 4. Extent of “being out”

The **majority of incidents took place in the afternoon** (33%), some in the evening (24%) and only 6 at night (9%). The other **public place** was the most reported place of the incident, followed by school and work. **Lisbon** area was the most indicated as the geographic location of the incident

42% of events were perpetrated by a group of individuals (private persons), three were mentioned as public officials and two in a professional position with power over the victim. **30% of perpetrators are unknown to the victim**, 18% are known and 7% are members of a known formal or informal group. In seven reports the perpetrator was identified as the employer or supervisor, in other seven reports as school colleagues, two as members of security forces, two as teachers or school personnel in public school system and one as army personnel. Regarding the age of the perpetrator(s) the most chosen age slot was **between 25 and 40 years old**, followed by 40 to 65 years old and 18 to 25 years old.

In the majority of cases there were more than one witness but their reaction was of shock, astonishment and often ignored the situation.

In all **cases the sexual orientation of the victim was pointed out as the motive** for the attack plus their gender expressions and in only 7% of cases was the gender identity of the victim mentioned. **The insults (*fagot, freak, dyke*) and expressions (*it’s a sin, you need to be with a man, unnatural*) used seem to justify the fact that either the perpetrator(s) knew the victim’s sexual orientation or assumed**

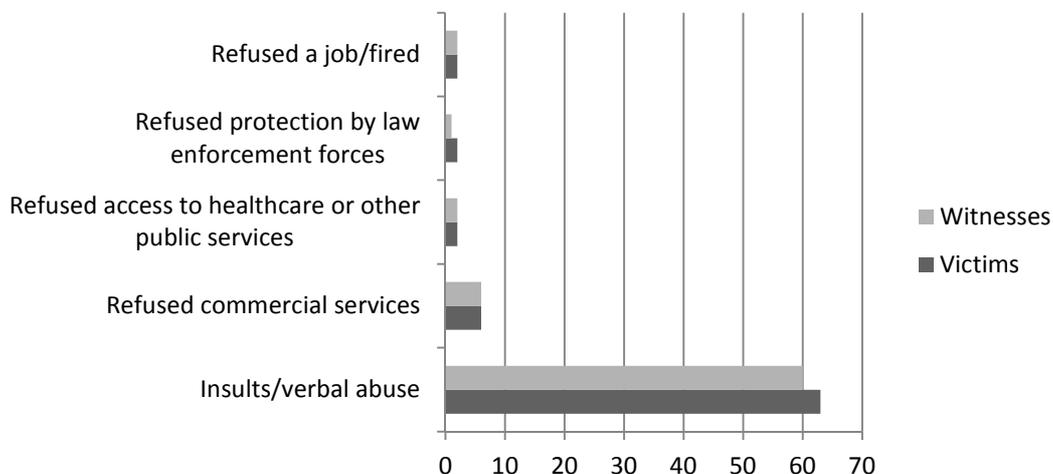
she/he was an LGBTI person.

The majority of cases did not produce any type of injuries thus victims did not seek medical care. **In 34% of the reports the negative impact on the victim's well-being** (e.g. depression, fear to act naturally and low self-esteem) **was mentioned but only 16% of victims sought psychological support** (though the majority resorted to support from friends).

Only one victim reported the incident to the police, the rest did not do it, namely, for fear of reprisals, lack of proof, lack of courage and shame.

7. Other incidents with a bias motivation

For the purpose of this report we have categorised the following incidents as "other incidents with a bias motivation": insults or verbal abuse; refused commercial services; refused access to healthcare or other public services; refused protection by law enforcement forces; refused a job/fired.



There are 146 reports of other incidents with a bias motivation, being the large majority incidents were the victim felt discriminated or offended by insults and verbal abuse (84%).

46% of victims are women, 42% are men and 4% trans men and 3% trans women. Regarding their sexual orientation, 35% identifies themselves (or were identified) as gay, 23% as lesbians, 20% as bisexuals and 3% as heterosexuals. **The average age slot of these victims is 14-20 years old**, followed by those with 20-25 years old. **30% of**

victims regularly go to LGBT venues and 24% participates in some events (only 14% has no involvement with the LGBT community).

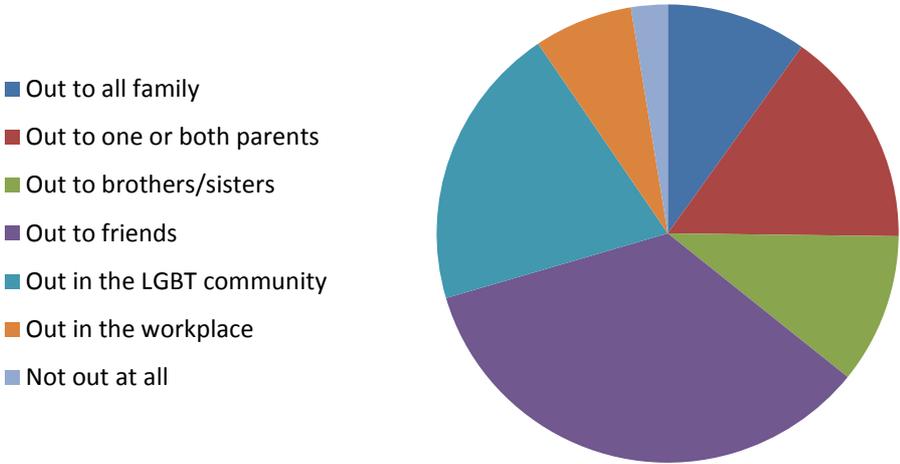


Figure 5. Extent of “being out”

The **majority of incidents happened in the afternoon (33%) or in the evening (33%), in other public space (21%), school (14%), workplace (11%)**. Note that 4% of reported incidents happened in public services. And the majority of reported cases were from **Lisbon and its outskirts**.

In 49% of the events there was more than one perpetrator (group of persons), that were individuals (private persons), **usually unknown to the victim (39%)** and if known not a family member (victims and witnesses frequently mentioned **students**). **The average age of the perpetrators is between 18 and 25 years old (26%),** followed by ages between 40 and 65 years old (25%). **55% of cases were witnessed by more than one person but witnesses ignored the situation or did not intervene.**

The motives most chosen for the attacks were the victims’ sexual orientation and gender expressions, choices justified by the use of verbal insults and by the way the victim acted, dressed him/herself. Thus the perpetrator frequently either knew the victim was LGBT or assumed it.

The cases reported under this section had no need for medical care and victims chose not to seek for psychological support though admitting that such incidents had produced an

impact on their personal or social life. Accordingly **victims did not report it to the police.**

4. Police and other law enforcement authorities

In only 6 of the 164 valid questionnaires did the victim report the incident to the police. In three occasions the victim mentioned that she/he felt supported by the police, in three others the victim felt that the police was being dismissive and in the other the victim mentioned that the police had a mere factual position while she/he was reporting the incident. **In five of these events the police did record the homophobic and/or transphobic nature of the incident (bias motivation).**

None of the reports made to the police got to court.

5. Annex: Glossary

Group I: Actions that are crimes according to the national criminal law in most European countries

| Category | Subcategory | Description |
|-------------------------------------|----------------|--|
| 1. Homicide | | <ul style="list-style-type: none"> Any attack on a person that causes loss of life. |
| 2. Extreme physical violence | | <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 which 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 by weapon or any other object that can be used to harm. |
| | Sexual assault | <p>An act of sexual violence can be committed by the victim's partner (married or not), previous partner, family member or co-habitant.</p> <ul style="list-style-type: none"> Rape⁴. Sexual assault⁵. Sexual exploitation by a helping professional, i.e. sexual contact of any kind between a helping professional (doctor, therapist, carers, teacher, priest, professor, police officer, lawyer, etc.) and a client/patient. <p>Sexual harassment, including unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature.</p> |

⁴ Rape can be defined as forced sexual intercourse, including vaginal, anal, or oral penetration. Penetration may be by a body part or an object. Rape victims may be forced through threats or physical means. Anyone may be a victim of rape: women, men or children, straight or gay.

⁵ Sexual assaults can be defined as unwanted sexual contact that stops short of rape or attempted rape. This includes sexual touching and fondling.

| | | |
|--|--|--|
| 3. Assault | | <ul style="list-style-type: none"> • Any physical attack against a person or people, which does not pose a threat to their life and is not serious. This would include lower level assaults. • Attempted assault which 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. |
| 4. Damage of property | | <ul style="list-style-type: none"> • Any physical attack directed against property, which is not life-threatening. This includes also the daubing of abusive slogans or symbols, or 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 the fact that there is 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. |
| 5. 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 |
| 6. 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' which is assessed to be a hoax. This would include something that was designed to look like a real device but not intended to be viable, for instance if it does not contain any explosive material. • Stalking, including repeated undesired contact (phone calls, emails, letters, show up unexpectedly, etc.), following or laying in wait for the individual, making threats to the individual or her/his 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 work place). |

Group II: Other incidents with a bias motivation

These incidents may or may not qualify as crimes under national law. They are elements of a LGBTI-phobic context and therefore are important to be monitored.

| | | |
|---------------------------------|-----------------------------|---|
| Abusive behaviour | Hate speech | <ul style="list-style-type: none"> • <u>Individually targeted verbal abuse</u>, whether face-to-face or via telephone or answer phone messages. This includes abuse that is mistakenly directed at, or overheard by, people who are not members of the LGBTI communities. • <u>Individually targeted written abuse</u> (including emails, mobile phone text messages, and social media (facebook, twitter, etc.) as well as targeted letters (that is, those written for and sent to or about a specific individual). This includes written abusive comments about LGBTI communities or persons that are sent to individual people, regardless if they are members of the LGBTI communities. This is different from a mass mailing of abusive leaflets, emails or other publications, which is dealt with by the separate Literature category. • <u>Not individually targeted</u> verbal or written abuse (e.g. general homophobic and transphobic comments not addressed to anyone in particular), including those channelled via the internet and social media. • Public hate speech e.g. by politicians. |
| | 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 would come under the category of Abusive Behaviour or Threats (depending on content). • Literature that is abusive in itself, irrespective of whether or not the recipient is from the LGBTI communities. |
| Discriminatory incidents | | <ul style="list-style-type: none"> • Any form of discriminatory incidents which is not considered a crime. |

2. Bias indicators

Bias indicators are objective facts that should be considered in determining whether a crime can be said to be homophobic or transphobic. They do not, in themselves, confirm that any incident was a hate offence. However, a bias indicator provides an indication that further investigation with a view to establishing the motive may be required. It is vital to record this information in order to evidence the possibility that an incident was bias motivated.

| 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. |
| Perpetrator Perception | Did the perpetrator mention something about his/her motivation at the time of the incident or later? What did he/she say? |
| Media reports | How does the media report this incident? |
| Differences in perceptions between all parties 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 | <p>Were objects or items left at the scene that suggest the crime was the work of paramilitary or extreme nationalist organisations?</p> <p>Is there evidence of such a group being active in the neighbourhood?</p> <p>Did any organized hate group claim responsibility for the crime?</p> |
|-----------------------|--|