



USAID
FROM THE AMERICAN PEOPLE

TESTING THE WATERS: LGBT PEOPLE IN THE EUROPE & EURASIA REGION

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ACRONYMS AND ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDCS	Country Development Cooperation Strategies
CEDAW	Convention on the Elimination of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CSO	Civil society organization
E&E	Europe and Eurasia region
EaP	Eastern Partnership
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EIDHR	European Initiative for Democracy and Human Rights
ENPI	European Neighbourhood Policy Instrument
EU	European Union
FtM	Female to Male (transgender)
GFATM	The Global Fund to fight AIDS, Malaria and Tuberculosis
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights
IDAHO	International Day Against Homophobia and Transphobia (May 17)
ILGA-Europe	International Lesbian, Gay, Bisexual, Trans and Intersex Association – Europe
LGB	Lesbian, gay and bisexual
LBT	Lesbian, bisexual and transgender
LGBT	Lesbian, gay, bisexual and transgender
MARP	Most At Risk Population
MSM	Men who have sex with men
MtF	Male to Female (transgender)
NGO	Non-governmental organization
NHRI	National Human Rights Institution
OSCE	Organization for Security and Cooperation in Europe
SOGI	Sexual orientation and gender identity
STI	Sexually Transmitted Infection
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
WHO	World Health Organization
WSW	Women who have sex with women

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EXECUTIVE SUMMARY

As public awareness of sexual orientation and gender identity increases in the E&E region, so does the expression of hostility towards lesbian, gay, bisexual and transgender (LGBT) people in general society. Despite some recent breakthroughs, LGBT persons regularly meet with a lack of support or outright condemnation from families and communities, political and religious leaders, law enforcement, service providers (e.g., in health and education), and employers.

In recent years, awareness of and interest in LGBT issues and programming has been growing across USAID. President Obama signed a Presidential Memorandum directing “all agencies engaged abroad to ensure that U.S. diplomacy and foreign assistance promote and protect the human rights of LGBT persons” (Office of the Press Secretary, 2011). USAID’s Policy Framework 2011–2015 argues that in order to deliver meaningful development results, USAID must ensure that no one’s views are discounted because of their sexual orientation or gender identity. USAID’s Gender Equality and Female Empowerment Policy provides a roadmap for closing gender gaps and an inclusive approach to foster equality that will be especially important to people excluded because of their sexual orientation and gender identity (USAID, 2012a). The USAID Strategy on Democracy Human Rights and Governance also notes that USAID emphasizes an inclusive development model that recognizes the rights of and opportunities for LGBT persons among other marginalized populations (USAID, 2013). Men who have sex with men and gay men are recognized as target populations for USAID’s work with most-at-risk populations in the Global Health Strategic Framework (USAID 2012b).

Missions, however, may not be fully aware of the status of LGBT persons in the region or the tools available for designing programs that effectively tackle the most pressing issues. The aim of this report is to help fill the gap in knowledge and practice by deepening institutional awareness so that Mission staff can include attention to sexual orientation and gender identity matters in their work.

This report discusses the principal issues pertaining to LGBT populations in the E&E region, including: (a) a clarification of relevant terms; (b) the experiences and ability of LGBT persons to live authentic lives free from violence and discrimination; (c) public attitudes toward LGBT people; (d) discrimination and human rights violations; (e) international and national protection vehicles and their implementation; (f) LGBT non-governmental organizations (NGOs) and allies active in the region; and (g) recommendations for engaging LGBT people and addressing the needs of LGBT individuals and NGOs through USAID programming and indicators that can be used to measure success.

WELL-BEING AND THE ABILITY TO LIVE AUTHENTIC LIVES FREE FROM VIOLENCE AND DISCRIMINATION

LGBT people are continually thwarted when trying to live freely and authentically. They confront negative attitudes in their families, overt discrimination throughout society, and regular violations across the entire spectrum of their rights. It is very difficult to “come out” because of prevailing norms surrounding gender roles in the E&E region. The courage required to speak openly about one’s sexual orientation and gender identity, as well as the psychological pressure of feeling forced to remain hidden from family, friends, and society leave individuals feeling isolated, vulnerable, and at risk. Negative consequences flow from this situation—individuals experience a range of psychological trauma and sometimes turn to harmful behaviors (e.g., alcoholism, drug use, or suicide) to cope. The process of coming out is a core issue for LGBT people. It is incremental and ongoing and occurs repeatedly in new situations, often placing LGBT people at risk of rejection, discrimination, or danger.

It is important to recognize that the transgender community across the E&E region is very diverse. A great many transgender people, particularly those in physical transition, are subjects of continual passive and aggressive curiosity and frequently targeted for abuse, direct discrimination, and repudiation, as well as physical and psychological violence. Undue difficulty is often imposed on those who try to change their identity documents to reflect their gender identity, changed sex classification and names. During lengthy sex reassignment processes, people may carry documents that do not reflect their gender. The unwanted disclosure of information can severely hamper a person’s ability to live, work, travel, study, and access health care.

Numerous reports from the region have identified the family home as an original source of oppression of people who are suspected of being LGBT or who have come out. Access to support mechanisms from LGBT

organizations, such as information and services like counseling or peer support, appears to be virtually non-existent in rural areas, smaller cities, and towns, and very limited in the larger cities across the region. Safe spaces are not always safe owing to attacks by those who are opposed to recognizing the rights of LGBT people, but virtual spaces do offer a gathering place.

ATTITUDES TOWARD LGBT PERSONS IN THE E&E REGION

Public opinion surveys suggest that a general homophobia is the pervasive attitude, with the majority of the public appearing to have a negative opinion of LGBT people. Qualitative evidence suggests that a large majority of the population would prefer not to see visible manifestations of LGBT identity in public places – either on the streets (marches, parades, and festivals), in media or in political life. This includes not having to encounter, on a personal level, expressions of sexuality and gender that transgress social norms (e.g., personal romantic relationships). Therefore, LGBT people often remain invisible and silent in public and social life.

An adverse consequence of increased LGBT advocacy in the region is the corresponding increase in the range of vocal and visible opponents within governments, religious communities, and the general public. Owing to at least in part to the influence of religious officials, the public's professed regard for LGBT people as diseased or morally deficient persists. Religious and political leaders often frame non-heterosexual sexual orientation and non-traditional gender identity as an aberration, sin, disease, perversion, or mental illness that threatens national cohesion and identity as well as religion and leads to social breakdown.

LGBT people's quest to exercise their human rights is often framed as the desire for new or special rights rather than universal human rights. Protecting children, the family unit, society's morality, and national integrity are often given as reasons for restricting the rights of LGBT people. It appears that many public figures portray the demand for recognition of LGBT rights as an existing threat to the traditional social and political balance, which requires that gender roles be assigned within social norms. The increasing visibility of LGBT people has been accompanied by an increasing number of negative portrayals in some countries, and the media is considered to be a primary transmitter of discriminatory attitudes. It appears that level of education affects whether people internalize such attitudes—people with higher levels of education tend to be more tolerant.

HUMAN RIGHTS VIOLATIONS OF LGBT PEOPLE IN THE E&E REGION

Prevailing social and political attitudes have meant that direct and indirect discrimination against LGBT populations in all sectors has become the norm throughout the region. LGBT individuals endure both abuse directed at them and services that do not account for them. Different types of discrimination are sometimes inflicted upon LGBT people at the same time because they possess the characteristics of more than one vulnerable group. For example, a person may be a lesbian mother and ethnic minority, or a transgender migrant sex worker. In general, the home, school, workplace, and "street" (outdoor, public spaces) have been identified as the primary places of discrimination. LGBT people are strongly pressured not to come out as LGBT and at times are verbally and physically attacked. Very few incidents are reported to authorities because victims fear further discrimination.

Civil and political rights violations include exclusion from public policy processes, excessive bureaucratic impediments in all areas of government when registering an NGO or obtaining event permits, including the banning of LGBT events, attacks by state and non-state actors and a lack of state protection of LGBT people even in the face of blatant homophobia and transphobia, legislative acts that ban the discussion of LGBT people and homosexuality, invasion of privacy, rape, and blackmail.

On the public level, demonstrations and events that have diverse gender identity-related content often appear to ignite violent resistance, and LGBT activists are targeted. Over the past decade, the most visible public flashpoints for overt LGBT discrimination and human rights violations in the region have been around NGOs' attempts to hold public events that highlight LGBT culture, such as diversity or equality rallies, film festivals, and Pride marches. In addition, public officials (including law enforcement) and private individuals have targeted private places such as LGBT centers and offices where LGBT people gather, as well as clubs and bars. Laws on protecting minors from "homosexual propaganda" limit public discussion and displays of materials (e.g., posters and flags) that are supportive of LGBT people.

Prevailing legal codes regarding non-discrimination that may provide a long-term means of recourse generally make little difference in the daily life of LGBT individuals, including how they interact with those who provide or affect the delivery of vital services or sources of income. Across the E&E region, country reports and testimonies show

that hiding one's sexual orientation when accessing health, housing and education services is normal and appears most often to be considered necessary for employment. Education systems perpetuate negative stereotypes through curricula known to negatively characterize LGBT people and create obstacles that hamper LGBT students' learning by not addressing hostility they face from students and staff. Many transgender people (mostly MtF) turn to sex work owing to difficulty in finding formal employment. Because of their often heightened visibility, transgender peoples' stories regarding the workplace indicate that they cannot obtain employment or eventually leave their jobs because of harassment and bullying. Health care professionals lack training and skills in delivering care to LGBT people and often exhibit discriminatory attitudes. Also, access to and delivery of health services to transgender people are serious problems across the region and reports indicate that medical gender reassignment is not easily accessible in the region.

Finally, there are no provisions for same-sex partners to be recognized as family in any E&E country. Therefore, in terms of health, benefits, tax, insurance, next of kin, and various other areas where family status is important, LGBT people cannot access rights, responsibilities and benefits equal to that of opposite-sex couples.

VEHICLES FOR THE PROTECTION OF LGBT PEOPLE'S BASIC HUMAN RIGHTS IN THE E&E REGION

E&E countries have signed a number of UN, Council of Europe, and European Union conventions and agreements that require the protection of all citizens' human rights. Reports and news articles from E&E countries indicate that a predilection toward EU membership is more influential than institutions such as the CoE at encouraging changes that protect the rights of LGBT people. Generally, LGBT people are often unable to seek redress or protection because anti-discrimination laws, hate crime legislation, and related policies are uniformly weak or non-existent. Across the region, there is little evidence of the political will to adopt and enforce legislative and policy measures that combat discrimination or mandate tolerance of LGBT persons. Failure to recognize discrimination and crime based on sexual orientation or gender identity is widespread, and there is little effort to ensure that victims can obtain justice. Much recent human rights advocacy has been directed toward the inclusion of protection for LGBT people in non-discrimination legislation. Albania and Montenegro are the only E&E countries that currently have comprehensive non-discrimination laws that include sexual orientation and gender identity. Other than in non-discrimination legislation, the prohibition of sexual orientation and gender identity (SOGI) discrimination is codified in only a handful of laws in the region. With regards to the legal recognition of gender identity, where the right to gender reassignment exists in the E&E region, it is with the proviso of an initial diagnosis of Gender Dysphoria (Gender Identity Disorder is the term currently used in the region) and subsequent compulsory sterilization and compulsory divorce if married.

National Human Rights Institutions are the primary state institutions responsible for protecting LGBT people's human rights when they are violated by public authorities or if authorities do not take action when rights are violated by other parties. Law enforcement and judicial officials responsible for enforcing the rule of law in the region appear to discriminate against LGBT people by not upholding the rule of law and carrying out justice. Across the region, LGBT people report that instead of being protected, they are subjected to further traumatization when reporting discrimination or crimes to the authorities. While there appears to be a growing trend of police acting professionally and aiding LGBT rights-related civil society events, the same cannot be said about police performance when LGBT people are attacked or harassed while living their daily lives.

CAPACITY OF NGOS TO ADDRESS LGBT CONCERNS

LGBT NGOs exist in all E&E countries. No study has been conducted of LGBT NGOs to determine their capacity, but reports indicate that, while they are active, they face many challenges and are often small, only sometimes registered, and rarely have many full-time staff or large budgets. While formal registration of these civil society organizations (CSOs) may be difficult in most E&E countries, it is allowed. Across the region, LGBT human rights defenders face ever-present challenges: a lack of existing data on LGBT people, political repression, and a lack of supportive allies, as well as an increased safety risk in some places. In addition, it is often beyond the capacity of existing LGBT NGOs and CSOs to work on a larger scale because they do not have the necessary financial resources or technical capacity to do so.

Regional-level NGOs include international NGOs and coalitions. They engage with international organizations and send representatives to international conferences. They advocate for national and local LGBT NGOs and provide support via training and financial assistance. Forming partnerships with allies and networks is particularly important for LGBT NGOs in the region, as they allow organizations to find common ground and learn about each other's issues. In terms of advocacy, allies help legitimize claims, develop skills and access networks that interface with state bodies. Allies include donors and partners who work in areas such as gender issues, HIV/AIDS, and human rights.

RECOMMENDATIONS

The scale of the work needed to address the challenges facing LGBT people cannot be underestimated. The path forward for USAID likely requires internal policies and guidance on addressing issues important to LGBT people and integrating them into USAID programming. Facilitating more rigorous research, data collection, and well-informed program design can help USAID and implementing partners engage LGBT people and NGOs and the challenges they face. Evidence-based policymaking and programming begins with research into the difficulties facing USAID LGBT programming.

Obstacles to implementing LGBT programming cluster around: (1) the possibility of violent reactions, and (2) the intransigence of those who do not wish for LGBT people to fully exercise their human rights. Also, LGBT people are often hard to reach because they fear exposure to hostile elements in society.

Specific recommendations include:

- Strengthen USAID knowledge and capacity for LGBT engagement, which includes developing USAID-generated guidance and building USAID/Washington and Mission staff's knowledge of LGBT people, NGOs, and methods for engaging them in the E&E region.
- Increase the integration of LGBT perspectives in the design of projects and strategies by identifying and empowering LGBT champions, including analysis of LGBT issues in Country Development Cooperation Strategy (CDCS) and project-level analysis, and researching and developing indicators to be used in monitoring and evaluation.
- Create opportunities for sustained engagement with LGBT NGOs and activists by orienting them to USAID and creating standing LGBT working groups.
- Build LGBT NGOs' capacity as civil society actors by undertaking organizational capacity development activities, encouraging the diversification of funding sources, providing training in more rigorous data collection methods, facilitating alliance building, and supporting the development of community cohesion.
- Support LGBT NGOs' efforts to advocate for change and protect human rights by strengthening civil society organizations' capability to advocate as well as plan, monitor, and evaluate their activities.
- Include LGBT people and NGOs in other USAID programming by engaging them in advisory roles at all stages of the program cycle and including them as beneficiaries or as partners in other USAID programming. Implementers could work with LGBT NGOs to ensure their projects are responsive to LGBT people's needs. Awareness raising work and training could also benefit from LGBT outreach workers and facilitators while work in education could profit from the advice of LGBT teachers and activists when developing relevant curricula.