

Promising Practices

On the human rights-based approach in German development cooperation. Working with civil society to promote LGBT-inclusion in Ukraine

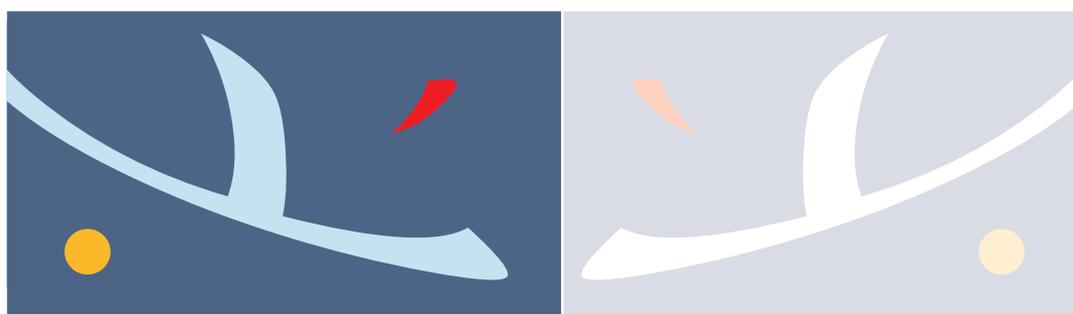
Background

Among the former Soviet Republics, Ukraine is one of the most progressive when it comes to protecting and promoting the human rights of lesbians, gays, bisexuals and trans persons (LGBT). Ukraine was the first to decriminalise same-sex sexual acts in 1991. In 2015, proposals to introduce laws similar to the so-called 'homosexuality anti-propaganda law' in Russia and on the protection of 'traditional family values' were withdrawn from the Ukrainian Parliament. In 2016, a Ukrainian court ruled to allow two transgender individuals to change their gender in all legal documentation without undergoing sterilisation – the latter having previously been a procedure required for changing one's legal gender in Ukraine. In 2015 and 2016, President Petro Poroshenko publicly supported Ukraine's main pride event, the March for Equality in Kiev, with thousands attending, including public officials. There are several LGBT organisations and organisations working on LGBT issues in Ukraine and they are able to register and operate without restrictions.

While the legal framework and some public officials have become more supportive of promoting the rights of LGBT people in recent years, homophobia, social discrimination and marginalisation remain widespread and violence against LGBT people still occurs. This is often more visible

with regard to homosexual men than for other sub-groups, such as trans persons. Funding opportunities for working on LGBT issues are few, visibility is low and support networks are weak, especially in the occupied territories Crimea and Southern Donbas, where advocacy work has become increasingly difficult. The 2015 March for Equality was marred by violence, with several dozen far-right activists verbally and physically attacking around 300 participants and clashing with the police. A court in Odessa banned a proposed pride march with reference to 'threats to public order' in 2015. The smaller indoor event that took place instead was disrupted by masked men throwing firecrackers and smoke bombs.

Ukrainians, like citizens of most Eastern European societies, continue to uphold traditional family values. Young people tend to economically depend on their families longer than their peers elsewhere in Europe. As LGBT youth are often rejected by their families once they 'come out', they tend to experience social and economic insecurity. Stigmatising social attitudes also negatively impact on LGBT people's access to social and economic rights, such as to housing, health and employment. The Ukrainian and Russian Orthodox Churches, in particular, remain influential and are unwilling to support LGBT rights and to engage in dialogue on LGBT issues.



Supporting parents of LGBT people to promote non-discrimination and inclusion

It is against this background that GIZ, on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ), has implemented the programme 'HIV/AIDS advisory services and institutional capacity building' in cooperation with the Ukrainian Ministry of Health since 2013. The programme aims to increase knowledge and awareness of HIV/Aids and improve attitudes towards people living with HIV. One component of the programme includes the placement of an integrated expert in 'Tergo', an organisation established and run by parents of LGBT people.

As perceived heterosexuals, parents are in a better position to challenge the heteronormative attitudes that characterise society in Ukraine, because they conform to the norms their children deviate from. Tergo has been advocating for the rights of sexual minorities since 2013. It

is the first and only registered organisation in Ukraine that helps parents of LGBT people as well as LGBT people, who tend to be rejected by their families. The integrated expert provides capacity building support in areas such as financial management, public relations and international network building.

The approach adopted by the programme focuses on building the capacity of Tergo as an organisation, as well as that of parents, currently mainly mothers of homosexuals. Tergo supports the parents in getting to terms with having a LGBT child and in building up the courage to promote tolerance and non-discrimination within their immediate private environment and, at a later stage, within the broader public. Tergo regularly organises meetings with parents, assisted by a psychologist, giving them a safe space to exchange their experiences and concerns with regard to having a LGBT child. In this protected space, parents are able to develop an understanding for the situation and concerns of their children. They are introduced to the different lifestyles of LGBT people, the challenges they face as well as the various stages parents normally pass through after their child has 'come out' to them. Some parents have also begun to address wider audiences, acting as resource persons in human rights events, giving interviews with radio and TV stations as well as newspapers. Parents of Tergo, particularly mothers, participate in a radio broadcast once a month to share their stories publicly. In 2015, the LGBT-organisation 'Tochka Opory', which played a vital role in the establishment of Tergo, produced two films, in which parents of Tergo publicly spoke about the homosexuality of their children.



Photo exhibition 'Our families' – Coming out-stories by parents about their LGBT children – Displayed nationally and internationally.

Besides regular meetings, Tergo facilitates seminars, trainings, conferences, study tours, exhibitions as well as regional exchange and networking events to distribute information and advocate for more tolerance and non-discrimination, such as in the workplace. It has also started to implement campaigns. In 2016, for example, Tergo initiated a poster campaign showing parents with their LGBT children. The posters were displayed for several months in Kiev's biggest metro stations.

There are indications that social attitudes towards LGBT people are slowly changing in Ukraine. In the early stages of Tergo, it was only LGBT people themselves or human rights activists, who publicly advocated for the rights of sexual minorities. In 2015, two members of parliament took part in the March for Equality in Kiev. Five members participated in the following year. While the Ukrainian

Orthodox Church publicly spoke out against the March on the grounds that it contradicts traditional family values, it nevertheless called on everyone to abstain from violence. In 2013, the son of the director of Tergo was the first openly gay man to speak in the Ukrainian Parliament.

Media has become more accessible and is reporting more often and more balanced on LGBT issues. Ukraine's first online LGBT-portal ('National LGBT portal of Ukraine') was established by the organisation Tochka Opori and is officially registered as a medium. The portal provides access to information about LGBT issues in Ukraine and abroad - information that was difficult to access before. It also gives LGBT people their own channel for information that mainstream media does not provide. These developments mark the changing environment Tergo is operating in.



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During Tergo's 2016 poster campaign, these and other posters were displayed in Kiev's biggest metro stations for several months. The posters read, on the left: 'Antonina, mother of Olexandr. My gay son taught me to speak openly' and on the right: 'Olga, mother of Mykita (Nikita): My gay son taught me tolerance'.

Towards a human rights-based approach

Human Rights Framework

The prohibition of discrimination is a fundamental human rights principle and is enshrined in all core human rights treaties. Ukraine has ratified almost all of them, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both the ICCPR and the ICESCR ban discrimination on a variety of grounds, namely 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'. Sexual orientation and gender identity are not mentioned explicitly. This is mostly due to the fact that this type of discrimination – just like discrimination based on age or disability – had not been considered a human rights issue at the time these instruments were drafted in the 1950s and 60s. However, the prohibition of discrimination in both covenants includes the notion of 'other status' so, also at that time, it was explicitly recognised that other discrimination grounds may exist. Since the 1990's, UN treaty bodies that are entrusted with the interpretation of human rights treaties have repeatedly confirmed that discrimination on the grounds of sexual orientation and gender identity falls under the notion of 'other status' and is, therefore, prohibited.

The human rights-based approach systematically integrates human rights standards and principles into development programmes, such as non-discrimination, equality, empowerment, and participation. It does so by identifying and addressing existing gaps in human rights implementation and by building the capacities of both the state as duty-bearer to fulfil and of people as rights-holders to claim their rights.

The starting point of the programme supported by GIZ was improving access to HIV prevention. Initially, the approach taken by the programme, and its support of Tergo, were not explicitly based on human rights. For Tergo, however, addressing discrimination, working to improve access to health and demanding equal rights and opportunities for sexual minorities were major objectives from the start. As Tergo's approach evolved, the explicit promotion of human rights principles, especially non-discrimination, equality and empowerment, gained greater prominence.

By supporting Tergo with an integrated expert, the programme indirectly supports the empowerment of rights-holders. As Tergo almost exclusively works with parents of LGBT people – at the current stage mainly with mothers of homosexuals and to a smaller extent also with parents of trans persons – it contributes to empowering the families and people close to LGBT persons to advocate for the human rights of sexual minorities and to promote tolerance and non-discrimination. As a next step, Tergo plans to equip parents systematically with tools and instruments to claim equal rights for their LGBT children more effectively. Parents will acquire specific knowledge of legislation related to anti-discrimination and the human rights of LGBT-persons and gain familiarity with relevant laws, policies and concepts in other countries (e.g. pertaining to rainbow families, adoption, civil partnership as well as transgender and intersex issues). Recently, Tergo has also begun to reach out to and engage with public institutions to raise awareness and build the capacities of duty-bearers with regard to the human rights of LGBT people. Since 2015, Tergo collaborates with the Ukrainian Ministry of Education and Science. With support of the Ministry, Tergo has organised trainings for teachers, for methodologists in biology and health as well as for school psychologists. One aim of the trainings is to provide information and to build up the stakeholders' capacities to address the needs of LGBT people and to provide trustworthy mental health services, thereby improving the access to health of young LGBT people.

Achievements and Impact

Capacity-building

By placing an integrated expert in Tergo, GIZ facilitates capacity building, both at an organisational and individual level. Tergo's members and partners have gained improved capacities for their advocacy work: parents participating in the organisation and their LGBT children understand each other and their rights better. The parents feel comfortable to publicly advocate and make the case for the rights of LGBT people, thereby contributing to combatting discrimination and raising social tolerance. Yuri, son and human rights activist, described the impact of participation as follows: 'Tergo has 'revolutionised' my relation with my mother, who now openly talks about my homosexuality and isn't ashamed of it. Tergo is more than an organisation, Tergo is a heartfelt parent who's always there to support, advise you'. Vasylii, grandfather of a gay man, expressed his experience in these words: 'I've attended Tergo meetings. Unforgettable. Open, sincere people who truly love their families and everyone in the world'. By engaging with civil servants and teachers, Tergo's members have raised the awareness of important duty bearers about the challenges and difficulties LGBT people and their families face.

Network-building

Tergo as an organisation has become more professional and effective and has improved its access to dialogue partners in public institutions. Its activities have become more extensive and visible. Its membership base has grown from a handful to more than 50 parents and family members of LGBT people. More than half of them reside outside Kiev, some live in the territories currently not under control of

the Ukrainian authorities and some are internally displaced. While most meetings and events are still taking place in Kiev, the rise in new members all over Ukraine allows Tergo to develop regional activities outside Kiev. Currently, local parent support groups are popping up in different regions, for instance in Saporoschje and Krivij Rih. This allows for closer collaboration with local organisations and partners across Ukraine.

Besides reaching out nationally, Tergo is also engaged in efforts to build up the European Network of Parents of LGBTI+ that aims to influence policy making with regard to LGBTI issues at the European as well as the national level. In addition, activists in neighbouring countries, such as Belarus and Kyrgyzstan, see Tergo as a role model and seek to emulate and replicate its approach. Parent groups are being established in both countries, with capacity building support from Tergo. Considering the backlash sexual minorities face in neighbouring countries, Ukraine is a beacon of hope in the region.

Challenges

Like for many non-governmental organisations, one of the biggest challenges Tergo faces is securing long-term funding to keep its office running and to pursue its activities. So far, financial support has come exclusively from donors in Europe and the US, which increases the risk of Tergo being perceived as driven by foreign 'western' agendas – an allegation LGBT-movements around the world are continuously confronted with. Without appropriate, long-term funding, Tergo's goal of establishing and maintaining a robust countrywide network of parents and friends of LGBT people and other like-minded organisations remains a challenging task.



Stronger together: Equal rights for our children are best for our country.



The Ukrainian way: Self-support combined with psychological assistance and guidance

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Mobilising enough volunteers to continue and broaden the work of Tergo is another challenge. Tergo relies on parents of LGBT children to volunteer their time and effort. Although Tergo's membership base and the number of parent group meetings has grown, many parents are still reluctant to deal with their child's sexual orientation or gender identity – homophobia within families remains widespread. In addition, many LGBT people in Ukraine still have not yet 'come out' to their parents.

Another factor is that the concepts of volunteerism and self-organisation are less common in Ukraine than they are in other parts of Europe. This is partly due to the socio-economic situation forcing many Ukrainians to spend their time making a living in order to survive.

Lessons learned

The support to Tergo is a good example of how development cooperation can contribute to strengthening civil society to achieve social change. Often civil society organisations have a broader understanding of the situation on the ground and have better access to affected communities and target groups than state institutions, which is indispensable for changing attitudes and behaviour.

In the case of Tergo, it has proven effective not to focus on those directly affected (in this case LGBT people) but

to build the capacities of their parents to act as agent of change within society. Parents, as perceived heterosexuals, are in a better position to challenge heteronormativity.

With regard to capacity-building, one aspect that stands out is the vital role psychological support plays during the meetings with parents. It supports them in overcoming their own stereotypes, contributes to their empowerment and gives them confidence to speak out in public. The approach taken by Tergo also shows that in order to achieve positive long-term effects when it comes to sensitive topics, such as sexual orientation and gender identity, continuity is key. By organising regular meetings and activities, parents of LGBT people are given enough time and space to come to terms with challenging issues and to open up. Being among like-minded people gives them the sense of belonging to a community rather than remaining alone with their experiences and concerns.

To gain greater visibility and access to society, the example of Tergo shows that it is useful to engage with and learn from activists abroad and to build alliances with like-minded organisations and public bodies. Cooperation with human rights organisations, for example, such as through the co-organisation of events, allows Tergo to reach audiences outside the LGBTI-community and to position the struggle for equal rights in the broader context of promoting inclusion and diversity.

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