

Make It Work:

Six steps to effective LGBT human rights advocacy



Written by **Aengus Carroll**
Edited by **Beth Fernandez**

Written by Aengus Carroll and edited by Beth Fernandez



**The European Region of the International
Lesbian, Gay, Bisexual, Trans & Intersex Association (ILGA)**

rue Belliard straat 12

Brussels B-1040 Belgium

Telephone: + 32 2 609 54 10

Fax: + 32 2 609 54 19

info@ilga-europe.org

www.ilga-europe.org

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October 2010

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http://tilz.tearfund.org/webdocs/Tilz/Roots/English/Advocacy%20toolkit/Advocacy%20toolkit_E_FULL%20DOC_Parts%20A%2BB.pdf

Global Rights Initiative advocacy manual

www.globalrights.org/site/DocServer/Guide__sexuality_based_initiative.pdf?docID=10083

Advocacy in Action: Advocacy in Action: a toolkit to support NGOs and CBOs responding to HIV/AIDS, developed in collaboration with the International Council of AIDS Service Organisations (ICASO) and published by the International HIV/AIDS Alliance in June 2002 (in skills sections

www.aidsalliance.org/Publicationsdetails.aspx?Id=142

Amnesty International campaigning manual

www.amnesty.org/en/library/info/ACT10/002/1997

Canvasopedia: on non-violent campaign organising

www.canvasopedia.org/

Community Tool Box

<http://ctb.ku.edu/en/tablecontents/index.htm>

Ritu R. Sharma: An Introduction to Advocacy, Training Guide

http://dat.acfid.asn.au/documents/an_introduction_to_advocacy_-_training_guide_%28full_document%29.pdf

Children's Rights Information Network Guide to Strategic Litigation

www.crin.org/resources/infoDetail.asp?ID=17127&flag=report

The Advocacy Sourcebook

www.wateraid.org/documents/plugin_documents/advocacy_sourcebook_2.pdf

Preface

Getting involved in LGBT advocacy

People become motivated to work on lesbian, gay, bisexual and transgender (LGBT) issues for all sorts of reasons – both personal and political. At the core of most activism is the desire for inclusion, equality, non-discrimination and a sense of community. The sense of purpose of working for a meaningful cause inspires passionate activism.

Globally, the LGBT experience of promoting and achieving change and understanding with policy makers and the general population is that progress is extremely slow. Those living in environments particularly hostile to LGBT people often meet refusal and obstinacy from public representatives when they try to claim a space in civil society – by holding public assemblies, participating in public policy formulation, having their relationships recognised, etc.

LGBT people living in Armenia, Azerbaijan, Georgia, Moldova, Kazakhstan, Kyrgyzstan and Ukraine – the seven countries for which this manual was primarily written¹ – are well aware of how deeply ingrained homophobia is at societal and institutional levels. The authority of the State, the societal power of tradition and religion, and the political weight of national identity combine to deny recognition of diversity in sexual orientation or gender identity.

International human rights standards, as articulated through many legal and political instruments, provide a secure potential framework for LGBT activists to use in their work. Because the countries this manual is directed to have adopted core legal human rights agreements those States are obliged to protect, respect and fulfil those rights for all citizens. This is the fundamental basis for advocacy for the human rights of LGBT people. The task means demonstrating to both the government and the public that the State is required to apply those standards to people who are excluded or whose rights are being violated because of their sexual orientation or their gender identity.

¹ These Newly Independent States comprise the partners in COC Netherlands' and ILGA-Europe's joint PRECIS project – see www.ilga-europe.org and www.coc.nl/dopage.pl?thema=any&pagina=algemeen&algemeen_id=274

Introduction

About this manual

This advocacy manual has been written by ILGA-Europe to provide a logical structure and a set of methods, tools and skills which advocates can use in planning and implementing their advocacy work. It is primarily concerned with how and where LGBT human rights advocates in the domestic setting can employ international and regional human rights instruments to frame their arguments and achieve their advocacy objectives.

This introduction sets out a working definition of advocacy for this manual and presents the six-step model of advocacy that this manual uses.

Step 1 (Preparation) describes a number of human rights concepts encountered through the manual and which are fundamental to work in this area. It links to Annex 1 which sets out the mandates and instruments overseen by the international and regional institutions.

Step 2 looks at how to identify and analyse the issues on which you will work.

Step 3 concentrates on ways of mapping and identifying which stakeholders are invested in an issue, and how and where to find targets who can affect the issue directly or indirectly.

Step 4 of the advocacy process focuses on taking action, beginning monitoring and documentation and creating an action plan.

Step 5 presents a range of methods and skills advocates might use for doing the actual work, and this comprises most of the second half of this manual. The chapter divides into three sections – three methods through which messages can be delivered: lobbying², public awareness and media. It presents considerations and a range of skills for best delivery in each of these areas.

The final part of this manual, **step 6** addresses ways to evaluate the advocacy work undertaken using the methodology presented through the advocacy steps.

² The term 'lobbying' as used in this manual does not refer to secret or illegal dealing as frequently understood in the region. The term is used to describe the legitimate practice of pressurising and appealing to individuals with influence or authority on an issue at question.

Defining advocacy

Sample definitions of advocacy

“Advocacy is speaking up, drawing a community’s attention to an important issue, and directing decision-makers toward a solution. Advocacy is working with other people and organisations to make a difference.”

CEDPA Centre for Development and Population Activities

“Advocacy is the act or process of supporting a cause or issue. An advocacy campaign is a set of targeted actions in support of a cause or issue. We advocate for a cause or issue because we want to:

- Build support for that cause or issue
- Influence others to support it; or
- Try to influence or change legislation which affects it.”

IPPF International Planned Parenthood Federation: Advocacy Guide 1995

“Advocacy is a process that involves a series of political actions conducted by organised citizens in order to transform power relationships. The purpose of advocacy is to achieve specific policy changes that benefit the population involved in this process. These changes can take place in the public or private sector. Effective advocacy is conducted according to a strategic plan and within a reasonable time frame.”

The Arias Foundation (Costa Rica)

“Advocacy is defined as the promotion of a cause or the influencing of policy, funding streams or other politically determined activity.”

Advocates for Youth: Advocacy 101

In its widest definition, the practice of advocacy is the pursuit of influencing outcomes. More specifically, advocacy is the deliberate process of influencing those who make or have responsibility for implementing policy decisions. An advocate can be defined as a person who publicly supports or recommends a particular cause or policy, or someone who pleads on another’s behalf.

As such, the word ‘advocacy’ is quite pliable and is used variously to suit organizational agendas. It is understood in terms of the work an organization does and the fundamental mission of the organization. There are very many types or models of advocacy – each suited and tailored to the core purpose of the organization employing it. The sample definitions above illustrate this.

Advocacy in this manual

In this manual, 'advocacy' refers to taking action to create or foster change in policy, legal or societal environments for LGBT people in accordance with international human rights standards. It involves identifying issues and analysing them in relation to existing human rights standards and taking appropriate action. It means speaking up for human rights – yours and others'.

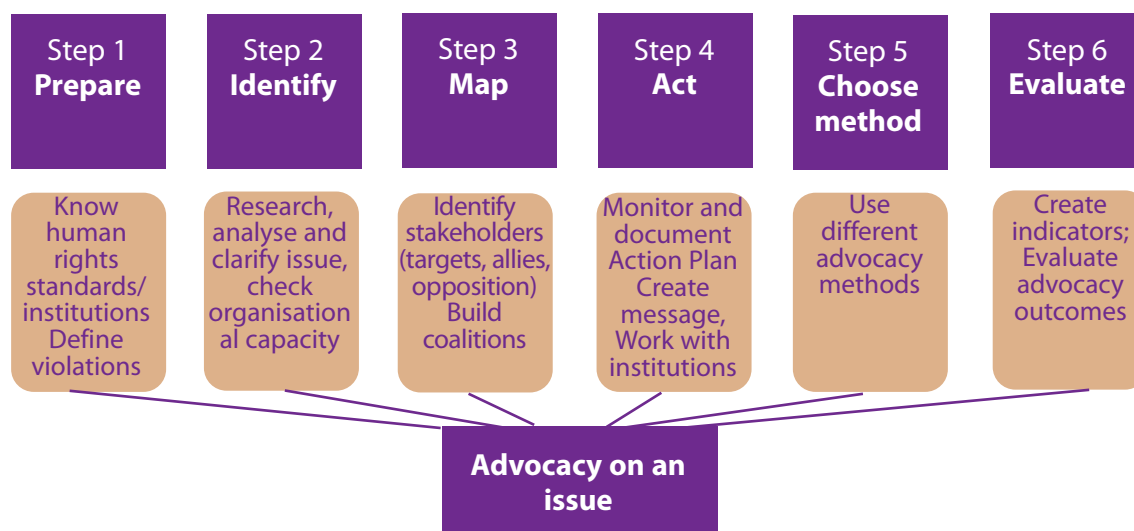
The following are key terms to this manual:

- **Advocacy action** – The individual targeted action (the letter, the report, the protest, the meeting) within a planned series of actions, directed at resolving an identified issue.
- **Advocacy objective** – The short or medium term result which is necessary to achieve in order to reach the long-term goal. The objective is what the advocacy actions aim to achieve.
- **Advocacy goal** – the long-term result which you want to achieve and to which the advocacy objectives lead.
- **Advocacy strategy** – How an organization's advocacy goals are sequenced in a consistent and coherent manner over time.

Strategic advocacy

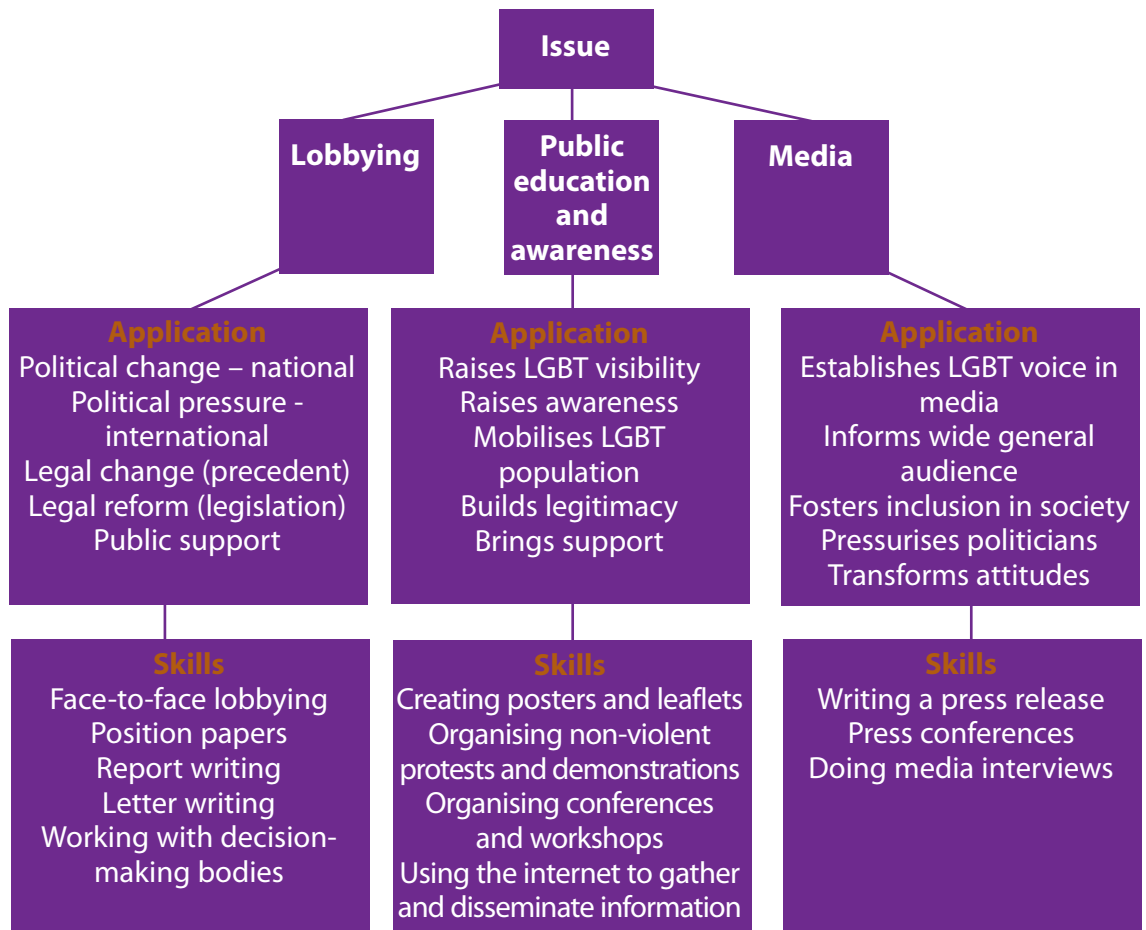
Strategic advocacy is a sequence or series of actions that are carefully conceived, planned and executed by the actors who wish to see particular goals achieved. It is a process, likely to take years to fulfil entire strategies, and often multi-layered. At its foundation, the process of identifying relevant issues on which to advocate is tied to the goals and capacity of the organization carrying it out. Fundamental to its success is effective communication with allies and partners, many of whom may not share every interest and agenda of your group, but whose interests may intersect and match with yours on certain objectives.

This manual presents a six step process for working on advocacy issues. Although presented here as a logical sequence, it is important that readers of this manual realise that any of these elements may present in a variety of combinations when you are working. It is also worth noting that you will probably not exhaustively examine every element of each issue as presented in the following chapters.



Creating an advocacy strategy is designed to bring you from point A to point B (your goal), through a series of actions addressing specified issues. It is essentially a problem-solving tool – a road map to guide you through the advocacy processes. In developing your advocacy strategy you will describe your starting point, your destination, and what you will do to reach your destination. The advocacy strategy will also include a tentative schedule of when you expect to reach your goal.

As mentioned above, the six steps involve three methods through which messages can be delivered and advocacy objectives achieved. They are lobbying, public awareness and media work – and each method has certain applications to which they are most suited. It is important to keep in mind that most advocacy work requires you to operate across these methods. For example, having lobbied some politicians to promote inclusive anti-discrimination legislation, you may want to hold a conference on that issue for all stakeholders in civil society, and following that you may wish to issue press releases or do a media interview on the conference outcomes. This manual presents a skills set attached to each of the methods and some guidance on how to use them.



Evaluation in this manual

At certain sections, an evaluation box is provided which includes some trigger questions for you to think about and use in your own evaluation processes. These questions may be supplemented or refined as appropriate to your work. The scoring box to the right in each evaluation table allows you to indicate how developed your position is on that aspect of the work. As the box below demonstrates, 1 indicates very early progress, while 5 indicates highly developed competency.

Characteristic of indicator	Score
Seed – Beginning to define itself in this area, has potential to develop	1
Emerging – Starting to become established	2
Growing – Gaining momentum and confidence	3
Well-developed – Viewed as competent and very effective	4
Mature – Highly competent	5



Step 1

Preparing for advocacy

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

Ensure knowledge of human rights standards and institutions, obligations and what constitutes violations.

The entire advocacy exercise discussed in this manual rests on international and regional human rights law, standards and obligations, so it is essential when preparing that a minimum knowledge of those standards is ensured – including who oversees them and some of their features. This chapter will briefly describe some of the main instruments and institutions of relevance to advocates in Eastern Europe and Central Asia. Annex 1 provides further information on the mechanisms attached to international and regional institutions used to monitor States' implementation of these instruments.

1.1 Regarding human rights

The seminal human rights document – the United Nations 1948 Universal Declaration of Human Rights (UDHR) was drafted in the context of the atrocities of the Second World War: Fascist and Communist dictatorships and other regimes had demonstrated a propensity for abuse of power, genocide and suppression of certain populations, amongst other repressive measures. The morally binding (but non-legally binding) Declaration was elaborated into two core legally binding agreements, the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), in 1966. Collectively these three agreements are known as the International Bill of Rights and many more agreements have flowed from them in areas such as the elimination of discrimination based on race or gender, rights of the child, torture and degrading treatment, etc.³

When a State adheres to these agreements (through ratification or accession) it accepts obligations

³ Full range of international and regional treaties from the University of Ottawa's Human Rights Research and Education Centre. www.cdp-hrc.uottawa.ca/eng/doc/inter-web/sitesint_e.php Council of Europe independent human rights mechanisms and institutions www.un.org/esa/socdev/enable/rights/ahc7docs/ahc7council1.pdf OSCE/ODIHR Recommendations on the roles of national institutions against discrimination, 2008 www.osce.org/item/30897.html

to implement their terms in its national laws (known as transposition). Many global, regional, binding, non-binding, general and specific rights have been developed and clarified over the past 40 years which States have obligations to uphold. Violations can occur when States fail to protect people from violations or fail to ensure the respect of rights in State policies and practices. States are obliged to protect and promote rights – for example, freedom of expression, freedom of assembly, right to health, etc.

The nature of human rights is that they are *universal, indivisible, interdependent and interrelated*. This means that all human rights should be treated in a fair and equal manner, and not as a hierarchy where some rights are viewed as more important than others. For LGBT human rights advocates the challenge is to establish understanding and acceptance at the national level that the protection and promotion being advocated do not relate to new rights – the rights are already enshrined in existing treaties, conventions, declarations and other agreements – but their universal application. As human rights discourse becomes more widely embedded in societies, so does the understanding of human rights standards as applied to various settings and populations. The realization or denial of these rights acts as a measure of democratization, rule of law and, verified through monitoring mechanisms, the measure of freedom of citizens to live without discrimination.

“The UDHR is not just aspirational – most of the rights are customary law, with universal applicability. While there is clarity in its terms, there has been resistance to its implementation and sadly, 60 years later we are still having to face the contention that whilst it apply to everyone it does not so equally: the ageless cliché that everyone is equal but some are more equal than others is not acceptable. No human being should be denied their human rights simply because of their perceived sexual orientation or gender identity. No human being should be subject to discrimination, violence, criminal sanctions or abuse simply because of their perceived sexual orientation or gender identity,”

Navanetham Pillay, UN High Commissioner for Human Rights, in a video message. 18 December 2008.

Human rights discourse has steadily evolved since human rights values were accepted and articulated by the international community as a universal framework for good governance and social justice. Various movements have influenced and expanded the discourse – on disability, race, old age, the women’s movement, HIV and AIDS – each contributing to the collective understanding of what human rights encompass by showing how human dignity can be compromised when various types of discrimination or denial are enshrined in legal or societal attitudes.⁴

1.2 Standards and institutions

Implementation of the International Bill of Rights is overseen by the United Nations (UN), while regional institutions – the Council of Europe (CoE), the European Union (EU) and the Organization

⁴ See Non-Discrimination in International Law: A Handbook for Practitioners (www.interights.org/handbook/index.htm)

for Security and Cooperation in Europe (OSCE) – oversee a set of human rights agreements and instruments which apply in most of the countries this manual is directed at. Although Kyrgyzstan and Kazakhstan are not members of the Council of Europe and outside its mandate, they do have cooperation agreements with the EU. See Annex 1 for more about the mandates and mechanisms of these institutions in relation to the countries this manual primarily addresses.

In the case of all the countries this manual is directed at, none of them are members of the EU and none are accession States at this time. Therefore, they are not bound by EU legislation and none has an obligation to implement EU directives. However, the EU does have Partnership and Cooperation Agreements, Association Agreements and European Neighbourhood Policy action plans (see details under the European Union section in Annex 1). All of these agreements contain some commitment, however broad, to upholding fundamental human rights and the rule of law. The reports on the social and political situations of LGBT people within the EU's 27 Member States produced by the Fundamental Rights Agency provides an important benchmark in terms of standard setting and expectations of what illustrates respect for human rights for all.

LGBT advocates can engage with EU, CoE and OSCE institutions through particular mechanisms (see Annex 1), to exert pressure on their respective governments to meet their human rights obligations. To do this effectively it is vital to collect credible evidence and accurately document particular circumstances, and to submit this information in the right format to the responsible body. International NGOs, such as ILGA-Europe or COC-Netherlands, have extensive experience in this work and encourage national LGBT advocacy groups to avail themselves of this expertise.

State obligations

Obligations that States assume through ratification of, or accession to, human rights treaties generally take two forms – **negative** obligations and **positive** obligations. Negative obligations imply that no law, policy or practice should interfere with the exercise of a right. Positive obligations suggest that States have to provide, to the best of their ability, the conditions for rights to be exercised.

Human rights agreements can be classified as 'binding' in two particular ways – legally or politically. Firstly legal agreements, such as the ICCPR and the ICESCR, contained in Treaties, Conventions and other such **legally** binding instruments are ratified and acceded to by States. Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Failure to do so can result in a case being taken before appropriate treaty mechanisms. The work of human rights advocates generally relates to how these agreements are implemented in practice. Council of

Europe members are similarly legally obliged to abide by the European Convention on Human Rights, upon which the European Court of Human Rights adjudicates, and for which there is an increasing amount of case-law relating to LGBT people and issues.

Agreements that are non-legally binding, such as Declarations – the UDHR and various UN and European Parliament Resolutions and Statements are **politically** binding agreements, reflecting respect and adherence to general human rights standards. Often non-binding agreements are elaborated at international conferences (for example, the Platform for Action generated at the 4th World Women’s Conference in Beijing in 1995, the 1990 Paris Principles, etc). Such agreements are referred to as ‘soft law’ because they cannot be used as a basis for legal action (unlike ‘hard law’), but they do have a strong advocacy value as they describe the moral obligation that States have recognized and assumed.

Although they do not constitute ‘hard law’, they indicate consensus between States on particular issues, and create expectations for the future development of international law in the areas being addressed. They are often at the beginning of a process that may eventually culminate in binding treaty obligations.

1.3 Human rights violations

Binding or treaty-based human rights – civil, political, economic, social and cultural – impose three types of obligations on governments: to respect, protect and fulfil. The failure of a government to perform any of these obligations can constitute a violation of human rights.

- To respect a right means refraining from interfering with the enjoyment of the right.
- To protect the right means enacting laws that create mechanisms to prevent violation of the right by state authorities or by non-state actors. This protection is to be granted equally to all.
- To fulfil the right means to take active steps to put in place institutions and procedures, including the allocation of resources to enable people to enjoy the right.

Human rights violations include governmental transgressions of the rights guaranteed by national, regional and international human rights law and acts and omissions directly attributable to the State involving the failure to implement legal obligations derived from human rights standards. Violations occur when a law, policy or practice contravenes or ignores obligations held by the State concerned or when the State fails to achieve a required standard of conduct or result. Additional violations occur when a State withdraws or removes existing human rights protections.⁵

⁵ The worst of the worst: the World’s most repressive societies, Freedom House 2008
www.freedomhouse.org/uploads/special_report/62.pdf

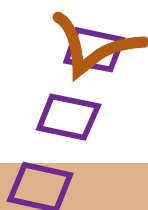
With specific regard to economic, social and cultural rights, violations occur when a State fails to

satisfy “minimum essential levels of the rights” found in the ICESCR, be that food, healthcare, housing, education, etc. Such minimum core obligations apply irrespective of the availability of resources in the country concerned or any other actors and difficulties.

1.4 The Yogyakarta Principles

It is highly recommended that when advocates have identified issues and the related human rights requirements that they wish to pursue, they do so with the aid of the Yogyakarta Principles (2006).⁶ The Principles address a broad range of human rights standards and their application to issues of sexual orientation and gender identity. The Principles affirm the primary obligation of States to implement human rights. Importantly for advocates, each Principle is accompanied by detailed recommendations to States. Additional recommendations are addressed to other actors, including the UN Human Rights System, national human rights institutions, the media, non-governmental organisations, and funders. However it is important to note that the Yogyakarta principles themselves are not legally binding, they are a compilation of provisions which exist in various legally binding treaties in international law.

Evaluation Tool 1



Knowledge of human rights	Score (1-5)
1 Level of general knowledge of human rights	
2 Familiarity with specific UN Conventions relevant to HR of LGBT people	
3 Familiarity with European Convention on Human Rights and relevant caselaw	
4 Confidence in referring to HR standards in LGBT advocacy work	
5 Understanding of use of Yogyakarta Principles in your work	

⁶The Yogyakarta Principles
Principles
www.yogyakartaprinciples.org/principles_en.htm



Step 2

Issue identification

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

Issue selection in relation to organizational mission and other criteria, researching the issue, using issue analysis tools, formulating advocacy goals and objectives.

In the environments this manual is directed to there are many potential advocacy issues on which an organisation could work and therefore it is necessary to prioritise, and choose according to certain criteria.

The pool of potential human rights issues may be discovered by various means – those generally known or encountered in the organization’s work, or specifically researched (monitored and documented).

2.1 Issue selection

It is important to choose issues which relate to the mission of the organization. The ‘mission’ or ‘vision’ of an organization is a statement defining the core function of the organization, its very reason for being in existence. Other equally important questions are:

- Does the issue really impact on LGBT people’s lives in the country? How do you know this? Does the issue impact on L, B, G or T or all?
- Is the impact more or less serious compared with other potential issues?
- Is it realistic to try and solve this issue?
- Is it appropriate to use advocacy to solve this issue? Why?
- Would solving this issue promote understanding of LGBT life, including rights, in wider society?

2.2 Researching the issue

Once you have identified one or more potential issues, the next step is to research and analyse those issues to get a thorough understanding. Research is the **systematic investigation into and study of materials and sources to establish facts**. Discovering as many aspects of the subject and its context, in documentary sources and elsewhere, is invaluable to any later advocacy work. Research gives advocacy positions credibility. It provides key information to planning the messages delivered, as well as strengthening argumentation when working face-to-face with policy makers. Finally, research processes can foster alliances with organizations, institutions and individuals at an early stage in the engagement.

Every source of research needs to be fully and accurately recorded so that, in quoting it, credible sources can be supplied and also so that it can be called upon at a later date. Research should analyse the issue at question and analyse the contexts in which it takes place.

What information is needed?

It is important to think about and note which elements of the issue need to be discovered and identify the gaps in your knowledge. This helps in approaching the research – some parts will be easier to access than others.

Where can the information be found?

Other than primary sources that you may access – interview, survey or on-site presence – secondary sources from researchers, reports, LGBT-related INGOs, national and international human rights bodies (in the form of reports or other communications), and media can be used.

Who will contribute to the research?

Individuals who are sources of first hand information – victims, witnesses or perpetrators - are important, as are any public representatives connected to the subject of the advocacy issue. Specialist departments in universities and other research institutes may hold information you can access. INGOs may be actively able to contribute valuable data at an early stage in the research process.

How will the information be analysed and presented?

It is important to be transparent about the methodology used to conduct the research and analyse the results. Transparency strengthens the conclusions and makes it less easy for opponents to question the results.

Trigger questions to focus research

Note that questions such as these will reoccur throughout the process but in different contexts – they are mentioned here to help guide the phase of inquiry into an issue.

Who does the issue affect?

- Who is affected the most?
- Who loses, and what do they lose?
- Who gains, and what do they gain?

You will need to know how a variety of people feel about the issue, and what they believe.

What are the consequences of the issue?

- For the individuals mostly affected?
- For their families?
- For society?

What are the human rights implications of the issue?

- What UN or CoE human rights standard is relevant to this issue?
- How do national human rights institutions respond to this issue?

What is the social impact of the issue?

- What are the social costs of the issue, and who bears these costs?
- What are the social benefits of the issue, and who benefits?

What are the barriers?

- What are the barriers to addressing this issue?
- How can they be overcome?

You will need to understand who is 'pulling the strings' to make your opponents adopt the position they do (e.g. church, business interests, etc).

You will need to know what forces might be at work in the local political scene to make officials reluctant to address your claim, or even jump in to oppose you.

What are the resources?

- What resources will we need to address this issue?
- Where and how can they be tapped?

What is the history of this issue?

- What is the history of the issue in the community?

- What past efforts were made to address it?
- What were the results?

You will need to know how the issue unites or divides various segments of the community.

This text utilises guidance found in *The Advocacy Sourcebook* www.wateraid.org/documents/plugin_documents/advocacy_sourcebook_2.pdf and in the *Community Tool Box* <http://ctb.ku.edu/en/tablecontents/index.htm>

2.3 Issue analysis tools

Having selected an issue to pursue, it should be then further analysed in order to obtain a thorough understanding of its causes, effects and ultimately how it can be solved. It is a valuable exercise to do this as a group and involve staff, volunteers and community members.

Two tools for analysis of issues are presented below to help you think through selected issues – the problem tree and the problem analysis framework



Tool 1 The problem tree

This analysis tool is often used by development agencies and works particularly well in a group putting ideas down on a large sheet of paper. The exercise can generate lively debate around causes and consequences, root problems and remedies. The main issue or problem is the ‘tree trunk’ and its consequences are ‘branches and leaves’. The tree’s ‘roots’ are the causes of the problem or issue.

The main purpose of this tool is to help you visualise all the elements of the problem which is likely to have personal, societal, political and legal aspects. It then helps to identify whether these aspects are causes or consequences which can be directly or indirectly related to the problem and can be a major cause/ consequence or a more minor one.

By analysing the problem, it is easier to see what the solution to the problem will be and where advocacy should be targeted. This leads to the next stage of formulating one or more advocacy objectives.

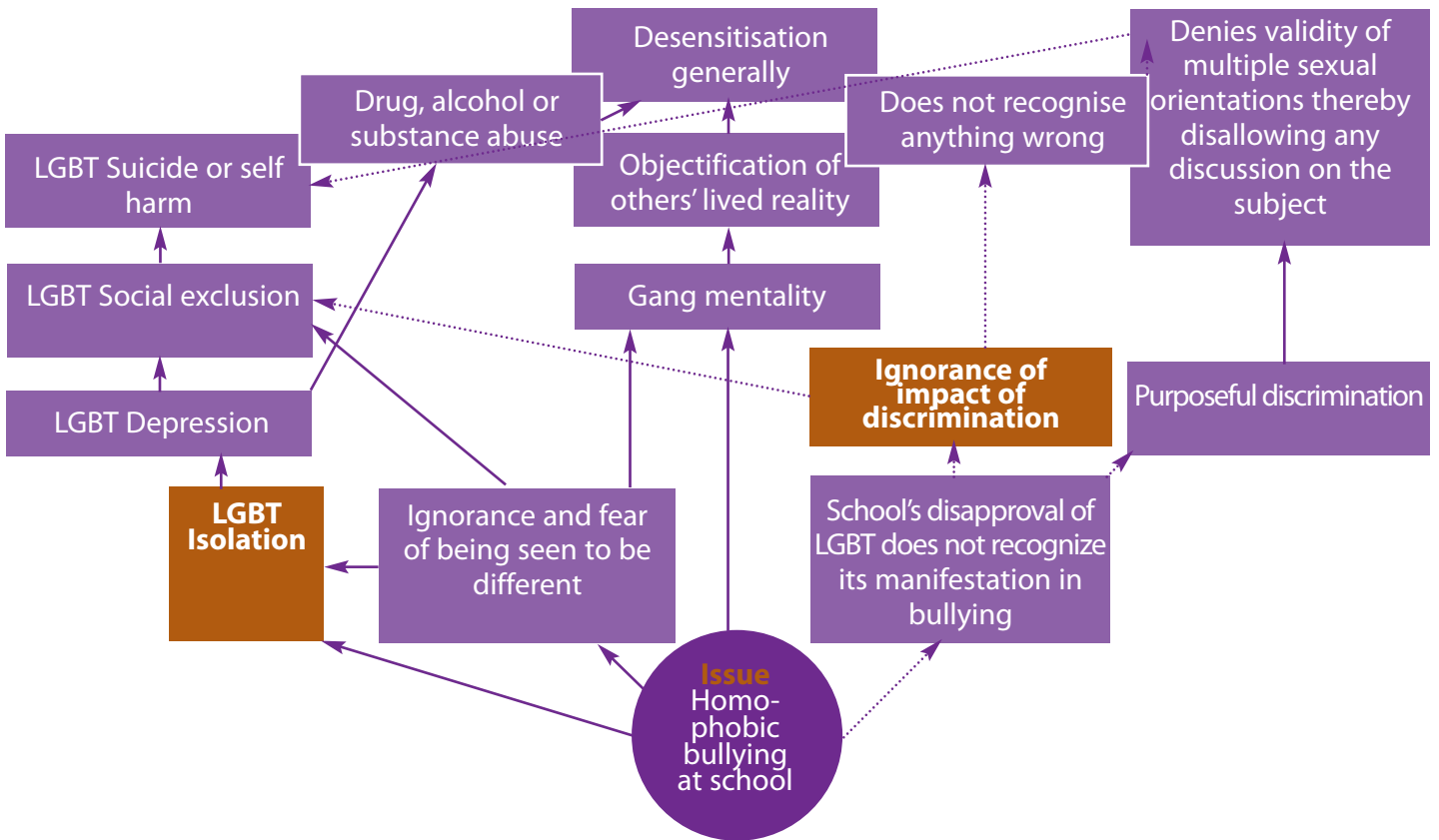
The issue of homophobic bullying in schools has been used in the problem tree. Although, at this point of LGBT advocacy this may not present as a burning issue in the countries this manual is directed to, it is inevitable that it will become so once some basic anti-discrimination legislative objectives have been realised.⁷

Using the problem tree to identify linked elements stemming from the core issue, you might identify specific areas to work on (in orange in the example below).

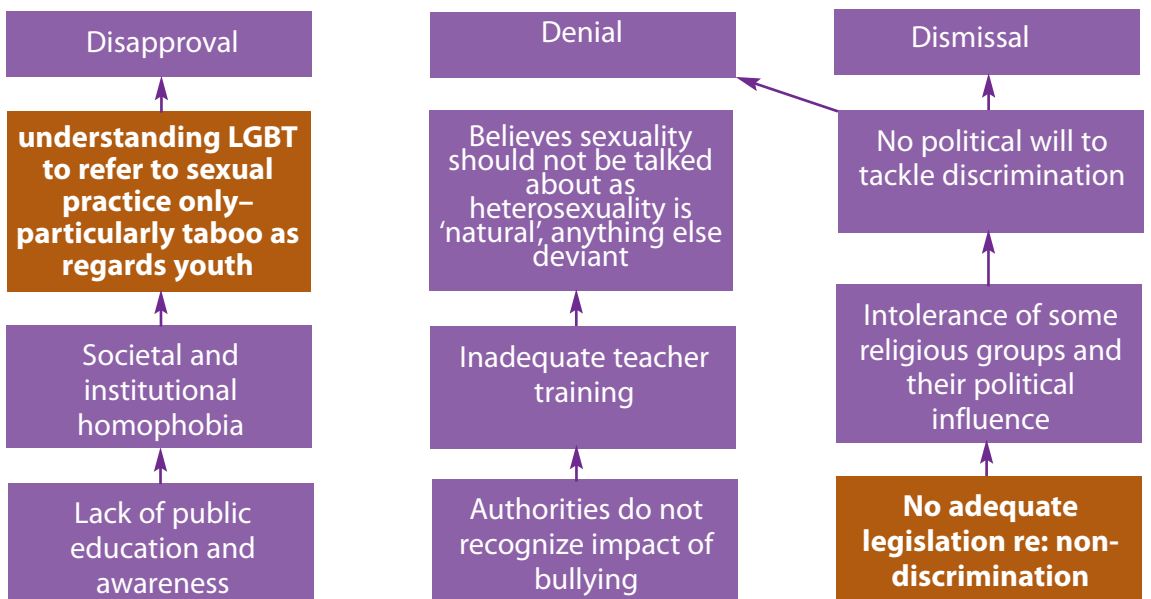
This text utilises guidance found in *Tearfund's Advocacy Toolkit* <http://tilz.tearfund.org/Publications/ROOTS/Advocacy+toolkit.htm>

⁷ An International Human Right: Sexuality Education for Adolescents in Schools, 2008 <http://hivaidsclearinghouse.unesco.org/search/resources/SexualityEducationforAdolescents.pdf>

Consequences



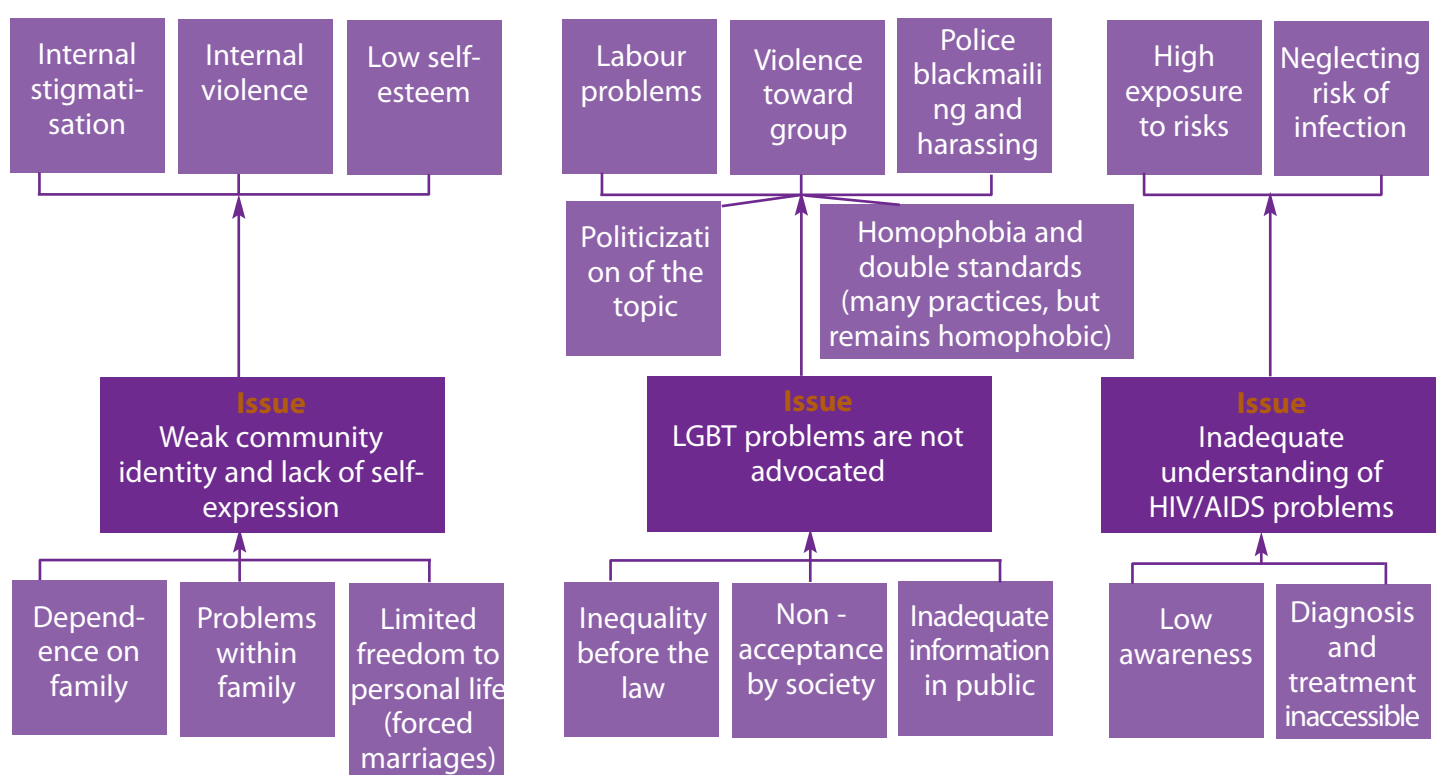
Roots



This second example of the problem tree was used in a training session in Georgia in 2007. It is a clear example of how under three identified issues, the model operates with the causes below as roots, and the consequences shown as branches.

This example was supplied by the Inclusive Foundation, Georgia

Problem tree: LGBT-related problems in Georgia, 2007



Tool 2 The problem analysis framework

By breaking down the issue into sub issues, and asking the question 'why' under three headings: consequences, causes and solutions, certain useful and core information may be revealed. This framework can easily be replicated on a flip chart for collective thinking or in a notebook for individual concentration.

This framework can generate so many suggestions under each heading that it is advised to prioritise the top three consequences, find three major causes for each, and limit to three solutions per sub issue. These can then be considered for their advocacy opportunities, chances and obstacles.

Sub issues	Consequences	Causes	Solutions
Sub issue 1			
Sub issue 2			
Sub issue 3			

Example of the problem analysis framework

The main advocacy issue addressed is widespread violation of the human rights of LGBT people.

Sub issues	Consequences	Causes	Solutions
Blackmailing of LGBT people by law enforcement authorities	LGBT people afraid to report crimes committed against them to the police	<ol style="list-style-type: none"> 1. Homophobia within police force 2.No mechanism for Institutional accountability 3. Lack of information available to LGBT people on their rights 	<ol style="list-style-type: none"> 1.Comprehensive Anti-discrimination legislation 2. Need Ombudsman to monitor and gather data on the problem 3. Require production of print and web material on human rights of LGBT people and self-help networks, etc

This text utilises guidance found in WaterAid's www.wateraid.org/documents/plugin_documents/advocacy_sourcebook_2.pdf

2.4 Clarifying the issue – making a policy statement

Having used the analysis tools above, it is worthwhile writing a short internal document to clarify the organization's position in relation to the issue – a policy statement. This places the issue in a human rights framework, clarifying the variety of levels on which the issue impacts – for example, personal, legal, societal, international (as discovered in the issue analysis frameworks). It needs to be consistent with other policy statements taken by the organisation, particularly its mission or vision.

Policy statements are not briefing notes or position papers, which are more formal documents, directed at allies and various targets outside the organization. Policy statements are simply an elucidation of the issue, its sources and probable remedies (in quite general terms) for internal use.

The policy statement is the first articulation that an organization might make on a particular issue. It needs to be open to amendment as time goes on and as organizational learning and experience on the issue deepens.

The main components of a policy statement are as follows:

Introduction – clarifying the issue and explaining why the organisation has a stake in resolving it.

Effects and evidence – using primary and secondary research sources, present a profile of the issue using credible and reliable evidence, defining the human effects and human rights implications.

Causes and responsibility – identify which power-holders are responsible for maintaining the (bad) situation and how this manifests itself. Who exactly is responsible for remedying it?

Solutions and recommendations – what is the solution to the problem? What should power holders do in the short, medium and long-term to address this issue?

2.5 Formulating advocacy goals and advocacy objectives

Having selected an issue to work on that aligns with your organization’s mission, and identified appropriate solutions, the next logical step is to generate the advocacy goals and objectives which you will try to achieve in your work.

These goals and objectives will then suggest certain actions to bring them about.

Remember that the goal is the long term result which you want to achieve and the objective is the short or medium term result which contributes to achieving the goal. These goals and objectives will then suggest certain actions to bring them about.



Tool 3

Issue/Problem			
Causes	Consequences	Goal	Objectives
Actions			

Example

An issue that was identified in Azerbaijan in 2008 provides an example of how goals and objectives can be generated.

Issue/Problem			
Causes	Consequences	Goal	Objective
Discrimination in the field of employment in Azerbaijan – LGBT employees are afraid to come out at work for fear of bullying and being fired from their jobs			
1. No protection for LGBT in sphere of employment 2. No penalties for people who discriminate 3. Little understanding of impact of bullying	1. LGBT forced to remain invisible in their workplaces 2. Unprotected from homophobic or transphobic treatment	That LGBT people no longer face discrimination in the field of employment and have adequate legal and institutional protection if it arises	Azeri Government passes legislation prohibiting discrimination and hate speech which protects the LGBT community
Actions			
Create a coalition of NGOs to work on the drafting of and lobbying for a comprehensive law on anti-discrimination that is inclusive of LGBT people.			

As mentioned earlier, one goal may have a number of objectives attached to it. This can be seen through the work of ILGA-Europe. To organize its work within a strategic programme, the organization developed its own strategic plan (2008 - 2011) in which priority areas are clearly identified.

Under one of these pillars the goal identified is to:

Ensure legal changes and a favourable institutional environment for the respect of fundamental human rights through lobbying and advocacy.

This will be achieved through realization of the following objectives:

Objective 1: Strengthen pressure from the Council of Europe and the European Union towards the accession and ENP countries' governments to ensure the human rights of LGBT people.

Objective 2: LGBT perspective included in policies of international institutions and organizations dealing with HIV/AIDS.

Objective 3: to support the OSCE Tolerance and Non Discrimination mandate as inclusive of sexual orientation and gender identity.

This text was supplied by ILGA-Europe



Tool 4 The SMART framework

Defining what needs to happen, who is to do it, and when it is to be done is necessary to realising an advocacy objective. Having identified what objectives are to be pursued, it is vital to formulate them in a SMART way to allow proper evaluation later i.e. they should conform to the following criteria:

Specific – what exactly is wanted to happen?

Measurable – how will it be known when it is achieved?

Achievable – is it possible given resources, time and political environment?

Relevant – to target population and to the larger strategic goal?

Timebound – when is the action wanted or needed to happen?

2.6 Organizational capacity and human rights advocacy

Having identified the issues, goals and objectives, that your organization wishes to work on, it is worth spending some time considering if your organisation has the capacity to work on particular issue and where it needs to be developed.

As such, to be able to perform effectively, LGBT organizations primarily need to be able to conceive their strengths and weaknesses clearly – to see the threats to their work as well as act on opportunities it presents.

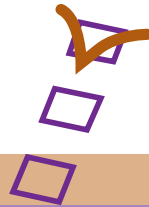
A SWOT / BEEM analysis is a useful tool to help figure out how to build on what an organization is strong at and how to eliminate weaknesses when working with advocacy goals and objectives. Strengths and weaknesses are within the organisation and Opportunities and Threats are external factors. When discussing internal factors, consider capacity in terms of skills, knowledge, resources, organisational structure, funding and any other factors.



Tool 5

Strengths	How to Build on them
Weaknesses	How to Eliminate them
Opportunities	How to Exploit them
Threats	How to Minimise them

Evaluation Tool 2



Researching and analysing the issue	Score (1-5)
<ol style="list-style-type: none"> 1. Have you defined who exactly is affected by the issue? 2. Have you discovered strong documentary evidence which is representative, accurate and reliable? 4. Having used the tools (1-2) is your issue completely clear to you? 5. Have you identified which aspects of the issue to focus on? 6. Can you identify a way to solve the issue? 7. Are you clear about why your organisation is working on this issue? 8. Have you formulated a strong organizational policy statement about the issue? 9. Have community members endorsed it? 10. Are your advocacy objectives SMART? 11. Does your organisation have the capacity to achieve the advocacy objectives? 	



Step 3

Mapping power

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

Discover who are the stakeholders on the issue, who are the targets for your advocacy actions, who are your allies and opponents, understand the value of forming coalitions, working with INGOs.

Having identified and researched your issue, and formulated objectives, the next step of an advocacy strategy is to determine which actors are active, invested and influential (positively, negatively or neutrally) on the issue, and how your organization can account for their positions in a strategy.

This chapter looks at who to target information and advocacy actions, and how to establish their level of investment, involvement or influence on the issue.

3.1 Stakeholder mapping

All those individuals, organizations and institutions that contribute in any way, through support or opposition, or through inaction, to an issue, can be considered stakeholders. Stakeholders have a 'stake' in the issue and define their claim accordingly. For example, LGBT organizations may concern themselves with the issue of health services – right to health – for transgender people, while a religious community may consider they have a stake in protecting 'public morality' by demanding that the State does not fund gender reassignment procedures. At the same time the Council of Europe is concerned that in some Member States the quality of transgender-related treatment often does not come close to the 'highest attainable standard of health', sometimes resulting in life-long bodily harm.

Although stakeholders indicate their official positions in their documents and through spokesperson's statements, these differ from advocacy targets. A target will always be a person, and never an institution. You cannot direct advocacy actions at an institution or a legal system – it

always has to be at individuals within an institution or within a legal system (see section 4.2 below).

Working with stakeholders requires acknowledgement of, or respect for, their claim or position on an issue, no matter how offensively that may be expressed (hatred of homosexuality, etc).

Advocating for social change generally means challenging assumptions which are deeply embedded in institutional structures and policies (for example, hetero-normative assumptions in the language of the policy or in the law itself).

Mapping, or setting out in a clear picture, the forces that might exert influence on the advocacy issue is critical to getting a view of the range of potential targets of an advocacy action. Each of these will need to be spoken to differently depending on their 'stake', position or investment in the issue.

To start the mapping process, it is useful to identify all the stakeholders involved in the issue – these can be classified by role:

<p>Opponents</p>	<p>Beneficiaries</p>
<p>Those who oppose your position but who may or may not be directly responsible for decision-making</p>	<p>The people and organisations you speak for or whose issue you are representing</p>
<p>Allies</p>	<p>Decision-makers</p>
<p>Individuals and organisations who can help you achieve your advocacy goal, both at home and abroad</p>	<p>Organizations, institutions, Ministries, individuals, etc, who make or deeply influence policy on the issue</p>

To identify the relevant stakeholders and targets for your advocacy action it is valuable and necessary to find out as much of the following information as possible and then to draw it up in a table (example shown in Tool 5 below):

1. Which are the relevant organizations or institutions?
2. Who is the relevant person/persons with the organization or institution?
3. What is their specific area of responsibility or investment in the issue?
4. What is their position on the issue?



Tool 6

Mapping stakeholders and targets (sample of transgender health in purple text)

Stakeholder	Organization/ institution	Individual target	Stake/ interest/ investment	Relation with other stakeholders	Position on issue
Directly affected					
Local Individual	Transgender person	Name / ID	Victim	(Fill)	Unsure how to proceed
Other Individual	Others in the trans community	Names/ IDs	Witness	(Fill)	Unsure how to proceed
Decision-makers					
National Government	Ministry of Health Union / Assoc for doctors Law society National human rights institutions	Minister Committees Private secretary Appointed representative	Welfare and well-being of citizens Fulfilment of HR obligations	(Fill)	Avoids issue No position Sensitive to issue Makes no comment
Local Health board	Hospital Board Medical staff unions	Name Name	Management of policies and behaviour in medical facility	(Fill)	Dismissal of issue No position
Other Individuals	Hospital donor	Name of rep	Reputation of hospital	(Fill)	Dismissal of issue
Decision-makers					
NGOs	HRW / Amnesty National NGOs	Country desk officers	Social justice Human rights	(Fill)	Unfair No position
Media	Main newspapers TV shows	Journalists' names	Show facts/ get a story	(Fill)	Homophobic, yet seems balanced
Churches	Local churches – Muslim/ Christian	Church leaders	Runs hospital ethics committee	(Fill)	Denial
International organisations					
	CoE	PACE monitor Visiting committees	Democratisation and non-discrimination	(Fill)	Unacceptable for members to condone
	UN	ECOSOC	Right to Health	(Fill)	Cannot support denial of right to health

This text utilises guidance found in WaterAid's www.wateraid.org/documents/plugin_documents/advocacy_sourcebook_2.pdf

Not all of the boxes in this chart will be filled out in every case around every advocacy issue. The chart is a useful tool for noting the identity and position of the issue amongst stakeholders in one place. Much information for this chart can be gleaned from secondary documentary sources, such as reports where international NGOs or institutions have made parallel opinions clear in another country, or where politicians or church leaders have made their voices abundantly clear in the past (media sources, etc). Other techniques such as interviewing, focus groups or polls can also effectively elaborate the stake and position of a stakeholder.

The information can then be framed in a table that shows how important the issue is to the stakeholder (again, sample on transgender health in purple.) Assessing how much agreement the group perceives from the various sources can be measured by highlighting or circling in a range from -3 to +3, as well as using a Low, Medium, High measure for how much importance and influence the stakeholders bring to bear on the advocacy issue identified.



Stakeholder	Agreement	Importance	Influence
Directly affected			
Local	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Other	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Decision-makers			
National	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Local	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Other	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Major organization			
NGO	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Media	-3 -2 -1 0 +1 +2 +3	L M H	L M H
Churches	-3 -2 -1 0 +1 +2 +3	L M H	L M H
International organizations			
NGOs	-3 -2 -1 0 +1 +2 +3	L M H	L M H
CoE	-3 -2 -1 0 +1 +2 +3	L M H	L M H
UN	-3 -2 -1 0 +1 +2 +3	L M H	L M H

This text utilises guidance found in WaterAid's www.wateraid.org/documents/plugin_documents/advocacy_sourcebook_2.pdf

Having established a general overview of where stakeholders are situated in relation to the issue a group wishes to advocate on, the next step is to establish individual targets for the work.

3.2 Identifying targets for advocacy actions

Identifying stakeholders connected with the advocacy issue will generally suggest which individuals (power-holders and decision-makers) need to be targeted. However, it will generally be necessary to research who the actual individuals are, in which organization, Ministry, etc. It is vital to connect with the right individual who can exert some real influence on the issue when dealing with State bodies and policy-makers.

Examples of target audiences for LGBT advocacy

- Politicians (local, regional, national)
- Businesses or business leaders
- Non-governmental organizations
- Community groups
- Human rights organizations (NGOs)
- National human rights institutions
- Religious groups/institutions
- Political parties
- Labour organizations (unions, etc)
- Academics/universities
- Professionals
- Opposition leaders
- Experts and specialists
- Media
- Ministry officials
- International agencies and organizations
- Other governments
- EU, OSCE, CoE and UN agencies/bodies
- Opinion leaders

It is useful to think of advocacy targets in terms of primary or secondary targets. **Primary targets** are those individuals who have direct authority to change a policy or act on an issue, or those who have a direct voice in that decision-making process. Informing or persuading these individuals is central to any advocacy strategy.

Secondary targets are any individuals who may exert some influence with the primary target. These may be colleagues (e.g. fellow Ministers around a Cabinet table), individuals from international institutions – such as members of the PACE monitoring committee, OSCE representatives, etc – individuals from media, etc. It may be that advocacy efforts are directed at secondary targets only, as primary targets may insulate themselves from being exposed to your message directly. It may be more strategic to direct the advocacy action at individuals who have access and an ear that LGBT groups do not.

Whoever the target is, it is of the utmost importance to learn about that individual in some detail before approaching them. Find out about their previous voting patterns, liberal or conservative politics, particular interests or issues they have supported before that are related to your issue.

When assessing the value of particular targets it may be worth collating the information in a target information table. Such charts are useful for mapping the work being considered in the immediate future, for creating files on particular individuals in certain offices and how their positions evolve over time, and finally they are valuable for evaluation purposes at step 6.



Tool 8

1. Target's name and organization	2. Target's contact detail	3. Target's known feelings about advocacy issue	4. How to influence this target	5. Target's decision making processes	6. Target listens to....?

3.3 Identifying allies

As LGBT organisations and their work often do not enjoy popular support it is important to find allies. The more people fighting for an issue or goal, the more the general public, the media and politicians are likely to pay attention. Allies are individuals or organizations who are prepared to support your work to various degrees and who consider the human rights advocacy objective and goal being sought to be worth fighting for. They may either wholeheartedly support the objective or be prepared to offer some capacity or resources to help it come about.

Where to find them

Allies will usually help you because there is some strategic interest for their own agenda in doing so (for example, arguing for comprehensive non-discrimination on all grounds – race, religion, age, sexual orientation etc, – requires coalition from all representative groups), or they recognise cross-cutting human rights issues shared by their constituency (e.g. parenthood, gender rights, sexual and reproductive health and rights, HIV & AIDS, etc). Other human rights NGOs may also need to be sensitized to the human rights issues implicated in LGBT advocacy. It is important to remember that sensitization takes time to develop and embed individually and organizationally.

- Who is already doing something about your issue in the community?
- What are they doing?
- How is it going?
- Which strategies did they find effective?
- Is there some way collaboration with them could work?
- Who else might be interested in the issue, even though they may not be acting on it now?

Some of the issues involved in LGBT advocacy can be problematic for potential partner NGOs in domestic settings. A lack of understanding about identity issues or an unrealized discrimination based on LGBT stereotyping for example, may be blocking deeper dialogue and coalition building. (It must be remembered that this can work both ways – LGBT individuals are as capable of carrying ill-informed attitudes about genders, mental illness, disability or ethnicity as any heterosexual.) It is important to approach potential allies and coalition partners with:

- 1) a degree of understanding for both parties' misinformation, ignorance and need to learn;
- 2) coherent content about what exactly you share in terms of interest in an advocacy action.

In terms of advocacy, you deliver your messages to or at targets, while allies are the people you work with.

Recognizing Allies

Do you and your allies care about the same things?

1. Whose problem is it? List as many groups as you think may be affected by the issue at stake.

Then, for each of these groups, ask yourself:

2. What are the benefits? What do they gain by helping you?

3. What are the risks? What might they lose?

Using your allies

Cooperation with allies presents a unified, powerful image to the public and political community. That is, the public can come to understand that the issue is important enough for people to compromise and put aside small differences in order to highlight or fix the problem. This not only shows the community that your group is reasonable, but also shows that your group is committed to the issue itself, not some personal agenda. The more allies your group has voicing the same concerns about the issue, the more difficult it is to be ignored.

Which ally should you contact first?

A group's power is a measure of how effective that group will be in helping objectives be realised. As a project progresses, special expertise may be needed (perhaps legal or bargaining skills). The use of an ally power grid may help the group recognize what power a potential ally has and which allies are most useful.

The following grid lists the types of power allies may possess and it also explains the type of power, and provides examples.



Tool 9 Types of power

Type of Power	Rationale	Example
Members: How many members does the group have?	The more members a group has, the less likely it is to be ignored.	A group with 500 members shows up at an anti-discrimination rally.
Money: Will they donate money to your issue?	Donated money and other resources are always welcome in achieving a group's goals.	A local workers' union donates money as it supports the cause of non-discrimination at work.
Credibility: Do they bring special credibility?	A group with strong positive recognition in the country will lend credibility to the cause.	A respected politician speaks about intolerance, hate crime and hate speech.
Appeal: Do they have special appeal?	Some groups of people have universal appeal, and if the organization is connected with them, it helps the cause.	A nationally accepted pop or sports personality.
Network: Are they part of a large, organized network?	A group that has lots of other groups in its network is going to have financial resources, credibility, and some political power.	Unions, national NGOs.
Reputation: do they have a reputation for standing firm on issues?	Groups with a tough reputation may discourage opponents.	The local law enforcement officers' union says they'll support policy changes for improved safety.
Skills: Do they have special skills?	An ally may bring technical, business, or legal skills to the group.	Lawyers' associations donate free legal support.
News-worthy: Are they particularly newsworthy?	Some groups may have a reputation or connections in the media that make them newsworthy. If they align, that might give positive media attention to the cause.	An activist group for children's rights or human rights that is prolific due to previous advocacy that had sizeable political or public support.

Recognizing allies

Completing this table will help determine who the allies might be and what they are doing, or could be doing, about the issue.



Tool 10

Sources of Allies	Potential Allies	What Are They Doing? (or what could they be doing on the issue?)
Who is already working on the issue in the community?		
Possible other allies based on general information sources?		
Legal profession?		
Human rights community?		
Minority rights?		
Sexual rights?		
Democratisation?		

This text utilises guidance found in the Community Tool Box <http://ctb.ku.edu/en/tablecontents/index.htm>

Potential allies' risks and benefits exercise

This table will help organizations to recognize the risks and benefits each potential ally faces when considering supporting LGBT concerns. Knowing these is important when asking potential allies to join you.



Tool 11

Ask yourself	Examples	What are the benefits? - What do they gain if you win?	What are the risks? What might they lose?
Whose problem is it?			

This text utilises guidance found in the Community Tool Box <http://ctb.ku.edu/en/tablecontents/index.htm>



Case study 1

Rainbow House, Russia

This case study illustrates the power of allies and the value of partnership building. It demonstrates that activists and organizations do not have to build their advocacy strategy based solely on their own skills and abilities, but can benefit and depend on the expertise of others. While this case has become very well known internationally, the leader of the Rainbow House has hardly left his home town of Tyumen.

In 2006 an activist in Tyumen, a city in the north-east of Russia, decided to register an LGBT organization, the Rainbow House, as an NGO. Having submitted the documents according to all legal requirements, he later received a refusal of registration from local authorities for the following reasons:

"The organization's goals are aimed at protecting the rights and freedoms of people of non-traditional sexual orientation. The objectives set in the Statute contribute to the achievement of the organization's goals; therefore, their fulfilment leads to propaganda of non-traditional sexual orientation. The organization's activity related to propaganda of non-traditional sexual orientation may undermine the security of the Russian society and State due to the following circumstances:

- disruption of the society's spiritual values
- disruption of sovereignty and territorial integrity of the Russian Federation due to the decreasing number of its population."

The refusal was clearly a violation of the right to freedom of association.

The activist got in touch with the Russian LGBT Network, and they connected him to a human rights organization that provides legal assistance to NGOs – Agora. As the authorities were unresponsive to appeal and argument, Agora and the Rainbow House chose to pursue the issue through the courts – strategic litigation (see Step 5, Skill 7) – combined with international pressure. At the moment, the case is pending at the European Court of Human Rights, having been unsuccessful in the various national courts.

Having properly documented and translated into English all of the correspondence to do with the authorities, this material was channelled through ILGA-Europe and the Moscow Helsinki Group to

European institutions – the Council of Europe (the PACE monitoring committee and the secretariat dealing with Russia), the OSCE and the European Union. In Moscow, the activist has met and shared the details of the case with the Council of Europe’s Commissioner for Human Rights Thomas Hammarberg.

As a result of all these actions, the case of the Rainbow House has become one of the most quoted in international human rights documents on Russia, and it has been raised in a number of meetings between international organizations and the Russian authorities.

As yet the organization has not been officially registered, awaiting the decision of the European Court of Human Rights. But their work on freedom of association has contributed to the fact that in early 2009 an openly LGBT organization has been registered in Saint Petersburg. This may pave the way for more organizations to come forward in the near future.

This text was supplied by ILGA-Europe

3.4 Identify opponents

Who are they, and what are their arguments?

The forces that oppose acceptance of the human rights of lesbian, gay, bisexual and transgender people in the region this manual is concerned with are strong and present in many key societal institutions. A common argument of religious, nationalist or conservative opposition is that LGBT people represent a threat to society’s cohesion. Their arguments often turn on notions of what is ‘natural’ – ‘natural’ sexually, ‘natural’ morally and ‘natural’ in society. Assertions of ‘public morality’ – the exact meaning of which is unclear – are frequently used to deny LGBT people their rights to freedom of assembly and expression in the region.

Types of opposition

There are several different forms of opposition that you may encounter. Sometimes your opponents are visible and public. These opponents can be easier to deal with, because their position has been clearly articulated. Sometimes however opponents are less visible, and are therefore harder to counteract. This is especially the case when people appear to sympathise with your position but then withhold support, or even directly oppose it, when it really counts, e.g. government. It is necessary to become skilled at recognizing the type and degree of opposition in addition to simply identifying opponents. It is important to analyse what exactly they have to lose when you win.

To increase your chance of success there are two important reasons to identify opponents before you implement your campaign:

- **You can anticipate the type and degree of opposition or attack you will encounter**
- **You can effectively direct your resources towards weakening or circumventing your opposition.**

Completing this table will help you determine who might oppose your advocacy campaign and what they have at stake. This is an important step in developing effective advocacy strategies.



Tool 12

Potential Opponent	What's at stake for them?	Power the opponent has	Potential strategies your opponent may use

This text utilises guidance found in the Community Tool Box <http://ctb.ku.edu/en/tablecontents/index.htm>

Recognizing Opponents' Power

Opponents are capable of all sorts of tactics to destabilize opposition to them. It is important to have some way of recognizing their tactics, and of responding:

Deflect – they could divert the issue to a lesser, side issue; or could pass responsibility for the matter to a junior official who has no real power.

Delay – your opponent could make you think they are addressing the issue, when nothing is really being done. For example, forming a "study commission" that has no real power to give you the change you want.

Deny – your opponent may say your claims and your proposed solutions, or both, are invalid.

Discount – your opponent may try to minimize the importance of the problem, question your legitimacy as an agent of change or both.

Deceive – your opponent may deliberately try to make you and your group feel like they are taking meaningful action, when they in fact are not; they may never have had any real intention of considering your issues.

Divide – your opponent may sow the seeds of dissent into your group's ranks, and use a "Divide and Conquer" strategy – for example by recognizing only the male contingent of the LGBT movement, etc.

Dulcify – your opponent may try to appease or pacify your group, or people who are undecided about the issue, through offers of jobs, services, and other benefits.

Discredit – your opponent may try to cast doubt on your group's motives and methods.

Destroy – your opponents may try to destabilize or eliminate your group through legal, economic, or scare tactics.

Deal – your opponent may decide to avoid conflict by offering a deal, working with your group towards a mutually acceptable solution.

How can opposition be dealt with?

Here are some useful techniques for responding to opponents. In all cases – if at all possible – it is advisable to have monitors or witnesses to the negotiation/meeting/phone call.

- **Prevention** – one of the best ways to prevent opposition is to plan in advance what you're going to do, and convince potential opponents to either join you or at least not to actively oppose you.

- **Labelling your opponent's tactics** – your opponent's tactics lose power when those tactics are openly identified.

- **Frame the debate in your terms** – convey the issue in terms of how your group thinks about it; you don't want to be constantly on the defensive, only responding to your opponent's arguments.

- **Balance and Illusion** – you should respond to your opponent's counterattacks with a variety of strategies, so they don't have time to anticipate and prepare for your moves. Similarly, if you can trick your opponent into wrongly guessing your intentions, it also gives you an advantage in keeping your opponent off-balance.

- **Turning your opponent's assets into liabilities** – this is risky and generally not advised. However, a group may decide it is appropriate when your group might be in a situation where your opponents' power greatly outweighs your own – for example, against the State. Generally, this method involves your group persisting with non-violent strategies until the opposition responds heavy-handedly out of frustration. Eventually, this can result in a shift of support and sympathy towards your group and your cause. Previously uninvolved observers who see a group being severely repressed because of their belief in a principle may move towards that group. Usual supporters of your opponent may question the use of violence against your non-violence and may begin to question your opponent's overall motivation.

- **Know when to negotiate** – in most cases, when you settle your dispute with your opponent, there will be a compromise. Your group should be aware of signs that might indicate such a negotiation is possible. These signs are often hidden in statements by the opposition.



Tool 13 Recognising tricks

Dishonest Trick	Method of overcoming it
The use of emotionally toned words	Repeat the statement using emotionally neutral words
Making a statement in which 'all' is implied but 'some' is true.	Repeat the statement using 'all' and showing that it is therefore false
Proof by selected instances	Point to counter instances
Extension of an opponent's proposition by contradiction or by misrepresentation of it	State again the more moderate position which is being defended
Evasion of a refutation of an argument by the use of a sophisticated formula	Analyse the formula to demonstrate its unsoundness
Diversion to another question, to a side issue, or by irrelevant objection	Refuse to be diverted and restate the real question
Proof by inconsequent argument	Ask for a clear explanation of the connection between the proposition and the alleged proof

This text is found in Robert H Thouless (1953) *Straight and Crooked Thinking*; Pan, New York.



Case Study 2

Monitoring hate speech in Latvia

MOZAIKA, Latvia

Project 'Homophobic Speech in Latvia: Monitoring the Politicians'

Product: Report – Homophobic Speech in Latvia: Monitoring the Politicians, February 2007

This case study demonstrates both the complexity and the value to an organization of concentrating your energy on how the opposition tries to undermine acceptance of LGBT people's human rights.

According to MOSAIKA, at the time of taking on this project, the climate of intolerance in Latvia had made it one of the most overtly homophobic countries in Europe. The tool of monitoring allowed the group to identify various patterns of homophobic speech. It also allowed them to open respectful but assertive dialogue in and beyond Latvia about hate speech and how to address it, when directed at LGBT people as well as at other minorities.

Building and deciding on a methodology took some time and quite a lot of energy to implement. Having identified their advocacy objective – to record the range of homophobic speech being uttered by politicians over a given timeframe – the group had to define their terms – what constitutes a politician, what constitutes hate speech, what to do with more subtle yet equally damaging remarks, etc. By reviewing a preliminary sample they were able to define and refine a glossary of terms to which they could stick consistently for the period of the study. Some categories were merged or sub-divided, as greater insight into politicians' argumentation was gained, but the main category headings remained the same throughout the period.

The selected timeframe was the period between June 2005 and July 2006, with a special focus on some important events, including Pride 2005 and Pride 2006 (which was in fact banned), as well as certain legislative events in Parliament (including amendments to the Latvian Constitution in December 2005 and debates on amendments to the Labour Law in May 2006). It was valuable to limit the timeframe in order to contain the workload.

Further, to be realistic about exactly how much monitoring could be done, it was important to define the limit of the data sources. Transcripts from plenary sessions at parliament, official statements and press releases by political figures, seven newspapers, and some television debates, conferences and some websites were included in the study. Three methods of data collection were employed – internet sources for the parliament, specialized media search engines (fee-paying) and subscriptions as well as libraries for newspapers, and thirdly, less formalized observation and recording at conferences, websites and TV debates (created problems for quantitative analysis but added contextual detail).

The final report was written up and disseminated amongst partners, politicians, human rights NGOs, international partners and institutions. The objective of this exercise was to record the range of homophobic speech being uttered by politicians. The process resulted in huge learning for the group and a wealth of documentary evidence on which further strategic advocacy actions relied.

The full report and annexes can be found at www.ilga-europe.org/home/what_we_do/ilga_europe_as_a_funder/completed_projects/homophobic_hate_speech_in_latvia_monitoring_the_decision_makers

3.5 Form coalitions

A coalition of people or organizations doing advocacy work can achieve more together than individually. However, coalitions take time and energy to develop and maintain, because they involve building trusting relationships with other people and keeping all parties constantly informed and involved.

Working in partnership with other organizations allows each group to focus on its area of expertise while working towards a common goal. How you position yourself is important when considering alliance or coalition building. This means how you consider the needs and wants of your alliance-target matters greatly. Establishing and building relationships is essentially what the exercise is about. The results of such coalition can be very powerful, as the resources of two or more organizations can be brought to bear on the issue effectively. When an issue is framed in the shared and agreed language of the coalition, external targets cannot so easily dismiss the concern articulated.

Coalitions can be short-term or long-term, and formal or informal. For example, in the short-term they can take advantage of gatherings such as meetings, conferences and workshops to promote

an issue and gather signatures for petitions. Alternatively campaigns and actions may be undertaken over several years, for example around legislative change. In both cases, the following are important points when developing coalitions:

1. Members must frame the issue that brings them together with a common interest.
2. Members must trust each other and believe that their peers have a credible commitment to the common issue(s) and/or goal(s).
3. The coalition must have a mechanism(s) to manage differences in language, orientation, tactics, culture, ideology, etc between and among the collective's members (especially in trans-national coalitions).
4. The shared incentive to participate and, consequently, benefit.

Networks and coalitions differ in that a network can be defined as an extended group of people with similar interests or concerns who interact and remain in informal contact for mutual assistance or support. For LGBT organizations, networks primarily have an information-sharing function and may act as the platform from which coalitions are entered into.

In the seven countries this manual is concerned with, it has sometimes been difficult to build bridges with other human rights organizations. There are several possible reasons for this including differing advocacy priorities, stretched resources, or lack of understanding or recognition of human rights violations against LGBT people. It is therefore important that directing messages to this sector is done in a way that takes account of such organisational constraints.

Advocates need to give careful thought to message delivery for allies in the human rights community. Messages need to be tailored in language which expands the discourse and illustrates your understanding of their constituencies – race, age, disability, etc, or their issues – prevention of torture, strategic litigation, human rights monitoring or education – and their relation to yours. When mapping the people involved in the potential alliance, you need to discover what they want exactly and how exactly your agenda fits with aspects of theirs. Framing your agenda in their terms allows you to see, from their perspective, why they should partner with you on certain issues. This clarifies realistic expectations you can have about the benefits and limits of your coalition.


Reasons for forming a coalition

DIANET Dialogue for Interaction Advocacy and Networking Capacity Building in South-East Europe
A Toolkit for NGO's: Minority Rights Advocacy in South-East Europe, 2007, King Baudouin Foundation

1. It provides broader support to achieve goals which need it.
2. It improves the public visibility of the advocacy action and heightens the public profile of the issue raised.
3. It is harder to ignore an initiative undertaken by a large group of organizations.
4. The bank of available information is increased.
5. Duplication of work is avoided.
6. The advocacy message will be heard more and further than if sent by individual organizations.
7. In case of an emergency in society, a coalition can act swiftly and efficiently.
8. When advocating for politically sensitive issues, individual organizations can find a safe haven in a coalition.
9. Forming a coalition might help in reaching a consensus in a community more easily than when individual organizations advocate on a controversial issue (greater number of users, volunteers, activists as well as all of those supporting an organization).
10. A coalition can cover a wider community or even a wider geographical territory.
11. Donors sometimes prefer supporting collective work rather than individual work.

Reasons against forming a coalition

1. It may be difficult to reach agreement about the aim.
2. It is unsuitable if the question of who takes credit for success is more important than the victory itself.
3. Reaching consensus between members is a hard and slow process.
4. Coalitions are weakened if the reputation of coalition members is called into question.
5. Coalition forming can lead to domination by particular members and to undemocratic decision making.
6. The imperatives of coalition activities may force smaller organizations to neglect their own general activities and lose autonomy by doing so.
7. Misunderstandings may arise on funding, who raises funds, how the funds are spent, who manages them, etc.



Case Study 3

Coalition-building in Moldova

The Moldovan LGBT organization GenderDoc-M states that in 2007 and 2008 they learned an important lesson about coalition-building. In their efforts to ensure that sexual orientation and gender identity are included in the draft anti-discrimination law, they realized just how important it is to work with coalition partners.

The Coalition for Non-Discrimination is a partnership of eight human rights-oriented NGOs from youth, Roma and LGBT backgrounds that formed after anti-discrimination legislation was included among the objectives of the National Human Rights Action Plan for 2004-2008 (see case study 7 at Step 5 on lobbying national and international institutions on this issue). GenderDoc-M found that the coalition gave all participants better access to both the general public and governmental institutions when promoting their agenda on how that law should be shaped.

However, when GenderDoc-M was coordinating the coalition's work in 2007, there was a sharp increase in resistance to the anti-discrimination law from various sections of the religious and extreme nationalist elements of society. Banding together, some religious groups with the support of some government institutions began to call for the new law to be abandoned despite the commitments made in the Action Plan. In unambiguously hostile language they explicitly declared that homosexuals were hiding behind other structures to promote their agenda at the national level. In this climate, the work that the coalition was doing was being threatened by the homophobic rhetoric of the opposition and this created some polarization amongst civil society actors.

In 2008, one of the partners in the coalition, the National Youth Council of Moldova, took the coordinating leadership role of the coalition. The situation calmed down.

The lesson that GenderDoc-M drew from this is that strategically, in environments hostile to LGBT people, it may be wise to take a supporting but not leading role in public campaigning for LGBT inclusion.

Information source - Dana Cotici of GenderDoc-M, Moldova

3.6 Working with international NGOs

Although much of your work will be limited to the local or national settings, building and maintaining strong ties with international organizations is an important part of any advocacy strategy. LGBT organizations such as ILGA-Europe, COC-Netherlands, ARC International, RSFL-Sweden and others can offer access to sources of information, funding and to policymakers. They also know a lot about how other organizations in other countries have managed their campaigns and can advise on ways to approach issues and targets within advocacy strategies.

In addition a number of international human rights NGOs (Amnesty International, Human Rights Watch, FIDH, ICJ)⁸ include the human rights of LGBT people within the scope of their work. This reflects the legitimacy of the inclusion of sexual orientation and gender identity in human rights discourse to an ever-widening global audience.

Major national and international NGOs, together with local, regional and international LGBT groups and independent activists, have now built a network that links the many sections of the human rights community. It was this coordinated effort that managed (intensive lobbying for the weeks prior to the vote on December 18, 2008) to get the first ever UN General Assembly Statement and Resolution on sexual orientation and gender identity through. In the European context, progress on shaping the Goods and Services Directive (2008)⁹ can be attributed to strong coalitions being built and excellent communication being maintained between national LGBT organizations and ILGA-Europe.

There are complex political implications that the CoE, the OSCE and the EU consider around 'difficult' social issues such as LGBT people's human rights. Often you might wonder why it is so difficult to get a claim through these institutions and committees – and it is important to have allies who do understand, can interpret and operate within these environments of political balancing and juggling.¹⁰ LGBT international NGOs also know a lot about the processes involved in getting particular information through, in a timely manner, to the appropriate person or desk to do with your country.

An invaluable aspect of dealing with INGOs is their great experience and knowledge of how to pull the right political 'levers' to convince governments to change their laws. The following four bullet points describe core elements of that work:

- ILGA-Europe, working with lawyers and legal experts, has analysed European legislation that enables it to speak authoritatively on the exact obligations of the seven countries in

⁸ For example, Amnesty International 2008 Human rights reports

www.amnesty.org/en/library/asset/POL10/001/2008/en/d7c5dcf0-aadd-4eba-9080-10c216523e3a/pol100012008eng.pdf, and

International Commission of Jurists: Practitioners Guide No. 4 – Sexual Orientation, Gender Identity and International Human Rights Law www.icj.org/dwn/database/PractitionersGuideonSOGI.pdf

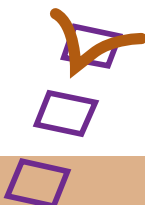
⁹ Destination Equality on the new EU Goods and Services Directive www.ilga-europe.org/europe/publications/magazine_destination_equality/2008/eu_debates_new_anti_discrimination_directive_autumn_2008

¹⁰ Contribution of the Commissioner for Human Rights to the work of the DH-LGBT. Current lobbying work with CoE with collection of quotes from High Commissioner. www.coe.int/t/e/legal_affairs/legal_cooperation/steering_committees/cdcj/Documents/2009/Comm%20DH%20%20_2009_%207%20E.pdf

relation to human rights.

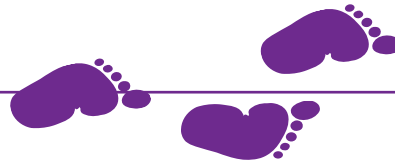
- By having knowledge of the existing human rights and accession monitoring processes of the EU, CoE, OSCE and UN, informed lobbying campaigns can be undertaken.
- By maintaining good links with supportive MEPs, ILGA-Europe has been able to get resolutions tabled highlighting those countries with discriminatory laws.
- By understanding the ways that the institutions monitor human rights, and persuading them to include references to discriminatory laws and attitudes in their annual monitoring reports, LGBT claims are legitimized outside of national opinion and set within international standards.¹¹

Evaluation Tool 3



Stakeholder mapping	Score (1-5)
1. Do you understand the difference between target and stakeholder?	
2. Can you see the relative relevance of the stakeholders on your issue?	
3. Are you clear about their position in reference to your issue?	
4. Is their influence on resolving it clear to you (their power)?	
5. What access to primary targets have you got?	
6. What use of secondary targets can you make?	
7. Are you clear about their position in reference to your issue?	
8. You have studied a list of potential allies and their associations	
9. You have looked at the benefits and risks associated with alliance	
10. You have identified your opponents and what they lose if your advocacy objective is successful	
11. You have studied your opponents' tactics and considered ways of dealing with their tactics	

¹¹ The following link provides some information on the recently adopted anti-discrimination law in Serbia, and the timely actions taken by ILGA-Europe in that process. www.ilga-europe.org/europe/guide/country_by_country/serbia/the_serbian_anti_discrimination_law_introduced The letter sent to Serbian Parliamentarians about the interventions by the Orthodox church can be found at: www.ilga-europe.org/europe/guide/country_by_country/serbia/joint_iglhrc_and_ie_letter_to_the_government_of_serbia



Step 4 Taking action

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

¹² As regards monitoring and documenting homophobic and transphobic incidents, see ILGA-Europe's manual at

Understand the centrality of monitoring and documenting in advocacy work, create an advocacy action plan, understand the principles of strategic communication, account for issues of personal safety.

Steps 1-3 of this advocacy manual have helped you to identify issues, formulate objectives and map stakeholders. This chapter describes other skills starting with monitoring and documenting, creating an advocacy plan, strategic communication and dealing with international institutions.



Skill 1

www.ilga-europe.org/europe/publications/non-periodical/handbook_on_monitoring_and_reporting_homophobic_and_transphobic_incidents and http://www.ilga-europe.org/europe/funding_capacity_building/funding_opportunities/ilga_europe_human_rights_violations_documentation_fund/human_rights_documentation_tools

4.1 Monitoring and documenting

Monitoring and documenting¹² are practices designed to ensure a certain quality of information for use in your advocacy work that will be acceptable to all agencies and institutions that receive it. Information must be credible, reliable and accurate. If it fails on any of these points your work may be compromised. Organizations like HURIDOCs (Human Rights Monitoring)¹³ have produced online manuals and also provide trainings to human rights activists interested in developing their skills in this area.

Monitoring

In general terms monitoring means looking at the progress or shifting pattern of something over a period of time and keeping periodic records for later comparison. In terms of this manual, you may monitor press coverage, actions of allies, communications with institutions or State Ministries, etc and hold the information in much the same manner as a library might.

Monitoring, in relation to evaluation processes, is about keeping a periodic eye on processes advocates are engaged in and recording them with the express purpose of using the information to strengthen or improve efficiency of future work.

¹³ Overview of HURIDOCs monitoring guidance www.huridocs.org/tools

In human rights terms the word ‘monitoring’ takes on a more specific meaning: monitoring **is the active collection, verification and immediate use of information to improve human rights protection.**¹⁴

Human rights monitoring relates to how the State translates its international obligations into standards or legislation at the national level. It also relates to how well those standards are subsequently implemented. Monitoring provides **evidence-based data** and the background information for the organization itself, for its policy and position statements, as well as core information for communication with the public, media and policy-makers.

The primary criteria when documenting situations or cases are that the information be factual, reliable and credible

Documentation

The term ‘documentation’ is used here to mean any type of recording or record of events, situations, conversations, events, discourses, etc.

Documentation is a process consisting of several activities, namely:

- Determining what information is needed and establishing means for acquiring it.
- Recording, collecting or storing discovered information.
- Organizing the documents to ensure security and accessibility.
- Providing the documents to users who need the information.

From a human rights’ perspective, **documentation is the result (or product) of recording a situation**, such as a fact-finding mission, a piece of research or an advocacy action.

For example, documenting a LGBT street event like Pride or a non-violent protest would require an on-site monitor to photograph or video the event, write up the events of the day, record incidents and any first-hand information, record speeches and responses to them, record police or State authorities’ actions or non-actions, list monitors from human rights or international institutions, etc. This raw data information would then be collated in one report or one document and most likely all stored at one site. Finally the collected data can be written up and targeted to a particular audience/readership.

A document contains information that can be: textual or non-textual (audio or visual), published or unpublished. Interviews and surveys allow information that is in people’s minds to be made use of. They are called **primary documents**. People with direct knowledge of a violation or a human rights situation are referred to as sources of first-hand information – they are the victims, perpetrators or

¹⁴Professional Training Series No. 7 Training Manual on Human Rights Monitoring www.ohchr.org/Documents/Publications/training7Introen.pdf

witnesses of the event. Characteristics of primary documents are that they are given in the language of the original source – they can be affidavits, transcripts of actual conversations, letters, hand-drawn maps, manuscripts or other actual original documents.

Secondary documents are those produced based on primary documents. The use of primary information in international NGO country reports (Human Rights Watch, Amnesty International) or in regional institutions' observation texts (e.g. CoE, OSCE) defines them as secondary documents or secondary sources. As with a journalist constructing an article, these products (reports, etc) depend on reportage of first-hand information as a factual and reliable basis for their argument.

Further resources

Excellent summary resource from Human Rights Law Resources, Human rights monitoring – <http://beta.austlii.edu.au/au/other/HRLRes/2001/16/>


ILGA-Europe training materials on documenting human rights violations and evidence-based advocacy:

www.ilga-europe.org/europe/funding_capacity_building/funding_opportunities/ilga_europe_human_rights_violations_documentation_fund/human_rights_documentation_tools

www.ilga-europe.org/europe/funding_capacity_building/funding_opportunities/ilga_europe_human_rights_violations_documentation_fund/human_rights_documentation_tools/documenting_and_reporting_human_rights_violations_presentation

www.ilga-europe.org/europe/funding_capacity_building/funding_opportunities/ilga_europe_human_rights_violations_documentation_fund/human_rights_documentation_tools/documenting_and_reporting_human_rights_violations_hand_out

www.ilga-europe.org/europe/funding_capacity_building/funding_opportunities/ilga_europe_human_rights_violations_documentation_fund/human_rights_documentation_tools/evidence_based_advocacy_presentation



Case Study 4

Monitoring and documentation at work

LEGEBITRA, Slovenia

Project Activate! - LGBT Human Rights Monitoring

Product: Report - *Research, monitoring and recording of cases of discrimination and rights violations against LGBT people in Slovenia in the period from November 2007 to November 2008.*

This case study demonstrates how human rights monitoring has been central in helping the community to recognise when their rights are violated as well as in Legebitra's organizational development.

A significant product from a long organizational and learning journey, the report that LEGEBITRA's project Activate! launched on Human Rights Day 2008 (10th December) points to the content of future LGBT advocacy in Slovenia and at whom it should be targeted. The monitoring and documentation exercises that their report presents were consciously chosen as methods to build organizational capacity, gain experience in reporting, as well as record the human rights violations against Slovenian LGBT people. Knowledge that the report could be put to many advocacy uses in local, national and international settings, be used to gain credibility and partnership in the national NGO and human rights communities, as well as foster confidence, participation and support within the Slovene LGBT community itself were key criteria when identifying objectives.

Having started out as a service-providing organization in 1998, the group soon realized through its activities in self-help and counselling, that the needs of Slovenian LGBT people were rooted in the lack of protection and promotion of their human rights. In the context of increasing hate speech and hate crime in the country, it was clear that people were not reporting incidents – as they did not believe it would bring results. An additional obstacle was that LGBT people in Slovenia were simply not aware of their human rights in anything like the way they could be and as a result did not claim them. The organization knew this but did not have the evidence (the data) to back up the claim.

The process the group underwent to improve its monitoring and documentation of human rights

violations and cases of discrimination brought it into contact with a wide variety of human rights actors working both in the country and in the region. ILGA-Europe and HURIDOCS training in human rights monitoring, Council of Europe human rights education courses (particularly COMPASS¹⁵) and specific training around LGBT violations contributed to the awareness raising and skills base of LEGEBITRA. They developed an understanding of the methods and skills needed to work on different levels (from grassroots through to international institutions).

Networking and alliance building with national human rights and civil society NGOs, promotion of the project in and beyond the LGBT community, collection of information, organization and subsequent reporting and dissemination of that information, as well as planning and evaluation methodologies were all tools that the organization became familiar with.

The confidence to assert rights, as well as the ability to do so in convincing ways and through appropriate channels has hugely improved the organization's advocacy capacity. During the year they communicated some of the data and analysis for lobbying and alliance-building purposes with partner organizations, local funders, and with State actors. They also heavily promoted the programme in the LGBT community, to foster confidence, support and participation in the process. Further, they specifically kept the police informed of their work, gave them specifics of incidents to investigate, and communicated their understanding of police roles in regard to the protection and promotion of rights.

LEGEBITRA has successfully built alliances with partner organizations, both national and international, and through its work in monitoring and documenting violations and situations (social and legal) has irreversibly raised the profile of LGBT life in Slovenia. As importantly, the group has come to see that already LGBT awareness of human rights has increased, as has the reporting of LGBT violations to State authorities.

Information source - Jasna Magic of Legebitra, Slovenia

¹⁵ see

4.2 The Action Plan

Achieving an advocacy objective (such as getting an Ombudsman’s office to include sexual orientation and gender identity issues in its frame of reference for citing discrimination) may take between one and three years to achieve. An advocacy goal such as including sexual orientation and gender identity as a grounds for non-discrimination in legislation and throughout State policies in all areas of civil, political, economic, social and cultural life may take a considerably longer time. Long-term commitment and reality about timescales are vital to planning strategic advocacy.

The essential elements to consider when planning advocacy include advocacy goals, advocacy objectives and advocacy actions as discussed at step 2. Other elements to be included are indicators for monitoring and evaluation, timing; responsibility, and when you will review progress.

The following chart is a useful tool for clarifying essential elements: what is planned, when it happens, how you know it has succeeded, and who is responsible.



Tool 14

Objective	Target	Action	Indicators	Timing	Responsibility	Review

This text utilises guidance found in Tearfund’s Advocacy Toolkit
<http://tilz.tearfund.org/Publications/ROOTS/Advocacy+toolkit.htm>

The indicators column expresses the intended outcome, which allows you to see the measure of success achieved later.

The review column marks the date for review of the plan which is an opportunity to check priorities and adjust planning accordingly.

Example: Goal – sexual orientation and gender identity as grounds for non-discrimination is included in legislation and throughout State policies in all areas of civil, political, economic, social and cultural life

Objective	Targets	Action	Indicators	Timing	Responsible	Review
To get Office of Ombudsman to include sexual orientation and gender identity issues in its frame of reference for non-discrimination	Range of politicians and senior civil servants (primary and secondary targets)	Prepare briefing notes suited to each target – sent pre-meeting	Politicians agree to push for inclusion. Briefing notes prepared and distributed	Immediate	Team leader	Date
Same as above	Ombudsman	Lobbying meeting to convince about LGBT discrimination and get commitment for inclusion	Positive response and inclusion guaranteed	One year	2 members of team	Date
Same as above	Parliament’s Human Rights Committee (or equivalent institution)	Lobbying meeting to get HRC to recommend Ombudsman to include SOGI	HRC representative sees need and acts accordingly	Six months	2 members of team	Date
Same as above	Office of the Council of Europe Commissioner for Human Rights	A letter or meeting to request that the Commissioner reminds Ombudsman of duty to apply human rights standards to all minorities	The Commissioner reminds Ombudsman unambiguously of duty	Six months	Team leader with INGO expertise	Date

When planning and designing advocacy actions it is essential to keep in mind how they will be evaluated later. This consideration should really be integral to all planning steps and not be an afterthought. Details of the expected outcomes from each of the advocacy actions (what response from whom) should be noted in advance, as well as just after the action, so outcomes can be measured. Likewise, it is essential to note the results of advocacy actions at time in order to do an accurate evaluation later.

LGBT human rights objectives themselves can be difficult to evaluate. For example, when working in coalition how is it possible to evaluate the LGBT element? Milestones such as laws being passed are clearer markers than the impact of education in the police force or army. In many instances it is only possible to measure one's own performance in the effort made and the action outputs (did training with 400 police in 20 sites, printed and distributed 10,000 leaflets, etc).



Case Study 5

Realising an objective - seeing advocacy actions through

In 2007, Georgia's Inclusive Foundation decided to embark on realising what might seem to be quite a modest advocacy objective – the inclusion of a word in an international institution's report. However, they believed that achieving this would open the door to further claims made by LGBT people in Georgia.

The Inclusive Foundation had submitted two cases of violations of LGBT persons' rights in 2007, and although these had been reported to parliament they were not included (they disappeared) in the Ombudsman's report for that year (thereby contributing to the invisibility of violations of the human rights of LGBT people).¹⁶

The objective of the action was to get the Council of Europe (CoE) to include the word 'homophobia' in its monitoring committee's report on Georgia for 2007. It was conceived within the larger objective of getting the CoE to acknowledge that homophobia does in fact currently exist in Georgia and thereby putting pressure on the Georgian government to do the same.

¹⁶ The Ombudsman's Office had the mandate to include human rights violations on grounds on sexual orientation and gender identity but at this time did not show a real commitment to reflecting the situation of LGBT people in annual reports.

Having been informed by international partners of the PACE Monitoring Committee's upcoming visit to Georgia, Inclusive Foundation representatives discussed (with the Georgian Young Lawyers Association [GYLA] amongst others) the limits of what they should seek from the institution. International partners and others were able to provide some insight into the personalities of the members of the CoE delegation and were able to give a sense of those individual's political leanings (based on past performances and informal encounters). This gave the Inclusive team a sense of who their allies might be at the meeting and who might oppose their request. The team requested inclusion at the meeting, found out what other NGOs would be at the table and prepared a quantity of documentation material to leave with the CoE members.

During the meeting, the Inclusive team had a short window to speak so they stayed to the point

and did not add any unnecessary information. Importantly, in delivering their message their style was calm and neither angry nor accusatory. To support their cause they made two arguments – 1) that the previous summer’s CoE’s All Different All Equal campaign had failed in Georgia because of homophobia (they cited the vitriolic commentaries printed in Georgian media about it), and 2) that to date the CoE had not actually recorded this homophobic reaction in its own material. When the meeting ended, the head of the CoE monitoring committee told to the Inclusive team that homophobia would appear in the forthcoming report.

When the report was launched the following January (2008), it not only mentioned homophobia but quite clearly relied on the documentation that the team had left with the monitoring Committee members:

Para 268 of Georgia EDOC11502 CoE report

268. The PDO [Public Defender’s Office] is actively involved in monitoring the situation of ethnic and religious tolerance in the country. Some civil organisations’ representatives, however, pointed out that the PDG’s [Ombudsman] office should broaden its scope and deal also with other forms of discrimination, including discrimination on the grounds of gender or sexual orientation. Given the generally negative perception of homosexuality in Georgia, which sometimes amounts to homophobia and which finds support by the Georgian Orthodox Church, and the fact that even the Council of Europe “All equal, all different” campaign had to be cancelled earlier this year because of ferocious media attacks labelling the event a gay pride,⁷³ we recommend that attitudes to homosexuality and LGBT rights be taken up by the PDO [Ombudsman] as an area of monitoring and included as a component in its human rights trainings.

(73The campaign was cancelled for security reasons after the Georgian Orthodox Church warned that the parade with participation of sexual minorities would lead to confrontation and clashes.)

<http://www.civil.ge/files/files/EDOC11502.pdf>

Information source - Paata Sabelashvili of the Inclusive Foundation, Georgia

4.3 Communicating strategically

Clear, targeted communication is a key component at the heart of any advocacy action. The same message content needs to be presented in formats - both in structure and language – that those being addressed understand most clearly. Effective LGBT advocacy is designed to trigger change in attitudes, approaches and political will. Ultimately it aims to move targets to action on the issue being worked on.

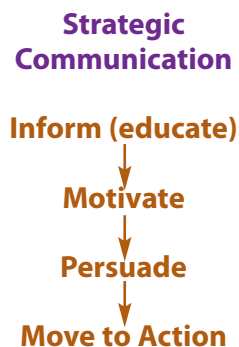
The ability to see or imagine the issue from a target’s perspective is core to achieving the objective. How will each targeted individual benefit – or risk – professionally, politically, or personally from

supporting the issue? The message you are trying to get heard needs to be framed in terms that they can both digest and act upon. It is essential to research the target's background and understanding of the issue to be able to deliver a concise, consistent **message** shaped to his or her needs and interests.

This **audience mapping** is a key exercise in the process of an organization's communication strategy and allows advocates to logically choose the types of tools that best suit the task, as well as define the skills required to use them:

- It allows you to frame your message in terms of the audience that is receiving it.
- It also allows you to recognise and be realistic about the limits of their ability to address your issues.
- It locates your agenda in relation to those of other groups. This allows you to define and claim a public space for your group as you clearly articulate how your issues cross-cut with others.

Model of Communication.



The first level is to **inform** the target audience members. They need information to develop a thorough understanding of the issue, the situation and the desired policy change.

Once the audience is informed, the communication strategy moves to the next level. It seeks to **motivate** the target by getting the individual to recognize the implications of the issue.

The next intention is to **persuade** the target to feel strongly about the issue – that they would understand the human and societal impacts of it and that they would, for example, relate that to other serious injustices.

The next logical step, and ultimate point of advocating, is to get them to **act** in support of the issue. Reactions to each of these steps can be monitored, which is useful for future actions, and provides useful criteria for evaluation.

There are three important questions to answer when preparing advocacy messages to any target audience – be that LGBT people, political, public or media:

- Who exactly is being targeted with the message?
- What exactly is to be achieved with the message (is it designed to inform, motivate, persuade or move to action or any combination of these)?
- What exactly is wanted of the recipient of the message as a result of it - what action do you want them to take?

Having identified the range of target audiences that the message (the advocacy action) needs to be directed at, it is necessary to phrase it or frame it appropriately. This means focusing the content most suitably to the target in a language or form they ordinarily relate to. For example:

Institutional language – representatives of OSCE, Council of Europe, EU and UN all need information that related to their standards and statements, hard law and soft law agreements and international agendas in the region supported by governments.

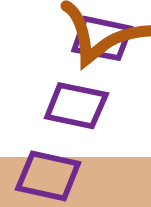
Political language – Politicians and policy-makers need to be affirmed in some way – lean on any utterances they have made that fit your agenda. Speak about how they can lead, etc. Find ways to allow them to work in the background and avoid publicity if this is what they want.

Media language – Particular formulations suit print media best. Journalists who are not opposed to the issue often virtually copy press releases verbatim (or at least the first three paragraphs of them), while those who want to attack will do so anyway. Speaking about human rights issues in plain language and not using professional jargon is best with this influential audience. Broadcast media allows you more freedom as you speak directly to the audience though the same general advice as regards plain language and avoidance of jargon is applicable.

Language for addressing general public – Straightforward, clear and using short sentences. Only make direct reference to 'human rights' if you are sure that this term will be understood properly. One concept per sentence. Simple equations between the problem and the solution. Can afford to be slightly emotive.

Language for LGBT community through print – always inclusive and active in voice (e.g. "Together we can make LGBT discrimination stop"). Clear motivational and visionary texts that show understanding of 'our' issues.

Evaluation Tool 4



Strategic communication

Score (1-5)

1 You understand exactly what you wish to communicate

2 You understand to whom and in what language they need to be spoken to

3 You have thought about how to inform them of the issue

4 You have prepared material to motivate and persuade them to act

5 You have considered and offered ways to facilitate their acting on the issue

4.4 Elements of effective messages

Messages are statements tailored to various targets that define the issue (overview, evidence and possibly an example), state solutions and outline what action the target should take. A message is a clear, brief and persuasive statement about the advocacy objective. At its basis, it intends to motivate the target to action. It states what you want to achieve, why and how.

Context of the message

Know the target: what they believe in, what is their interest and potential benefit from taking action in support of what is recommended (see also Chapter 3.2).

Communicate efficiently: centre the message on one point only (or two if unavoidable). It is better to leave people with a clear idea of one message than to confuse or overwhelm them with too many.

Audience comprehension: create a message that the audience will understand. Use the language of the target group; avoid technical terms or jargon.

Use credible data: it is important that around politically sensitive areas to do with social minorities, the data used to support your argument is reliable, credible and accurate (preferably either gathered with, or verified by, academic, official or professional bodies) – see also Chapter 6.1 on monitoring and documenting.

Use visuals: if possible use photographs of real people if available. Often charts will illustrate data gathered from monitoring and documentation more clearly than text alone.

Positive language: use words or phrases that have positive images, rather than terms that may have negative connotations and may provoke a self-defensive reaction among the targeted audience.

Test the message clarity: if possible test messages with allies who work in equivalent institutions or settings. This way it is possible to ensure that the message sent is the one received and feedback can be given on how the message is interpreted.

1. Content: what do you want to communicate?

The content is the central idea of the message.

What is the main point you want to communicate to your audience? What single idea do you hope the audience will take away from your message? The message content includes:

- What you want to achieve.
- Why you want to achieve it (the objective: the positive result of taking action and/or the negative consequence of inaction).
- How you propose to achieve it.
- What action you want the audience to take.

2. Messenger/Source: who will deliver the message?

The messenger or source is the person who will deliver the message.

Is the person credible to your target audience? Is it possible to involve representatives of the community affected by the policy change to deliver the message? It is very valuable to an advocacy effort to involve members of the affected community in the process of message formulation and delivery, if possible.

3. Format/Medium

The format or medium is the communication channel you use for message delivery.

What is the best way or channel to deliver your message? What is the best way to reach your target audience? A signed petition, a face-to-face meeting, a TV or radio interview, public debate, a conference for policy makers, etc?

4. Time and place

When is the best time and place to deliver your message?

What will enhance its credibility or give it more political impact? Is there an electoral campaign underway, for example, that might make policy makers more receptive than usual to your

message? Are there other political events that you can link up with to draw more attention to your issue? Will visibility in public fora, public spaces or media enhance or detract how from your target receives your message?



Tool 15

The one-minute message method

Forming the one-minute message is an excellent exercise to really refine and concentrate your message for any audience. The idea is to be able articulate all the main elements of the message within one minute. It is most useful when you want to deliver your message during a TV or radio appearance, or for a newspaper interview, or at a face-to-face meeting with an official with very limited time.

Research shows that when persuading people to change their opinion about an issue, the most influential elements are:

- A credible source,
- Convincing data, and
- A story with a personal experience (human story).

One – minute message

Statement

+

Evidence

+

Example

+

Invitation for action

Statement: this is the central idea of the message. In several strong sentences, the advocate should present the 'essence' of their message.

Evidence: this supports the statement or central idea with facts (in the form of quantitative or qualitative data gathered or researched). The speaker should use data that the audience can relate to.

Example: after providing facts, the speaker should add a human face to the story. Using examples based on one's own or other's present experience personalizes the facts and figures.

Invitation for action: at the end of the message, the speaker should clearly indicate what the target can do to change the situation.

It is this last element – the call to action – that needs particular attention. The speaker needs to ensure that the target understands this element in particular, and it is important that the advocate knows exactly what they are asking for. As LGBT issues are generally excluded from policy considerations, getting them included can be a long, tedious incremental process. It is important to be realistic about what exactly you are inviting someone to act on – it must be attainable.

Advocacy groups often invite journalists to be present when messages are delivered to policy makers. If mass media are present at the advocacy event, it is all the more important to deliver the message in a tight “package”.

Example

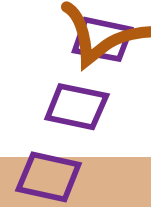
Statement: LGBT citizens of [our society] have the right to protection from discrimination and hate speech even though there is currently a lack of legislation.

Evidence: according to the available data from the OSCE hate crimes are on the increase in [our society]. Our organization’s monitoring project for the year 2008 shows that there were 445 incidents of hate speech from [country’s] politicians and other public representatives. According to our survey of June 2008, out of a sample of 1000 LGBT citizens, 86% had suffered discrimination in the preceding year. Both the 2007 and 2008 Pride marches have gone unprotected by State agents in the face of neo-fascist counter-demonstrations: despite violence taking place. No arrests were made when LGBT advocates’ offices were petrol bombed last month and no subsequent police investigation followed. The Chairperson of the State’s Human Rights Committee is quoted as saying in The Telegraph (04/07/08) that homosexuals are “a perversion of nature”.

Example: a lesbian couple in the capital of [our country] were severely verbally abused by the owner and staff of a bar they frequented because they held hands while sitting in a booth. They were threatened with violence unless they left immediately by the bar owner. They were afraid to go to the police as they expected to be humiliated and verbally abused and that their families would be told about their sexual orientation.

Invitation for action: We encourage the office holders who oversee the human rights mechanisms in [our country] – Ombudsman and Human Rights Committee - to immediately include LGBT issues as a term of reference in their monitoring and legal work.

Evaluation Tool 5



Effective messaging

Score (1-5)

1 You understand how messages need to be framed

2 You understand the elements that make up the context of the message

4 You can produce a one minute message on your issue

4.5 Communication with international institutions

Annex 1 lists the main treaties and agreements relevant to the seven countries to which this manual is directed. It also lists the relevant mandates and mechanisms of the EU, CoE, OSCE and UN.

In working with international institutions one needs to remember that they are not purely mechanical in their organizational processes and decision-making. Those who make decisions are just as human as those who lobby for social change. Institutions consist of people, and building a relationship with institutions means building many strategic and human relationships with those individuals working for them.

Every institution has a mandate, which limits the scope of its work, the interventions it can make in a particular case, the subjects it can have a position on. Apart from the institutional, there are also limitations that relate to a particular post within the organization, the hierarchy of it or personal views (sometimes homophobic) of the post holders. Therefore, one must explore and know not only the opportunities, but also the limitations of the institution.

If a NGO is travelling to an international institution to lobby on an issue, it is important to choose your priority issue when contacting these people and focus your message, request or question, have credible and accurate evidence on your issue and be prepared with documentation to leave with this target.

During the visit with the institution's representative it is important to find out from them:

- How the mission will be reported.
- How, where and when that information will be delivered.

- Will there be any recommendations?

It is legitimate to ask if the representative, or another person from the institution, is willing to answer media questions on the subject – you can use this as a technique to elicit quotable material for later use lobbying your own government or State officials. For the same reason, after meeting the institution, it’s important to gather any subsequent reports or statements.

To maintain relations with the individuals in the office you have dealt with it is a good idea to provide regular updates on developments around the priority issues you identified earlier – both subsequent problems and successes. The following points in relation to good relations with international institutions apply:

- Be professional and friendly – try to help institutions when they are in need of information and demonstrate how their work can help your work. It is important to be informed of the organization’s mandate – be aware of what they can and what they cannot do.
- Investment in professional relationships and personal contacts can develop excellent networks – which are important when you want to get something done.
- By keeping the focus on the strategic objective, you can keep questions targeted and concise and within the institution’s mandate.

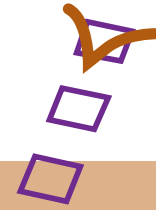


Tool 16

Some tips for dealing with international institutions

What	How to contact	Know how	Common mistakes
Making contact	E-mail Letter / inquiry Through someone you already know Through a friendly country delegation to the institution at events, briefings, receptions	Concise presentation How exactly can this particular person help? Make direct requests for help or involvement If outside official setting keep work related conversation very short unless requested otherwise Have your business card with you	Be on time. If you make your first contact outside the decision-maker’s office, do not overburden them with your promotional materials or a conversation which is too long – they may (and often do) think that you are too pushy, and even if supportive of your issue, may dislike you as a person
Maintaining contact	Send regular updates / briefings Where possible – meet periodically (e.g. once every three months) for a lunch or dinner		

Evaluation Tool 6



Communicating with international institutions

Score (1-5)

1 You have visited appropriate offices/desks of the institutions – UN, CoE, EU and OSCE

2 You have lobbied them directly

3 You have produced reports, etc, that they have quoted

4 You understand the mandate of the institution and how your issue relates to that

5 You are building relations with individuals in the institutions and mapping who is supportive/not supportive of your issue in them

Case Study 6

ILGA-Europe's work on including sexual orientation in EIDHR



This case study illustrates the complexity and timeframes of working directly with the institutions, but also the benefit of doing so.

The European Initiative for Democracy and Human Rights (EIDHR) – now the European Instrument for Democracy and Human Rights – was a funding mechanism of the European Union to support civil society and international organizations, and the name speaks for itself in terms of themes. This was the largest source of funding for human rights in the world, having spent over 700 million Euros between 2000 and 2006, and supported 2410 projects. Of that, €28.6 million was spent on fighting racism, xenophobia and discrimination. However, LGBT projects did not qualify for the European Union support, even under the objective of combating racism and discrimination, because the objective itself was linked explicitly in the strategy document of the Initiative to the Durban Declaration adopted by the UN in September 2001. The Declaration left no room for LGBT concerns, as its construction uses the language of “Racism, Racial Discrimination, Xenophobia and related Intolerance”. ‘Related Intolerance’ was interpreted as not including LGBT people.

Financial resources are very important for the global LGBT movement, and funding from the European Union, also carried with it a strong message of political support. ILGA-Europe was unhappy that this key human rights funding mechanism did not include LGBT issues, and decided to try to change it. Objective 5 of ILGA-Europe's strategic plan – strengthening the capacity of member organizations – was the organisational objective which this work naturally fell under.

To map out opportunities and agree on the organizational strategy, ILGA-Europe met with EuropeAid staff (who manage EIDHR), and others who knew well how EIDHR works, for their advice beginning in 2004. ILGA-Europe learned that a new regulation was to be put in place by the EU by the end of 2006 for the period of 2007 – 2013, establishing the key principles of what is now called

European Instrument for Democracy and Human Rights. ILGA-Europe's advocacy goal was defined as making LGBT organizations eligible for funding from EIDHR through explicit inclusion of sexual orientation in the new regulation.

Next, ILGA-Europe identified the various stages of development of the new regulation. The regulation first had to be proposed by the European Commission, and then voted on by the European Parliament. In 2005 ILGA-Europe started to engage with the Commission (going to meetings, holding individual meetings with relevant Commission staff, sending letters expressing concerns and recommendations). The organization also joined the Brussels-based Human Rights and Democracy Network (HRDN), which consisted of NGOs working on development and human rights issues, and was the main civil society partner of the European Commission in providing input for the new strategy. ILGA-Europe made sure that every HRDN letter addressed to the Commission contained a recommendation on inclusion of sexual orientation, raised the same concern in large meetings with the European Commission, and urged partners to do the same.

The process of lobbying the European Commission took almost a year, but towards the end of 2006 the Commission made a proposal for the new Regulation, which did not include sexual orientation, although it made references to other grounds of discrimination. The next chance was to lobby for the introduction of an amendment to the proposal at the European Parliament.

ILGA-Europe contacted the Intergroup on LGBT Rights in the European Parliament and asked for their support in tabling the amendment, which was promised. Letters were also sent to key MEPs, such as the Chair of the Human Rights Sub-Committee, Chair of the Committee on Foreign Affairs, etc. The recommendations and other advocacy correspondence between HRDN and the European Parliament also included the concerns related to exclusion of sexual orientation.

By the end of 2006 the amendment was passed. The new Regulation included in the scope of the Instrument: "Having regard to Articles 1 and 3, Community assistance shall relate to the following fields: ... iii) the fight against racism and xenophobia, and discrimination based on any ground including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation."

In early 2009 ILGA-Europe launched a large project initiative to support the LGBT movement in an Eastern European country. This is the biggest international LGBT project the European Union has ever funded, and no other funder would be able to come up with the amount of resources necessary to implement such a project. The EU has also promised political support for the project. Other LGBT organizations throughout the world are also eligible to apply.

This text was supplied by ILGA-Europe

4.6 Personal safety when working in public

Physical and personal attack is a risk that all LGBT advocates take when going before the public. Over the past decade – since homosexuality has been decriminalised – in some Eastern European and Central Asian countries understanding of discrimination on the grounds of sexual orientation and gender identity is increasing; however, it is also clear that the opposition to LGBT people’s inclusion in society has become more organized against such a ‘threat’. Fundamental to all LGBT advocacy work is the need to ensure your safety and that of the LGBT public you mobilise.

Managing risk

Reducing risk by planning for eventualities is imperative when doing LGBT advocacy.

This chart shows a sample sheet that LGBT organizations might modify to their own action or work.



Tool 17

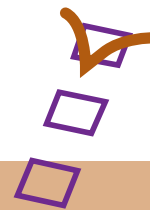
Main risks	Ways of reducing risk	Person
Violence against individuals and their associates	Initiate prior communication with police. Initiate prior communication with INGO. Have monitors trained and stationed.	Xxx xxx xxx & xxx
Violence to property	All valuable and personal data backed up and out of office. Camera and alarm visible if possible	Manager xxx
Psychological abuse	Understand various bullying behaviours. Prepare support counselling/ally, etc, for group/individuals	All Manager
Verbal abuse	Practise reactions to hate speech and abuse in group work. Have documentation sheets ready for immediate recording.	All Project manager
Reputational damage (personal)	Clarity about role and group expectancy. Good communication with partners for swift clarification of situation	Xxx and group Manager
Institutional abuse	Back-up legal assistance on hand to individuals. Good communication with international partners for swift reporting.	All Manager, etc

Other risks may include:

- Job loss
- Family exclusion
- Diversion of resources
- Advocacy work stalled
- Organizational work stopped
- Missed opportunities to advocate.

It is clearly important to make as many groups and organizations aware of a forthcoming action, particularly those with power or influence, prior to an action being taken or work being done. In this way resources can be lined up and mobilised as necessary. It can be a terrifying experience to be without support to rely on in the face of public outrage (see Organizing Public Demonstrations at Step 5).

Evaluation Tool 7



Personal safety

Score (1-5)

1 Understanding of the risks associated with your action

2 Preparation of monitors and people to record the event

3 Contact with sources of support for before, during and after the event

4 Preparation of appropriate State agents



Step 5 Choose Method

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

5.1 Lobbying at local, national and international levels

Effective lobbying includes understanding how to do face-to-face lobbying, preparing position papers and briefing notes, various forms of report writing, letter writing, and working with decision-making bodies.

Application of lobbying
Political change – national
Political pressure - international
Legal change (court precedence)
Legal reform (legislature)
Public support


The Lobbying Method

Concerning issues of human rights of LGBT people, effective lobbying will almost always be driven by analysis and rely on some form of monitoring and documentation. Much LGBT lobbying will centre on evoking human rights standards (as opposed to appealing to common humanity) and calling on the target to promote fulfilment in that regard. The application of existing human rights

standards in regard to sexual orientation and gender identity take the form of an obligation on States – either legal, political or moral.

As remarked upon earlier, for their own political survival individual politicians have their own constituencies that they primarily feel the need to satisfy. They may not feel openly able to be supportive of LGBT issues, but may be more familiar with them than expected. It is important to listen closely to their utterances when in face to face situations. They may be supportive but will not want that support to be widely known. They are happy to work in your favour but only discreetly. In public situations you may encounter them as indifferent or even siding with the opposition.

When intensive lobbying is going on, for example just before a parliamentary vote where your issue may be affected, it may be necessary to devote a lot of time, resources and people power to preparing materials and getting to meetings (where you may spend quite a bit of time in waiting rooms for your appointment and then get a brief three minute meeting while standing in a hallway!).



Case Study 7

Lobbying for the Moldovan Anti- Discrimination Law

The need for an anti-discrimination law inclusive of sexual orientation was raised in the Moldovan LGBT organization GenderDoc-M ever since the organization started in 1998. The first real opportunity to achieve change at policy level appeared when the Moldovan Parliament, with technical and financial support of the Ministry of Justice of Sweden, embarked on a project to develop the National Human Rights Action Plan (NHRAP, <http://hr.un.md/>).

GenderDoc-M learned about this initiative in early 2003, when the Plan had already been drafted. The draft had contained no references to LGBT issues, as the authors had no information about the existence of LGBT people in Moldova. With the help of long time supporter and partner, the Swedish LGBT group RFSL – who separately wrote and arranged a parliamentary question to the government on the issue – as well as arranging assistance from the key person in the Swedish Ministry of Justice responsible for the NHRAP, GenderDoc-M was able to apply pressure on the committee overseeing the NHRAP.

The key person in designing the NHRAP was the Chair of the Parliamentary Committee on Human Rights, Mr. Sidorov. GenderDoc-M knew that they needed to convince him that LGBT rights are human rights if they were going to be included in the country's first human rights strategy. To this effect representatives of the organization wrote to him and subsequently arranged to meet him in person. The result of all this advocacy work was inclusion of a special chapter on LGBT rights, with a provision for outlawing discrimination and hate crimes motivated by the sexual orientation of the victim. The organization continues to send documentation and its quarterly bulletin to various decision-makers.

A lesson the organization learned was that advocacy work should be followed by monitoring the implementation of policies. In the case of the NHRAP, the project was not well resourced in the period 2004-2008, and there was hardly any awareness of the plan even within relevant authorities –

for example, the Chair of the Parliamentary Committee on Social Affairs even denied the existence of such a plan in a meeting with MEP Joke Swiebel in the spring of 2004. Various chapters of the NHRAP remained declarative only.

While the work for inclusion in the NHRAP was ongoing, the organization was also set on the next target – the European Neighbourhood Policy (ENP) [see Annex 1]. The discussion about it had started in 2003, and an EU-Moldova Action Plan was adopted for the period 2005 – 2008.

GenderDoc-M contacted the office of MEP Joke Swiebel, founder and then Chair of the European Parliament Intergroup on LGBT Rights. In March of 2004 she organized a special hearing by the Intergroup on the ENP and the human rights of LGBT people. The goal which GenderDoc-M was explicitly pursuing was to include a provision for adoption of inclusive anti-discrimination legislation into the country's action plans. This message was reiterated in ILGA-Europe's letters to the European Commission and they too met with relevant Commission staff. Also, a written question was posed by MEPs to the Commission.

As a result, two important provisions were included in the Action Plan – implementation by Moldova of its already existent NHARP (with the chapter on sexual minorities in it!) and adoption of anti-discrimination legislation in line with European standards. The EU-Moldova Action Plan gave GenderDoc-M a very powerful tool to lobby for this law, as this time the European Union itself was monitoring the actions of Moldovan authorities and demanding the law be passed. Moreover, the ENP makes the link between progress made by countries in the field of democracy, human rights and rule of law and economic incentives from the EU.

Having learned from its experience with the NHRAP, GenderDoc-M was more strategic in monitoring the implementation of this commitment. It facilitated meetings between MEPs and the Ministry of Justice, and together with ILGA-Europe continued to lobby the European Commission to put more pressure on the Moldovan authorities. Moreover, a civil society anti-discrimination coalition was formed, consisting of NGOs working for and representing different minorities.

The coalition's goal was adoption of the law, and the methods they used included awareness-raising by providing training, the media, lobbying and participation in elaboration of the draft law, while putting pressure on authorities through the European institutions. The coalition was particularly strengthened through the involvement of the Resource Center of Moldovan Non-Governmental Organisations for Human Rights (CREDO), which has experience in the field of coalition building and had easier access to the government. The understanding of the public of the need for the law has broadened both because of the strength of resistance to it but also because the message was delivered by mainstream human rights NGOs and minority NGOs as well as LGBT voices.

In six years of advocacy work on this issue, GenderDoc-M has employed a number of strategies, the most important being awareness-raising, direct lobbying, coalition and partnership building, and monitoring of discrimination on the grounds of sexual orientation and gender identity. The skills needed were the knowledge of the decision-making process in Moldova and within the European Union, communication and training skills (work with media, trainings for stakeholders, public speaking at the European Parliament), coalition-building skills (expertise of CREDO), fundraising and project management (for the anti-discrimination coalition), and proficiency in the English language.

This text was supplied by ILGA-Europe



Skill 2

Face-to-face lobbying

To lobby – seeking to influence politicians or public officials on a particular issue. The word derives from the practice of frequenting the lobby of a house of legislature to influence its members into supporting a cause.

Tips

- Recognize and acknowledge any previous work or statements of the target
- Acknowledge points of mutuality
- Find a balance in the discussion – you both need to hear each other – your opinions, his or her response. If going as a delegation, choose who speaks at what point
- Keep your messages clear and limit their number
- Without arrogance, establish your credentials to speak about your issue, while acknowledging the target's area of expertise or specialization
- Being open to negotiation around the issue is advantageous – i.e. being seen to be 'reasonable'
- Keep your demands to a minimum
- Avoid technical jargon – use simple language that is understandable by the general public
- Establish what your target might be willing to do
- Be mindful that you probably have much more specific information on the LGBT application of the right you are addressing than your target.

The personal contact achieved through direct face-to-face meeting with policy-makers can be an invaluable tool in achieving elements of an advocacy strategy. Time is usually limited, so it is important to keep the message very simple. Unlike the briefing note (the aide-memoire) that you should leave for your target at the end of the meeting, the meeting itself allows a context for more nuanced discussion around a simple message.

Being able to 'put a human face' on your message is important for your audience. Bringing individual 'victims' of discrimination, or photographs of same, can be a good idea. Although you may not see results directly, such contact can prove useful in the future, and may act as a channel to subsequent meetings. Also if the policy-maker is set against your message, you have a chance to get the measure of that person's way of working for future reference.

One of the greatest barriers to progress in society is people's lack of realization of their own prejudices, so often deeply embedded in the social and cultural fabric.

Preparing for the meeting

If unused to such environments it is advisable to practice or run through potential situations with members of your alliance:

- prepare your case with facts and evidence to support what you will say
- identify which arguments your target is likely to use to support their objections, and plan your replies
- decide what, if anything, you should take to the meeting
- clarify for yourself what you want to come away with from the meeting – what type of commitment, what type of action – i.e. what is the next step?

Lobbying can be targeted at specific moments – for example, when you know a parliamentary committee is preparing to consider proposals around anti-discrimination proposals. Subtle pressure can be exerted by letting the individual know that your monitoring and documentation of the parliamentary committee's deliberations pertaining to your issues will be included in your reports to regional and intergovernmental institutions. Timing is of course important – choosing key moments before a vote or the drafting of statements – as it reminds and enables your target to include your issue.

On issues that are surrounded by stereotyping, stigma and often hatred, for example to do with Roma, disability, HIV, or LGBT people, lobbying offers a great opportunity to de-mythify the issue. It is vital to try to place oneself in the target's shoes – maybe they have never met an 'out' gay person before. What does the issue sound like to them? Carefully listen to what they say and try to engage in a dialogue rather than attacking them.

What may seem to you to be a reasonable request can seem to another to be a radical departure from the social order they have assumed without question since childhood. People can need time to absorb truths that seem self-evident to you, particularly if they are going to include them, in terms of making public statements or promoting the idea in public settings – to any degree. It really is the advocate’s job to ‘package’ or sell their message in palatable ways. The advocate can seek to help their target find a language they are comfortable with using themselves. It is unrealistic to expect someone to adopt language they do not fully understand on an issue society unambiguously rejects.

There are two indicative questions that any lobbying meeting should seek to establish answers to:

- **Does the target agree that something needs to be done?**
- **What are they willing to do to**

By researching your target’s previous public statements and policy positions, there may be ways to ‘match’ your issue with that which the person has advocated for before. It may be possible to identify subjects where they have used such words as ‘inclusion’, ‘discrimination’, ‘human rights’ or ‘injustice’, etc, when lobbying.

It is immeasurably useful and strategic if you and your allies plan your lobbying efforts at the same people with the same message around the same time (relying on policy statements and briefing notes you have already prepared).

Leave a concise position paper for the target’s later reference that outlines your entire argument on leaving a meeting – see Skill 3 below. The note should indicate **background, context, situation** and **remedy**. Any references related to your issue in CoE, OSCE or UN documents may be particularly potent in the region. The one-minute message described in Tool 16 also functions here.

Many public representatives and officials have extensive training in negotiation skills, often combined with charismatic personalities and this may be intimidating. It might be that your message is not received in anything like the way you imagined and you may be met with some hostility (veiled or overt). There is some learning about oneself to be gained from negative encounters, particularly in the face of hostile responses. It is valuable to ‘monitor’ oneself in such circumstances.



Skill 3

Position papers and briefing notes

A position paper is a statement that makes clear exactly what your organization's (or coalition of organizations') view on a particular issue is for everyone (external audience). It is an unambiguous statement that is continually referred to when dealing with both allies and opponents, particularly when targeting advocacy at policy-makers. The message is: 'This is what we think about this issue, and this is what we recommend'.

A briefing note (see below) is a less formal presentation of the same information, but delivered to allies.

The policy statement introduced in step 2 can be used as the basis for position papers. The difference is that a position paper is a more formal document that may argue the basis of its position, quote sources where rights are enshrined, counter opposing opinion that may be current in media, politics, etc, and generally give a much deeper analysis of the various elements of the situation than the policy statement targeted at an audience. A policy statement is also quite a different document to a press release (see Skill 13).

Although there are numerous types and formats for position papers, they should all offer the following:

- Statement of main recommendation: One to two sentences.
- Background: Explanation of why the position paper has been written (what situation brought up the issue for advocacy). List of laws, international treaties, decrees, policies, etc, which support the recommendation.
- Evidence supporting the recommendation: Situating the issue amongst other such issues.
- Quantitative evidence: Facts and figures.
- Qualitative evidence: Case studies, personal testimonies, anecdotes or examples supporting the recommendation. Ask for permission from individuals quoted, to protect confidentiality.
- Our position: Logical explanation of how the evidence leads to the recommendations. Answers to possible questions or objections.
- Recommendations: Specific, realistic actions that the decision-maker can take.
- Organizations and individuals supporting this position paper.
- The name of your organization or coalition, and logo if appropriate.

- The date.
- A contact name, address, telephone and fax number, and e-mail address, where available.
- The mission/goals of your organization or coalition.

Briefing note

This document should be seen by individuals within the organization or within the advocacy alliance only – to assist them in delivering advocacy messages. Therefore, it is acceptable to write notes instead of full sentences, and to use bullet points. Follow the same format as for position papers, but also:

- Emphasise the most important points – for example, using bold type/underline or a coloured pen
- Suggest possible strategies, tactics, minimum demands that cannot be compromised
- Include possible questions that might be asked, and suggested answers
- Include problematic issues that might arise, and suggest how to deal with them.

Tips for position papers and briefing notes

- Use appropriate language for your target audiences
- Tailor your position paper/briefing note to a particular audience for a particular reason
- Give full references of any research or information quoted
- Make sure the appropriate people have been consulted
- Ensure that everyone in the organization understands the position the organization is taking
- Do not quote people without their permission or break confidentiality with subjects from case studies
- Do not use abbreviations unless necessary.

General advice

- Briefing notes and position papers should be as short as possible. People are less likely to read them if they are too long.
- Do not assume that the reader knows the subject well – make sure that sufficient background information is included for the reader to understand the issue without needing to carry out additional research. Try to keep this information concise.
- Separate fact from opinion. Provide supporting evidence to back up facts, and write opinions as quotes where appropriate.

This text utilises guidance found in *Advocacy in Action: a toolkit to support NGOs and CBOs responding to HIV/AIDS*, developed in collaboration with the International Council of AIDS Service Organisations (ICASO) and published by the International HIV/AIDS Alliance in June 2002
The following is an example of a position paper

Joint IGLHRC and joint IGLHRC and ILGA-Europe letter to the Government of Serbia

Mr Boris Tadić, President of the Republic of Serbia
Mr Mirko Cvetković, Prime Minister of the Republic of Serbia
Mr Ivica Dačić, Deputy Premier of the Republic of Serbia
Mr Božidar Đelić, Vice Prime Minister for European Integrations
Mr Vuk Jeremić, Minister of Foreign Affairs
Mr Rasim Ljajić, Minister of Labour and Social Policy
Mr Bogoljub Šijaković, Minister of Religion
Mr Svetozar Ćiplić, Minister for Human and Minority Rights
Ms Milica Delević, Director of the EU Integration Office
Ms Slavica Đukić Dejanović, Speaker of the National Assembly

March 9, 2009

Your Excellencies,

After consulting with civil society groups in Serbia, we are writing to you as honorable representatives of the executive and legislative branches of the Government of Serbia to ask that you maintain non-discrimination based on sexual orientation, gender identity, and religion in the comprehensive anti-discrimination draft law up for consideration in Serbia.

We have learned and are deeply concerned that a comprehensive draft law to combat discrimination was withdrawn from parliamentary consideration on March 4, 2009 due to pressure from the Serbian Orthodox Church and other conservative religious groups, despite support from human rights and other civil society groups. We understand that the opposition to the draft law relates to the clauses prohibiting discrimination based on sexual orientation, gender identity, and religion. We urge you to adopt the law without eliminating these clauses.

The Constitution of Serbia speaks about the separation of Church and State (art. 44), and international law recognizes freedom of religion (i.e. Universal Declaration of Human Rights art. 18, and the International Covenant on Civil and Political Rights, art. 18). The law prohibiting discrimination based on religion would implement such commitments.

Sexual orientation and gender identity have also been recognized as grounds for non-discrimination at the regional, national, and international levels. The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity provide details on the specific States' obligations, among which adopting laws to combat discrimination on these grounds.

At the national level, Serbia is not alone in its efforts to adopt legal protections against discrimination for all its citizens, which must include lesbian, gay, bisexual, and transgender (LGBT) people. A number of countries chose to revise their constitutions to include protection for LGBT in their equality clauses. Ecuador, Fiji, Portugal, South Africa, Sweden, and Switzerland included sexual orientation as a protected category in their constitutions. Bolivia has gone a step farther and added gender identity in order to explicitly protect transgender people against discrimination.

Over fifty countries, including non-European countries such as Mexico, Mozambique, South Africa, and South Korea, prohibit by law discrimination based on sexual orientation in employment; over forty countries, including those previously mentioned, protect the rights of LGBT in areas other than employment as well.

At the regional level, all 27 Member States of the European Union and accession States such as Croatia adopted employment non-discrimination legislation, explicitly covering sexual orientation, in accordance with the Council Directive 2000/78/EC, November 27, 2000 establishing a general framework for equal treatment in employment and occupation. Most countries adopted comprehensive anti-discrimination laws to combat discrimination in areas, such as services, and health care in addition to employment. The European Court of Human Rights of the Council of Europe has also established a consistent jurisprudence in support of the elimination of discrimination based on sexual orientation and gender identity, under the European Convention on Human Rights. The Parliamentary Assembly of the Council of Europe specifically called upon Member States “to include sexual orientation among the prohibited grounds for discrimination in their national legislation” (Recommendation 1474, 26 September 2000)

At the United Nations level, the Human Rights Committee affirmed in its decision in *Toonen v. Australia* (1994) that existing protections against discrimination in Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) include sexual orientation as a protected status.

Like in any other country, there are unfortunate cases of discrimination based on actual or perceived sexual orientation and gender identity in Serbia. Without explicit and strong anti-discrimination protection in the law, LGBT people will continue to be forced to live as second-class citizens, under the constant pressure of secrecy, job discrimination, violence from authorities or non-State agents, as well as family rejection because of societal condemnation. With the legal protection, public authorities will treat them equally, no longer question their rights to free expression or assembly, and recognize their dignity. Society at large will eventually follow the

State's leadership and Serbia will be among the growing number of countries that respect the human rights of LGBT people.

Sincerely,

Cary Alan Johnson
Executive Director, IGLHRC

Dirk De Meirleir,
Executive Director, ILGA-Europe

The International Gay and Lesbian Human Rights Commission's mission is to advance human rights for everyone, everywhere to end discrimination based on sexual orientation, gender identity, and gender expression. A non-profit, non-governmental organization, IGLHRC is based in New York, with offices in Cape Town and Buenos Aires.

ILGA-Europe is the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, a nongovernmental umbrella organization which represents over 300 member organizations at the European level. ILGA-Europe works towards a world in which the human rights of all people are respected and everyone can live in equality and free from discrimination on the grounds of sexual orientation and gender identity or expression.

Annex 2 lays out a briefing paper on the situation in Ukraine addressed to the PACE Monitoring Committee – Submission to the Parliamentary Assembly Monitoring Committee Rapporteurs on the situation of LGBT people in Ukraine, and the need for the Assembly to make strong recommendations on combating sexual orientation and gender identity discrimination.

¹⁷ See Reports and Other Materials in the Publication section of the ILGA-Europe website, www.ilga-europe.org and Ukrainian homosexuals and society: Review of the situation: society, authorities and politicians, mass-media, legal issues, gay-community, Kiev 2007 www.gay.org.ua/publication/gay_ukraine_2007-e.pdf



Skill 4

Report writing

Reports are core documents for advocacy directed at all levels – to local, national and international targets. They contextualise data collected through various methods in a variety of fields. Reports vary in length and scope – from single situation documentation immediately after an event or outlining a situation, to entire country reports (such as the Forced Out Armenia, Azerbaijan and Georgia series).¹⁷ Their length and scope will depend on who they are primarily directed at.

Any report writing takes time and energy to compile. The research required for credible and

reliable work is intensive – discovery of information, fact-checking, sourcing and arranging require organized working arrangements and filing systems. The writing process itself can be lengthy – requiring multiple draftings as the manuscript is read, commented upon and amended, having gone through peer and expert readers. Having finalised a manuscript, the report needs to be typeset and an overall design (including cover and artwork) decided upon and costed.

The main point of producing a report is that it acts as a basis for future advocacy work – its content defines the main headings for advocacy. In other words the report itself is not the objective – it is a useful tool for achieving objectives.

Planning a report

Careful planning will help you to write a clear, concise and effective report, giving adequate time to each of the developmental steps prior to submission.

- Consider the report as a whole.
- Break down the task of writing the report into various parts.
- How much time do you have to write the report?
- How can this be divided up into the various planning stages?
- Set yourself deadlines for the various stages.

Draw up an outline structure for your report and set the work within a sensible time scale for completion by the given deadline. Some of the most time-consuming parts of the process are collecting and selecting your information, and checking and revising your report.

Organizing information

- One helpful way of organizing your information into topics is to brainstorm your ideas into a 'spider diagram'
- Write the main theme in the centre of a piece of paper
- Write down all the ideas and keywords related to your topic starting from the centre and branching out along lines of connecting ideas
- Each idea can be circled or linked by lines as appropriate
- When you have finished, highlight any related ideas and then sort topics
- Some ideas will form main headings, and others will be sub-sections under these headings
- You should then be able to see a pattern emerging and be able to arrange your headings in a logical order.

The following common elements can be found in many different reports:

- Title page
- Acknowledgements
- Contents
- Abstract or summary
- Introduction
- Methodology
- Results or findings
- Discussion
- Conclusion and recommendations
- References.

Country reports

Reports that aim to capture entire LGBT country situations require a lot of investment and input. Surveys or questionnaires need to be developed, disseminated and results interpreted and compiled. To achieve high quality in terms of balance, voice, content and production does require investment on all levels.

A report on discrimination in a country would typically provide:

- A summary of discriminatory laws or public policies (including those in breach of the European Convention on Human Rights or any of the relevant UN treaties), and an outline of any anti-discrimination legislation, policies and institutions.
- The results of a survey conducted including within the LGBT community on the experience of various forms of discrimination (covering for example violence, harassment, employment discrimination, discrimination at the hands of public authorities).
- A summary of information available on public attitudes: principally, any opinion poll information, and the prevalence or otherwise of homophobic/transphobic statements by politicians, church leaders, and other public figures.
- Negative representation in the media.
- Details of recent, important, well-documented examples of discrimination by public authorities (e.g. the police, judiciary, local and national government figures).
- The legal situation in the country.
- Recommendations to the national government for combating the discrimination revealed in the report.

International institutions, such as the Council of Europe, the EU, the OSCE or the UN, will generally not take up poorly documented cases of discrimination. Besides their uncertainty about the validity of the case, they will not be prepared to risk being discredited by national authorities when challenged.

Shadow reports

These are reports sent to either UN or EU treaty monitoring or governing committees that shadow obligatory official government reports. They provide an opportunity for NGOs to critique the version of the situation that the government may have downplayed or failed to highlight.¹⁸

The shadow report will be relatively short in extent and will generally be organized according to the Articles it is addressing (rather than being arranged thematically or in hierarchy of urgency, etc).

Localised or themed reports

These may be annual reports, reports to funders/donors, reports on individual situations, or informational reports to the LGBT community on the progress of a particular advocacy objective. Depending on the scale and scope of these reports for local use, the demands on the organization may not be as great as for the two types of report mentioned above. It might be envisaged that a group addressing discrimination in their country might consider reports for one or some of the following areas:

- Attitudes towards LGBT people
- Hate Crime and Hate Speech
- Freedom of assembly
- The labour market
- Education
- Health
- Partnership and family
- Religious institutions
- Sports
- Media
- Asylum
- Multiple Discrimination

Further resources

More information on report writing here

www.heacademy.ac.uk/assets/hlst/documents/heife_exchange/Blended_Learning_PDP_Materials/5_reportwriting.pdf

Reports from Labrys Kyrgyzstan, 2008

<http://kyrgyzlabrys.wordpress.com/tag/lgbt-azerbaijan/>

¹⁸ These are reports sent to either UN or EU treaty monitoring or governing committees that shadow obligatory official government reports. They provide an opportunity for NGOs to critique the version of the situation that the government may have downplayed or failed to highlight' to 'These are reports sent to UN treaty monitoring bodies or other committees that shadow obligatory official government reports. They provide an opportunity for NGOs to critique the version of the situation that the government may have downplayed or failed to highlight



Skill 5

Letter writing

When you want government officials or other targets you have identified in the power mapping exercise (Step 3) to take action on issues that matter, it is hugely important that the most simple communications are carried through competently. A basic letter outlining what the problem is and what the target might do needs to be formatted correctly so that the target can respond coherently and in a timely manner.

Sample Format

Letterhead
(and name and address [return] of sender)

Name of the target
Title of the target (job position)
Address of the target

Greeting:

1st Paragraph – State what you want the person to do for you (your request).

2nd Paragraph – State the most important facts that support your cause. You want this paragraph to explain the most compelling reasons for action.

3rd Paragraph – Talk about how the reader can make a personal difference. This paragraph should not just be facts, and should engage the reader in a personal way. You can refer to your request again here.

4th Paragraph – Thank the reader for considering your request, and provide information on how you may be reached.

Closing

Your signature
Your typed name
Your title (role)

Tips:

- Target response. Ask the target to state his or her position in a letter of response.
- Address only one issue per letter. Such a letter will have more impact and receive a quicker response than one covering multiple issues. If you have professional expertise on the issue you are

addressing, be sure to describe it.

- **Ask for something specific.** Ask the target to take a particular action, such as taking a leadership role on an issue or lobbying other power-holders.
- **Keep it short.** To make sure your letter is read rather than skimmed, make your points quickly and concisely.
- **Make it personal.** Tie the issue to your personal experience or that of a case that you know well. Use your own words.
- **Use your organization's letterhead.** Helps to establish credibility on an issue when targets can see an organization is behind a request.
- **When appropriate, express your appreciation.** If it is in any way possible to find something positive to say about the target's previous work or statements, it is valuable to do so.
- **Follow up.** Follow-up letters often have a much larger impact than the initial communication. Thank the target for responding in whatever way they do, and ask questions (politely challenge) about any unsatisfactory answers they give.

Sample letter from ILGA-E and IGLHRC to Ukrainian officials

[To whom]

His Excellency, Victor Yuschenko, President of Ukraine

His Excellency, Olexandr Medvedko, Procurator General of Ukraine

His Excellency, Yuriy Lutsenko, Minister of Interior

Her Excellency, Nina Karpacheva, Ombudswoman of Ukraine

[Date]

Your Excellencies,

[Summary + call]

We are writing to alert you to a case of violation of freedom of expression and discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community and to ask that the government of Ukraine drop the criminal charges against the staff of Nash Mir Center in Kyiv.

[Facts in brief]

On February 22, 2008 the office of the Public Prosecutor in Kyiv initiated criminal action against the editorial staff of the newspaper gay.ua at Nash Mir Center, on the basis of Art. 301 part 3 of the Criminal Code of Ukraine on distribution of pornography. Previously, in December 2007, the National Expert Commission of Ukraine on protection of public morality had ruled that gay.ua is pornographic, a decision upheld by the courts. We have also learned that gay.ua, a newspaper by

and for the LGBT community, is neither accessible nor intended for a wider readership. In contrast, explicit erotic magazines targeted at heterosexual men are available at newspaper kiosks and the editorial staff of these magazines are not prosecuted for distribution of pornography.

[Analysis of facts]

These facts should be regarded not through the prism of morality, but through that of equality and human rights. The Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity (Principle 19) highlight the freedom to seek, receive, and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium. The government should ensure that notions such as public morality are not employed to restrict in a discriminatory manner, any exercise of freedom of opinion and expression that affirms diverse sexual orientations or gender identities.

The criminal action initiated against the staff of the Nash Mir Center is discriminatory because it targets only the publisher of LGBT news and information, selectively employing the notion of public morality. The criminal action stands in contrast to the human rights commitments of Ukraine and to the country's opening towards the principles upheld in the rest of Europe, where governments increasingly take action to protect the LGBT community from discrimination.

May we also recall that the jurisprudence of the European Court of Human Rights is clearly indicating that the actions of the Public Prosecutor are in breach of the European Convention on Human Rights and Fundamental Freedoms, to which Ukraine is a signatory. In its decision in *Scherer vs. Switzerland* (14 Jan 1993), the Court has stated "it is of particular relevance whether or not the obscene material at issue was displayed to the general public". The newspaper of Nash Mir is not meant for general distribution, and is only posted in sealed envelopes to a closed list of subscribers. In the Court's opinion, the cases of distribution of 'obscene' or 'explicit' materials does not concern the protection of morals of adult persons in a society in general, as long as "no adult was confronted unintentionally or against his will with the film. Where this is so, there must be particularly compelling reasons justifying the interference at issue". In the case of *Muller vs. Switzerland* (25 May 1988) the Court has clearly stated that article 10 of the European Convention "is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any section of the population".

[Repeat Call for action]

We call upon the government of Ukraine to drop the criminal actions initiated against the Nash Mir Center and to respect and protect the human rights of all citizens, regardless of sexual orientation and gender identity.

Signature

Patricia Prendiville, Executive Director, ILGA-Europe

Paula Ettlbrick, Executive Director, IGLRHC



Skill 6

Working with decision-making bodies

One of the most effective steps for influencing change is to work with decision-making bodies. This can be very useful, but it is not easy. As LGBT human rights concerns become more recognized by State actors and institutions, and as accountability on these issues is increasingly sought from such bodies as the Council of Europe, LGBT organizations can be considered sites of expertise. As such they may be called upon to participate in decision-making processes either as genuine contributors or be used as ‘token’ representatives by the controlling authority.

Decisions affecting an organization’s advocacy objective may be made in many different fora, i.e. local council committees, sub-committees and working groups, joint committees between different public services (for example, health and education, advisory committees to government Ministries), trade associations, company boardrooms, trade unions, committees of religious leaders, school boards of governors, district health committees, employment tribunals, social welfare committees, etc. All of these have developed individual protocols and ways of working, and they could include a LGBT perspective.

It is important to know how and where the decisions are made that affect the advocacy issue. How people can take a seat at the table in these meetings and influence decisions is important to understand – are representatives elected, selected or co-opted? It may be possible to foster coalitions with organizations that have influence in the appropriate settings.

Using your role on decision-making bodies

Being a member of a committee or other decision-making body is a long-term form of advocacy. It takes time to understand how the body works, to build relationships with members and to inform and persuade them about your advocacy objective. The decision-making body is an advocacy target, and therefore needs to be researched. What is its mission? Who are the other members? How does it function? How is it influenced? What are its limitations?

- Learn what the primary issues for the other members of this group are. Offer to assist them with their issues. Find areas of agreement, on which to build trust.
- Get to know the other members. Each person is an advocacy ‘target’ who needs to be

persuaded. You will also feel more confident if you know the other people.

- Avoid areas of disagreement or conflict among group members if possible. Try not to be seen as supporting one side or another.
- Represent fairly the people who chose you.
- Often it is necessary to compromise to reach a decision. Compromise is different from betrayal. Compromise means that each person gives and takes to move beyond the differences that are stopping progress. It is important to be seen as a person who can negotiate and compromise when necessary.

Advantages

- You can influence decisions in a sustained, long-term way
- It is often easier to have an influence 'inside the system' than outside it
- You can gain access to more information, to see realistic ways to influence change
- It is a good opportunity to build relationships with decision-makers
- Your organization can gain more respect and credibility.

Disadvantages

- Some decision-making bodies are not open to change
- You may feel isolated
- You may be associated with decisions with which you may profoundly disagree
- The decision-making body may have very different values to the values of your organization.

Tips

- Prepare before a meeting, by going through the agenda and planning what to say
- Use facts and figures, personal testimony and other evidence to support your points
- Record and report back to the people you represent, soon after the meeting
- Get to know other committee members if at all possible
- Assist the committee in its work where possible – they will be more likely to support your proposals
- Try not to keep your seat on a committee if you no longer have time to attend meetings – allow someone else to use that valuable opportunity
- Try not to 'ambush' committee members with surprise controversial proposals unless you are sure it is the best tactic.

Find out where and how decisions are made

- Make a list of all the decision-making bodies you know that could possibly be relevant to your advocacy issue (this could be similar to a list of advocacy 'targets'). Include central and local government bodies, NGO sector, business, professional associations, religious organizations – don't

rule anything out.

- Find out how to join each decision-making body – are members selected, elected or co-opted, or how many shares in a company do they need to buy?
- Nominate or suggest your representatives for relevant bodies.
- Select representatives carefully. If possible, they should have direct experience of the advocacy issue or problem, and should be reliable and confident.

Support the representative

- Support the representative to speak for the best interests of other people affected by the issue or problem. This will put them in a stronger position in meetings, when they can confidently speak on behalf of ten, one hundred or thousands of people affected by the same issue, rather than speaking only as an individual.
- Hold support meetings before the committee, agreeing key points for your representative to make and gathering supporting information.
- Hold debriefing sessions after meetings.
- Representatives should report back regularly to the people who chose them.
- Provide training in assertiveness, negotiation and the issues of the committee.

This text utilises guidance found in *Advocacy in Action: a toolkit to support NGOs and CBOs responding to HIV/AIDS*, developed in collaboration with the International Council of AIDS Service Organisations (ICASO) and published by the International HIV/AIDS Alliance in June 2002
www.aidsalliance.org/Publicationsdetails.aspx?Id=142



Skill 7

Strategic litigation

Nature of strategic litigation¹⁹

Strategic litigation involves selecting and bringing a case before the courts with the goal of creating broader changes in society. Rather than just winning a case for themselves, those who bring a case forward do so to leave a lasting mark on the legal position of the population affected by that legislation. Strategic litigation is also known as ‘impact litigation’ – the societal impact of the case being the primary concern. In LGBT terms this means that the primary criteria for choosing cases are those that will maximize LGBT human rights outcomes.

Strategic litigation is very different from many more traditional forms of legal activity. Because

¹⁹ Interesting consideration of strategic litigation
<http://michaeldorf.org/2008/11/litigation-strategy-post-prop-8.html>

traditional legal services are client-centred and limited by resources, there is often no opportunity to consider cases in terms of their wider effect on others, or prioritize them in such terms. Strategic litigation is focused on changing policies and broader patterns of behaviour. It generally takes five to ten years for cases to go through the domestic legal system and on to the European Court of Human Rights, and is extremely costly.

Taking cases is primarily about changing the law or the enforcing implementation of a law in a given country. However, publicity about the case itself can be a tool for raising awareness of the issue amongst the general public and the LGBT public. Combined with lobbying and media work, the existence of a case can act as a cause to mobilize individuals and offer an opportunity to step up pressure in lobbying activities.

Due to the costly, labour-intensive and expert nature of this litigation, it is strongly advised that advocates work with legal NGOs in their own country in tandem with others such as ILGA-Europe as they consider how to best bring cases through national courts to the ECHR. The legal skills and the finance for pursuing strategic litigation will lie outside the capacity of the organization and therefore the skills required in bringing a case will be centred on information gathering as well as dealing with media and lobbying support throughout its duration.

What are the considerations involved in strategic litigation?

Precedent. One of the main reasons to bring strategic litigation is to set a precedent for similar cases in the future to succeed. As discussed above, the impact a case has varies depending on the legal system in place in each country. Unless it will have a serious impact it is probably not worth bringing.

Highest court. In jurisdictions that rely heavily on precedent, your case may not achieve a great impact unless it is heard by the highest court available. Because of the different ways appeals work, you may not always have a chance to get a judgment from the highest court.

Losing. If you lose a case, that may set a bad precedent and create roadblocks to future cases. Losing can reinforce or strengthen a harmful law or practice, only making matters worse. On the other hand, a clearly unjust loss may be helpful to your cause overall.

Cost. Strategic litigation can be an incredibly expensive undertaking and a costly way of bringing attention to an issue. Legal fees and expenses can be difficult to predict, and may easily become prohibitive. In addition, the side that loses a case may become responsible for their opposition's legal costs.

Lack of impartiality. When the courts are not truly independent from the government, it may be

fruitless trying to change the way the law works (for example, 'phone law' – decisions in courts and by judges are taken under government pressure, exercised by phone).

Impact. If there is no system in place to implement and enforce rights, on-the-ground impact may be minimal. Court judgments often do not reflect public opinion and there may be little public support for change in favour of LGBT issues. If the foundation for change has not been prepared, all the effort and resources for the litigation may be wasted. Build support and lay a foundation for change.

Further resources

Children's Rights Information Network
www.crin.org/docs/Guide_to_Strategic_Litigation.doc

Interights, UK, Strategic litigation of race discrimination: from principles to practice
www.migpolgroup.com/publications_detail.php?id=198
This text utilises guidance found in both of the sources above.

5.2 Public education and awareness

This work involves creating leaflets, poster campaigns etc, doing sit-ins, organizing Pride marches, flash mobs etc, conferences or workshops, internet campaigns (surveys and dissemination of information)



The Public education and awareness method

In societies where religion significantly underpins much social and political discourse and public policy, there may be much overt hostility and denial of LGBT claims. Personal safety is paramount as right wing nationalist forces can be quite well organized and tend to run counter-demonstrations when they hear of LGBT public manifestations. Political opponents also profit from denouncing LGBT targets to varying degrees.

Opposition forces will tend to garner support from the widest constituency available and harness that energy against your advocacy action when they have the chance to. Although public

representatives are charged with the protection and promotion of human rights in their societies, they will often denigrate human rights concepts and the language and logic of human rights to their own constituents, portraying human rights as irreligious, un-nationalistic and undesirable. Although this manual is about the promotion of human rights advocacy, it may often be wise not to focus too much on theoretical human rights standards when working with the public, but to root your arguments in illustrative experience and real cases of what human rights violations look like.

Strategically, many Eastern European Pride organizations have called their manifestations 'family days', 'unity parades' or 'diversity marches' so as to foster participation from a wide range of more 'liberal'-minded citizens (see Mozaika Case Study later in Step 5). This is a tactic to maximise support for the demonstration, and thus legitimacy before the State authorities, the media and the international community. For example, encouraging other minorities (ethnic, people with disabilities, religious etc) to participate in the Pride event allows a coherent message of non-discrimination to emerge and weakens the opposition's homophobic arguments.

Commonly, in the region that this manual is directed to, the term 'human rights' in the public sphere may not be received as activists intend it. Nationalistic, religious and conservative politicians and public figures often respond that these rights promote the demise of national identity. Therefore, messages to the public might best be kept in human interest terms – examples of situations from LGBT people's lives, portrayals of situations, etc, – rather than using more technical human rights terms.

Example of how public education can generate better awareness

²⁰ The poster

photographs can be viewed here

<http://www.niechnaszobacza.queers.pl/strony/gallery.htm>

Situation of bisexual and homosexual persons in Poland 2005 and 2006 report www.kph.org.pl/images/stories/raporty/raport_homofobia_2007_EN_screen.pdf

A 2003 poster campaign by Poland's Campaign Against Homophobia – KPH – had to be halted because the Catholic Church's opposition was so virulent.²⁰ This opposition served to highlight the campaign in a way that the organization could never have afforded to do themselves. Subsequently the posters themselves were posted in four Polish cities, rather than just in Warsaw as was originally planned.

According to the KPH website, "The photographic project "Let them see us" is composed of 30 photographs of homosexual couples: 15 gay couples and 15 lesbian couples. We counted on authenticity – what we wanted were real homosexuals and real couples. Finding 60 persons willing to reveal their faces appeared to be a challenging task in Poland. We planned to show wide age range, but mainly young people applied. Those over 30 years of age feared too much. All the photos are characterized with the same artistic profile: we can see people hand in hand in the first plan, and winter town scenery in the background. The people's eyes are focused on the camera. The colors are soft, mild and pastel. The persons look friendly and. Karolina Bergua's idea was to make the photos

similar or even monotonous to bore the viewer and make him think that he passes hundreds of such people everyday, to make him stop thinking of gays and lesbians as a sensation. If homosexuals look so common and regular they must be as normal as him/her - the viewer. The exhibition "Let Them See Us" will be shown in prestigious galleries in the biggest towns in Poland. The exhibition in Warsaw shall start with a happening and a varnishing-day with the participation of politicians, artists, nongovernmental organizations and the media. This is the first campaign in Poland, the aim of which is to act against homophobia and discrimination on the background of sexual orientation."



Skill 8

Producing newspapers, magazines, journals, newsletters or freesheets

Context

A traditional means of getting LGBT information out to both the LGBT and general public has been through print. With the advent of internet and its wide scale access, some groups no longer actually physically print their publications with the subsequent distribution challenges, but they still produce them in newspaper or magazine formats on the internet.

Publications emanating from a representative organization are an opportunity for that organization's analysis of situations to reach an audience wider than its members. This is important as it fosters debate and differences of approach and therefore allows more diverse and subtle arguments to evolve in LGBT society e.g. on question of marriage vs. civil partnership; pride demonstrations vs. other advocacy.

Resources

Depending on the scale of the publication, resources need to be found to sustain it. A newspaper/magazine will typically need an editor and a team to oversee the commissioning, interviewing, writing, editing, picture usage or artwork, production and layout of the publication. If 'hard copy' is being produced – i.e. if it is being printed rather than only produced digitally – these need to be distributed through whatever channels have been set up to do so (some organizations use national distribution networks, but some of these may refuse to carry LGBT material).

Like much other writing, journalistic or feature writing requires certain training for it to have credibility with readers. Anyone who has written knows how hard you really have to work over articles to get them to an acceptable level – in terms of length, language, focus, audience, etc. This takes time. As your publication is likely to be one of very few sources in the country, other media may use it to get a picture of what is happening in the LGBT world. As in the case of report writing, the quality of the writing matters as professional standards are a minimum requirement to gain credibility and public attention.

Some organizations, such as GenderDoc-M in Moldova or Inclusive Foundation in Georgia²¹ produce very high quality publications that do not rely on advertising to fund them (they have separate funding). It is often a burden on an organization to have to raise the funds to keep a publication going. Advertisers are often hesitant to associate their products with LGBT issues, and if they are going to do so they want hard evidence of the demographics, the distribution figures and the uptake of the publication. This data can be hard to come by because of the lack of visibility of LGBT people in society and the lack of mechanisms to monitor distribution of a freesheet.

Skills

The range of skills required to produce a journal, newspaper or magazine is quite extensive and requires the input of a variety of people. Many organizations have found themselves starting out without knowing very much about what they were doing and in time developing the skills. A facet of publishing for a mostly invisible LGBT population is that there are LGBT individuals skilled in various areas of the production of print matter who will only emerge as volunteers when there is something to volunteer for:

- Management
- Time management
- Editorial judgement
- Journalism
- Interviewing skills
- Research skills
- Communication skills
- Word processing skills
- Ability in writing
- Technical editing
- Page layout
- Print production
- Legal issues (copyright, libel, etc)
- Ability to work to deadlines
- Flexibility on subject to write on
- Photography and image production

²¹ Moldova's quarterly newsletter www.gay.md/files/BR_207_eng.pdf and Me magazine: the Inclusive Foundation, Georgia www.inclusive-foundation.org/home/?page=publications_me&lang=en

Using the pages of the publication to discuss the human rights implications of public policy on LGBT issues contributes to raising awareness of those elements of the advocacy work. Likewise, photographs of demonstrations, violations, and opposition all contribute to an understanding of the claims that are being made and can be used as secondary source material when lobbying or reporting.



Skill 9

Creating posters and leaflets

Content

Posters and leaflets (pamphlets) are designed for two main purposes: to grab the viewers' attention long enough for a message to penetrate, and secondly to provide the core information viewers need to research the subject further (get in contact with organizations etc).

Posters are an important way of getting information to the community. You can use them:

- To mobilize people to support a cause
- To advertise a meeting or specific event
- To popularize a message.

Ranging from billboard size on a motorway to an A4 sheet stuck onto a lamppost at eye level on the street, all posters, to be effective, share the following common attributes:

- **Simplicity of message – text.** This means the tagline – or main message – must be easily read and easily understood. If the audience experiences ambiguity or incomprehension of the tagline in the first couple of seconds of viewing they will generally dismiss it at a number of levels: interest, trust, association and belief.
- **Clarity and suitability of image.** The image has to work logically for the audience. There is freedom to create associations between the image and the text so as to 'direct' the audience on how to receive the overall message.

Visual language

Refining a LGBT message for a general public may initially seem like a relatively simple affair, but actually requires thought to communicate the right message effectively.

An effective technique used by ILGA-Europe in its range of posters addressing the range of LGBT discrimination in Europe and for its campaign Different Families, Same Love (2008)²² is to use real LGBT people as the models for the posters. By presenting a human and ordinary face of the LGBT

²² Different families, same love at www.ilga-europe.org/europe/campaigns_projects/different_families_same_love_and_discrimination_posters at www.ilga-europe.org/europe/campaigns_projects/campaign_for_new_european_anti_discrimination_legislation/what_can_you_do_to_contribute_to_this_campaign/use_ilga_europe_s_campaigning_tools_to_rally_support/poster

subject addressed, the viewer is not supplied with anything other than the familiar, yet on a subject (LGBT) that is alien to him or her. In this way, a fusion is achieved – a bridge across from the unfamiliar to the regular.

A visual language is best summed up in the phrase ‘a picture speaks a thousand words’. Humans take in a lot more information than we necessarily articulate from our visual environment. The tone and colour, the image composition, and image content all combine to affect the message. Advertising has obviously been exploiting this for a long time and it is no coincidence that fortunes are invested in advertising campaigns – bigger fortunes generally result.

If an organization is considering investing in a billboard campaign, it is advised that a trained graphic artist be employed to compose the image and a team co-opted to both commission and critique it. It is also advised that the company on whose advertising billboards the posters will appear be contacted and the content agreed before production starts (it would be disastrous to have invested so much money and energy only to be met with refusal to post them).

Message

It is an unfortunate fact that of the limited set of images of LGBT people in the countries this manual is directed to, for the most part they are highly sexualised images – akin to heterosexual pornography in tone. Therefore, with the lack of other LGBT imagery coming from the LGBT community themselves, the existing messages feeding general societal homophobia go unchallenged. Personal safety considerations about visibility of actual LGBT people need to be addressed before using them on leaflets or posters.

It is vital that the message of a visual presentation is very clear. It needs to be simple, direct and credible. Traditionally, campaign images of minorities in the context of social justice show the extremity affecting them – be that oppression, hunger, race, etc. For LGBT advocates, three types of images are frequently to be found in campaigns – **crowd shots** (such as bird’s eye views of Pride marches), **portraits** of people (a couple or individual looking to or away from camera – not expressing anything other than their personhood), and **action shots** (LGBT people in sport, or images captured of LGBT people in receipt of violence/arrest by police or members of the public).

It is probably wise not to employ culturally valued or sensitive images when addressing the general public. Such tactics (although possibly fun) tend to shame or antagonise (and mobilise) the opposition.

Cost

Printing, billboard space, posting leaflets, and the design and layout can all be very expensive methods of getting a message across. However, once they have been created they are repeatedly usable until the advocacy objective has been achieved. It is wise to keep in mind the generic nature of image / messages when a lot of money is being invested into a campaign.



Skill 10

Organizing non-violent protests and demonstrations

With each of the methods mentioned here there is quite a large measure of exposure for participants. If it were possible to mobilise many individuals whose organization is in coalition with yours, there would be some safety in numbers. However, at all times it is important to have the 'event' documented, photographed and filmed or shot on some form of video or digital recording equipment (a mobile phone at most basic) if at all possible. This is important for various reasons, particularly:

- To identify aggressors or people of violence (possibly police) – creates evidence.
- To deter aggression – aggressors tend not to display their 'work' on camera.
- To offer sense of protection to actors – knowing that the event is being recorded may help peace of mind during the event.
- To create a document of the event – to be used in various later advocacy contexts.
- To learn from – for evaluating the effort later.

ILGA-Europe produced its **Handbook on Monitoring and Reporting Homophobic and Transphobic Incidents** in 2008.²³ It is designed for LGBT and other human rights organizations who intend to monitor the occurrence of homophobic and transphobic incidents and violence in order to advocate for legislative change to increase legal protection from violence motivated by hatred towards LGBT people at national, European and international levels. It is of particular relevance and use to any group organizing non-violent protests or demonstrations.

Methods

Non-violent protest and persuasion are mainly symbolic acts of peaceful opposition or of attempted persuasion, stopping short of non-cooperation or non-violent intervention. This short section looks briefly at some other methods that are not already explored in this manual and points readers to a number of sources to explore the implications of these methods.

Using non-violent methods may simply show that a group is against 'something', for example, picketing may express opposition to a law that restricts dissemination of LGBT community information. Non-violent protest and persuasion may also express deep personal feelings or moral condemnation of a social or political issue. By way of example, a vigil on International Day Against

²³ [Handbook on monitoring and reporting homophobic and transphobic incidents](http://www.ilga-europe.org/europe/publications/non-periodical/handbook_on_monitoring_and_reporting_homophobic_and_transphobic_incidents)
www.ilga-europe.org/europe/publications/non-periodical/handbook_on_monitoring_and_reporting_homophobic_and_transphobic_incidents

Homophobia may express the shame States should feel for the treatment of their LGBT citizens. The 'something' with which the non-violent protestors may be concerned may be a particular deed, a law, a policy, a general condition, or a whole regime or system.

The act might be designed to get the attention of opposition forces to let them know that no matter what the strength they display the issue will not go away, or it may be designed primarily to communicate with the public, onlookers, or third parties, directly or through publicity, in order to arouse attention and support for the desired change. Or the act may be primarily intended to influence the grievance group – to say to all those hidden LGBT people in the country that they are not alone.

Considerations

Public displays of dissension often affect public opinion and can also have a genuine effect on the policies of decision-makers.

- **Consider form:** what type of demonstration is safest for the group and within the organization's capacity to manage in case of violence or arrest?
- **Ensure support:** it is important that such actions have been planned as part of the strategic advocacy process the organization is following.
- **Legitimacy:** endorsements from notable organizations and coalition partners may help spread support (through their networks) and recognition for the cause.
- **Speakers/performances:** for most of the types of actions mentioned here, people's attention may need to be held – well known figures attract crowds.
- **Media strategy:** it is vital to invite media to the event (see 6.5 below) and be prepared to field hostile questions and to have a point of contact for them.
- **Advertising:** using internet and poster/leaflet advertising, LGBT people and the general public can be made aware of the event (unfortunately so can opponents).
- **Date for event:** timing the event to happen on strategic dates: Human Rights Day (Dec 10), World AIDS Day (Dec 1), International Women's Day (8 March) or other times of national significance may be useful.
- **Permits:** refusal to grant permits has been a major problem for LGBT demonstrations in Eastern Europe over recent years, despite Supreme Court rulings (e.g. Moldova), but pursuit of them is important for documentary purposes.
- **Police liaison:** keeping the police well informed is useful so that there is some chance of co-operation around issues like crowd protection.
- **Legal observers:** legal observers stand on the sidelines of a demonstration and observe what's happening, noting any potential legal issues or violence. It's a particularly good idea to have them in place if clashes with police or other opposing groups are a possibility. They can also provide legal advice to anyone who is arrested or the victim of violence.

- **First aid:** it's a good idea to have first aid on hand at all times (and not just if you're anticipating some possible confrontations).
- **Equipment:** a Public Announcement (PA) system for speeches may be necessary - it's important that the speakers can be heard over loud background noise.
- **Chants and festivities:** The best rallies are loud ones, and the loud ones are usually the most fun. Chants, music, performances, and street art all make a rally much more enjoyable and generally more noteworthy. It also portrays a much more positive image for the media (and, by extension, the wider public).

Pride marches

In 2006, ILGA-Europe made available two publications that explore in detail issues around organizing Pride marches. **Prides against Prejudice - A toolkit for pride organizing in a hostile environment**²⁴ is intended to provide ideas and information resources for those wanting to organize Pride events in a hostile environment. The need for it has been made clear by the intense hostility faced by many Pride organizers in Central and Eastern Europe. In drawing heavily on their experiences and successes, and matching this input with information on support available from the European institutions and the LGBT community internationally, it aims to underpin the consolidation of progress made so far, and provide the initial know-how for those wishing to arrange events in countries and towns where no Pride events have yet been held.

The second publication, **Handbook on Observations of Pride Marches**²⁵ was written as an aid for members and other LGBT and human rights organizations to equip and prepare Pride Marches organizers with tools on how to observe the violations and make effective use of gathered information in a professional and objective way."

Flash mobs

Flash mobs are seemingly spontaneous gatherings of individuals who make some point and quickly disappear. The idea is that the authorities or the opposition have no time in which to respond to the demonstration. In some cases very large crowds can gather and not disperse, making a political point and relying on safety in numbers to avoid arrest.²⁶

A product of instant communication devices such as email, twitter, mobile phones etc, the concept of flash mobbing was developed more in a humorous context than a political one – small groups of people show up at some point looking for something ridiculous in a shop or elsewhere, leaving behind them a bewildered public. The idea is that a SMS, text or message goes around to a group of people who, through a snowball method, send it to their friends and groups. The message might be to meet at a certain place at a particular

²⁴ www.ilga-europe.org/europe/publications/non-periodical/prides_against_prejudice_a_toolkit_for_pride_organising_in_a_hostile_environment_september_2006

²⁵ www.ilga-europe.org/europe/publications/non-periodical/handbook_on_observations_of_pride_marches_june_2006

²⁶ www.smh.com.au/news/home/technology/twitter-activist-goes-into-hiding/2009/04/16/1239475003273.html The first recorded flash mob in Europe happened on 8 August, 2003, with 300 people gathering in a sofa shop on Tottenham Court Road at 6.31pm. After being sent an email, they received further instructions at three nearby pubs. The mobbers were directed to send a text message to a friend getting them to call them, then answer the call by saying they were at Flash Mob No 1 in London. Next they had to say 'Oh wow, what a sofa' and greet a stranger without using the letter 'o'. After just seven minutes and a spontaneous round of applause, the crowd disappeared. The sum effect of these actions was to bring short-lived fame to both the organiser of the mob, 'Mister Z', and the unsuspecting sofa shop owner.

time to make a certain statement.

The risk with flash mobbing is that there are digital footprints left in cyberspace that may lead back to you. Work in this area is not untraceable – quite the opposite actually. If something illegal (from the authority’s point of view) has been done by any of the members of the group, the police will most easily trace the initiator of the action. Some ‘flashmobbers’ advise using a ‘pay as you go’ phone, where they do not have an account in their name and therefore they can throw the SIM card away (the identifiable traceable element of mobile communications).

On the positive side, in countries around the world, including Eastern Europe, flash mobs are not legally regulated by the State, do not need permission from authorities, and therefore are successfully used by LGBT movements. Some of the recent examples include Kiev and Nikolaev (Ukraine) and a coordinated flash mob action by LGBT communities, which was held simultaneously in 20 Russian cities in May of 2009.

Sit-ins

In a sit-in the individuals occupy certain facilities by sitting on available chairs, stools, and occasionally on the floor for a limited or unlimited period, either in a single act or in a series of acts, with the objective of disrupting the normal pattern of activities. The purpose may be to establish a new pattern, such as opening particular facilities to previously excluded persons, or to make a protest which may not be directly connected with the facilities occupied. This method has often been used in the civil rights movement in the United States.

Sit-downs

The sit-down is an act of non-cooperation in which the participants actually sit down on the street, road, ground, or floor and refuse to leave voluntarily, for either a limited or an indefinite period of time. The sit-down may be a spontaneous act, or a reaction decided on in advance, as a response to orders for a march or other demonstration to disperse. Or it may be combined with civil disobedience to some regulatory law as a serious type of symbolic resistance. The sit-down may also be used to halt ordinary traffic or tanks, or to prevent workers or officials from carrying out their work. Such tactics were used at the Women’s Camp in the UK’s Greenham Common (1981-2000) very effectively.

Vigils

A vigil is an appeal normally addressed not to one or a few persons, but to many people. Like picketing, a vigil consists of people remaining at a particular place as a means of expressing a point of view. It differs from picketing, however, in that it is frequently maintained over a longer period of time, sometimes around the clock, and is associated with a more solemn attitude, often of a pleading or religious character. It often

involves late hours and loss of sleep. Many LGBT activists are familiar with vigils particularly with regards to Transgender Remembrance Day and the International AIDS Day.

Further resources

- Extensive study into civil resistance
www.civilresistance.info/node/36#mozTocId457089
- Extensive files on all aspects of nvp
www.canvasopedia.org/
- See 198 ways of doing nvp
www.peacemagazine.org/198.htm
- People Power and Protest Since 1945: a Bibliography of Non-violent Action
www.civilresistance.info/bibliography
- Non-violent Resistance and Conflict Transformation in Power Asymmetries – a theoretical look at non-violent resistance
www.berghof-handbook.net/uploads/download/dudouet_handbook.pdf
- Nonviolence: An Introduction by Thomas Weber and Robert J. Burrowes
www.nonviolenceinternational.net/seasia/whatis/book.php

This text utilises guidance found in the Amnesty International Campaigning Manual <http://www.amnesty.org/en/library/info/ACT10/002/1997> and Canvasopedia: on non-violent campaign organizing www.canvasopedia.org



Skill 11

Organizing conferences and workshops

Preparation

LGBT conferences and workshops are effective ways of both expanding and clarifying LGBT organizations' thinking, as well as building alliances with other civil society organizations, NGOs and particularly those in the area of human rights. They are opportunities for people with expertise or experience to share their understanding with the community. They are also opportunities to document varying viewpoints and positions on an issue – information that can be utilised in other fora.

Why a conference or workshop?

A workshop or conference is a good vehicle for a range of ideas around a particular subject to be presented to and explored by an invested community. In LGBT terms, it offers a safe space for views to be aired and debated. Generally conferences provide rich spaces for learning and exchange of ideas and contacts.

Planning

Most of the work for a conference or workshop is done in advance of the event itself. Although the

day itself is hard work for organizers, the real work is in the planning and preparation of the day. There are two important questions to consider in planning the event:

- What is the conference or workshop to achieve – **purpose?**
- What method will be best used for the conference to achieve – **how?**

Media

A conference can be an excellent opportunity for focusing media attention on exactly the issues you might want them to report on. In many cases the conference is a good launching device for issues to be debated over the airwaves.

However, depending on the audience you are attracting, many might not be able to attend if they know they will be photographed or filmed or recognized (or any potential for that exists). In the countries that this manual is directed towards, the same may be true for some speakers.



Skill 12

Using the internet to gather and disseminate information

Internet Advocacy

The Digital Age has changed advocacy forever. Communication has never been so instant and prolific. There are countless ways to utilise the internet for your advocacy, and these days you'll be left behind if you are not using them. Wikis, blogs, websites, emails, bulletin boards, and more - all mean that there are huge amounts of information to consume.

However, there are limitations to internet and email advocacy. It is important to bear this in mind and be aware of the shortfalls. There's no substitute for face-to-face coordination, and in the end you need to actually show up to the protests.

Remember, those you are campaigning against also have this technology. If they have better resources (which they very often have!) they're probably going to use the technology more effectively than you have the ability to.

Virtually all of the written materials that your organization produces can be adapted for electronic distribution via email, the Web, or both.

Tips for email advocacy

- Start with a clear understanding of what you want to accomplish and who you want to reach. Is your LGBT constituency (and friends) online? If not, are you trying to expand your base of support?
- Make sure you have the resources to maintain an online presence, and determine who will be responsible for answering email and updating the web presence. Once you create a website or launch an email newsletter or discussion list, who will manage it?
- Collect email addresses from your members, supporters and volunteers, the media, your contacts in legislative offices, your funders and anyone else you communicate with regularly. Include a space for email addresses in your membership sign-up forms, newsletter subscription forms, and fundraising reply cards.
- If your organization publishes a newsletter, offer your members the option of receiving it electronically, and encourage them to switch by reminding them that your organization will save money.
- If your organization has a Website where visitors can sign up to volunteer, to subscribe to a newsletter or action alert, or to donate money, be sure to ask for an email address as well as other contact information.
- If your organization has a table at a conference, rally, or other event, include space for an email address on your sign-up sheet.
- If you distribute press releases to the media, start sending them by email instead of fax. (Also, be sure to add online media outlets to your distribution list).
- Use email to communicate with staff consultants in legislative offices.
- Establish and promote an email action alert list.

Is Your Action Alert Ready to Circulate in Cyberspace?

Will readers know who sent the action alert?

Clearly identify your organization as the source of the action alert.

Will readers know how to contact your organization?

Include complete contact information: email address, postal address, website address, phone number and fax number. Whenever possible, include the name, title, and phone number of the person to contact with questions.

Will readers know if the action alert is timely?

Always include the date that your action alert is distributed and the date by which action is requested. (And don't forget to include the year!)

Will readers be compelled to read the action alert?

Communicate a sense of urgency with a provocative or compelling subject line, so readers will open the alert and take action. Never leave the subject line blank.

Will readers understand why action is important?

Include clear, concise background information, pointers to Websites with more information and the key points to communicate. Avoid jargon and keep the format simple with short paragraphs, section headings, and horizontal lines. Don't assume the reader is familiar with the issue.

Will readers know what action to take?

Be specific about what you want the reader to do. Include the postal address, fax number or phone number if you are asking readers to write letters, send faxes or make phone calls. Include a pointer to online information to help readers locate the targets.

Are you sure of the facts?

Electronic action alerts can literally go around the world in minutes. Since you won't know exactly who sees your alert, factual errors aren't easily corrected. Verify facts by checking with a trusted organization or individual before you hit the "send" key.

Are you building your base of support?

Always include information on how readers can join your organization, volunteer to help, subscribe to (or unsubscribe from) the action alert list.

In the hands of an experienced organizer or activist, email can be a powerful tool for outreach. Even inexperienced users of the Internet can make effective use of email for outreach and organizing on a global scale. A simple keystroke or a single click of the mouse, and you reach thousands of people, almost instantaneously. But is it outreach, or is it spam? As more activists go online, more complaints about unsolicited email, or spam, are sure to arise. Here are some tips that should help you avoid being "flamed" with angry replies.

Tips for effective email outreach:

Keep the text short and focused

It may be tempting to provide a detailed analysis, but if your goal is to motivate people to action, get right to the point.

Write a subject line that's compelling or provocative

Keep in mind that the subject line is the first thing the recipient will see. The more compelling you make it, the more likely it is that the message is going to be read.

Identify yourself

Remember to include all your contact information: phone, address, fax, email, URL if you have a Website. Everyone is faceless in cyberspace. You'll have far more credibility – and will probably get better results – if you clearly identify yourself, your organization, and your cause.

Include contact information for decision-makers

You'll get better results if you include the telephone, fax, and postal address of the decision-makers you are asking people to contact. If your organization has a website with a fax server, include the URL for the fax server; most email software recognizes URLs and enables the reader to click directly onto the site.

Compile and maintain a list of the newsgroups and email lists you post to

Once you've identified the best places to post your alerts, keep the addresses on hand for future use. If your email allows you to set up individual mailboxes, create one for these addresses so you can send them in a single message. (Use the "Bcc" field if mailing to multiple addresses).

Break up the text in long email alerts with ascii-friendly symbols

If your alert is more than two or three paragraphs, use symbols such as these

* ~ ^ = + to break up the text by creating lines or boxes.

Send a test message before sending out alerts

Always send a copy of the alert to yourself or to a colleague before distributing it. Check the format to make sure there are no broken lines or other problems. Check any URLs that you include in the alert to make sure they work properly.²⁷

Some things to avoid:

Don't send out unsolicited mass emailings

We know it's tempting! But if you want to communicate about an issue with a large number of people, only send your message to email discussion lists and/or news groups that focus on the issues the alert addresses.

Don't subscribe people to email lists without their permission

If you want to create your own email distribution list, start by sending a message to appropriate discussion lists and news groups, announcing the new list and inviting people to subscribe. Be as

²⁷ Some of the text here is sourced from NetAction at www.netaction.org/

specific as possible about the topic and how the list will operate. Will it be an unmoderated discussion list, or a moderated announcement list? Will there be several postings daily, or one posting every few weeks?

Don't put email addresses in the "To" or "Cc" field when sending alerts

Put your own email address in the "To" field and use the "Bcc" field for all the others. That way, the people who receive your message won't get the email addresses of everyone else who receives the message. And you avoid the risk that one of the recipients of your message will capture the email addresses of all the other recipients and either subscribe them to a list without their permission, or include them in an unsolicited mass emailing.

Don't send action alerts asking people to contact decision-makers by email

Most decision-makers don't read email, and even those who do read it don't give it as much weight as a letter, fax, or phone call.

Further resources

<http://backspace.com/notes/2003/06/techniques-of-electronic-advocacy.php>
see [this resource](#) for wider discussion and [good links](#) to explore this topic further

5.3 Media work

Involves organizing press conferences, writing press releases that get attention and optimising media interviews

Application

**Establishes LGBT voice in media
Informs wide general audience
Fosters inclusion in society
Pressurises politicians
Transforms attitudes**

The Media method

In each of the seven countries this manual is primarily concerned with, there is a wide variety of media – including public, private, State-controlled, independent, affiliated to political parties, and some have localised coverage while others are national. Whether it is best to work with TV/radio (broadcast journalists) or newspaper/magazines (print journalists) can be determined by who the target of the advocacy message is and which media outlet they are influenced by. Building relationships with journalists, offering interviewees for programmes (current affairs etc), and finding commonality in terms of ideas, humour or politics is extremely important to achieving positive coverage. In Portugal, ILGA-Portugal stage the Rainbow Awards for public figures, including journalists, who have been prominent in the fight against discrimination based on sexual orientation and gender identity. The Rainbow Awards are a tool the group use to foster positive and empathetic communication with mainstream society.

What is the main message and who needs to receive it are the main questions when considering use of the media. The choice of media outlet will also be informed by the type of message being delivered – is it an opinion or a news story of an event? Is it new information of substantial public interest or is it a principled argument for public debate?

In the context of the seven countries to which this manual is directed, the media are more likely to be interested in taking a story to which there is a problem attached – this is what makes it newsworthy. If a politician or public figure has denounced homosexuals, they may be interested in getting a response. It is important to always keep in mind that you should offer solutions to

problems rather than just rephrasing the problem – in other words in the face of homophobic statements being made, talk about the importance of diversity training for public servants as well as the problem of hate speech.

Media can pose serious and dangerous threats to an advocacy cause. One's opposition may expertly use it to undermine positions and arguments, spread dissent and stir up hatred. Unlike newspapers, TV and radio broadcasts, unless they are picked up on the internet, cannot be repeated or reread. As a result, public messages need to be brief, succinct and delivered clearly (depending on the subject passion can help).

Further resources

- **Reporting Diversity Manual by the Media Diversity Institute**
http://media-diversity.org/en/index.php?option=com_customproperties&view=show&task=show&Itemid=57&cp_type_of_resource=manuals_handbooks_guidelines&cp_type_of_diversity=&cp_region=&submit_search=Search
- **Reporting from Within: HIV and AIDS in the South Caucasus: A Manual for Journalists**
www.reportingfromwithin.com/foreword/
- **A Media Relations Handbook for Non-Governmental Organisations of the Independent Journalism Foundation (IJF)**
www.ijf-cij.org/
- **Television across Europe: more channels, less independence, Open Society Institute, 2008**
www.mediapolicy.org/tv-across-europe/follow-up-reports-2008-country/media-followup-overview-web.pdf



Case Study 8 Framing the debate in the media

Mozaika (Latvia) had been quite isolated within civil society prior to organizing their Pride march in 2005. A legacy of homophobic statements and discriminatory public sentiment meant that their communication and coalition opportunities with other rights-based NGOs and organizations was close to zero.

The group recognised that a conservative and uninformed element had framed the debate on sexual orientation and gender identity, and therefore there was a need to build a coalition amongst rights-based NGOs and the more liberally-minded sections of civil society.

Having identified the prevalence of discriminatory attitudes, they sought to develop a common language of rights discourse with potential partners as a strategy to build a coalition. To do this they needed to examine their issues in relation to those of other human rights actors.

Some tangible results of this were that the group, itself named Mozaika – Mosaic, a name suggesting difference and coordination – decided to call the Pride event The Friendship Day. This name and what it suggests allowed them to be freer to invite a range of organizations who might have had difficulty associating with an explicitly LGBT Pride event.

By considering the realities of other organizations' politics and positioning issues (in terms of association), solutions to obvious problems presented themselves. To facilitate their participation, Mozaika organized events on the day other than exclusively LGBT events – in the cross-cutting areas of racial hatred (on the increase in the country) and women's rights amongst others.

As a result of this participative day, the focus of media attention drew back from its traditional stance of viewing LGBT people as radical, un-Latvian, perverted etc, and some of the coverage went beyond an LGBT focus to use human rights discourse.

An unanticipated result was the scale of media argument that shifted focus to the area of competency and functioning of the nation within the EU. They described how international human rights law might be applicable to LGBT people by quoting public servants and treating it to their

own political, editorial 'spin' in very negative ways. They primarily presented this body of rights as a force intended to destabilise traditional Latvian society and morality. Latvia had been one of the least supportive countries in terms of post-Soviet States joining the EU.

It was clear to Mozaika that it was necessary to find Latvian faces to show, and Latvian voices to express, the need for recognition of LGBT Latvian people. For a LGBT population that had been virtually invisible, the call to become visible and articulate in a public manner the realities of living outside the protection of human rights, mounted a significant challenge – on a personal level for a number of individuals and on a community level in terms of finding volunteers.

As a result of this work and facing these challenges, Mozaika saw an increase in visibility in many aspects of Latvian life. That people knew they could come out and that there was both an existing association and public representation, acted as a relief for many. Further, media representation of LGBT people has shifted significantly in a positive direction since.



Skill 13

Writing a press release

Press release - an official statement issued to media giving information on a particular matter

Example

News Release by Patent Association, Budapest – 03.07.2008

A gay sauna was torched in the early morning hours on Wednesday (02.07.08). Patent is worried that the police are not providing adequate protection to gay establishments and the LGBT Festival as promised earlier.

Four petrol bombs were thrown into a gay sauna (Magnum) in Budapest in the early morning hours on Wednesday. The perpetrators called the sauna before the attack, just as in the case of the gay bar that had been bombed last Friday, to check if there were people inside. One man suffered light injuries in the attack from inhaling the hot fumes. The sauna had kept several extinguishers at hand since last week's attack and so the fire was promptly extinguished.

After the bombing against a gay bar last week, the police promised to watch gay businesses and the events of the 13th LGBT Film and Cultural Festival, which is taking place this week, more closely. "We are doubtful if the police are really protecting n the gay establishments as they promised," said G bor Kuszing of Patent Association. "Police were present around the cinema housing the Festival, however they left after the politicians opening the Festival finished with their speeches," he added.

The police promised to inform the public on the case later today.

The attack comes after repeated threats against the LGBT festival and the pride march from right-wing groups during the last few weeks and an almost identical petrol bomb attack against a gay bar last Friday.

END

Further information for the press:

G bor Kuszing

www.patent.org.hu

www.egyenlojogokat.hu

[http://gkuszing@netstudio.hu](mailto:gkuszing@netstudio.hu)

+36-70-2525254

A press release (or news release) is the standard method of distributing a story to the media (it is also possible to telephone a journalist to suggest a story, if you are sure that it is an interesting story and that it cannot easily be distorted).

Using the mass media is also an information, education and communication (IEC) method. It only becomes an advocacy method when:

- The general public has been identified as an 'indirect target' who will go on to influence a direct target – for example, voters who will influence a Minister
- Influential people are the targets of the article or broadcast item – for example Ministers reading a newspaper.

Aim

The aim of a press release is usually to do one or more of the following:

- Outline an organization's response to an event/action
- Draw attention to an issue
- Provide background information on an issue/event or action
- Give advance notice of an event

- Announce new campaigns and provide progress reports
- Provide a report of a meeting
- Report decisions taken by organizations/groups
- Circulate speeches in advance.

Media organizations receive hundreds of press releases each day, most of which are never used. In order to get the attention of the media, a press release needs to be well written and interesting.

Advantages

- It is a very public form of advocacy that can increase pressure on decision-makers to take action
- You can offer your selection of facts and opinions
- You can decide when to give the information
- A press release is more permanent than an interview – you have a permanent record of what you said
- You have time to think before giving your message to a journalist
- It makes the job of the journalist easier therefore your views are more likely to be covered by the media.

Disadvantages

- Journalists receive too many press releases, so yours will be thrown away if it is not interesting or if a big news story 'breaks'
- Journalists can still distort your story, even if it is clear in a press release
- It is difficult to involve many people in writing a press release.

Content of the press release

Write a simple and interesting headline – this helps the journalist understand the story immediately. The first sentence should summarise the most important facts of the story, i.e.:

Who is involved?

What is happening?

Where is it happening?

When is it happening?

Why is this happening?

The main part of the press release should then explain these points in further detail. This information helps to persuade the journalist of the facts and importance of the subject, and why it is of interest.

Quotes can often make a press release more interesting and appealing to the journalist, because they may not have access to the relevant people or perhaps because the event has passed. Direct speech quotations from people involved in the issue or activity:

- Should express an opinion, fact, or be able to support the view you have expressed in your press release
- Allow you to give strong opinions that would look wrong in ordinary text
- Give a human dimension to the story
- Are better than indirect quotations.

Always gain permission from the person quoted.

Style

- Short sentences, maximum 20 words
- Short paragraphs, maximum two to three sentences
- Copy the format and story structure from a newspaper article
- Use a good case study or anecdote as evidence to support your point of view.

Presentation

- Type it, using double spacing, on one side of the paper only
- Include the date and the name of the organization
- Provide a contact name, telephone and fax number, and e-mail address as available
- Give an embargo time (the day/time when the journalists are allowed to use the information).

This should include the day, date and time.

Photographs

- Include photographs of key people, places or action mentioned in the press release if you have them.

Note: Once a press release has been written it should be distributed to selected journalists and press associations by fax or e-mail – you can telephone them to ask for these numbers/addresses. Once the journalists receive the press release they will consider whether to include the story in their media work. They may also contact you for further information.

This text utilises guidance found in *Advocacy in Action: a toolkit to support NGOs and CBOs responding to HIV/AIDS*, developed in collaboration with the International Council of AIDS Service Organisations (ICASO) and published by the International HIV/AIDS Alliance in June 2002
www.aidsalliance.org/Publicationsdetails.aspx?Id=142



Skill 14

Press conference

The aim of a press conference is to gain media coverage for an issue. It is a meeting held by an organization, or group of organizations, when journalists listen to speakers and ask questions. It usually includes statements by up to three speakers followed by questions from the journalists. So the format is similar to a panel discussion, although the purpose is not to discuss, but to gain publicity for the advocacy issue.

A press conference demands careful organization and can be expensive and time-consuming to organise, therefore they should only be used if it is the best option.

Advantages

- It brings many journalists together in one place at one time
- It encourages all media to publicise a similar message
- It makes the job of journalists easier therefore the issue is more likely to be covered by the media
- It allows the journalists to ask questions from a panel of speakers
- It provides an opportunity to correct misunderstanding before journalists write their articles
- It can save the time of key people in the organization who would otherwise have to talk to each journalist in turn

Disadvantages

- It requires a lot of logistical organization
- There is always the risk that a bigger story 'breaks', so the journalists do not attend
- Journalists may turn against your campaign if the press conference is badly focused or unconvincing
- Time is needed to prepare speakers for a press conference to make sure that everyone agrees and reinforces the key messages and yet everyone contributes something different
- You cannot predict the questions that the journalists will ask or how your issue will be presented by the media.

Important Do's and don'ts

Make sure that your press conference does not coincide with an important event that will prevent

the journalists or speakers from attending

Call to check whether the announcement has been received – use this as an opportunity to encourage journalists to attend

Choose speakers carefully – they should be interesting, confident speakers and show the human face of the issue/problem

Ensure that each speaker knows your key messages and co-ordinate each speaker to say something different

Try to capture attention with quotes, comparisons, examples or visual aids such as photographs or graphs

Try to respond to questions clearly and simply

Make sure that the person chosen to deal with the media is clearly identifiable

Make clear why the different organizations or people are involved if this is a joint press conference

Try to involve a journalist in advising you on how to organize and plan the press conference.

Don't have too many speakers – the message can get confused

Don't allow speakers to talk for more than 10 minutes

Try not to start late or let the press conference overrun – journalists have deadlines

Don't allow the speakers to answer the questions at great length – warn the chair of this as appropriate

Try not to allow the speakers to make conflicting statements – try to rehearse the key points with the speakers before the conference

Don't hold a press conference if you predict the majority of the journalists will disagree with you or produce negative coverage.

Preparing for a press conference

- Give two to seven days' notice of the conference to relevant journalists (consider reporters, columnists, newscasters, editors) and send them an announcement including:
 - ◆ The purpose of the press conference
 - ◆ Date, time and where it will be held
 - ◆ Who will speak at/present/chair it.
- Choose a suitable venue including the following as required:
 - ◆ Easy location, access and adequate parking space
 - ◆ Low noise levels
 - ◆ Enough capacity – power points for TV lights, space, layout
 - ◆ Audio/visual equipment
 - ◆ Room for individual interviews
 - ◆ Helpful staff with experience of hosting press conferences and with technological expertise.

- Choose an appropriate time of day for the majority of media, i.e., so that they can write the story before their deadlines (but you will not be able to fit in with everyone's deadlines).
- Select and brief a chairperson and appropriate speakers. Work with them to identify and practise answering questions from the journalists – especially the difficult ones.
- Select a press officer/key contact person for the press to deal with.
- Prepare a press pack for journalists, including:
 - ◆ Press release
 - ◆ Background on your organization/coalition
 - ◆ A list of the key points you are making and sample quotes
 - ◆ Recommendations for future action
 - ◆ A list of contacts that journalists can contact to discuss the issue
 - ◆ Any relevant photographs, statistics, graphs, etc. Take special care concerning confidentiality, and brief the chairperson and speakers about these issues where necessary.

Format of a press conference

1. Welcome, refreshments and distribution of the press pack.
2. Chairperson:
 - introduces the speaker/s
 - explains arrangements and proceedings
 - points out the press officer/key contact person for all enquiries
 - states whether interviews are available afterwards
 - stresses confidentiality issues where appropriate.
3. First speaker.
4. Second speaker, etc.
5. Chairperson takes questions from journalists then gives them to one of the speakers to answer; other speakers may also add remarks.
6. Chair thanks the press for attending and closes the press conference.
7. Individual interviews with speakers.

After the press conference

- Send the press pack to the journalists who did not attend.
- Make a list of attendees and update your database where appropriate.
- Note down the names of journalists who asked particularly important questions/appeared sympathetic to your cause.

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Skill 15

Doing media interviews

A media interview is a conversation between a reporter and a person who has an interesting story that can be used as the basis for publication or broadcast. Although interviews are usually used by NGOs for education and awareness-raising work, media interviews can be used for advocacy work too.

Media interviews are an advocacy method when:

- The general public has been identified as an 'indirect target' who will go on to influence a direct target – for example, voters who will influence a Minister
- Influential people are the targets of the article or broadcast item – for example, Ministers reading a newspaper.

In this way, the media is a means to an end. Journalists will usually ask the questions that they think their audience might want them to ask.

Interviews may be reactive or proactive. A **reactive interview** is when a reporter approaches a person for an interview, particularly if there is wide public interest in an issue they are involved with. This kind of interview often takes place when an issue arises which is related to your work or the work of your organization. A **proactive interview** is one in which a person or organization approaches a journalist directly about an issue that they think is important and would be of interest to the media. A proactive interview requires greater preparation. However, it is an important method for doing advocacy work.

The key to giving a good interview is knowing your subject well and preparing carefully for the questions that you may be asked.

Advantages

- It can help you get your information to the public, which will help you address the issue
- It can increase your profile or that of your organization
- You can deliver your key messages to a wide audience with relatively little effort.

Disadvantages

- All exposure can potentially go wrong and expose the person or organization to problems
- It is important that the person being interviewed knows and uses the organization's point of view as the basis of their answers – otherwise the organization may be discredited
- Those who are inexperienced at being interviewed, or badly prepared, can be perplexed by being asked difficult or unrelated questions; this can lose support for the organization's advocacy work.

Advice

- **Try to** practise responding to questions; role-play with your colleagues
 - **Try to** show some emotion for radio – it shows you care – but keep it under control
 - **Try to** sit upright with your hands on your lap for a TV interview
 - **Try to** look happy to be there, and try not to look nervous
 - **Try to** answer the interviewer's questions wherever possible – it is their interview
 - **Try to** be respectful and patient with the interviewer; they will not necessarily know the subject well – but then neither, perhaps, will the audience
 - **Try to** make sure you get your key messages across; if you are not asked relevant questions, add your key messages to the end of one of your most relevant replies.
-
- **Try not to** bluff! If you don't know the answer to a question – say so or avoid it
 - **Try not to** agree to interviews that could stray off topic that might lead you to make statements about issues you do not know about
 - **Try not to** get angry if a journalist tries to unnerve you – your message will become unclear and the audience will assume you are in the wrong
 - **Try not to** let a journalist 'put words in your mouth' – say firmly, "That is not what I am saying..."
 - **Try not to** look at the camera during a TV interview – look at the interviewer
 - **Try not to** try to cover too many points or give too much new information.

Preparing for the interview

Find out the answers to the following kinds of questions before any interview:

- Where and when will the interview take place?
- How long will the interview be?
- Who else, if anyone, is being interviewed?
- Will the discussion or interview follow a film or be linked to another story?
- Why have they chosen the subject to address and selected you for the interview?
- Will the interview be broadcast live?

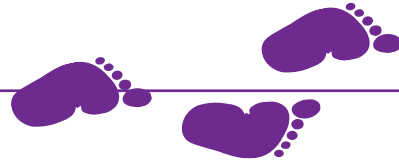
Find out about the journalist who will be interviewing you and:

- Investigate their audience – who are the targets amongst their audience and what kind of information do you need to get across?
- Contact them and agree the subject to be discussed. Remember that the interview starts as soon as you begin talking to a journalist. There is no such thing as ‘off the record’. Define the issues clearly. Ask the journalist what kind of questions they will ask and whether they will be supportive or argumentative. Prepare appropriate information beforehand – for example, statistics, facts, a personal story, etc.
- Make a list of key messages you want to get across with three or four key points for each.
- Prepare catchy sentences (‘sound-bites’) that summarise your message.
- Check that you have up-to-date information on your issue.
- Work closely with your colleagues to develop a draft list of possible questions. Prepare answers to these and practise developing responses to them.

What to do during the interview

- Try and keep calm and composed.
- Remember that the journalist is not your advocacy target – the target will either be influential people listening or watching or the general public as indirect targets.
- Remember that you have the facts you need and that you know more than the journalist does about your area. Keep your answers concise and short, using simple language, without jargon or acronyms. Do not get side-tracked – keep to your key points. If a question strays from your topic, try to move back to the area you want to talk about – for example, “I think what you are asking about is important but the main issue is...”
- If you need time to think about a response, repeat the question before responding.
- Always bring the journalist back to your key messages/points: repetition is a way of getting your message across.

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Step 6

Evaluating the exercise

Step 1
Prepare

Step 2
Identify

Step 3
Map

Step 4
Act

Step 5
Choose
method

Step 6
Evaluate

This section of the advocacy manual is concerned with the final step – evaluation of the advocacy exercise. It looks at the need for ongoing monitoring and periodic evaluation of the initiatives undertaken, to indicate if and how successfully objectives are being approached and met, and what changes to the overall strategy could be implemented as a result.

6.1 Monitoring and evaluating the advocacy work

It is important to understand how these words are being used in this section.

Earlier the word 'monitoring' was used in terms of human rights monitoring, here the word is being used to express the systematic and **continuous assessment** of the progress of the advocacy strategy over time. The core aim of monitoring is to keep track of progress and, as necessary, enable action plans and practices to be adjusted in response to unexpected changes, incidents or information in a systematic and manageable manner. Although advocacy objectives and goals will remain constant, it may be necessary to adjust tactics as the advocacy actions develop and as targets respond.

Evaluation refers to something much longer term – it looks at whether advocacy objectives have been achieved, how they were achieved and what learning an organization or group can take from the experience. It is the **periodic assessment** of the relevance, performance, efficiency and impact of the action or sequence of actions in relation to the stated objective. Evaluation will be carried out at pre-determined points of significance in the project's timetable – perhaps when new phases in the strategy are due to open up, or when funding lines are due for renewal.

One of the negative connotations often associated with evaluation is that it is something done to people. One is evaluated. Participatory evaluation, in contrast, is a process controlled by the people in the programme or community. It is something they undertake as a formal, reflective process for their own development and empowerment.

Evaluation answers: **Have we achieved what we set out to do?**

If not, why not, and what do we need to change?

Monitoring answers: **Have we taken the actions in the way we said we would?**

If not, why not, and what do we need to change?

Some differences between monitoring and evaluation

	Monitoring	Evaluation
Timing	Ongoing collection of information throughout the life of an objective	Periodic assessment at significant points – e.g. end of project, mid-point, phase change
Scope	Measures activity – on day-to-day levels and by using indicators	Evaluates success and assesses overall delivery of project outputs and the progress towards the goal
Process	Looks to see that project is on track – doing what it said it would – regular meetings, etc	Looks to see that objectives have been achieved in relation to goal – measures success and uses additional data collection means
Participants	Internal organizational activity – involving staff, volunteers, project users	Activity done by both external and internal people – involving donors, evaluator, staff, users, etc
Outputs and Outcomes	May result in relatively minor activity adjustments to or from plan. Regular written reports and updates produced for management, donors, users	May result in major strategy change (or ceasing of project, for example). Major evaluation report with recommendations for changes/direction – probably presented in workshop format to various stakeholders

This chart was sourced at http://www.innonet.org/client_docs/File/evaluation_plan_workbook.pdf

Monitoring and evaluation of advocacy exercises are important practices because they provide participants with information on:

- Whether the advocacy work is on track and whether changes need to be made to the overall action plan
- Whether objectives have been achieved as planned
- Learning for future initiatives
- Accountability to LGBT community members in whose name the actions are being taken
- Accountability to donors and partners, particularly those on the international stage.

6.2 Developing an evaluation plan – creating indicators

What is Evaluation?

Evaluation is the systematic collection of information about an advocacy plan that enables stakeholders to better understand the plan, improve its effectiveness, and/or make decisions about future programming.

Evaluation is most effective when it is:

- Integrally linked to advocacy planning and delivery.
- Involves the participation of stakeholders.
- Supports an organization's capacity to learn and reflect.
- Respects the community served by the plan.
- Enables the collection of the most information with the least effort.

Evaluation preparation identifies and organizes questions you have about your plan and plots a route to answers. Most questions that organizations probe through evaluation come in three categories:

- What did we do?
- How well did we do it?
- What difference did our programme make? (What changes occurred because of our programme?)

Two major forms of evaluation help answer these questions.

1) Implementation Evaluation: Are you performing the services or activities as planned? Are you reaching the intended target population? Are you reaching the intended number of participants? Is it leading to the products you expected?

How do the participants perceive these services and activities? These questions are about implementation.

The purpose of implementation evaluation is to understand how well you undertook the action. The next step is to identify other questions you have about your activities and their outputs. What information will help you better understand the implementation of your programme? The following are examples of the types of questions you might consider:

- **Participation:** Did the targeted audience participate in the activities as expected? Why? Were some individuals over- or under-represented? Why?
- **Quality:** Were the services/materials you provided perceived as valuable by the intended audience? Were they appropriate? How did others in the field view their quality?
- **Satisfaction:** Did those affected by your plan's services approve of them? Why? Who was most/least satisfied?
- **Context:** What other factors influenced your ability to implement your advocacy actions as planned? What political, economic, or leadership issues intervened, changing the expected outcomes in your plan?

Implementation evaluation offers important information about what you did and how well you did it. The lessons you learn can serve as benchmarks for progress against your original programme plan.

- Perhaps you aren't conducting the activities as planned; or
- You are conducting those activities, but they are not leading to the products/outputs you intended, or
- They did lead to the intended outputs, but the quality or satisfaction levels are not what you had hoped.

This information can help you determine if you need to adjust your plan, change activities, or reconsider your theoretical assumptions. Evaluating your implementation can provide a feedback in the midst of your effort, before you may be able to evaluate outcomes.

2) Outcomes Evaluation: Is your target audience experiencing the changes in knowledge, attitudes, behaviours, or awareness that you sought? What are the results of your work? What is it accomplishing among your target audience? These questions are about outcomes.

When planning the action (At steps 2 and 4) you identified your advocacy objectives - the changes (outcomes) you expect to see as a result of your work. Outcomes are frequently expressed as changes in knowledge, skill, attitudes, behaviour, motivation, decisions, policies, and conditions. They occur among individuals, communities, organizations, or systems.

In order to evaluate how successfully you have achieved your objectives, you will need to determine indicators for them.

An indicator is the evidence or information that will tell you whether your plan is achieving its intended outcomes. Indicators are measurable and observable characteristics. They answer the question: “How will we know change occurred?” To be meaningful, you should identify an amount of change that you believe demonstrates successful achievement of the related outcome.

We often state outcomes as abstract concepts or ambitions. Indicators are the measurement of outcomes. They are specific characteristics or behaviours that provide tangible information about those concepts or ambitions. Often, one outcome will have more than one indicator. When you develop your indicators, it may be helpful to ask: “What does the outcome look like when it occurs? How will I know if it has happened? What will I be able to see?”

An indicator should be:

- **Meaningful:** Reaching consensus among key stakeholders regarding what success looks like is essential to ensuring buy-in to your evaluation results.
- **Direct:** The indicator or combination of indicators captures enough of the essential components of the outcome to represent the outcome. Several indicators can be necessary to adequately measure an outcome. An indicator must also reflect the same type of change as the outcome. For example, if an outcome is about a change in attitude or opinion, the indicator should not reflect a change in behaviour.
- **Useful:** The information provided by this indicator can be put to practical use for programme improvement.
- **Practical to collect:** The data for the indicator shouldn't be a burden to collect. Consider whether you can collect data about your indicator in a timely manner and at reasonable cost.

Elements of a Strong Indicator Statement

To assist in evaluation, a strong indicator statement should include these four elements:

How much? Identify the amount of change among your target population that would indicate a successful level of achievement. This sets the target for your work; base this on an understanding of your baseline and a level of change that is reasonable for your programme.

Who? Specify the target population you will measure.

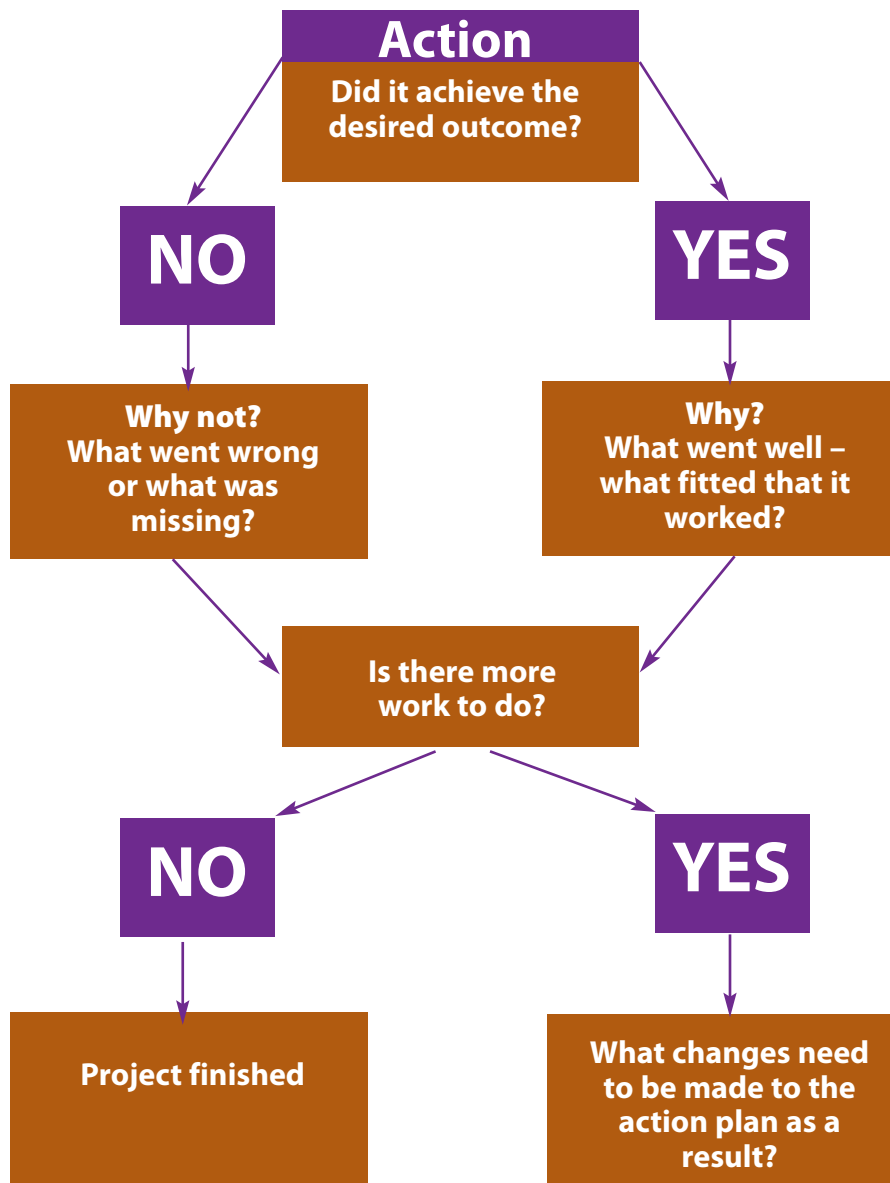
What? Describe the condition, behaviour, or characteristic that you will measure.

When? Note the timeframe in which this change should occur.

Tips

- Try to include the participation of all the relevant people
- Use clear means of measurement (SMART, etc)
- Be clear about exactly what is being evaluated and try not to do too much at once
- Analyse why and be clear why some actions were successful and others were not.

Each group will need to draw up for itself a model of what their evaluation process may contain. This should be very simple, along the lines of the following:



Achievement of outcomes: To what degree were they achieved?
Key influences: What contributed most to the action's success or failure?
Changes: What needs to be changed or done differently in future actions?

Example

Objective: Getting the Ombudsman's Office to include sexual orientation and gender identity human rights issues in their scope of work and reporting.

- Verify that the Office of the Ombudsman has reported to national parliament cases including LGBT issues. Verify with individuals putting forward the cases that accuracy has been reflected.
- If all is accurate and included, reflect on what happened in the process – preparation of issue for Ombudsman, meetings with officials to press for change, meetings and preparation of data for international NGOs and institutions and media work.
- If the Ombudsman has refused, or says that parliament will not accept these cases, could the public pressure from other politicians and media be to blame?
- What strategy is required to exert adequate pressure to get this objective realized? It might be time to step up action and attempt to get a legal perspective on this refusal to acknowledge human rights violations against LGBT persons.

Reasons for success

- Good contacts with policy-makers, built by previous positive engagement with the office
- Reliable, credible and accurate information on the cases
- Good use of existing political contacts in preparation for the formal request
- Adequate timeframe for Ombudsman's Office to include complaints
- Community support in action – space to discuss and refine strategy
- Clear lines of responsibility instituted amongst group

Reasons for failure

- Could not get access to Ombudsman or other policy makers
- Information delivered in inaccurate and ambiguous manner – language not carefully formulated
- Nobody else lobbying Ombudsman's office – too few allies
- Did not have enough relevant technical understanding
- Weak organizational planning in terms of responsibilities – matters rushed at end.

6.3 Developing your own indicators

You can gather together the answers to the various evaluation tools at the end of each section throughout this manual and get an overview of your entire strategy or any part of it. As presented these evaluation tools are indicative of the types of questions relevant to a particular aspect of the work. Your learning, environment or dynamics may alter those questions and you are encouraged to add to them to develop indicators that more accurately reflect your own organization's practices.

You can use the evaluation tools in this manual and alter them accordingly as suits your work. The following chart is an example of an expanded capacity evaluation chart – it links to Chapter Step 2.6: Organizational capacity and human rights advocacy.

Characteristic of indicator	Score
Seed – Just beginning to define itself in this area, has potential to develop	1
Emerging – Starting to become established	2
Growing – Beginning to gain momentum and confidence	3
Well-developed – Good degree of competency and is seen to be very effective	4
Mature – Highly competent	5

Capacity	Score (1-5)
A Vision values, mission, strategy	
1 Clear mission and purpose of organisation or group	
2 Clear and agreed values underpinning organization	
3 Understanding of how advocacy links with core values and mission and as an integral part of development	
4 Strategy for action, linking to mission and values	
5 Understanding the servant nature of advocacy and appropriate use of power	

Capacity	Score (1-5)
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B Internal systems and structures

- 1 Clear and accountable decision making processes
- 2 Clear idea of who is being represented and how that is done
- 3 Clarity around organization's own legitimacy
- 4 Stakeholder participation in advocacy and other development work
- 5 Clear lines of communication within and out of the organization re: work

Capacity	Score (1-5)
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C Skills, experience and understanding
--

- 1 Understanding of how local, national and international policies affect local problems
- 2 Understanding of policy-making and power relations
- 3 Understanding the views and influence of key stakeholders
- 4 Skills in research and access to good information
- 5 Skills in community mobilisation and awareness-raising
- 6 Skills, or access to skills, in law
- 7 Skills in strategy development
- 8 Skills in lobbying
- 9 Experience of working with the media
- 10 Support from others, such as partners or networks
- 11 Understanding of risks and how to plan to reduce them

Capacity	Score (1-5)
D Resources	

1 Human resources committed to advocacy

2 Financial resources committed to advocacy

Capacity	Score (1-5)
E External links	

1 Access to/relationship with other grassroots groups

2 Access to/relationship with policy-makers

3 Access to/relationship with local or national NGOs

4 Access to/relationship with international NGOs

5 Access to established networks (national and international)

6 Relationship with journalists

7 Committed membership which can be mobilised

8 Access to experts on your issue

9 Access to trainers and other advocacy resources in region

This text utilises guidance found in the [Community Tool Box](http://ctb.ku.edu/en/tablecontents/index.htm) <http://ctb.ku.edu/en/tablecontents/index.htm>

6.4 Sample advocacy process

1. Advocacy goal identified (in line with organization's mission)
2. Advocacy objective identified
3. Issue to be worked on isolated
4. Research and in-house thinking done on the issue – evidence and data gathered to support claim, national and international human rights standard identified
5. Community consultation and agreement on issue's relevance
6. Make oral and written (letter) complaint on issue to provider (police, health, etc)
7. Await response (set timeframe) – record it
8. Monitor and document any situations on issue – i.e. gather data and evidence
9. Produce policy statement
10. Identify the stakeholders – who is in any way affected? – most immediate to most remote – discover ways to inform them
11. Start to gather allies – how does the issue impact on /relate to their fields of work
12. Create seminar /conference/ meeting with group of allies to confirm mutual positions
13. Identify and prepare for opposition
14. Create programme of lobbying on national level – who, why – prepare material for primary targets after researching them
15. Work on secondary targets – map how each can influence issue
16. Identify sites and methods of mobilising LGBT community – prepare materials and events
17. Look at ways to affect public awareness and education – plan and execute demonstrations, media interviews, etc
18. Look at evolving a legal position on the issue with lawyers
19. Keep INGO partners informed throughout processes above as their perspective and experience may help to inform timing and approaches
20. INGOs may be able to help present the information at national level in a way that is pre-emptive of delivering the information to regional and international partners
21. Package and deliver information (report, etc) to CoE, OSCE, EU and UN mechanisms as appropriate and useful
22. Follow up information delivery with personal contact with appropriate desk or office
23. Utilise media to convey to government/agency/public that such actions have been taken
24. All work needs to be monitored and documented as it happens and later the whole project needs to be evaluated (at key points during strategy and/or afterwards.)

Further resources

www.innonet.org/client_docs/File/evaluation_plan_workbook.pdf and <http://www.innonet.org>

Advanced advocacy evaluation approaches, Evaluation Exchange at Harvard Family Research Project
www.hfrp.org/evaluation/the-evaluation-exchange/issue-archive/advocacy-and-policy-change

Annex 1

The texts throughout this Annex are sourced from institution websites, ILGA-Europe documents and directly from ILGA-Europe and COC-Netherlands staff.

1. The United Nations (UN)

Mandate

Over the past decades, the United Nations has adopted several legal instruments to protect and promote human rights, instruments that have been signed and ratified by a majority of States around the world. The UN human rights treaties are at the core of the international system for the promotion and protection of human rights. These international human rights instruments inscribe in law such rights as the right to life, the right to protection of the security of person, and the right to be free from discrimination.

Mechanisms

The UN human rights system is made up of a number of mechanisms which all contribute to the implementation of human rights treaties and the broader promotion and protection of human rights in the world. The UN human rights bodies monitor how States comply with their international obligations, develop international standards and clarify the interpretation of existing human rights instruments; they also make recommendations to States, including legally-binding recommendations. The UN human rights mechanisms can therefore play a significant role in developing standards related to protection from homophobic and transphobic incidents.

The main reporting mechanisms in the UN human rights system are the Treaty Body Committees, the Special Procedures (Special Rapporteurs/Representatives) and the Universal Periodic Review (of the Human Rights Council). In recent years, these bodies have all contributed to increasing the visibility of LGBT issues and supporting developments towards the explicit recognition of the human rights of LGBT people. Active participation of NGOs in the work of these mechanisms, including through the ongoing submission of information, has proven to be a key factor in the increased awareness of LGBT issues within the UN human rights system.

Treaty Body Committees

Reports on LGBT human rights situations (occurrence of homophobic and transphobic incidents, denial and violation of rights, etc) can be sent to the committee responsible for a particular human rights treaty. They are:

- the Human Rights Committee (Covenant on Civil and Political Rights)
- the Committee against Torture (Convention against Torture)
- the Committee on the Rights of the Child (Convention on the Rights of the Child)
- the Committee on the Elimination of Racial Discrimination (Convention on the Elimination of Racial Discrimination)
- the Committee on the Elimination of Discrimination Against Women (Convention on the Elimination of Discrimination Against Women)
- ECOSOC (Covenant on Economic, Social and Cultural Rights).

The main responsibility of committees is to evaluate compliance of States with treaties to which they have acceded and which have been ratified. Countries compliance with these treaties is periodically under review by these committees (generally every four or five years). This is the moment when NGOs can submit information to the bodies. These reports should generally not focus on single incidents, but rather look at the human rights situation regarding LGBT people on the basis of the treaty concerned.

Very often, human rights treaties are followed by "Optional Protocols" which may either provide for individual complaint procedures with regard to the treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries that are party to the main treaty.

www.un.org/womenwatch/daw/cedaw/protocol/whatis.htm

Also see

Office of the United Nations High Commissioner for Human Rights Frequently Asked Questions on Economic, Social and Cultural Rights
www.ohchr.org/Documents/Publications/FactSheet33en.pdf

Universal Human Rights Index – in depth collection of all international human rights agreements entered in to by the seven countries - extensive
www.universalhumanrightsindex.org/en/geographical/7.html

Portal site to the full set of UN core international human rights instruments and their monitoring bodies
www2.ohchr.org/english/law/index.htm

To find out more about how to submit information to the UN Treaty Bodies see: Office of the High Commissioner on Human Rights Fact sheet no. 30 The United Nations Human Rights Treaty System: An Introduction to the Human Rights Treaties and Treaty Bodies www.ohchr.org/Documents/Publications/FactSheet30en.pdf

For more information on the complaint procedure see:
www2.ohchr.org/english/bodies/petitions/

International Service for Human Rights – Simple Guide to the Treaty Bodies
www.ishr.ch/guides-to-the-un-system/simple-guide-to-treaty-bodies

Submitting Complaints to the Individual Complaint Procedure of United Nations Human Rights Treaty Bodies
ihrc.digitopia.net/binary-data/ATTACHMENT/file/000/000/181-1.doc

Excellent resources on this site - A Quick Guide to Using the OP to ICESCR Advocacy Kit
www.iwraw-ap.org/icescr_campaign.htm

Special Procedures

One of the most effective and responsive mechanisms of the UN Human Rights System is the Special Rapporteur or Special Representative, also called Special Procedures. Special Procedures are normally entrusted to individuals who are independent human rights experts, or occasionally to a group of independent human rights experts.

The Special Rapporteurs or Representatives have a mandate to examine, monitor, and publicly report on human rights situations in specific countries or on specific human rights and issues. They do this work by undertaking fact-finding missions in countries, conducting studies to identify trends and explore specific issues, issuing public statements and responding to individual complaints through urgent appeals to governments. More generally, they can contribute to the elaboration of human rights standards falling within their mandate. Special Rapporteurs present annual reports to the Human Rights Council about their work on a particular right, which includes information about the situation in different countries.

Over the last few years, a growing number of Special Rapporteurs have paid attention to LGBT issues in their reports, or met with LGBT people during their country visits. A number of Special Rapporteurs have also intervened directly with governments when they received information about serious human rights violations to ask the governments to take appropriate action. Discrimination on the basis of sexual orientation now features as a cross-cutting theme for Special Procedures. As always effective documentation is crucial as Special Rapporteurs can only act when they are sent relevant and factual information by people or organizations whose rights are affected.

Special Rapporteurs/Representatives will use the information in different ways:

- 1) if they consider that the situation calls for immediate action, they may decide to perform an urgent action, i.e. intervene directly with a government to ask them to remedy the violation immediately;
- 2) if they consider that the situation does not require such urgent intervention, they may use the information in their annual reports or for country missions.

In order to take action, Special Rapporteurs/Representatives need to receive information which is clear, factual, consistent and reliable. The basic principles to remember when submitting information to Special Procedures are:

- To identify yourself and your organization (contact details, website of organization, mandate of your organization, affiliations to any national/regional/international NGOs or human rights network, etc)
- Facts should be described as clearly as possible
- Make links with the mandates you are targeting.

In relation to violence, the most relevant mandates are the Special Representative on Human Rights Defenders, the Special Rapporteur on Torture, the Special Rapporteur on Arbitrary Detention and the Special Rapporteur on Extra Judicial, Summary or Arbitrary Executions. These Special Rapporteurs and Representatives are among those who have been raising issues relating to the rights of LGBT people.

The Special Representative on Human Rights Defenders has highlighted: attacks and harassment of defenders of the rights of sexual minorities; the greater risks faced by those who defend the rights of sexual minorities (taking into consideration social structures, traditional and religious practices used to justify violation of the human rights of members of such groups);

- that defenders and members of sexual minorities are often very vulnerable to prejudice, marginalisation and public repudiation;
- specific legislation that is used to limit the work of human rights defenders.

The Special Rapporteur on Torture, Inhuman and Degrading Treatment has highlighted:

- ill-treatment and torture of LGBT people by police;
- poor conditions of detention, including the intentional denial of medical treatment in detention;
- non-action by the State in cases of violence against sexual minorities carried out by non-State actors.

The Special Rapporteur on Arbitrary Detention has highlighted:

- people being arrested and detained because of their sexual orientation or as a result of their activities to defend the rights of LGBT people.

The Special Rapporteur on Extra Judicial, Summary or Arbitrary Executions has highlighted:

- persons subjected to death threats or killed because of their sexual orientation.

If you have a case that requires urgent action by one of the special procedures (such as an activist being arbitrarily detained and at risk of torture or ill-treatment), you can send the information by

e-mail (urgent-action@ohchr.org) or by fax to the following number: (41 22) 917 9006.

For more information, see

www2.ohchr.org/english/bodies/chr/special/communications.htm and
www.ecre.org/files/Dos%20and%20dents%20English.pdf

More information about the special procedures is available at

www2.ohchr.org/english/bodies/chr/special/index.htm

You can also contact the Special Rapporteurs and Special Representatives directly through their assistants. For their contact details, please see the Info Pack produced by the Geneva-based International Service for Human Rights. www.ishr.ch/guides-to-the-un-system/info-pack

Universal Periodic Review

Universal Periodic Review (or “UPR”) is a new mechanism of the UN Human Rights Council, set up as part of the reform of the UN human rights system. It is intended to be a co-operative mechanism, designed to assist States in fulfilling their international commitments and improving their human rights situation. With the UPR, the human rights records of all 192 Member States will be regularly reviewed on a four-year cycle; 48 States will be reviewed per year, 16 at each of three sessions annually. Unlike other UN processes, this review is not conducted by independent experts but by other Member States.

The UPR affords a unique opportunity not only to raise awareness of LGBT issues, but also to get governments to commit to concrete recommendations, especially since NGOs have a number of opportunities to be involved throughout the UPR process.

First, NGOs can submit information concerning countries under review. Information received from NGOs is summarised by the Office of the High Commissioner for Human Rights in reports that are considered in the review process, and can therefore influence the issues that will be raised during the UPR sessions. NGOs can also make public interventions at the Human Rights Council prior to the adoption of a country report to comment on it and propose recommendations to be taken up by a State. Finally, NGOs have a key role to play in the follow-up phase by monitoring a State’s action on the recommendations made by the Council.

It is easy to submit information to contribute to the Universal Periodic Review. Here are a few things to keep in mind when preparing a submission:

- As previously mentioned, submitted information needs to be clear, factual, credible and reliable. It is important to avoid personal opinions or allegations that may be challenged as unverifiable. Submissions do not need to be lengthy, so long as they are clear and substantiated. Information should be sent in English, French or Spanish, which are the working languages of the UN.
- Any NGO can make a written submission, but it may strengthen a submission if it is prepared as a joint NGO report, particularly with NGOs with accreditation by the UN’s Economic and Social Council (sometimes called “ECOSOC status”), like ILGA-Europe. ILGA-Europe is willing to use its ECOSOC status to help support UPR submissions jointly with other NGOs. To discuss making joint submissions with ILGA-Europe, contact the ILGA-Europe office.

COC-Netherlands can offer assistance to NGOs in submitting information to the UN Human Rights system (UPR, Treaty Body Committees and Special Procedures). COC also aims to provide access to

these committees (in particular CEDAW and UPR) by enabling activists to be present during the review of their country. COC is also willing to use its ECOSOC status for this purpose.

You may wish to use the Yogyakarta Principles²⁸ when preparing your submission. You can refer to the Principles to highlight where a State is not fulfilling its international human rights obligations, and get inspiration to draft specific recommendations on measures States can take to fulfil these obligations.

For more information, a document to assist NGOs in developing submissions has been prepared by the Office of the High Commissioner for Human Rights and is available at: www.ohchr.org/EN/HRBodies/UPR/Documents/TechnicalGuideEN.pdf

²⁸ On the Yogyakarta Principles – Human

Contact details: submissions can be sent to UPRsubmissions@ohchr.org
For more general inquiries on the UPR, write to: civilsocietyunit@ohchr.org

Rights Watch:
www.hrw.org/legacy/wr2k8/yogyakarta/index.htm
Yogyakarta Article -
Human Rights Law
Review (PDF)?

A number of international NGOs have expertise in working with the United Nations human rights system and can offer useful advice in relation to bringing information and submitting reports to the United Nations:

ARC International
John Fisher
Co-Director
62, rue de Vermont, # 44
CH-1202 Geneva, Switzerland
Phone: +41 22 733 4705
Fax: +41 22 734 4761
john@arc-international.net
www.arc-international.net

www.yogyakartaprinciples.org/yogyakarta-article-human-rights-law-review.pdf
Yogyakarta Principles -
Jurisprudential

International Service on Human Rights (ISHR)
Rue Varembe 1, P. O. Box 16
CH-1211 Geneva 20, Switzerland
Phone: +41 22 919 71 00
Fax: +41 22 919 71 25
www.ishr.ch
(emails for staff available on the website)
ISHR organizes training sessions in international law and on the UN human rights system.

Annotations (PDF)
www.yogyakartaprinciples.org/yogyakarta-principles-jurisprudential-annotations.pdf

OMCT International Secretariat
P. O. Box 21
8, rue du Vieux-Billard
CH-1211 Geneva 8, Switzerland
Phone: +41 22 809 4939
Fax: +41 22 809 4929
omct@omct.org
www.omct.org/

Douglas Sanders on the Yogyakarta Principles
www.iglhrc.org/cgi-bin/iowa/article/takeaction/partners/22.html

FIDH representation to the United Nations
15 rue des Savoises
CH-1205 Geneva, Switzerland
Phone: +41 22 700 12 88
Fax: +41 22 321 54 88
www.fidh.org

Entered Into Force	CAT	CAT-OP	ICCPR	ICCPR-OP1	ICCPR-OP2	CERD	CEDAW	CEDAW-OP	CESCR	CRC	CRC-OP AC	CRC-OP SP
ARMENIA	13 Oct 1993	14 Oct 2006	23 Sep 1993	23 Sep 1993		23 Jul 1993	13 Oct 1993	14 Dec 2006	13 Dec 1993	22 Jul 1993	30 Oct 2005	25 Oct 2003
AZERBAIJAN	15 Sep 1996		13 Nov 1992	27 Feb 2002	22 Apr 1999	15 Sep 1996	9 Aug 1995	1 Sep 2001	13 Nov 1992	12 Sep 1992	2 Aug 2002	2 Aug 2002
GEORGIA	25 Nov 1994	22 Jun 2006	3 Aug 1994	3 Aug 1994	22 Jun 1999	2 Jul 1999	25 Nov 1994	1 Nov 2002	3 Aug 1994	2 Jul 1994		28 Jul 2005
KAZAKHSTAN	25 Sep 1998		24 Apr 2006	Signed 25th Sept 2007		25 Sep 1998	25 Sep 1998	24 Nov 2001	24 Apr 2006	11 Sep 1994	10 May 2003	18 Jan 2002
KYRGYZSTAN	5 Oct 1997		7 Jan 1995	7 Jan 1995		5 Oct 1997	12 Mar 1997	22 Oct 2002	7 Jan 1995	6 Nov 1994	13 Sep 2003	12 Mar 2003
MOLDOVA	28 Dec 1995	24 Aug 2006	26 Apr 1993	23 Apr 2008	20 Dec 2006	25 Feb 1993	31 Jul 1994	28 May 2006	26 Apr 1993	25 Feb 1993	7 May 2004	12 May 2007
UKRAINE	26 Jun 1987	19 Oct 2006	23 Mar 1976	25 Oct 1991	25 Oct 2007	6 Apr 1969	3 Sep 1981	26 Dec 2003	3 Jan 1976	27 Sep 1991	11 Aug 2005	3 Aug 2003

CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment

CAT-OP-Optional Protocol to the Convention Against Torture and Cruel Inhuman or Degrading Treatment or Punishment

CCPR-International Covenant on Civil and Political Rights

CCPR-OP1-Optional Protocol to the International Covenant on Civil and Political Rights

CCPR-OP2-DP-Second Optional Protocol to the International Covenant on Civil and Political Rights

CERD-International Convention on the Elimination of All Forms of Racial Discrimination

CEDAW-Convention on the Elimination of All Forms of Discrimination against Women

CEDAW-OP-Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

CESCR-International Covenant on Economic, Social and Cultural Rights

CRC-Convention on the Rights of the Child

CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography

Further resources

ISHR, 2006 A new chapter for human rights: A handbook on issues of transition from the Commission on Human Rights to the Human Rights Council
www.ishr.ch/guides-to-the-un-system/handbook?task=view

Working with the United Nations Human Rights Programme: A Handbook for Civil Society, UN human right, 2008
www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

2. Organization for Security and Co-operation in Europe (OSCE)

The Organization for Security and Co-operation in Europe (OSCE) is a political organization comprising 56 participating States. One of the aims of this organization is to ensure co-operation and security in Europe through respect for human rights, tolerance and non-discrimination programmes. The Office for Democratic Institutions and Human Rights (ODIHR) has been created to assist participating States in implementing their commitments on human rights and tolerance and non-discrimination, including in relation to combating hate crimes.

The documents adopted by the OSCE have political value, which means that they cannot be invoked as legal obligations before courts. However by agreeing to these, States engage their political responsibility in front of the other OSCE participating States.

The OSCE's relevance to human rights of LGBT people has increased recently as the OSCE has taken on an expanded mandate in the area of tolerance and non-discrimination. Although not all OSCE States agree that LGBT people should be included in the new mandate, many OSCE missions and institutions such as the Office for Democratic Institutions and Human Rights (ODIHR) have been open to the involvement of LGBT people in their work.

Office for Democratic Institutions and Human Rights

The ODIHR's mandate is to assist OSCE participating States in "ensuring full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society." Based in Warsaw, Poland, the ODIHR employs more than 140 staff members and is active throughout the whole OSCE region.

As part of the Tolerance and Non-Discrimination programme, the ODIHR publishes information on hate crime in the OSCE Signatory States. The Tolerance and Non-Discrimination Information System (TANDIS) has a specific section on hate crime that provides information on the OSCE commitments in relation to hate crime and good practices. It is also used to disseminate good practices on combating hate crimes and other national initiatives received by the Office. The system is interactive and information can easily be put in it. The ODIHR has also asked States to nominate a

focal point for the collection of information.²⁹ Although problems have been reported with some focal points, it is important to send the information to them and to the ODHIR. The ODHIR is also developing a curriculum for NGOs in order to prevent and respond to hate crime.

In 2005, the Office produced a report entitled “Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives” which compiles information about statistics, policies and legislation on hate crime from different States.

Report available at www.osce.org/odihr/item_11_16251.html.

Every year the Tolerance and Non-Discrimination Programme of ODHIR produces reports on hate crimes in the OSCE participating States. NGOs are invited to submit information through an open consultation process. The reports are drafted between February and April/ May of each year, and this time period is most suitable for submitting your documented cases. Examples of the OSCE reports on hate crimes from previous years can be consulted at: www.osce.org/item/26296.html.

Contact details

Azra Junuzovic

Hate crime reporting officer

Tolerance and non discrimination

Al. Ujazdowskie 19

00-557 Warsaw, Poland

azra.junuzovic@odhir.pl

For questions about the time frame of the annual reporting on hate crimes, and to ask to be included in consultations, you can write to:

OSCE office at civilsociety@odhir.pl

The OSCE has 18 missions and field operations located in South-Eastern Europe, the Caucasus, Eastern Europe and Central Asia. They work 'on the ground' to facilitate political processes, prevent or settle conflicts, and promote civil society and the rule of law. These missions can be a first point of contact, at national level, for individuals and NGOs whose rights have been violated. LGBT organizations in Kyrgyzstan and Serbia reported positive experiences with OSCE missions: in Bishkek the OSCE mission hosted a roundtable on intolerance against LGBT people and in Nis a lesbian group was involved by the OSCE mission in a “Community Policing” project. To find out more about the missions, please consult the OSCE website at: www.osce.org/about/13510.html

²⁹ A list of focal points in 48 States is available at this address

http://tandis.odihr.pl/?p=ki-hc,npc_pub

Nomination of National Points of Contact on combating Hate Crime

Armenia – Ministry of Foreign Affairs

Azerbaijan – Office of the Prosecutor General of the Republic of Azerbaijan, Department of Control and Compliance with the Legislation During Investigations, Inquiries and Operational Search Activities by the Ministry of Internal affairs

Georgia – Ministry of Justice, International Law Department

Kazakhstan – General Prosecutor's Office, Committee on Law, Statistics and Special Registrations

Kyrgyzstan – Ministry of Interior

Moldova – General Prosecutor's Office of the Republic of Moldova

Ukraine – Ministry of the Interior, National Academy of Internal Affairs

Further resources

OSCE/ODIHR TANDIS country pages – including Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova and Ukraine
http://tandis.odhr.pl/index.php?p=home_country

Human Rights Defenders in the OSCE Region. Our Collective Conscience. OSCE's ODIHR identifies patterns of human rights violations affecting human rights defenders in the OSCE area in the period from April 2006 to April 2007
www.osce.org/publications/odihr/2007/12/28760_1004_en.pdf

Human Rights Watch report on Kazakhstan before it chairs the OSCE in 2010
www.hrw.org/sites/default/files/reports/kazakhstan1208webwcover_0.pdf

Hate Crime Laws, a Practical Guide. OSCE/ODIHR, 2009
www.osce.org/publications/odihr/2009/03/36671_1263_en.pdf

TANDIS website on homophobia
tandis.odhr.pl/index.php?p=ki-ho

Human Rights First: 2008 Hate Crime Survey Recommendations for all Governments of the 56 Participating States of the OSCE
www.humanrightsfirst.org/discrimination/pages.aspx?id=152#osce

Human Rights First: Violence Based on Sexual Orientation and Gender Identity Bias, 2008 Hate Crime Survey
www.humanrightsfirst.org/pdf/fd/08/fd-080924-lgbt-web2.pdf

OSCE/ODIHR Hate Crime report for 2006
www.osce.org/publications/odihr/2007/09/26296_931_en.pdf

OSCE/ODIHR Hate Crime report for 2007
www.osce.org/publications/odihr/2008/10/33850_1196_en.pdf

Filling the GAPS: Giving you the EDGE - Essential Data on Gender Equality in the countries hosting OSCE field operations. Prepared by the Gender Section of the Office of the OSCE Secretary General in collaboration with field operations and the Conflict Prevention Centre, January 2008
www.osce.org/item/22975.html

3 The European Union (EU)

The European Union, its Parliament or Commission do not have any legal authority in the seven countries this manual is directed to. None of its agencies, like the Fundamental Rights Agency,³⁰ operate or make reference to these countries in their reports. However, the standards set by the EU are valuable to advocates as benchmarks against which to strive to push their own governments to action in areas such as attitudes towards LGBT people, hate crime and hate speech, freedom of assembly, the labour market, education, health, media, asylum and multiple discrimination.

In terms of external relations, the EU has interests in democratisation in countries that are currently struggling with the application of human rights to varying degrees around the world. It runs two important funding mechanisms that provide for human rights promotion, under which human rights of LGBT people are included: the European Neighbourhood Policy (ENP) and the European Instrument for Democracy and Human Rights (EIDHR). The EIDHR is the largest fund for human rights in the world and is run by EuropeAid (see Case Study 6).

Structure

The European Union is comprised of three main institutions – the **European Parliament** which represents the interests of EU citizens who elect MEPs, the **European Commission** which is politically independent and should uphold the interests of the European Union in proposing policy solutions and laws and in implementing the decisions of the Council and Parliament, and the **Council of the European Union** which represents the interests of Member States and passes laws, usually legislating jointly with the European Parliament, defines and implements the EU's common foreign and security policy, based on guidelines set by the European Council, and concludes, on behalf of the Union, international agreements between the EU and one or more States or international organizations. The most relevant parts of each for LGBT activists in third countries are the following:

European Parliament

1. Parliamentary Cooperation Committees

(www.europarl.europa.eu/activities/delegations/homeDel.do?body=D-UA&language=EN)

1. The four committees relevant to the countries covered by this manual are Ukraine (D-UA); Moldova (D-MD); Armenia, Azerbaijan and Georgia (DSCA); Kazakhstan, Kyrgyzstan, Uzbekistan,

³⁰ Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity in the EU Member States, Part II - The Social Situation http://fra.europa.eu/fra/Website/attachments/FRA_hdgso_report-part2_en.pdf and Homophobia and Discrimination on Grounds of Sexual Orientation and Gender Identity: a comparative legal analysis of the situation in the EU Member States: report Part 1 - the Legal Situation http://fra.europa.eu/fra/Website/material/pub/comparativestudy/FRA_hdgso_part1_en.pdf

Tajikistan, Turkmenistan and Mongolia (DCAS)

2. Each committee is composed of MEPs and members of the relevant national parliament.

3. Meets twice a year, once in Brussels/ Strasbourg, once in one of the countries.

Exercises parliamentary control over the implementation of the Parliamentary Cooperation Agreement (PCA), has mandate to hold discussions on issues of mutual interest. Also meets to discuss the development of relations between the country concerned and the EU and also to draw on the views of the country's leaders and civil society.

2. LGBT Intergroup

(www.lgbt-ep.eu/news.php)

A cross party informal grouping which aims to promote LGBT interests within European Union institutions. It monitors the work of the Commission and the Council by asking Parliamentary questions on LGBT rights. Also organizes public hearings on issues within LGBT rights.

3. DROI Sub-Committee on Human Rights

(www.europarl.eu.int/committees/droi_home_en.htm)

The Subcommittee on Human Rights within the Foreign Affairs Committee is at the centre of discussions on human rights in Parliament. It takes parliamentary initiatives in this sphere and provides a permanent forum for discussions on the human rights situation and the development of democracy in non-EU countries.

The Sub-committee also holds a regular dialogue with international and regional organizations, notably with the OSCE Parliamentary Assembly and the Council of Europe. In this context, a continuing dialogue has been established with the Office of the Commissioner on Human Rights of the Council of Europe.

European Commission

1. Directorate General for External Relations (DG Relex)

http://ec.europa.eu/dgs/external_relations/index_en.htm

- Country desks and Human Rights desks conduct political dialogue, monitor obligations in agreements and action plans, offer consultation on technical issues;
- Manages bilateral relations with third countries;
- Implements policy of EU towards third countries including European Neighbourhood Policy and Central Asia Strategy.

2. European Commission Delegations Abroad

http://ec.europa.eu/staffdir/plsql/gsys_www.guide?pLang=EN&pId=3737

- promotes the political and economic relations between a given country and the European Union by maintaining extensive relations with governmental institutions and by increasing awareness of the EU, its institutions and its programmes;
- monitors the implementation of the Partnership and Cooperation Agreement between the EU and a given country;
- participates in the implementation of the European Union's assistance programmes.

Council of the European Union

1. Working party on Eastern Europe and Central Asia (COEST)

Advises European Council on cross thematic issues and discusses and harmonises policies towards Eastern European and Central Asian countries.

2. Council working party on human rights (COHOM)

www.consilium.europa.eu/uedocs/cmsUpload/COHOM_mandates.pdf

Ensures that Human Rights concerns receive appropriate attention at all levels within the EU and has under its purview all human rights aspects of the external relations of the EU.

European External Action Service

The Treaty of Lisbon, contains two important institutional innovations that impact on EU external action, it creates:

- A President of the European Council appointed for a renewable term of two and a half years.
- A High Representative for Foreign Affairs and Security Policy. In November 2009, the European Council appointed Catherine Ashton to this post. In this capacity she chairs the Foreign Affairs Council, ensuring the consistency and coordination of the EU's external action.

A European External Action Service (EEAS) will report to the High Representative, with staff coming from the relevant departments of the European Commission & General Secretariat of the Council and from the Diplomatic Services of EU Member States

The High Representative submitted her proposal on the structure of the EEAS and political agreement was reached in April 2010 at the General Affairs Council. The Brok report on this proposal was adopted by the European Parliament by a large majority on 8th July.

As this is an ongoing process, you are advised to check the EEAS webpage at the end of this section.

EU Policy and Agreements relevant to countries covered by this manual

EU Foreign Policy

The European Union has for decades maintained its commitment to human rights and fundamental freedoms. It was however with the Treaty of Maastricht in 1993 that the Union set the development and consolidation of the respect for human rights and fundamental freedoms, along with democracy and the rule of law as one of the objectives of its **Common Foreign and Security Policy (CFSP)**.

The EU has a number of instruments for promoting respect for human rights worldwide including the use of **human rights dialogues** which constitute an essential part of the Union's overall strategy towards third countries. The European Union has established some 30 human rights dialogues, consultations and dedicated discussion forums with third countries. Most relevant to the countries covered in this manual are those dialogues conducted in dedicated subcommittees under Association Agreements, Partnership and Cooperation Agreements or Cooperation Agreements, in particular in the context of the **European Neighbourhood Policy** and the **Central Asia strategy**.

Démarches on human rights to the authorities of third countries are important instruments of the EU's foreign policy. Démarches are usually carried out in a confidential manner, jointly by the current and incoming Presidencies as well as the Commission. In addition, the EU makes **public declarations** calling upon a government or other parties to respect human rights, or welcoming positive developments. These declarations are published simultaneously in Brussels and in the Presidency's capital and tackle protection of human rights defenders, illegal detention, forced disappearances, the death penalty, torture, child protection, refugees and asylum seekers, extrajudicial executions, freedom of expression and of association, the right to a fair trial, and elections.

The EU has developed six sets of **guidelines on human rights** issues including on human rights dialogues with third countries and on human rights defenders (www.consilium.europa.eu/showPage.aspx?id=822&lang=EN).

European Union toolkit on LGBT rights

On 8 June 2010 the Council of the European Union's Working Party on Human Rights adopted the **Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People.**

ILGA-Europe was one of the driving forces behind the Toolkit, was consulted by the working group during the process of its development, and actively contributed towards its content.

The document aims to provide staff in the EU Headquarters, EU Member States' capitals, EU Delegations, Representations and Embassies with an operational set of tools to be used in contacts with third countries, as well as with international and civil society organisations, in order to promote and protect the human rights enjoyed by LGBT people within its external action. It seeks to enable the EU to proactively react to cases of human rights violations of LGBT people and to structural causes behind these violations. It is advisable for activists to familiarize themselves with the contents. The Toolkit is available at the Council's website:

www.consilium.europa.eu/uedocs/cmsUpload/st11179.en10.pdf

Partnership and Cooperation Agreements (PCAs)

The main agreement currently in force between the EU and each of the countries targeted by this manual is the **Partnership and Cooperation Agreement** (PCA). At the end of the 1990s, the European Union concluded nine similar PCAs with Russia, Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Ukraine and Uzbekistan

(http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17002_en.htm).

The general principles of a PCA are respect for democracy, the principles of international law and human rights. They also provide for regular dialogue on political issues and that parties will cooperate on observing principles of human rights particularly on the rights of minorities. The agreements set up three main bilateral institutions to manage the partnership and cooperation processes:

- A Ministerial level Co-operation Council. Representatives of the EU troika (Presidency, CFSP High Representative/Council Secretariat, Commission) the future EU presidency and the national government participate. It has overall responsibility for the running of the PCA, including the political dialogue.
- The Co-operation Committee. This meets at senior civil servant level. It is supported by subcommittees specialising in specific sectors, and deals with more technical issues.
- The Parliamentary Co-operation Committee, on which sit members of the European and national Parliaments.

Ukraine's PCA expired in 2007 and Moldova's in 2008. Upgraded agreements called **Association Agreements** are in preparation with Ukraine and Moldova and have recently been initiated with Armenia, Azerbaijan and Georgia. The negotiation of the Association Agreement with Ukraine started in 2007 and should be concluded by the end of 2009. The opening of negotiations for the Association Agreement with Moldova was approved in May 2009 and should continue for at least 1-2years. The EU opened negotiations with Georgia, Armenia and Azerbaijan in July 2010. These are legally binding agreements and contain many more elements of accession agreements than the PCAs.

European Neighbourhood Policy (ENP)

Since 2003 the EU has been developing its relations with those countries which are "in the neighbourhood" of the enlarged EU, but are not at this stage being encouraged to apply for membership. The EU's objective is to create a "zone of prosperity and a friendly neighbourhood" which will be built on mutual commitment to **common values** principally within the fields of the

rule of law, good governance, respect for human rights, including minority rights, and the principles of the market economy and sustainable development. The ENP builds on the Partnership and Association Agreements process and strengthens the opportunities for raising human rights issues. It is intended to incentivise partner countries to make progress in achieving the reforms needed to translate these common values into reality.

(http://ec.europa.eu/world/enp/index_en.htm)

A set of reform priorities are defined together with the partner country, whose fulfilment will bring that country closer to the European Union. These priorities are then included in **jointly agreed Action Plans** (lasting 3 years) covering a number of key areas: political dialogue and reforms, trade, justice and home affairs etc. The Action Plans, while drawing on a common set of principles, are varied from country to country, depending on the state of relations with that country, its needs and capacities, and common interests. Joint ownership is considered essential.

ENP Action Plans

These are specific obligations undertaken by each state. Unfortunately the current ENP action plans do not include explicit reference to LGBT issues and only one (EU-Moldova National Human Rights Action Plan 2004-8) contains an obligation to pass a comprehensive anti-discrimination law.

Though most implicitly include protection against discrimination and other human rights violations through commitment to implement core UN and Council of Europe Conventions, and also through references to 'minorities' it is not made sufficiently explicit. This has almost certainly resulted in a lack of visibility of LGBT issues in the annual progress reports. However, there are still sufficient grounds to argue that references to 'minorities' and 'non-discrimination' should be interpreted as including LGBT people. (http://ec.europa.eu/world/enp/documents_en.htm#2)

ENP Action Plan annual progress reports

Civil Society can provide comments to the Commission on how their government is meeting the obligations in the ENP action plan when the Commission places a call for feedback on its website usually in October each year with a deadline of December 1st. The Commission's own report is compiled drawing on a variety of sources and published around April of the following year.

(http://ec.europa.eu/world/enp/documents_en.htm#3)

Eastern Partnership (EaP)

The Eastern Partnership (EaP) is a new EU initiative for the Eastern neighbourhood, and was officially launched at a summit in Prague on 7 May 2009. It covers six countries – Belarus, Moldova, Ukraine, Armenia, Azerbaijan and Georgia.

The initiative to strengthen the EU's policy towards the Eastern neighbours was put forward by Poland and Sweden in May 2008 and was granted further importance by the outbreak of the war

between Russia and Georgia in August 2008.

The Eastern Partnership will gradually replace the European Neighbourhood Policy as a framework for EU relations with the countries concerned. It builds on the ENP and offers an enhanced relationship with each of the six countries to be tailored to the needs and ambition of each.

Eastern Partnership Civil Society Forum

As part of the Eastern Partnership, the European Commission has initiated an **Eastern Partnership Civil Society Forum**. It has been created to provide a mechanism whereby NGOs can give recommendations for the work of the EU with the Eastern Partnership in 4 areas: 1. Democracy, good governance and stability; 2. Economic integration and convergence with EU policies; 3. Environment, climate change & energy security; 4. Contacts between people (http://ec.europa.eu/external_relations/eastern/civil_society/index_en.htm).

EU's relations with Central Asia

The EU has strengthened its relationship with the Central Asian countries since the adoption of "The EU and Central Asia: Strategy for a New Partnership" by the European Council in June 2007 (Central Asian countries: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan). The strategy strengthens relations in all areas of cooperation, including through the reinforcement of EU-Central Asia political dialogue with regular meetings of EU and Central Asian Foreign Ministers, and reinforcement of dialogue on human rights, cooperation in the areas of education, rule of law etc. The strategy is supported by a significant increase in EU assistance. (http://ec.europa.eu/external_relations/central_asia/index_en.htm).

European Instrument for Democracy and Human Rights (EIDHR)

The European Instrument for Democracy and Human Rights (EIDHR) was adopted by the European Parliament and the Council in December 2006. This new instrument takes the place of the European Initiative for Democracy and Human Rights, which was created at the initiative of the European Parliament in 1994. The entry into force of this specific instrument on 1 January 2007 makes it possible to give financial support for activities to strengthen democracy and human rights in the world under the 2007-2013 financial provision.

The general objectives of the new instrument are to contribute to the development and consolidation of democracy and the rule of law and respect for all human rights and fundamental freedoms within the framework of the Community's policy on development cooperation and economic, financial and technical cooperation with third countries, consistent with the European Union's foreign policy as a whole. This instrument is designed to help civil society to become an effective force for political reform and defence of human rights. In doing this, it will complement the new generation of geographical programmes, which will focus on public institution-building.

To implement the new instrument the European Commission has adopted multi-annual strategy papers which set out in detail the thematic and any geographical priorities. The 2007-2010 strategy paper sets out five specific EIDHR objectives:

1. Enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk.
2. Strengthening the role of civil society in promoting human rights and democratic reform, supporting the peaceful conciliation of group interests and consolidating political participation and representation.
3. Supporting actions on human rights and democracy issues in areas covered by EU guidelines, including dialogues on human rights, human rights defenders, the death penalty, torture, and children and armed conflict.
4. Supporting and strengthening the international and regional frameworks for the protection of human rights, justice, the rule of law and the promotion of democracy.
5. Building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through election observation.

The new instrument is global in scope. It operates at national, regional and international levels and supports actions carried out in third countries throughout the world, and also in Member States if relevant to needs in third countries. Annual Action Programme 2007 (AAP), based on the European Instrument for Democracy and Human Rights strategy paper, was adopted on 4 December 2007. The Annual Action Programme is implemented via a number of calls for proposals, either global ones launched by Brussels, or local ones launched by the EC Delegations.

Further resources

The Charter of Fundamental Rights and the European Parliament
www.europarl.europa.eu/charter/default_en.htm

Fight against Homophobia and promotion of Gay, Lesbian, Bisexual and Transgender rights at the EU
www.alde.eu/en/campaigns/equality/

EU External Relations: Furthering Human Rights & Democracy across the globe brochure
http://ec.europa.eu/external_relations/human_rights/docs/brochure07_en.pdf

ENP and its country reports and Action Plans
http://ec.europa.eu/world/enp/documents_en.htm#2

EIDHR - european instrument for democracy and human rights : thematic funding instrument for external aid to support projects that promote democracy
www.welcomeurope.com/default.asp?id=1110&idpgm=11816

The European Human Rights System Human Rights Education Association
www.hrea.org/index.php?base_id=143

The EU & the Organization for Security and Co-operation in Europe (OSCE)
http://ec.europa.eu/external_relations/organisations/osce/index_en.htm

European Neighbourhood Policy: Frequently asked Questions (FAQ)
http://ec.europa.eu/world/enp/faq_en.htm

Human Rights Watch: The EU Central Asia Strategy: An essential opportunity for human rights, 2007
www.hrw.org/legacy/backgrounder/eca/eu0407/eu0407.pdf

The EU's relations with the Council of Europe
http://ec.europa.eu/external_relations/cfsp/index_en.htm

European External Action Service
www.eeas.europa.eu/index_en.htm

4 The Council of Europe (CoE)

Founded in 1949, the Council of Europe is the continent's oldest political organization. The heart of the institution is formed by the European Convention on Human Rights and the European Court of Human Rights through which the convention is enforced. Of the seven countries this manual has been written for neither Kazakhstan nor Kyrgyzstan are legally bound by the terms and conditions of the CoE, although increasingly they work closely with the institution.

One of the main goals of the Council of Europe is to promote human rights, democracy and the rule of law. While the European Court of Human Rights appears at the forefront of this work, other institutions within the Council of Europe also contribute to the Council's human rights work, including the Committee of Ministers, the Parliamentary Assembly and the Commissioner for Human Rights. The latter two institutions provide a means of putting pressure on national governments to take action to promote and protect human rights for LGBT people.

European Court of Human Rights

In certain cases, it is possible to take a case to the European Court of Human Rights. Decisions taken up by the Court – which is composed of judges from Member States who are elected by the Parliamentary Assembly – are binding on a State and can instigate important legislative changes in a country. The European Court has established case law in relation to freedom of assembly and in relation to rights of LGBT people.

It is important to know that a number of conditions have to be met before a case is taken to the European Court of Human Rights:

- One of the rights contained in the European Convention on Human Rights has been violated.
- The complaint should concern State authorities for their actions or their omission to act (on their positive duties).
- The complainant should be an individual or an organization living in one of the State Parties to the European Convention on Human Rights.
- Exhaustion of national remedies: (where possible) the case has been taken before all the courts at national level without reaching a satisfactory remedy.

It is also important to be aware of the fact that, given the high numbers of cases brought before the Court, there might be a delay of several years between the submission of a complaint and its

resolution. Moreover, taking a case might put a financial burden on individuals and NGOs. It is therefore advised to look for funding or for institutions to support the case (for instance a national human rights institution). Finally, bringing a complaint before a court requires technical knowledge of the law, and therefore requires access to legal advice from a lawyer with knowledge of national and international remedies.

If you decide to take a case to the European Court of Human Rights, you can ask ILGA-Europe to intervene in the case as *amicus curiae* (translates literally as 'our friend to the court'). This means that ILGA-Europe will be able to advise the Court on the situation of human rights of LGBT people in your country and in Europe in general.

For information on how the Court functions, please refer to:
www.echr.coe.int/ECHR/EN/Header/The+Court/Introduction/Information+documents/

Application forms are available in all languages spoken by the Council of Europe's State Parties at the following site:
www.echr.coe.int/ECHR/EN/Header/Applicants/Information+for+applicants/Frequently+asked+questions/

Basic texts of the ECHR
www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/

Explanation of ECHR Protocol 12 – the principle of non-discrimination
<http://conventions.coe.int/Treaty/EN/Reports/Html/177.htm>

The Human Rights Commissioner

The Commissioner for Human Rights is an independent institution within the Council of Europe which has the mandate to promote the awareness of and respect for human rights in all the Council of Europe Member States.

The Commissioner's main functions are to:

- promote education in and awareness of human rights;
- foster the effective observance and full enjoyment of human rights;
- provide advice on the protection of human rights;
- identify possible shortcomings in the law and practice concerning human rights;
- assist Member States in the implementation of Council of Europe human rights standards.

The Commissioner carries out these functions in a number of ways, including by monitoring developments in the 47 Member States, organizing conferences and preparing reports on individual countries. Current practice regarding country reports is to cover each of the Member States with one full report and one follow-up report during the six-year period of office of the Commissioner. These reports provide a wide-ranging assessment of the human rights situation in each country.

The Commissioner's office is always looking for evidence of discrimination, hate crimes and violations of human rights, including those committed on the grounds of sexual orientation and gender identity. LGBT NGOs can get in touch with the Commissioner's office to find out when the report on a country is due, when the Commissioner is planning his next official visit to a particular country, and whether it is possible to meet with him, as well as to submit documentation reports.

The Commissioner also issues viewpoints on specific issues that he considers require some attention. Some of these statements have been made in support of the LGBT community. On 14 May 2008, he published a viewpoint entitled "Time to recognise that human rights principles apply also to sexual orientation and gender identity" in which he highlights violence and harassment related to sexual orientation and gender identity. The Commissioner also makes extensive reference to the Yogyakarta Principles, including the recommendation to States to "take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment, based on the sexual orientation and gender identity", and that such violence is adequately investigated.³¹

Reports on LGBT human rights issues and situations are essential information and data for the Commissioner. This information is the basis on which the Commissioner can make statements, discuss the issues around human rights as they pertain to LGBT people in a country report or call on governments to adopt anti-discrimination legislation, anti-hate crime legislation, and other measures to address the exclusion of LGBT people's rights from national policy and law across civil, political, economic, social and cultural arenas.

Contact details

Thomas Hammarberg

Commissioner for Human Rights of the Council of Europe

commissioner.humanrights@coe.int

www.coe.int/T/Commissioner/About/welcome_en.asp

Monitoring Committee of the Parliamentary Assembly

The Council of Europe has a Parliamentary Assembly made up of 630 members from the 47 national parliaments. The Parliamentary Assembly is a deliberative body that debates on a wide range of social issues. It plays a key role in the accession process for new members and in monitoring compliance with undertakings entered into.

This is done by the Monitoring Committee that reports to the Parliamentary Assembly on the progress of new Member States in meeting their human rights commitments. National governments are always keen to bring the monitoring process to an end as soon as possible. So,

³¹ See full text of the viewpoint at www.coe.int/t/commissioner/Viewpoints/080514_en.asp

ensuring the inclusion of a particular human rights issue in a report of the Monitoring Committee is a useful way of putting pressure on the government to implement change.

Reports provide important information to the Committee on the situation of LGBT people in the country and enable the Assembly to make specific recommendations to the national government on the introduction of anti-discrimination legislation, anti-hate crime legislation and other measures to address the exclusion or violation of LGBT people's human rights.

As of 2008, among the countries subject to monitoring were Armenia, Azerbaijan, Georgia, Moldova, and Ukraine.

ILGA-Europe works closely with PACE monitoring committee and makes regular submissions of documented cases of discrimination and hate crimes. If your country is subjected to the monitoring procedure and you would like to influence the contents of your country reports, you can contact the ILGA-Europe office (maxim@ilga-europe.org or nwarner@gn.apc.org).

States / Treaties CETS Nos.	0 0 5	0 0 9	0 3 5	0 4 6	1 1 4	1 1 7	1 2 6	1 2 8	1 4 2	1 4 8	1 5 7	1 5 8	1 6 1	1 6 2	1 6 3	1 7 7	1 8 7	1 8 9	1 9 4	1 9 7	
Armenia	P	P		P	P	P	P			P	P			P	P	P	S	P	P	P	
Azerbaijan	P	P		P	P	P	P			S	P			S	S	S				P	
Georgia	P	P	S	P	P	P	P				P		P	P	P	P	P			P	P
Moldova	P	P	S	P	P	P	P			S	P		P	P	P	S	P	S	P	P	
Ukraine	P	P	S	P	P	P	P			P	P		P	P	P	P	P	P	P	S	

Notes: S: Signatory - P: Party - D: CoE members' status as of: 27/4/2009

- Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 005
- Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 009
- European Social Charter CETS No.: 035
- Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto CETS No.: 046
- Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty CETS No.: 114
- Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 117
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment CETS No.: 126
- Additional Protocol to the European Social Charter CETS No.: 128
- Protocol amending the European Social Charter CETS No.: 142
- European Charter for Regional or Minority Languages CETS No.: 148

- Framework Convention for the Protection of National Minorities CETS No.: 157
- Additional Protocol to the European Social Charter Providing for a System of Collective Complaints CETS No.: 158
- European Agreement relating to persons participating in proceedings of the European Court of Human Rights CETS No.: 161
- Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe CETS No.: 162
- European Social Charter (revised) CETS No.: 163
- Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms CETS No.: 177
- Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances CETS No.: 187
- Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems CETS No.: 189
- Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention CETS No.: 194
- Council of Europe Convention on Action against Trafficking in Human Beings CETS No.: 197

This website supplies a complete list of the Council of Europe's treaties (206 in total)
<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

Further resources

CoE offices in Armenia www.coe.am/index.php?cat_id=40&out_lang=eng
 CoE offices in Azerbaijan www.coe.az/Coe-Office-in-Azerbaijan/About-Us/37.html
 CoE offices in Georgia [www.coe.int/T/R/Contacts_with_the_public/\[Documentation\]/3Info_centres.asp](http://www.coe.int/T/R/Contacts_with_the_public/[Documentation]/3Info_centres.asp)
 CoE offices in Moldova www.bice.md/?cid=143
 CoE offices in Ukraine www.coe.kiev.ua/

CoE position on the ENP, 2007
www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/98790.pdf

Thomas Hammarberg viewpoint: Discrimination against transgender persons must no longer be tolerated.
www.coe.int/t/commissioner/Viewpoints/090105_en.asp

"Time to recognise that human rights principles apply also to sexual orientation and gender identity"
www.coe.int/t/commissioner/Viewpoints/080514_en.asp

<http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/ERES1526.htm>

Annex 2

Policy paper sample – Situation of LGBT in Ukraine to PACE Monitoring Committee

NOTE: The Monitoring Committee deals with a vast range of issues of which LGBT is only one, and many of crucial importance. Rather than sending them one long report or bits of information at different times, our approach has been to pull together into one summary report information from as many sources as possible. In doing this we also try to persuade the Monitoring Committee to go beyond addressing specific incidents, and make recommendations for general laws and policies to address sexual orientation and gender identity discrimination. This means trying to demonstrate that discrimination is systemic.

Unless it is very short, the report always has an Executive Summary at the beginning in case the Rapporteurs only have time to read this one page. Throughout the text, key points are highlighted in bold to make it easier for the reader.

This approach has resulted in inclusion of sexual orientation into the final report / recommendations of PACE in respect of most of the countries on which we work.

ILGA-Europe

Submission to the Parliamentary Assembly Monitoring Committee Rapporteurs on the situation of LGBT people in Ukraine, and the need for the Assembly to make strong recommendations on combating sexual orientation and gender identity discrimination

Summary

Information now available on the situation of LGBT people in Ukraine presents a very disturbing picture.

- Homophobic attitudes in society are intensifying
- Mainstream politicians increasingly oppose the fundamental rights of LGBT people with intolerant language, and their statements go unchallenged by persons in authority
- The Legal Department of the Supreme Court, instead of upholding fundamental rights, and defending a vulnerable minority, opposes proposals for protecting LGBT people from

discrimination in intolerant terms

- All leaders of mainstream faith organisations in Ukraine have now united in opposing the rights of LGBT people, expressing their opposition in disturbingly intolerant language
- Extreme homophobic groups have been set up and are gaining strength
- LGBT human rights defenders have been the victims of violence
- LGBT human rights defenders are denied the right to freedom of assembly, whether de facto, through the failure of the authorities to provide protection from violence, or through prohibition by the authorities
- A proposal to include sexual orientation as a protected ground in the anti-discrimination clause of the new Labour Code has been withdrawn
- A survey from 2005 shows that LGBT people in general experience high levels of violence, harassment and discrimination in many fields of life, despite the great majority of LGBT people taking action to protect themselves by hiding their sexual orientation
- It is a matter of grave concern that, against this background, politicians and the leaders of mainstream faith organisations continue to make highly intolerant homophobic statements, as outlined above. Indeed, it would be surprising if their statements, and those by extremist homophobic groups, did not result in even higher levels of violence and discrimination.

In light of the above, it is imperative that the Parliamentary Assembly takes a strong position in support of the rights of Ukraine's approximately two million lesbian, gay, bisexual and transgender citizens by making specific recommendations to the Ukrainian government with regard to:

- The inclusion of sexual orientation and gender identity discrimination as protected grounds in the new Labour Code
- The introduction of legislation providing protection from discrimination on the ground of sexual orientation and gender identity in all other areas of life
- The introduction of legislation for hate crimes motivated by sexual orientation or gender identity to be made the subject of aggravated penalties
- A strong programme of activity by the Ukrainian authorities to combat discrimination on these grounds, including public education campaigns, the implementation of anti-bullying programmes in schools, and awareness raising training for public servants, particularly the police.

Such recommendations would be entirely consistent with Parliamentary Assembly's Recommendation 1474 (2000) – *Situation of lesbians and gays in Council of Europe member states*.

A Introduction

1. The work of LGBT NGOs in Ukraine in recent years means that a much better understanding of the level of discrimination faced by the LGBT community is emerging.

2. This submission summarises information from a number of sources, with a view to presenting a comprehensive but succinct picture of the situation. The most important sources are:

- *Gay Rights are Human Rights – Report about discrimination on the grounds of sexual orientation in Ukraine – 2005*³²

- *Ukrainian Homosexuals & Society: a reciprocation – 2007*³³

Both published by: Nash Mir (Our World) Gay and Lesbian Centre (“Nash Mir”)

- *Being lesbian in Ukraine: Gaining Strength (2007)*

Published by the Informational and Educational Centre “Women's Network” (IEC “Women's Network”), a feminist organisation which works for the rights of lesbians in Ukraine

B Evidence of discrimination

B1 Homophobic attitudes in society

3. The Human Rights Commissioner, in the report on his visit to Ukraine in 2006, commented: “It is essential to bear in mind that in the Soviet Union homosexuality was regarded as a crime and a serious mental disorder. Until 1991, Art. 192 of the Criminal Code deemed non-violent homosexual sex between adults to be a crime. Ukraine was one of the first post-soviet countries to repeal criminal responsibility attached to homosexual sexual intercourse. **A change in mentality did not follow this piece of legislation.**”³⁴

4. **Homophobic attitudes are intensifying.** In a March 2007 poll of 1200 people **46.7% of respondents favoured limitations on the rights** of homosexual citizens, significantly up from the 33.8% holding that view in a March 2002 survey. Those favouring equal rights fell from 42.5% to 34.1%. Disturbingly, the increase in hostility was across all age groups. Reasons suggested for the trend include increasingly strong campaigns against LGBT rights by certain faith institutions, politicians and extremist organisations, often expressed in very intolerant terms.³⁵

5. In its comments during the United Nations Universal Periodic Review of Ukraine, Slovenia noted that “homophobia has increased in the last years”.³⁶

³² Available at: www.gay.org.ua/publication/report2005-e.pdf

³³ Available at: gay.org.ua/publication/gay_ukraine_2007-e.doc

³⁴ Report by the Commissioner for Human Rights, Mr Thomas Hammarberg, on his visit to Ukraine, 10 – 17 December 2006

³⁵ *Ukrainian Homosexuals & Society: a reciprocation* – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 65

³⁶ *Ukraine: Report of the Working Group on the Universal Periodic Review* – A/HRC/WG.6/2/L. 11, 15 May 2008

B2 Discriminatory attitudes amongst politicians

6. Since mid-2006 there have been increasing numbers of hostile statements by politicians about LGBT rights.

7. In March 2008 the extremist homophobic group *Love against homosexuality* (see para.19) reported that letters from two Members of Parliament from the Yulia Tymoshenko Bloc, Igor Yeresko and Vitaliy Barvinenko, indicated that they consider "**propaganda and expansion of homosexuality in the country form a threat to national security, contradict national interests, undermine authority of rights and freedoms of human being and family**".³⁷

8. *Love against homosexuality* also reported that a letter from the Parliament's Committee on the Issues of Freedom of Speech and Information, headed by MP Anna Herman (Party of the Regions), said that the Committee shared anxiety regarding increasing propaganda via the mass media of various sexual perversions. "**Such a situation obliges organs of state power to adopt determined and urgent steps for stopping popularisation of homosexuality, lesbianism and other sexual perversions, which do not correspond to the moral principles of society**".³⁸

9. In August 2007 Mr Alexander Turchinov, first deputy prime Minister, said "We are categorically against! **It is a big sin..... all of these are perversions and are consequences of a modern wrong imagination**".

10. Answering a question about including the words "sexual orientation" in the anti-discrimination article of the draft Labour Code, MP Vasily Khara ("Party of Regions") said: "Personally I think that gays and lesbians violate all norms of morality. **It is a physical failing which it is necessary to hide, not to expose**."³⁹

11. The most aggressive position was taken by the Chairperson of the Committee on Human Rights, National Minorities and International Relations of the Verhovna Rada, Mr Leonid Grach. In November 2006 he stated "that **homosexuality is an anomaly, it is caused by the amorality and the depravity of man**". In February 2007, he said "I and my colleagues in the Parliament have to protect the society from infringement upon morality, to prevent penetration into consciousness and souls of people of any age the idea that the state is on the side of people **who sow debauchery, promote dissoluteness, sexual permissiveness, bringing abomination of corruption of morals into society..... the state must protect the society from evil, from violence, including such evils as homosexuality, lesbianism and such**".⁴⁰

12. **No senior political figures were willing to censure these statements**, despite being called upon to do so by a number of organisations working for LGBT rights in Ukraine.

³⁷ *Ukrainian Members of Parliament Move to Staunch Alternate Sexual Identities* – Media release by Nash Mir dated 6 March 2008

³⁸ Ibid.

³⁹ Mr Khara is a co-author of the revised draft of the Labour Code, which omits any reference to sexual orientation discrimination – see paragraph 58

⁴⁰ *Ukrainian Homosexuals & Society: a reciprocation* – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 73

13. Indeed, even politicians from a moderate background are equivocal in showing any support for LGBT rights – perhaps not so surprising, given the propensity of some politicians to use support for LGBT rights to damage the reputation of opponents.⁴¹

B3 The Legal Department of the Supreme Court

14. In May 2007 the Legal Department of the Supreme Court of Ukraine gave a ruling regarding proposals for including "sexual orientation" in the list of grounds protected from discrimination in the draft Labour Code:

"Firstly, in the indicated article of the draft of Labour Code of Ukraine **natural rights are mixed with unnatural manifestation**, to which an untraditional sexual orientation belongs to exactly. Secondly, use of term "sexual orientation" in the norm in the offered draft, to our opinion, **gives additional privileges to so-called "sexual minorities"**. It will cause injury of moral principles of the society and assist destruction of labour interrelations. On the modern stage one of priority directions of the activity of all institutions of power is *defence of morality*, assertion in the society of common-to-all-mankind humanism values, healthy lifestyle, radical improvement of the system of spiritual, moral and ethical education, foremost, young people and children."⁴²

⁴¹ Ukrainian

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B4 Opposition by faith leaders expressed with intolerance

15. Mainstream faith organisations are united in their opposition to LGBT rights, and not infrequently express this opposition in intolerant language.

16. On November 30, 2006 **the all-Ukrainian Council of Churches & Religious Organisations, representing the main Christian, Judaic and Muslim** confessions of Ukraine published an open letter noting "with deep anxiety" attempts to approve legal recognition of same-sex relations: "the experience of countries which register same-sex marriages or partnerships shows that **the process of liberalising public morals by the state ends in an abyss. Where prostitution and drug addiction, same-sex marriages and euthanasia are legalised, there is already a question about the legalisation of paedophilia.** At the same time **such states suffer most from a demographic crisis and spiritual degradation.** Already in the near future, **extinction threatens the native population** of these countries. We do not want Ukraine to go this way."⁴³

⁴²Ukrainian *Homosexuals*

& Society: a reciprocation

– Nash Mir (Our World)

Gay and Lesbian Centre

– 2007 – Page 72

⁴³ Ukrainian

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a reciprocation – Nash

Mir (Our World) Gay and Lesbian Centre – 2007 –

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17. In another example of intolerant language, the Most Reverend Pavel Lebed, the Orthodox Archbishop of Vyshgorod, expressed his views as follows: "these people violated all commandments and **they are cursed.** One should **not have any conversation with them** and they **should be forbidden.** They are **weapons of the Satan**".⁴⁴

⁴⁴ *Being lesbian in*

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Strength – Page 83

18. In November 2006 Rustam Gafuri, Director of the Information Centre of the Spiritual

Administration of Muslims of Ukraine, commenting, in a press conference of Interfax/Ukraine, linked homosexuality with debauchery, violence and the corruption of youngsters.⁴⁵

B5 Extremist groups

19. Recent years have seen increasing activity by extremist groups opposed to LGBT rights. One such group, *Love against Homosexuality*, was founded in Kiev in 2003. In 2007 this group campaigned for laws in favour of criminal penalties for "propagandising" and "popularising" homosexual behaviour, on the grounds that these were threats to national security.⁴⁶

20. In January 2007, in reaction to the proposal for the inclusion of sexual orientation as a protective ground in the draft Labour Code, and concerns over recognition of same-sex relationships, a charismatic Christian church called the *Embassy of the Blessed Kingdom of God For All Nations (Embassy of God)* was among a number of organisations which set up a movement called "*Ukraine without perversions*". Other members of the movement are listed as: Interstate union "Reformation"; State union "Love versus homosexuality"; UNA-UNSO; The Youth Nationalist Congress; State union "Patriot of Ukraine"; Union "Tryzub" named after S.Bandera; Ukrainian nationalists Congress; Association of all-Ukrainian advertisers-producers of social advertisement.

21. Some of the objectives of the movement are listed at the website of the Embassy of God as follows:

- To prevent legalization of homosexuality in Ukraine
- To seek changes in the legislation prohibiting propaganda of homosexuality, nudism, transvestism and other forms of perversions
- To change public opinion about moral and established spiritual values of Ukraine⁴⁷

In October 2007 the Embassy of God led a march of some 500 people through central Kiev to submit a demand to the head of state for legal limitations on public activities by sexual minorities. The demand stated: "The framework, in which messages about homosexuality, lesbianism and etc are authorised, should pursue the aim of eradication of these shameful phenomena, instead of their popularisation".⁴⁸

B6 Freedom of assembly

22. Hostility and the danger of violence, combined with the failure of public authorities to provide adequate protection, have inhibited the LGBT community from exercising the rights to freedom of assembly.⁴⁹

23. The first open participation by members of the LGBT community in a public event took place in 2003, during the second UN sponsored "Race for Life", an HIV/AIDS prevention related event. The

⁴⁵ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre -- 2007 -- Page 67 – see <http://love-contra.org/>

⁴⁶ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 67– see <http://love-contra.org/>

⁴⁷ See www.godembassy.org/en/news/news_publ.php?showdetail=1395

⁴⁸ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 67 – see www.tvortci.com/; for a video of the demonstration, see www.youtube.com/watch?v=upQHxpQck7s

⁴⁹ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 85

IEC "Women's Network" and Nash Mir took part, with a view to attracting public attention to the problems of HIV positive LGBT people.

24. Following objections by religious organisations, the Kiev authorities forbade the IEC Women's Network from taking a 9 metre rainbow flag on the Race, but allowed them to take an AIDS Memorial Quilt instead. The authorities' letter said "usage of big rainbow flag and informational materials with gay symbols can create unpredictable situations and thus can violate the rights of other citizens. This is why we ask you to refrain from your declared actions".

- During the event religious organisations organised a separate demonstration against the involvement of LGBT people. Then skinheads destroyed the Nash Mir stand, and violently attacked its secretary general. Hostile onlookers shouted abuse. Around 30 men in black shirts confronted a group of approximately 40 LGBT people carrying the Memorial Quilt, and, unhindered by police or organisers, tried to prevent them participating in the Race, forcing the concealment of the Quilt and other symbols. They failed to stop their participation, but continued to threaten the LGBT participants, who, in the absence of police protection, and in order to avoid possible violence, eventually removed identifying symbols, and dispersed.⁵⁰

25. The difficulties encountered with the 2003 "Race for Life" have had a significant deterrent effect on further attempts to exercise the right to freedom of assembly. However, in May 2005, on the occasion of the first International Day against Homophobia in Kiev, LGBT organisations, led by Nash Mir, decided to picket the Interregional Academy of Personnel Management following its expulsion of a student on account of his sexual orientation. The City Council prohibited their picket, on the grounds that another organisation was going to have a public event at the same place and time. However they ignored the prohibition and the picket passed off without significant incident.⁵¹

26. In May 2008 the Nikolaev Association for Gays, Lesbians and Bisexuals – "LiGA" tried to organise an "informational action" aimed at overcoming prejudice and stereotypes. It included placing posters on advertising boards in the city, conducting 3 brief street actions, and showing a documentary in the organisation's offices. The limited nature of the activity meant that no local authority approval was required.

27. Despite this, on May 16th the organisers were handed a notification prohibiting the activities. A statement from the local authorities said "there was an appeal from leaders of several religious denominations... representatives of Orthodox, Roman Catholic, Evangelical Christian, Seventh Day Adventist, Eparchy of Christianity, Baptist, Union of Independent Orthodox churches... that represent almost 10,000 parishioners demanding that the local authorities forbid the carrying out of the action by representatives of sexual minorities". The prohibition on the actions was justified as

⁵⁰ *The Race for Life – Chronology of the Events and their Background. General Evaluation – IEC Women's Network – 2003*

⁵¹ *Being lesbian in Ukraine: Gaining Strength – Page 66; and information provided by Nash Mir – 31 July 2008*

follows: "Conduct of this action creates danger to civil order, disturbance of the public peace, and of incitement to mass riots and conflicts".⁵²

B7 Freedom of expression

28. On 22 February 2008 the office of the Public Prosecutor in Kiev initiated criminal action against the editorial staff of Nash Mir's newspaper, *Gay.Ua*, on the basis of Article 301.3 of the Criminal Code of Ukraine on distribution of pornography. Previously, in December 2007, the National Expert Commission of Ukraine on protection of public morality had ruled that *Gay.Ua* is pornographic. Local courts rejected appeals by Nash Mir.

29. *Gay.Ua* is distributed to a closed list of subscribers, and is neither accessible nor intended for a wider readership. By contrast, explicit erotic magazines targeted at heterosexual men are generally available at newspaper kiosks, and the editorial staff of these magazines is not prosecuted for distribution of pornography. The actions of the Public Prosecutor are therefore discriminatory. They also conflict with jurisprudence of the European Court of Human Rights, which has stated that "it is of particular relevance whether or not the obscene material at issue was displayed to the general public".⁵³

B8 Human rights defenders

30. On 22 July 2006 the chairperson of the Nikolaev Association for Gays, Lesbians and Bisexuals – "LiGA", Oleg Alyokhin, and his partner were attacked by three men, two of them masked, who forced their way into their flat, threatening them with guns. They defended themselves, despite being assaulted and injured, and managed to call for help. Comments by their attackers made it clear that the motivation for the attack was their involvement in running an LGBT organisation. In the view of those attacked, police have been less than effective in attempting to identify the perpetrators.⁵⁴

B9 Effects of discriminatory attitudes on the LGBT community

31. A major survey was undertaken between January and March 2005, covering some 901 respondents from across Ukraine.⁵⁵ Three-quarters of respondents were men. The average age of respondents was young – 31 for men, and 26 for women.

32. In addition to statistics, the survey report gave examples of many individual cases. Those illustrating particular areas of discrimination are referenced in the footnotes.

Concealment

33. The immediate consequence of discrimination was widespread concealment: 70.7% of respondents conceal their sexual orientation either completely, or from all but close family and

⁵² *All different – not equal – in Ukraine rights to freedom of speech is violated – Nikolaev local authorities ban action commemorating International Day Against Homophobia* – media release by the Nikolaev Association for Gays, Lesbians and Bisexuals – "LiGA" – 16 May 2008

⁵³ *Scherer v. Switzerland* (14 January 1993)

⁵⁴ Detailed witness statement dated 25 September 2006 by Oleg Alyokhin, copy held by ILGA-Europe

⁵⁵ Published in: *Gay Rights are Human Rights – Report about discrimination on the grounds of sexual orientation in Ukraine –2005*

friends. Only 10.7% of respondents were "out to everyone", with a further 18.6% "out to a wide circle of friends".

Discrimination

34. Taking account of the extent of concealment, the level of discrimination or other prejudiced behaviour reported was very high: Overall, 54.4% had experienced discrimination on the basis of their sexual orientation in the previous four years, with 40% experiencing non-violent harassment, 9.1% reporting physical violence, and 6% sexual harassment. The biggest single source of such behaviour was family members (21.7%), closely followed by passers-by (20.1%), friends (current and former) (19.4%) and colleagues (16.5%).

35. Those who were open about their sexual orientation experienced the highest levels of discrimination – approximately three-quarters of those in the "out to everyone" and "out to a wide circle of friends" categories.

36. Experience in several areas of discrimination is set out below. All should be seen in the context of the high levels of concealment referred to above.

37. **Privacy**⁵⁶: 42.8% of all respondents reported violations in this field, including disclosure of their sexual orientation without consent, or the threatened disclosure of such information.

38. **Employment**⁵⁷: of the 417 respondents who had been employed or had tried to find employment during the last few years, 78.2% reported discrimination and/or prejudiced behaviour in the workplace. 21.1% experienced bias relative to other employees, and 12.9% hindrance in promotion, while 35% reported being subjected to verbal harassment by colleagues. 19 individuals reported experiencing sexual harassment, 20 reported physical violence, and four (males) reported being raped.

39. **Law-enforcement agencies**⁵⁸: of the 283 respondents who had interacted with law-enforcement agencies, 61.5% reported some violation of their rights. These included failure to uphold proper procedures (34.3%), pressure to give names of other homosexuals (19.1%), refusal to take action to redress a violation of rights (18.4%), refusal to prosecute the perpetrator of a violation (12%), the use of physical pressure (torture) to obtain information (11.3%), leaving a complaint about a violation unconsidered, or refusing to open an investigation (20.1%).

40. 55.8% found themselves subjected to verbal harassment, 8.1% to sexual harassment, 19.1% to physical violence, and 2.5% to sexual violence.

⁵⁶ Ibid. page 32. For cases, see Case 3 (p. 73); Case 4 (p. 73); Case 6 (p. 75); Case 7 (p. 76); Case 9 (p. 77); Case 11 (p. 79); Case 17 (p. 83); Case 18 (p. 84); Case 21 (p. 88);

⁵⁷ Ibid. page 33; for cases, see: Case 1 (p. 71); Case 3 (p. 73); Case 6 (p. 75); Case 9 (p. 77); Case 12 (p. 79); Case 13 (p. 80); Case 17 (p. 83); Case 21 (p. 88);

⁵⁸ Ibid. page 35; for cases, see Case 2 (p. 71); Case 10 (p. 78); Case 15 (p. 81); Case 25 (p. 93); Case 27 (p. 94);

41. In his report on Ukraine, the Human Rights Commissioner commented "Violations of the rights of gay people are most often carried out by law-enforcement agents".⁵⁹

⁵⁹ Report by the Commissioner for Human Rights, Mr Thomas Hammarberg, on his visit to Ukraine, 10 – 17 December 2006

42. In its 2007 Report on Human Rights Practices in Ukraine, the US Department State commented: "Other issues of concern included reports of ongoing police abuse of gays, threats by police to inform gays' families and employers about their lifestyle..."⁶⁰

⁶⁰ US Department of State – Country Reports on Human Rights Practices – Ukraine – 2007

43. **Education**⁶¹: of the 324 respondents who had pursued studies in the past four years, 27.7% experienced discrimination, including 14 who were suspended from their educational institution because of their orientation. 35.2% experienced homophobic attitudes and/or bullying. There were 22 cases of sexual harassment, five cases of (male) rape, and 23 cases involving other forms of violence.

⁶¹ *Gay Rights are Human Rights – Report about discrimination on the grounds of sexual orientation in Ukraine – 2005* –Page 37; for cases, see: Case 4 (p. 73); Case 18 (p. 84); Case 22 (p. 90);

44. **Military service**⁶²: of the 90 respondents who had served in the armed forces in the previous four years, more than half experienced some form of discrimination. 13 persons reported verbal harassment, 11 sexual harassment, 8 physical violence, and 6 (males) reported that they were raped.

⁶² Ibid. page 37

45. **Provision of commercial services**⁶³: Of 431 respondents indicating that they had dealings with service industries, 22.5% reported encountering discriminatory behaviour.

⁶³ Ibid. page 39; for cases, see: Case 1 (p. 71); Case 5 (p. 74); Case 7 (p. 76); Case 8 (p. 77); Case 14 (p. 81); Case 19 (p. 86); Case 23 (p. 91); Case 24 (p. 92); Case 26 (p. 94);

46. **It is a matter of grave concern that, against this background of disturbing levels of violence, harassment and discrimination against LGBT people, mainstream politicians and the leaders of mainstream faith organisations continue to make highly intolerant homophobic statements, as outlined above. Indeed, it would be surprising if statements by these actors, and those by extremist homophobic groups, did not exacerbate these problems.**

C Positive developments

C1 The media

47. The media have traditionally presented LGBT people in negative terms, relying on stereotypes, and appealing to prejudice. However there are signs that things are changing. One commentator notes that, particularly among younger journalists, "there has appeared a tendency to write normally about [homosexuality]"⁶⁴, while a study of printed and electronic articles carried out between January and June 2008 found that, of 48 articles, 23 presented a positive image, 14 a negative image, and 11 were neutral.⁶⁵

⁶⁴ *Being lesbian in Ukraine: Gaining Strength* – Page 61

⁶⁵ Media Monitoring – January to June 2008 – Nikolaev Association for Gays, Lesbians and Bisexuals – "LiGA"

⁶⁶ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 75

⁶⁷ Ukraine: Report of the Working Group on the Universal Periodic Review – A/HRC/WG.6/2/L. 11, 15 May 2008

⁶⁸ Ukrainian Homosexuals & Society: a reciprocation – Nash Mir (Our World) Gay and Lesbian Centre – 2007 – Page 85/86

⁶⁹ *Smith & Grady v. United Kingdom*, 27 Sept. 1999, para. 97, *Smith & Grady v. United Kingdom*, 27 Sept. 1999, para. 97, *S.L. v. Austria*, 9 Jan. 2003, para. 37

⁷⁰ *Christine Goodwin v. U.K., I. v. U.K.* (11 July 2002), *van Kück v. Germany* (2003), *L v. Lithuania* (2007)

⁷¹ Recommendation 1474 (2000) – Situation of lesbians and gays in Council of Europe member states

48. However, there are also increasing signs of extreme homophobic publications on the Internet. One such publication, *Personal Plus* (Nr 24, 15 – 21.06.05), included an article in which it was said: "So in Germany in 1933 – 1945 homosexuals of male sex were imprisoned in prisons for females, and women – in prisons for men, and as a result those returned to normal sexual orientation during 1 – 2 years. Cruel, but obviously, correct".⁶⁶

C2 Recommendation to Ukraine in the United Nations Universal Periodic Review

49. Ukraine is to examine the following recommendation by Slovenia:

"To consider applying the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity as a guide to assist in policy development."⁶⁷

C3 The development of the LGBT community

50. There now exist around 10 LGBT organisations, plus a number more providing HIV/AIDS services. Some engage in advocacy, most concentrate on preventing the spread of HIV, and developing the social life of LGBT people through sport and other recreational events. There are also about 10 clubs and cafes, in the larger cities. While small in relation to an LGBT population of at least two million, this is certainly an improvement on a few years ago.⁶⁸

D Council of Europe commitment to support for LGBT rights

51. The last decade has seen a very significant increase in the level of recognition at the Council of Europe of the need to support the rights of lesbian, gay, bisexual and transgender persons.

52. In a series of judgments the Court of Human Rights has drawn analogies between sexual orientation as a protected ground, and race, religion and sex,⁶⁹ and has strongly supported the rights of transgender persons⁷⁰.

53. In 2000 the Parliamentary Assembly called for comprehensive actions by member states and the Council of Europe to combat discrimination against lesbians and gays⁷¹.

54. In a series of statements, viewpoints and reports, the Human Rights Commissioner has expressed strong support for LGBT rights, most recently in his viewpoint *Time to recognise that human rights principles apply also to sexual orientation and gender identity*.

55. Moreover, in his recent report on Ukraine, the Human Rights Commissioner made two broad recommendations concerning LGBT rights:

- ensure that anti-discrimination legislation clearly includes the LGBT community
- promote tolerance and awareness of individual rights, introduce a state level program of social support to the LGBT community and increase education of public servants in this field ⁷²

56. In July 2008 the Committee of Ministers decided to start work on a Recommendation addressing discrimination on the grounds of sexual orientation and gender identity, and, noting that "instances of discrimination on grounds of sexual orientation or gender identity as well as homophobia and intolerance towards transgender persons are regrettably still widespread in Europe", invited all committees involved in intergovernmental co-operation to take account in their work of "the need for member states to avoid and remedy any discrimination on grounds of sexual orientation or gender identity and to make proposals for specific intergovernmental and other activities designed to strengthen, in law and in practice, the equal rights and dignity of lesbian, gay, bisexual and transgender persons and to combat discriminatory attitudes against them in society". ⁷³

E The need for support by the Parliamentary Assembly

57. The Monitoring Committee addressed the issue of sexual orientation discrimination in July 2003, when it is recommended that the government of Ukraine "investigate allegations of police harassment of the lesbian and gay community and take disciplinary action as appropriate". ⁷⁴ The information published since then, and summarised in this submission, makes it clear that the discrimination faced by the LGBT community in Ukraine goes far beyond police harassment, and indeed is pervasive in many levels of Ukrainian society.

58. Employment is one very important area. The anti-discrimination article of the draft Labour Code presented to parliament in 2006 included sexual orientation as a protected ground. This proposal was consistent with the case law of the European Committee on Social Rights, which has stated that it "considers that under Article 1§2 legislation should prohibit discrimination in employment at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion".⁷⁵ It was also consistent with the position of the Court of Human Rights, which has ruled that a ban on employment of lesbians and gays in the armed forces violates the European Convention.⁷⁶ Regrettably, following last year's parliamentary elections, a new draft was prepared which omitted any reference to sexual orientation.

59. We urge that the Assembly recommend strongly the reintroduction of this provision, broadened to include reference to gender identity.

⁷² Report by the Commissioner for Human Rights, Mr Thomas Hammarberg, on his visit to Ukraine, 10 -- 17 December 2006

⁷³ Decision No. CM/876/02072008 and *Message from the Committee of Ministers to steering committees and other committees involved in intergovernmental co-operation at the Council of Europe on equal rights and dignity of lesbian, gay, bisexual and transgender persons* (Adopted by the Committee of Ministers on 2 July 2008 at the 1031st meeting of the Ministers' Deputies)

⁷⁴ Doc. 9852 - 1 July 2003 - Honouring of obligations and commitments by Ukraine

⁷⁵ Conclusions 2006 Albania

⁷⁶ *Smith & Grady v. U.K., Lustig-Prean & Beckett v. U.K.* (1999)

60. But, as the Human Rights Commissioner has made plain, wider measures are also needed. We therefore strongly urge that any resolution by the Parliamentary Assembly **make explicit the need for legal provisions providing protection from discrimination on the grounds of sexual orientation and gender identity generally, and for hate crimes motivated by sexual orientation or gender identity to be made the subject of aggravated penalties; also for a greatly enhanced programme of activity by the Ukrainian authorities to combat discrimination on these grounds, including public education campaigns, the implementation of anti-bullying programmes in schools, and awareness raising training for public servants, particularly the police.**

61. We understand that measures to enforce existing anti-discrimination legislation are weak. The above recommendations should be supplemented by proposals for the strengthening of these mechanisms.

62. Such recommendations would be entirely consistent with those proposed to member states by the Parliamentary Assembly in its Recommendation 1474 (2000) - *Situation of lesbians and gays in Council of Europe member states*, which included, inter alia:

- to include sexual orientation among the prohibited grounds for discrimination in their national legislation;
- to take positive measures to combat homophobic attitudes, particularly in schools, the medical profession, the armed forces, the police, the judiciary and the Bar, as well as in sport, by means of basic and further education and training;
- to co-ordinate efforts with a view to simultaneously launching a vast public information campaign in as many member states as possible;
- to ensure equal treatment for homosexuals with regard to employment;
- to include in existing fundamental rights protection and mediation structures, or establish an expert on, discrimination on grounds of sexual orientation.

18 August 2008





ILGA
EUROPE



Equality for lesbian, gay, bisexual,
trans and intersex people
in Europe