LGBTI
The space for LGBTI activism is under pressure

The COVID-19 crisis has put an extraordinary burden on LGBTI organisations. Like in other fields, many members of LGBTI communities were unable to have their basic needs met, thus civic organisations acting for LGBTI rights faced an increased request for service provision in face of decreased internal resources. Attempts to fill humanitarian gaps left by the States’ response to the emergency have taken away their capacity to do the usual work, including advocacy, policy work and standard-setting through strategic litigation. Additionally, organisations faced new obstacle accessing advocacy spaces which are vital to inform governments’ policies. In the long run, the loss of funds, together with the likelihood of this funding not being replaced, is likely to cause significant sustainability issues for many organisations. All of this is happening in a context of stagnating progress on or even deterioration of LGBTI rights overall. Nevertheless, successful civil society initiatives popped-up across Europe to keep the LGBTI connected and the spirit of the Pride alive despite the restrictions.
**BULGARIA**
The lockdown brought Bulgaria’s LGBTI community virtually closer
With the declaration of the state of emergency, the oldest Bulgaria’s LGBTI organisation, Bilitis, decided to take their work to the digital level. It launched an online psychological support programme focused on the crisis and dealing with the lockdown. As a result, it managed to keep the community connected, reach even more people than usual, also from the countryside.

**SLOVENIA**
LGBTI community brought the pride on bicycles, the symbol of anti-government protests
As different Slovenian cities protest against the right-government Prime Minister Janez Janša of their bicycled during the pandemic, the LGBTI community cycled through the streets of Ljubljana to celebrate Pride and to demand rights and protection over this pandemic.

**UNITED KINGDOM**
Bristol Pride went online to show LGBTI community that they are not alone
One of the largest Pride’s of the UK decided to take place online in September, in order to support all those that are living through a lockdown with unsupportive families or housemates. The LGBTI community of Bristol could enjoy the activities, performances and even the “Pride parade” from their own homes.

**DENMARK**
Activists used virtual reality to march virtually in the Copenhagen Pride
From concerts to programme of lectures, exhibitions and an LGBTQIA+ hall of fame, this year LGTBI members could explore the Copenhagen Pride through the virtual reality. From their homes, but as if they were in the streets.

**POLAND**
LGBTI activists set up a “Rainbow disco” in front of the presidential palace to protest against President words
In reaction to President Andrzej Duda’s words stating that the LGBTI rights are “a foreign ideology that we will not allow to be introduced into our country”, a brave group of activists danced in sign of protest in front of the presidential palace.

**SPAIN**
Trans young people mobilised during the pandemic for self-determination in Spanish law
After a successful online campaign, Confluencia Trans decided to take to the streets of Spain on Youth Day to call on the government to protect the right to gender self-determination in “children, adolescents and youth”. The demonstration obtained wide visibility in the Spanish media.

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THE IMPACT OF THE COVID-19 HEALTH CRISIS ON THE LGBTI COMMUNITY AND THEIR RIGHTS

As a consequence of the crisis, most States derogated, whether de jure or de facto, from their obligations under international and regional human rights law. Even in times of crisis, some rights are non-derogable; however, in practice, they are most frequently violated in times of emergency, hindering a prompt and full return to a normal situation. The crisis had a strong impact on the LGBTI community and their fundamental rights, putting additional pressure or limitations on civic space for LGBTI people and organisations.

1 Officially notifying the international community that they will adopt measures impacting the human rights of their citizens.
2 States which do not notify that they are adopting measures derogating from their obligations, although they are practically doing so.
Health and access to health
Already before the crisis, LGBTI people had significantly lower health outcomes due to stigma and discrimination, biases held by healthcare providers, and lower socio-economic status, often linked with lower access to comprehensive health insurance and were, therefore, more vulnerable. In response to the survey, ILGA-Europe received or observed reports of impacts on access to health from 30 countries across Europe and Central Asia. They show how pre-existing limitations in LGBTI-affirming healthcare were exacerbated as healthcare systems redirected their resources.

Transition-related medical care, which is life-saving care for trans people, was largely deemed non-urgent and postponed or cancelled in the light of COVID-19. In 26 countries, organisations reported limitations on transition-related healthcare, including access to continuity of care for ongoing treatments. Many intersex people, both those who identify as cis and as trans, need access to continuing care for hormones and other treatments related to their sex characteristics variations. For trans people, this has the additional impact of delaying access to legal gender recognition procedures in countries in Europe where transition-related medical care is required.

Issues accessing sexual health and HIV services were reported in 12 countries, with reports of cancellation of HIV testing programmes as well as check-up appointments for people living with HIV, suspension of new prescriptions of PrEP, and PrEP trial cancellations. Research in Belgium found that many appointments for PrEP and for people living with HIV were postponed and about 1 in 10 PrEP users were worried about running out of medication. Within the community, sex workers in the region experienced unique hardships in access to health. The International Committee on the Rights of Sex Workers in Europe (ICRSE) and the Sex Workers’ Rights Advocacy Network (SWAN) reported problems accessing ongoing hormone therapy and HIV prevention and treatment, as well as to COVID-19 testing and personal protective equipment and supplies for those who were required to continue working.

Access to housing, food, and subsistence through public relief programmes
Problems in accessing basic needs, public assistance, support, and service programmes were reported from 21 countries. This figure points to the greater than average rate of LGBTI people who are unemployed and in precarious jobs, and living on very limited and unstable financial resources. An estimated 25-40% of young people experiencing homelessness identify as LGBTI. In order to respond to the extreme vulnerability of people in precarious jobs and housing situations, including questions of access to social protection and access to health-care services, many LGBTI organisations

ILGA-Europe is an independent, international non-governmental umbrella organisation bringing together over 600 organisations from 54 countries in Europe and Central Asia. The main pillars of work include advocating for human rights and equality for LGBTI people at the European level and strengthening the LGBTI movement in Europe and Central Asia. To do so, ILGA-Europe connects organisations and provides training, support and small grants to its member organisations and other LGBTI groups. During the crisis, ILGA-Europe supported the movement by monitoring its consequences on the community, raising awareness around such impacts, and advocating for LGBTI inclusive responses. Through the “Protect, Adapt and Rally” plan ILGA-Europe also developed resources to help members during the crisis.

6 LGBTI-affirming healthcare is healthcare that holistically attends to LGBTI people’s physical, mental, and social health needs and well-being while respectfully affirming their sexual orientation, gender identity and gender expression and sex characteristics. 7 University of Antwerp Institute of Tropical Medicine, cavaria, & Senssoa (2020). Preliminary results of PROMISE project study.

in these countries reported having shifted their previous plans and budgets to cover humanitarian aid gaps within States’ response to the crisis, which indicates that LGBTI people in many countries are left behind public relief programmes. To finance the provision of basic support services to LGBTI people, NGOs redirected existing funding where possible or conducted targeted fundraising campaigns. Funds and resources for these measures were unable to meet the needs of the communities, according to most reports. Such attempts to fill humanitarian gaps have also taken away effort and capacity to do the usual work, including advocacy, policy work and standard-setting through strategic litigation.

**Access to justice, registration, and other legal processes**
The crisis impacted legal, judicial, and administrative processes that secure the rights of LGBTI people and rainbow families. They include problems with family and relationship registration, legal gender recognition processes and asylum.

LGBTI people in Poland reported that residency permits for same-sex partners were significantly slower than the usual process. In Italy, an NGO reported the sensation that the federal government had “forgotten” about LGBTI people, with all State measures focusing on a heteronormative family model. Rainbow Families are unable to register in Italy, so there was no access to parental leave within same-sex-headed households. In Ireland, NGOs reported delays in the processing of guardianship and parentage declarations for rainbow families.

ILGA-Europe received reports about problems with accessing legal gender recognition from 8 countries. In many cases, not accessing legal gender recognition has led to further problems, such as impacting individuals’ ability to access goods and services and even to travel safely outside of the home in contexts of increased policing.

**THE IMPACT OF COVID-19 ON LGBTI ORGANISATIONS**
As described above, this crisis has put an extraordinary burden on LGBTI organisations. They had to find new ways to remain in touch with the community, began documenting and reporting on the impact of the crisis and, on top of that, in many places played a role in providing support to those community members most in need. All of this happened in a context of restricted access to policy-making and against a backdrop of stagnating progress on LGBTI rights overall.

**THE LOSS OF FUNDS!**
Together with the likelihood of income not being replaced, is likely to cause significant sustainability issues.

**Decreased ability of LGBTI organisations to do advocacy and engage with policymakers**
Reports of decreased access to policymakers and advocacy opportunities were reported in 19 countries. This is particularly concerning given the gaps in service provision and the human rights violations documented by community members. LGBTI people and organisations were caught in a closed-loop: while many members of LGBTI communities were unable to have their basic needs met, organisations promoting their human rights were also blocked from advocacy spaces.

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spaces which are vital to ensuring that those basic needs are met or that government representatives heard voices of LGBTI people. In addition, many LGBTI organisations shifted their focus from advocacy and policy work to direct service provision and humanitarian aid for the community to address gaps discussed in the previous sections; this shift further impacted the ability of those organisations to engage with policymakers.

Public actions, demonstrations, protests, and Pride events were also impossible to hold in some countries. Organisations reported not having the resources to move their advocacy work online or struggling to adapt to online work, or being forced to close or terminate segments of their work. In the circumstances with already challenging advocacy contexts, the pandemic worsened these problems.

Nevertheless, despite this additional pressure put on organisations, the work to address the backlash against LGBTI rights has not decreased. Policymakers found time to work on anti-LGBTI specific initiatives whilst organisations were also filling the governments’ gaps in the provision of services. In April, ILGA-Europe and Transgender Europe, the two largest networks of LGBTI and trans organisations in Europe and Central Asia, launched the #Drop33 Campaign, calling on the Hungarian Parliament and the Justice Committee of the Parliament to drop Article 33 of a legislative omnibus bill, which would deny access to legal gender recognition in the country. Recently, ILGA-Europe, together with Campaign Against Homophobia (Kampania Przeciw Homofobii) and activists on the ground, raised awareness about the hostile climate against the LGBTI community in Poland, triggered by the adoption of “LGBTI free zones declarations” and “Family Charters”, and illustrated by the recent arrest of LGBTI activists who were ill-treated in detention. In June, a new law has been approved in Romania banning gender identity studies in schools and universities. Together with the immense work needed to tackle the challenges deriving from COVID-19, this leaves very little space for LGBTI activists.

Financial impact of COVID-19 on LGBTI organisation
LGBTI organisations in Europe report having very limited reserves, meaning that their bandwidth to absorb losses and deal with unexpected cuts is minimal. The loss of funds, together with the likelihood of income not being replaced, is likely to cause significant sustainability issues for many organisations. The way in which LGBTI organisations are funded or financed is very diverse across the region, and organisations with a stable and diverse funding structure, based on committed core funders constitute a minority. We know from the report “Funding for LGBTI activism in Europe and Central Asia” that the majority of groups are entirely or mostly dependent on project funding or small, incidental community crowdfunding initiatives, local foundations and local governments. A significant portion of the income of LGBTI organisations derives from project funding. At this point, most funders - private foundations as well as governments and institutions

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CONCERNS ON DECREASING RESOURCES WILL LIMIT THE ABILITY OF ORGANISATIONS TO FOCUS ON THE ALREADY ONGOING ROLL-BACK OF RIGHTS

- have yet to make announcements on policy and funding changes that come as the consequence of this crisis. LGBTI organisations expect funding cuts materialise later this year and next year when funders are taking decisions in their new budget cycles.

Activists carry out work and incur costs which are not covered from their existing sources of funding, especially emergency support, re-programming, staff costs and overhead costs. Some report feeling the necessity to let go of staff or long-term consultants and contractors. The loss of community centres and offices is also a possibility if rent waivers don’t apply in a given country. The long-term impact is likely to be that many groups with significantly decreased capacity, temporary or permanent closing of groups and initiatives, and considerable delays in returning to regular operations and activities. Even with some organisations reporting that they can mobilise funds for a community crisis response, these would barely cover basic needs of some individuals, and in no way contribute to the survival or re-establishment of an organisation.

The potential further decrease of resources will put vulnerable communities at greater risk as organisations will not be able to address emerging needs that concern these communities, and thus inequalities will deepen. In addition, concerns on decreasing resources will limit the ability of organisations to focus on the already ongoing roll-back of rights.

GOOD PRACTICES

LGBTI organisations during the pandemic worked to fill in the gaps left by the States: organising support programmes, fundraising for private relief programmes, increasing access to housing through networks and building solidarity and support to each other and the community. Moving forward in the response to COVID-19, as well in thinking of future preparedness for crises, ILGA-Europe also collected good practice examples.

Organisations in many countries managed to maintain a high, yet adapted, level of activity, through active adoption by civil society of online services, support programmes, and event planning. In particularly difficult contexts, online events can be even more secure than in-person ones and ensure all LGBTI people in rural and remote areas can participate. A trans organisation in Spain ran an online empowerment campaign for trans youth. An NGO in Bulgaria started an online psychological support programme focused on the crisis and dealing with lockdown facilitated by a friendly mental health provider and moved existing support groups online, which also allowed LGBTI people living outside the capital city to participate. In Sweden, an organisation in one city organised safe outdoor activities for older LGBTI people on a weekly basis.

In some cases, good practices also came from service providers and governments directly. In Spain, doctors working with people living with HIV proactively reached out to their patients online to continue health services. In Malta, the government made HIV self-testing kits available due to closure of the local clinic. In Portugal, some health services contacted LGBTI NGOs for guidance on working with LGBTI people or asked to share their contacts. The National Health Line added psychologists to their providers, in addition to nurses and other doctors previously involved, and asked LGBTI organisations to be on the referrals list for the service. In the United Kingdom and Italy, the pandemic also served to bring attention to the issue of homelessness among LGBTI people, including LGBTI youth; municipal housing was made available to LGBTI people during the pandemic in Italy. Additionally, the government prepared targeted online resources for LGBTI people during the COVID-19 crisis.

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CONCLUSION

As this analysis documents, LGBTI people are particularly vulnerable to a variety
of impacts of the COVID-19 crisis and responses to it. What follows are recommendations for States and funders to address these impacts, alleviate inequalities, and ensure full and equal access to fundamental human rights and civic space for LGBTI people and communities, during and moving out of the crisis.

First and foremost, States must respect core human rights principles applying in times of emergency, whether they derogated de jure or not, and guarantee full protection for non-derogable rights in a non-discriminatory manner to all. Regarding the right to health, they must ensure equal and non-discriminatory access to testing, treatment, and care. Ongoing hormone treatments for trans people and other vital care like access to HIV-related medications must remain consistent and uninterrupted also in times of emergency. The principle of legality and the rule of law must be guaranteed at all times, and effective domestic remedies must allow alleged LGBTI victims of discriminatory measures to vindicate their rights before independent and impartial domestic courts. 16

Secondly, States must proactively ensure full respect of human rights of all when returning to a state of normalcy, including by taking specific protective measures concerning vulnerable populations. They must ensure emergency support and compensation, and socio-economic support measures leave no one behind, but take the particular vulnerability of the most marginalised in society into account, including the LGBTI community.

Lastly, governments and funders should consult organisations on the changing nature of their work and provide support when possible. In places where the State does not protect LGBTI people, this outreach should happen through the international community. Economic recovery packages should take into consideration the needs of marginalised communities, including LGBTI people, who might for various reasons experience precarity and have difficulties accessing the labour market. At times when pressure on LGBTI organisations not only is mounting as a result of populism but is also exacerbated by growing inequalities, funding support to LGBTI rights organisations must continue, or it will severely affect the way LGBTI activists are able to organise against populism and in response to COVID-19.

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