

# The Perfect Storm

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The closing space  
for LGBT civil society  
in Kyrgyzstan, Indonesia,  
Kenya, and Hungary





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# Executive Summary

While the late 20th century saw a blossoming of civil society organizations, the beginning of the 21st century has been a period of upheaval. In response to both the threat of terrorism and to growing populist pressure for democracy, transparency, and government accountability, states have used new laws and tactics to restrict freedom of association and freedom of expression. Lesbian, gay, bisexual, and transgender (LGBT) organizations have always faced such barriers, ranging from criminalization of same-sex sexuality, to refusal of the right to register organizations or hold public events, to the shutdown of websites.<sup>1</sup> In recent years, some countries have also ratified new laws that explicitly prohibit groups engaged in “LGBT propaganda.” In other countries, politicians have mobilized resurgent nationalism by publicly scapegoating LGBT groups as representing “foreign values.” These overlapping trends have created a **“perfect storm”** for LGBT civil society organizations caught in simultaneous waves of political pressure.

This report examines how these forces are affecting LGBT groups in four countries: Kyrgyzstan, Indonesia, Hungary, and Kenya. The report also highlights these groups’ resilience, and how many have found ways to survive and thrive in restrictive and often threatening environments.

**Kyrgyzstan** has been a seat of civil society organizations, including LGBT groups, for the Central Asian region. But in the past three years, the government has moved to tighten civil society space with new Russian-inspired legislation. At the same time, the tabling of an “LGBT propaganda” bill, and related sensationalized media

coverage, has created an environment that appears to foster homophobic violence. Kyrgyzstan’s small LGBT non-governmental organization (NGO) sector has been repeatedly targeted by mob violence, including the attempted firebombing of a community center and attacks on LGBT events by nationalist groups.

In **Indonesia**, where 119 LGBT organizations formerly thrived, a recent right-wing religious backlash has sparked a homophobic media frenzy. Since January 2016, many leading politicians have made public statements decrying homosexuality, and UN agencies have been instructed by authorities to cease funding for LGBT organizations.

Of the four countries examined in this report, **Kenya** may provide the most hopeful case study. Here, broad government restrictions on all civil society organizations, including those accused of links to terrorism and others that aim to hold the national leadership accountable to human rights standards, have also caught LGBT organizations in their web. At the same time, Kenyan advocates are effectively pushing back against these restrictions, using a combination of litigation, alliance-building, innovative media, and advocacy strategies to form new alliances and widen the space for their work.

In **Hungary**, an assertive right-wing government has moved to sweepingly centralize power, shut down independent organizations working on a range of issues, and to specifically target foreign funding for civil society. In this context, LGBT groups have reacted as part of broader resistance across civil society, forging new alliances and employing a range of tactics to weather the storm.

<sup>1</sup> The term “LGBT” is used here for purposes of shorthand and convenience, and was chosen in consultation with GPP members who reviewed this report. We remind readers that the term LGBT is a product of the English language and of specific historical experiences. In the four countries studied here, and in other countries as well, people with diverse sexual orientations and gender identities use a variety of other terms to describe themselves. Additionally, while GPP’s mission includes the aim of increased funding to Intersex organizing, we have chosen to use LGBT rather than LGBTI in this report because our case studies do not reflect significant research or information about impacts on Intersex organizations or individuals.

# Recommendation to donors

## The following recommendations are based on feedback from report interviewees.

- It is essential to support LGBT NGOs during crises, and to ensure inclusion of LGBT NGOs in all wider strategies to resist closing civil society space.
- Support organizations monitoring general restrictions on freedom of association and expression to also explicitly monitor laws and policies targeting LGBT groups, as these restrictions on LGBT groups may be early indicators of closing space.
- Support alliance-building across diverse civil society sectors, to enable effective and unified civil society response when crackdowns occur.
- Support grantees in attending regional and international gatherings to support “safe space” for strategizing.
- Recognize that resurgent nationalism may be an indicator of looming efforts to close space for civil society, including LGBT groups.
- Identify low-key, quiet strategies to fund LGBT groups working within restricted spaces.
- Reduce complicated grant application and reporting procedures for those organizations responding to a crisis.
- Utilize flexible funding mechanisms, which enable groups to cover a range of operational costs.
- Fund capacity-building, including policy advocacy skills.
- International development or health aid conditionality should be used carefully, on a country-by-country basis and in consultation with local activists.
- Stay connected to your grantees. Your empathy and support are greatly appreciated when grantees are under pressure.

# Introduction

The 21st century has not been an easy one for global civil society overall. As a paper published jointly by Ariadne, the European Foundation Centre, and the International Human Rights Funders Group describes, while civil society has long been restricted in many countries, the new millennium has brought an increase in attacks by governments and non-state actors. These have included a growing number of laws that restrict freedom of expression and assembly, restrictions on the overseas financing of non-governmental organizations (NGOs), increased government surveillance of NGOs, and increasing attacks on, even disappearances of, human rights defenders.<sup>2</sup> These restrictive trends are often referred to as the “closing space” for civil society.

Lesbian, gay, bisexual, and transgender (LGBT) groups are no strangers to restrictions on their advocacy, both in law and in practice. They have also frequently faced threats and intimidation by state and private actors, accompanied by violence. However, closing space for civil society overall has had some specific impacts on LGBT groups.

The following section provides some background on the global trend towards closing civil society space, and explores how other factors have combined with that trend to create a “perfect storm,” heightening the risk to LGBT organizations and advocates. Despite the challenges they face, LGBT groups in these four countries are finding ways to weather the storm and continue their work.

## Closing space for civil society in the early 21st century

As a report from the International Center for Non-Profit Law describes, the period from approximately 1990-2000 was a period of “remarkable expansion of

democratic reform and civil society empowerment.”<sup>3</sup> This began to change after 2001, in part due to the U.S.-led global response to terrorism. In both relatively open societies as well as in more restrictive countries, regulations aiming to combat global money laundering and terrorist financing restricted the ability of some civil society organizations to receive the foreign funding needed to operate.<sup>4</sup> As the Women Peacemakers Program notes, banks’ risk-averse behavior may mean that counterterrorism-financing restrictions disproportionately affect small organizations, such as women’s groups and LGBT groups, which lack the leverage to negotiate with their banks.<sup>5</sup>

During the same period, the anxiety among leaders of authoritarian states about populist and pro-democracy movements, including the 2003 “Color Revolutions,” became a second driver of closing global space for civil society. Between 2004-10, more than fifty countries enacted new measures restricting NGO registration, activities, demonstrations and events, and public communications.<sup>6</sup>

The 2010 “Arab Awakening” was followed again by more than ninety new laws.<sup>7</sup> In some countries, such as China, Egypt, and others, authorities have targeted organizations and individual human rights activists through detentions, public denunciations in the media, and disappearances of lawyers and other human rights defenders.<sup>8</sup>

One particular challenge for civil society groups has

3 The International Center for Not-for-Profit Law, “A mapping of existing initiatives to address legal constraints on foreign funding of civil society” (August 20, 2014), accessed April 14, 2016, [www.icnl.org/news/2014/20-Aug.html](http://www.icnl.org/news/2014/20-Aug.html)

4 Ariadne, EFC and IHRFG, “Briefing note for funders’ workshop on the disabling environment for civil society.”

5 Women Peacemakers Program, “Counterterrorism measures and their effects on the implementation of the women, peace and security agenda: Policy brief,” accessed on April 14, 2016, [www.womenpeacemakersprogram.org/resources](http://www.womenpeacemakersprogram.org/resources).

6 International Center for Not-for-Profit Law, “A mapping of existing initiatives.”

7 Douglas Rutzen, “Aid barriers and the rise of philanthropic protectionism,” *International Journal of Not-for-profit Law* 17/1 (March 2015): 8.

8 Carmen Malena, *Improving the measurement of civic space* (London: Transparency and Accountability Initiative, May 29, 2015), accessed April 14, 2016, [www.transparency-initiative.org/reports/report-launch-improving-the-measurement-of-civic-space](http://www.transparency-initiative.org/reports/report-launch-improving-the-measurement-of-civic-space).

2 Ariadne, European Foundation Centre (EFC), and International Human Rights Funders Group (IHRFG), “Briefing note for funders’ workshop on the disabling environment for civil society, June 2015.”

been the rise of “foreign agent” laws. Russia’s “foreign agent” law, on which the laws of a growing number of countries has been based, requires NGOs that receive foreign funding and engage in advocacy to register themselves as “foreign agents,” a term that in Russia strongly connotes cold-war era espionage. Tax-exempt grants from foreign organizations may only be made to Russian citizens and civil society organizations (CSOs) if the donor is on a government-approved list, a list that now excludes private foundations.<sup>9</sup> Government representatives are also permitted to attend all CSO events, including internal strategy sessions.<sup>10</sup> The complex history of U.S. government financing for NGOs that opposed socialism in some countries has been referenced by Russian and other government critics as a reason why all foreign aid from the Global North to civil society in the Global South should be seen as suspect.<sup>11</sup>

While these restrictions have affected all civil society in the countries where they have been put in place, there are specific dimensions of closing civil society space that have affected LGBT groups.

### Homophobic legislation and related violence

For organizations founded and led by LGBT people, restrictions on operations, funding, assembly, and public expression have long been a fact of life. Many states arbitrarily refuse legal registration and public assembly rights to LGBT organizations (for instance, Pride marches, film festivals, and celebrations of International Day Against Homophobia and Transphobia, among others). Restrictions on banking, shutdowns of LGBT websites that share HIV information as “pornography,” and harassment of both groups and individual activists have been part of the daily experience of grassroots LGBT groups in many countries.<sup>12</sup>

9 Rutzen, “Aid barriers,” 18.

10 Rutzen, “Aid barriers,” 22.

11 “U.S. Gvt. Channels Millions Through National Endowment for Democracy to Fund Anti-Lavalas Groups in Haiti,” Democracy Now! (January 23, 2006), accessed April 13, 2016, [www.democracynow.org/2006/1/23/u\\_s\\_gvt\\_channels\\_millions\\_through](http://www.democracynow.org/2006/1/23/u_s_gvt_channels_millions_through); Ben A. Franklin, “Democracy project facing new criticisms,” *New York Times* (December 4, 1985), accessed April 13, 2016, <http://www.nytimes.com/1985/12/04/us/democracy-project-facing-new-criticisms.html>

12 Human Rights Watch, *Restrictions on AIDS Activists in China* (New York: June 2005), accessed April 3, 2016, <https://www.hrw.org/reports/2005/china0605/china0605.pdf>; Asia Catalyst, *Restrictions on AIDS NGOs in Asia* (2009), accessed April 15, 2016, [www.asiacatalyst.org/wp-content/uploads/2014/09/restrictionsAIDSngos1209-1.pdf](http://www.asiacatalyst.org/wp-content/uploads/2014/09/restrictionsAIDSngos1209-1.pdf); Allison Jernow, “The backlash?” *IntLawGrrls* blog (June 21, 2012), accessed April 3, 2016, [www.intlawgrrls.com/2012/06/backlash.html](http://www.intlawgrrls.com/2012/06/backlash.html); Allison Jernow, “The ghost of Torkel Opsahl,” *Jurist* (December 3, 2012), accessed April 3, 2016, [www.jurist.org/hotline/2012/12/allison-jernow-russia-discrimination.php](http://www.jurist.org/hotline/2012/12/allison-jernow-russia-discrimination.php); “Freedom of

In the Philippines, Turkey, and other countries, LGBT venues have been raided and individuals charged under protection of public morality provisions.<sup>13</sup> In Eastern Europe and Russia, the right to have peaceful Pride marches has frequently been refused, and litigated in the European Court of Human Rights.<sup>14</sup>

While these restrictions have been longstanding, observers such as the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association have observed a worsening climate in recent years. In his report on freedom of assembly, the Special Rapporteur observed that recent clampdowns on the right to freedom of assembly place some groups at higher risk, such as “persons with disabilities; youth, including children; women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people,” and others.<sup>15</sup> He cited the examples of draft homosexuality propaganda laws in Ukraine, a Russian ban on gay pride parades, and laws in Nigeria and Uganda further criminalizing not only homosexuality but organizations that “promote” homosexuality, as some examples of the increasing use of sexual orientation and gender identity as “a basis for explicit discrimination” in civil and political rights.<sup>16</sup>

In two of the most prominent examples of this trend, Russia and Uganda have specifically targeted LGBT organizations using a combination of “foreign agent” laws to target any NGOs that receive international aid, and “homosexuality propaganda” laws to specifically restrict LGBT meetings and communications.<sup>17</sup> In these two countries, crackdowns on LGBT groups were early indicators of coming crackdowns on broader civil society.

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Assembly, Association and Expression”, International Commission of Jurists SOGI Casebook, accessed April 3, 2016, [www.icj.org/sogi-casebook-introduction/chapter-four-freedom-of-assembly-association-and-expression/](http://www.icj.org/sogi-casebook-introduction/chapter-four-freedom-of-assembly-association-and-expression/).

13 OutRight Action International, *Human rights violations on the basis of sexual orientation, gender identity, and homosexuality in the Philippines*, (New York: October 2012), accessed April 15, 2016, [www.outrightinternational.org/sites/default/files/philippines\\_report.pdf](http://www.outrightinternational.org/sites/default/files/philippines_report.pdf); Sedef Çakmak, “No living on land or in air: Discourses of public morality and human rights violations of transgender individuals in Turkey,” *Turkish Policy Quarterly* 11/4 (2013); accessed April 15, 2016, <http://turkish-policy.com/Files/ArticlePDF/no-living-on-land-or-in-air-discourse-of-public-morality-and-human-rights-violations-of-transgender-individuals-in-turkey-winter-2013-en.pdf>.

14 Human Rights Watch, “Russia: European court rules gay pride ban unlawful,” (October 21, 2010), accessed April 15, 2016, [www.hrw.org/news/2010/10/21/russia-european-court-rules-gay-pride-ban-unlawful](http://www.hrw.org/news/2010/10/21/russia-european-court-rules-gay-pride-ban-unlawful)

15 United Nations General Assembly, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Maina Kiai (Human Rights Council twenty-sixth session, A/HRC/26/29; Geneva, April 14, 2014); para. 9.

16 United Nations General Assembly, *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Maina Kiai; para. 27.

17 Rutzen, “Aid barriers and the rise of philanthropic protectionism,” 13.

The early 21st century in Russia was marked by increasing crackdowns on dissent, including specific targeting of feminist and LGBT advocates, and the public revival of discourses promoting “traditional values.”<sup>18</sup> Policies restricting “promotion of homosexuality among minors” were enacted in a number of Russian regions early in the 21st century. After a suit to the Constitutional Court which aimed to overturn Ryazan region’s ban on “homosexual propaganda” was dismissed, the laws spread to the national level.<sup>19</sup> 2015-16 saw Russia’s conviction of Sergey Alekseenko of Maximum, an NGO, for “propaganda among minors,” with a fine of 100,000 rubles. Authorities also engaged in aggressive attacks on national LGBT websites, shutting down the front page of “Children-404,” an organization providing services for LGBT youth.<sup>20</sup>

Within the context of closing civil society space, this targeting of LGBT organizations has been linked to an increase in violent attacks on LGBT people. As two Russian LGBT NGOs noted in a joint submission to a UN human rights mechanism,

Since the law banning so-called “propaganda of homosexuality”... has been adopted, the number of attacks against the members of the LGBT community has grown.... The attackers justify their crimes. They say that the victim was gay, or the attack was caused by the protection of morals, children, and the struggle against the violation of law on “propaganda.”<sup>21</sup>

In the Russian context, the targeting of LGBT groups presaged more sweeping crackdowns on civil society, which were then used to target LGBT activists again. Uganda’s laws criminalizing “carnal knowledge against the order of nature” date to the early twentieth

century, and impose punishments of fourteen years’ imprisonment and corporal punishment.<sup>22</sup> However, in February 2014, Uganda enacted an even more draconian anti-homosexuality bill, with provisions imposing a five to seven year sentence for “promotion” of homosexuality. The bill rode a rising tide of national homophobia; it had first been proposed in 2009, and had been promoted by Christian religious leaders. In 2010, a national publication called *Rolling Stone*, published photographs of 100 people it said were homosexuals with the title “Hang Them.”<sup>23</sup>

Implementation of the law has been sweeping, including a July 2014 ruling by the Uganda High Court against four activists who sued the ethics and integrity minister for shutting down a February 2014 workshop on LGBT rights for “promoting” or “inciting” same-sex acts; and a police raid on a U.S.-funded HIV research center under suspicion of “recruiting homosexuals.”<sup>24</sup> Domestic and international rights advocates have also documented an uptick in violent incidents linked to implementation of the law and the targeting of LGBT organizations for “propaganda.” These include “occasional resort to threats, harassment, physical violence and heavy-handed bureaucratic interference to impede the registration and operations of NGOs.”<sup>25</sup> Here too, violence by non-state actors appears to be facilitated by the laws and “by political leaders inciting violence through public statements.” Transgender people often bear the brunt of this violence.<sup>26</sup>

Some observers have pointed to the crackdown on LGBT groups as a precursor to a subsequent proposed NGO bill that would restrict all civil society organizations. In this case, Ugandan authorities’ targeting of LGBT groups also appears to have been a “canary in the

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18 Valery Sozayev, “Russia in the 21st century: A culture war caused by traditionalist revanchism,” The situation of lesbian, gay, bisexual and transgender people in the Russian Federation (Last three months 2011- First half 2012), Russian LGBT Network (2012), accessed April 15, 2016, <http://civilrightsdefenders.org/files/Russian-Federation-LGBT-situation.pdf>.

19 Russian court: Ban of ‘gay propaganda to minors’ is constitutional,” UK Gay News, (March 31, 2010), accessed April 15, 2016, [www.ukgaynews.org.uk/Archive/10/Mar/3101.htm](http://www.ukgaynews.org.uk/Archive/10/Mar/3101.htm).

20 “LGBT activist from Murmansk was found guilty of ‘propaganda of homosexuality,’” Russian LGBT Network, accessed February 4, 2016, <https://LGBTnet.ru/en/content/LGBT-activist-murmansk-was-found-guilty-propaganda-homosexuality>; “Altai territory court has blocked a support resource for LGBT teenagers, ‘Children-404,’” Russian LGBT Network, accessed February 4, 2016, [www.LGBTnet.org/en/content/altai-territory-court-has-blocked-support-resource-LGBT-teenagers-children-404](http://www.LGBTnet.org/en/content/altai-territory-court-has-blocked-support-resource-LGBT-teenagers-children-404)

21 Coming Out, Transgender Legal Defense Project (Rainbow Foundation), and Russian LGBT Network, Implementation of the International Covenant on Civil and Political Rights in the Russian Federation: Sexual Orientation and Gender Identity Issues, Alternative Report (Submitted for the 111 session of the Human Rights Committee, Geneva: 7 July 2014): 4.

22 The Civil Society Coalition on Human Rights and Constitutional Law and Human Rights Awareness and Promotion Forum, Protecting morals by dehumanizing suspected LGBTI persons? A critique of the enforcement of the laws criminalizing same-sex conduct in Uganda, (October 2013), accessed April 15, 2016, <http://hrapf.org/publications/research-papers/>.

23 Xan Rice, “Ugandan paper calls for gay people to be hanged,” *The Guardian*, (October 21, 2010), accessed April 15, 2016, [www.theguardian.com/world/2010/oct/21/ugandan-paper-gay-people-hanged](http://www.theguardian.com/world/2010/oct/21/ugandan-paper-gay-people-hanged).

24 Marie Harf, “Press statement: Raid on the Makerere University Walter Reed Project by Ugandan Authorities,” (April 4, 2014), accessed April 15, 2016, [www.state.gov/r/pa/prs/ps/2014/04/224431.htm](http://www.state.gov/r/pa/prs/ps/2014/04/224431.htm).

25 Human Rights Watch, Curtailing criticism: Intimidation and obstruction of civil society in Uganda (New York, 2012), accessed April 15, 2016, [www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda](http://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda).

26 African Men for Sexual Health and Rights (AMShEr) and Coalition of African Lesbians (CAL), Violence based on real or perceived sexual orientation and gender identity in Africa (Pretoria, 2013), accessed April 15, 2016, <http://amsher.org/violence-based-on-perceived-or-real-sexual-orientation-and-gender-identity-in-africa/>.



coal mine,” presaging closing of civil society space for other CSOs as well.

### **Resurgent nationalism and “tradition”**

A third factor that emerges in the four countries examined in this report is the rise of nationalism, and its related scapegoating of homosexuality as a “foreign” phenomenon.

While globalization has created powerful flows of finance, goods, ideas, and people that link disparate parts of the world, resurgent nationalism in many countries has also sparked resistance to globalization. Citing a need to preserve national integrity and culture, political leaders in diverse religious and cultural contexts are publicly challenging international human rights norms, calling for a return to “traditional values,” and upholding binary gender norms and heterosexuality as emblems of national pride.

In all four of the countries studied for this report, LGBT activists reported political or even physical threats in the name of nationalism, whether it was the disruption of private events by nationalist thugs, or the public denunciation of homosexuality by senior government officials as “foreign” to domestic traditions. Resurgent nationalism, bringing with it culture wars and religious fundamentalism, can create added tensions that affect broader civil society space.

### **Resilience and survival**

In this challenging context, the activists interviewed for this report and their allies continue to mobilize. They describe a variety of tactics to resist the political pressure, including litigation, media work, grassroots mobilization, and dialogue with religious and community leaders.

CSO alliance-building emerges as one of the primary tactics LGBT groups use to push back on closing civil society space in all four countries. Connections with other civil society sectors in the same country, and with regional and international LGBT NGOs and networks, have helped to “build the local movement, and leverage engagement with regional and international forces,” says Jessica Stern of OutRight International.

In a few cases, bold litigation combined with regional information-sharing has been rewarded with significant policy shifts. As an example of how wins in one country may influence those in another country in the same region, in November 2014, Botswana’s courts found that the refusal to register an LGBT group, LEGABIBO, was “grossly unreasonable.” The Botswana Court of Appeals cited Kenya’s court decision to allow registration by the National Gay and Lesbian Human Rights Commission, as well as Botswana’s own national submissions to the Universal Periodic Review to the UN Human Rights Council.<sup>27</sup>

Funding these strategies remains a challenge, however. Activists who spoke to GPP cited burdensome grant application and reporting processes, limited sources of funding, and lack of capacity-building opportunities as serious concerns that hamper their ability to resist the political pressures they face.

This is consistent with findings from Funders for LGBTQ Issues, whose 2010 report called current funding at that time “dangerously insufficient.”<sup>28</sup> Six years later, LGBT groups facing the perfect storm of homophobic laws and closing civil society space say they must have continued support from their donors, and the support of new donors, in order to survive.

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27 *Thuto Rammogae et al v. the Attorney General of Botswana* (2016), Court of Appeal Civil Appeal CACGB-128-14, High Court Civil Case number MAHGB-000175-13

28 *Funders for LGBTQ Issues, A global gaze: Lesbian, gay, bisexual, transgender and intersex grantmaking in the global south and east 2010* (New York: 2011), accessed April 15, 2016, [www.lgbtfunders.org/files/A\\_Global\\_Gaze\\_2010.pdf](http://www.lgbtfunders.org/files/A_Global_Gaze_2010.pdf).

# Research Goals

**Global Philanthropy Project (GPP)** is a collaboration of funders and philanthropic advisors working to expand global philanthropic support to advance the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people in the Global South and East. Established in 2009, GPP's sixteen member organizations include many of the leading global funders and philanthropic advisors for LGBT rights.

GPP recognizes that civil society organizations around the world are increasingly facing restrictions and limitations which manifest in many different ways: restrictive NGO laws, limits on funding sources, distorted criminal charges, arbitrary raids and audits of organizations, restrictions to freedom of assembly, association and expression. In addition, individual community members and activists are often subjected to intimidation and harassment. This global trend has shown specific targeting of and acute impacts on LGBT activists and organizations. While LGBT activists are anecdotally reporting that they are operating in increasingly restrictive environments, there has been little documentation of these experiences. The aim of this study is to begin to develop an in-depth understanding of the challenges facing LGBT activists, and how these activists are seeking to counter legal restrictions. Additionally, GPP intends to provide guidance and share educational resources for donors aiming to support these efforts.

# Methodology

**This report was researched and written by a consultant, Meg Davis, over 15 days during March–April 2016.**

A shortlist of countries was developed based on initial desk research, and the four focus countries were identified by GPP in consultation with donor members. The countries were selected to represent current trends in the four regions of Africa, Asia, Central Asia, and Europe; time constraints meant that other regions could not be covered in this report. While the experience of LGBT organizations globally is diverse, shaped by the unique history and culture of each country, these four countries were seen as representing some commonalities at the global level. They also demonstrate some of the diversity of experience among countries with differing religious and cultural traditions, as well as the differences between emerging democracies and states with more entrenched democratic institutions.

The desk review included study of published research and reports by UN agencies, civil society and donors, and of media reports. A short list of 30 interviewees was identified by the researcher in consultation with GPP members, with others added based on introductions made by early interviewees. 26 individuals contributed to the research through email or providing advice, 19 of whom agreed to be interviewed, including activists from the four countries, international human rights experts, UNAIDS staff, and scholars. A short list of open-ended questions was shared with each interviewee in advance, and the unstructured interviews were conducted through videoconference or telephone calls in English.

The methodology had limitations, including time constraints that limited the number of interviews and quantity of desk research; the absence of field visits; language differences; and challenges in reaching key activists while they coped with urgent crises.

## Transgender and intersex groups

This report did not identify many instances of shutdown or specific targeting of transgender or intersex groups in the four countries studied. However, that should not be taken as evidence that such shutdowns do not occur.

Global Action for Trans Equality (GATE) has noted the relatively small number and lower visibility of transgender-led organizations. Programs to serve<sup>29</sup> and represent the specific concerns of transgender and intersex people are often subsumed in larger organizations working on sexual orientation and gender identity issues. A report by GATE and Open Society Foundations documents numerous obstacles to establishing, operating, and adequately financing transgender and intersex-led organizations. Similarly, transgender advocates have argued that limited funding for transgender-led work has hampered their ability to advocate and participate in national and international governance<sup>30</sup>.

The violence documented in this report often erupts during public debates over homophobic legislation, which may also create heightened risks for transgender advocates. Several interviewees for this report pointed to specific and well-publicized instances of abuse of transgender community members and advocates, including by the police, and noted that such attacks heighten marginalization, driving advocates underground.<sup>31</sup> The research conducted for this report did not find instances of attacks on intersex groups or individuals linked to closing civil society space.

This report indicates that more in-depth research is needed to better document how closing civil society space may specifically affect transgender and intersex advocates and their organizations, and all of LGBTI society.

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29 Global Action for Trans Equality (GATE) and Open Society Foundations, *Advancing Trans\* Movements Worldwide: Lessons from a dialogue between funders and activists working on gender diversity* (2014), accessed April 3, 2016, <http://transactivists.org/2014/09/16/advancing-trans-movements-worldwide-a-meeting-for-funders-and-activists-working-on-gender-diversity/>

30 IRGT: A Global Network of Trans Women and HIV, *Most impacted, least served: Ensuring the meaningful engagement of transgender people in Global Fund processes*, 2016.

31 Asia Catalyst, Beijing Zuoyou, and Shanghai CSW & MSM Center, *My life is too dark to see the light: A survey of the living conditions of transgender female sex workers in Beijing and Shanghai* (New York: January 2015), accessed April 15, 2016, <http://asiacatalyst.org/wp-content/uploads/2014/09/Asia-Catalyst-TG-SW-Report.pdf>.

# “First they threw Molotov cocktails...”

## Kyrgyzstan

Kyrgyzstan has been a seat of civil society organizations, including LGBT groups, for the Central Asian region. But in the past three years, the government has moved to tighten civil society space with new Russian-inspired legislation. At the same time, the tabling of an “LGBT propaganda” bill, and related sensationalized media coverage, has created an environment that appears to foster homophobic violence.

In 2013, members of Parliament tabled a “foreign agents” bill, inspired by the law in Russia. It would mandate that any organization receiving foreign funding and engaging in “political activity” would be required to register as a “foreign agent.” In Kyrgyzstan, a bill must have three parliamentary readings before being sent to the president for signing. In May 2015, the bill passed its first reading. Said a UN official speaking on condition of anonymity as advocacy is ongoing, “(The foreign agents bill) is a card they are playing all the time-- they pull it out and put it away again.” In May 2014, the Justice Ministry also proposed a bill that would “ban” unregistered NGOs, though this was withdrawn in November.<sup>32</sup> In a March 2014 interview, President Atambaev explicitly linked NGOs to national security threats:

Some CSOs do not care about how they get income, whose orders to fulfill, which kind of work to execute... There are forces interested in destabilizing the situation in

<sup>32</sup> Human Rights Watch, “Kyrgyzstan,” World Report 2015 (New York, 2015), accessed April 15, 2016



Photo by Labrys

Kyrgyzstan and spreading chaos across Central Asia and parts of China.<sup>33</sup>

In this climate of increased tension and scrutiny of civil society organizations, in 2014-15, the Kyrgyzstan parliament also moved a bill on “LGBT propaganda” through two readings (see sidebar). A third reading is still pending. The proposed bill, closely based on Russian laws, would amend existing laws, including the Criminal Code, Administrative Code, and other laws, to criminalize “propaganda for non-traditional sexual relationships,” specifically “distribution of information aimed at formation of a positive attitude towards same sex sexual relationships through mass media.” Though the Minister of Justice, among others, raised concerns that both the foreign agents law and “LGBT propaganda” law “violated human rights,” and the members of Parliament who initiated the bill have since been voted out of office, both these bills could be ratified in 2016.<sup>34</sup>

<sup>33</sup> Rutzen, “Aid barriers and the rise of philanthropic protectionism,” 27.

<sup>34</sup> Catherine Putz, “Kyrgyz anti-gay propaganda law moves forward,” The Diplomat (June 26, 2015), accessed April 15, 2016, <http://thediplomat.com/2015/06/kyrgyz-anti-gay-propaganda-law-moves-forward/>

Advocacy was done in coalition: LGBT groups worked with the Anti-Discrimination Coalition, a network of civil rights groups, to collect nearly 800 signatures on an open appeal urging legislators to reject the “LGBT propaganda” bill. The US embassy, the Organization for Security and Cooperation in Europe and the Office of the High Commissioner for Human Rights also openly opposed the bill.<sup>35</sup> However, the UN official suggested that quiet advocacy, including bringing a group of members of Parliament to Geneva for sensitization, had been the most effective:

If you shout loudly, you just bring more attention. Society supports these kinds of bills. We agreed to work with partners one by one, explaining to them why [the bill] is not good.

The UN official suggested the “LGBT propaganda” bill may have been a response to media coverage of a 2014 report by Human Rights Watch on police violence against gay men in Kyrgyzstan, which had generated intense media coverage, social media

<sup>35</sup> Human Rights Watch, “Kyrgyzstan.”

threats against a Kyrgyz LGBT activist, and a fatwa against same-sex relations by the national acting grand mufti.<sup>36</sup>

Several people who spoke to GPP stated that sensationalized media coverage during the public debate over the “LGBT propaganda” bill had created a climate that fostered homophobic and transphobic violence. Violence was already common: the 2014 Human Rights Watch report had already documented widespread violence against LGBT people in Kyrgyzstan, often by police, and including “extortion, ill-treatment, and sexual violence such as rape, including with external objects.”<sup>37</sup> However, in the wake of the proposed bill, the violence began to also target LGBT groups.

In 2015, two attacks on Labrys, an LGBT community center, followed the tabling of the “LGBT propaganda” bill. The first attack took place on April 3, 2015, when the office of Labrys was attacked with Molotov cocktails (see photograph). Speaking to GPP, Sanjar Kurmanov of Labrys remembered:

Luckily no one was there. One of the bottles was on the top of the house, but did not burn. God saved us. The others fell in the yard, it was not a big fire.

Kurmanov noted that the attempted firebombing had followed a series of incidences of verbal abuse, including egg throwing at their office. The group had owned and otherwise safely occupied the building for five years. “This was our own house, we bought it. We didn’t expect that in one day we’d (suddenly) have to move from there.” Given the history of police violence and harassment of LGBT people in Kyrgyzstan, Labrys was reluctant to report the attack to the police. To explain this reluctance, Kurmanov described two cases in which



Photo by Labrys

transgender women were stripped and photographed in the nude by the police, who shared the photographs on social media. Labrys helped the victims to sue the police for damages, and won judgments of US\$1000 in one case and approximately US\$800 in another. Mihra Rittmann, a Human Rights Watch researcher on Kyrgyzstan who was banned from the country, observes, “There is certainly little trust in the LGBT community about being treated fairly by law enforcement across Kyrgyzstan.”

Police mishandling of a second attack on Labrys the following month only reinforced this mistrust. In May 2015, a private celebration of the International Day Against Homophobia and Transphobia (also known as IDAHOT, May 17th) organized by Labrys in a restaurant for 20 supporters was disrupted when approximately 30 members of two nationalist groups attacked the group. Kurmanov said,

Suddenly they came to us and started to knock on the door, saying that we are illegal and we have to leave this place or they will burn everything, they will kill us.... Then we called the police. When the police

came, they took us not as victims, [it] was like we were the perpetrators.

The police took five of the attackers and 20 of the people celebrating IDAHOT to the police station, locking both attackers and victims in the same detention room for five hours.

We were waiting for the head of the department for five hours. We were not able to buy food or water. It was like we were suspects. The 5 [attackers] were trying to photograph us. When we wrote what happened... one of the police members shared our addresses with [the attackers]. When we noticed that, we started to shout that you don’t have to do this. [The police] denied [that they had done] it.

Then these 5 members of the nationalist groups and the police were sharing food together. We were asking them to please let us buy something, we want to eat and drink and use the bathroom. They allowed us after 2 hours. Some of [our members] were HIV-positive, we asked for drugs, and they would not allow us [to have the

36 “Kyrgyz mufti issues fatwa against gays, challenges HRW,” Radio Free Europe (January 30, 2014), accessed April 3, 2016, <http://www.rferl.org/content/kyrgyzstan-mufti-gay-fatwa/25247925.html>

37 “Kyrgyzstan: Police abuse, extortion of gay men,” Human Rights Watch (January 28, 2014), accessed April 15, 2016, [www.hrw.org/news/2014/01/28/kyrgyzstan-police-abuse-extortion-gay-men](http://www.hrw.org/news/2014/01/28/kyrgyzstan-police-abuse-extortion-gay-men)

medicines]... Around midnight we were able to leave the place.

Labrys is pursuing complaints against the police in court, and continues its work. Despite all it has been through, the group opened a new community center in March 2016. Says Rittmann, "LGBT activists who have continued their work have shown how courageous they are. They play a really important role in raising awareness and informing the international community."

While the attacks were not explicitly linked to the government's efforts to close space for civil society, or the tabling of the "LGBT propaganda" bill, some interviewees saw the attacks as the indirect result of the government's scapegoating of civil society and related media coverage of the bill. In this volatile context, with bilateral and multilateral donors preparing to transition out of support for Kyrgyzstan since it has been reclassified as a lower-middle-income country, advocates underscored the critical need for continued donor support for LGBT advocates. Rittmann noted that given similar struggles are taking place over closing civil society space and homophobic laws in neighboring countries, regional networking that incorporates Russian LGBT activists is more important than ever: "Their experiences are different, but they share a history and language, and there is a lot [Russian activists] have lived through, including advocacy and response, that would be beneficial for Central Asian groups to hear about."

Kurmanov expressed concerns about the looming loss of bilateral and international aid, now that Kyrgyzstan is reclassified as a lower-middle-income country. He pointed to plans by the Global Fund to Fight AIDS, Tuberculosis and Malaria to transition out of financing the health response in 2018, and plans by the Netherlands to exit in 2020. "We need more donors in Kyrgyzstan because the situation is not good, year by year," he says. "We don't want this, we want to fight."

## The Law of the Kyrgyz Republic

**"On amendments to some legislative acts of the Kyrgyz Republic"** - Unofficial translation

**Article 1** - Make amendments to the Criminal Code of the Kyrgyz Republic (State paper of the Jogorku Kenesh of the Kyrgyz Republic, 1998, #7) to add to: Criminal code the article 262-2:

**"Article 262-2. Propaganda of non traditional sexual relationships through mass media**  
Propaganda of the non traditional sexual relationship, i.e. distribution of information aimed at formation of a positive attitude towards same sex sexual relationship through mass media including internet directed at minors **is held liable to a fine of 30-60 calculated rates or imprisonment for 6-12 months.**

**Article 2** - Make amendments to the Administrative Code of the Kyrgyz Republic (State paper of the Jogorku Kenesh of the Kyrgyz Republic, 1999, #2)

1. Amend the Code with the article 66-12:

"Article 66-12. Propaganda of non-traditional sexual relationship  
Propaganda of non-traditional sexual relationship aimed at formation of non-traditional orientation, attractiveness of non traditional sexual relationship or imposition of information fostering non-traditional sexual relationship, if such information does not contain characteristics that foresee criminal sanctions is held liable to an administrative fine: physical persons 8-15 rates, legal entities 100-300 calculated rates.

**Notes.** Non traditional sexual relationship mean same sex sexual relationships.

1. Para 3 of the clause 1 part 1 of the article 556-1 after "66-11" to add "66-12"

**Article 3** - Make amendments to the the Law of the Kyrgyz Republic "On peaceful assembly"

(Newspaper "Erkin-Too dd May 29, 2012, #47) to add the following:

Part 2 of the article 15 to be added clause 5)

"5) Propaganda of non-traditional sexual relationships"

**Article 4** - Make amendments to the the Law of the Kyrgyz Republic "On mass media" (Newspaper "Erkin-Too dd August 4, 1992,#99) to add the following:

Part 1 of the article 23 to add clause)

"N) Propaganda of non-traditional sexual relations"

### Article 5

1. The law enters into force on date of publication

2. The government of the Kyrgyz Republic has to align the normative acts in accordance with the Law in a time period of three months.

## President of the Kyrgyz Republic

# “We suddenly touched a bedrock of homophobia”

## Indonesia

In January 2016, international news outlets reported a series of rapidly escalating homophobic statements by senior government officials. The Indonesian authorities also directly pressured foreign funders of LGBT groups to cease this funding. These verbal attacks did not take place in a climate of closing civil society space for all NGOs, which makes Indonesia’s climate different from that of Kyrgyzstan. In this case study, extreme statements by senior officials—sometimes similar to “national security” language used by officials in Kyrgyzstan and other countries, sometimes veering far into hyperbole or even hate speech—are the main driver of closing space for LGBT groups.

A vibrant democracy, Indonesia is home to a vast and diverse civil society sector. This has included a growing number of national and local LGBT groups, which have emerged over several decades. According to UNDP and USAID, which jointly authored a comprehensive overview of LGBT activism in Indonesia, there are 119 LGBT organizations in 28 out of the country’s 34 provinces.<sup>38</sup> From the 1980s to the present, Indonesian LGBT groups have grown in size and reach, including a national network that works in partnership with government agencies in implementing the national AIDS response.

This history has not been untroubled: Indonesian police have sometimes

restricted LGBT meetings, including shutting down the Fourth Conference of ILGA Asia in March 2010; and the climate for activists in the provinces has long been challenging. But for LGBT groups in the capital, Jakarta, the space for advocacy, service delivery, and community mobilization has been relatively open. This is reflective of the relatively open space for civil society as a whole: current President Joko Widodo, popularly known as Jokowi, was a populist candidate who rode into office on a wave of reformist and anti-corruption sentiment.

In this context, the early 2016 attacks on LGBT groups seemed all the more astonishing for their suddenness and ferocity. Activists and observers who spoke to GPP agreed that they had not foreseen the attacks. “We suddenly touched a bedrock of huge homophobia coming up to the surface,” said one UN official who spoke on condition of anonymity, in order to protect ongoing domestic programs.

The 2016 crackdown began with a relatively minor controversy over the distribution of flyers by an LGBT student group at the University of Indonesia in January. In response, Technology, Research and Higher Education Minister Muhammad Nasir made a statement on January 25th that there was no room for LGBT people at the university, and that the student group has no right to exist.<sup>39</sup>

This attack on freedom of assembly for LGBT students was picked up quickly by the media and amplified by other senior government officials, who climbed on the bandwagon in a flurry of homophobic press statements that cascaded throughout the month of February and into March. Some of these statements veered into dangerous hyperbole: as in Kyrgyzstan, in Indonesia homosexuality was linked to national security threats when the defense minister called LGBT advocacy “more dangerous than nuclear

warfare,” and said it was a form of proxy warfare aimed at undermining the Indonesian state.<sup>40</sup> Indonesia’s former Information and Communications Minister Tifatul Sembiring tweeted that the Prophet called for homosexuals to be put to death, for which he was accused of hate speech.<sup>41</sup>

Many other public attacks focused on restricting freedom of expression. The Information and Communication Ministry blocked 477 online sites with LGBT related content, using its sweeping powers to restrict public sexual behavior of any kind as granted by the 2006 Bill Against Pornography and Pornographic Acts. The Indonesian Broadcasting Commission prohibited men dressing or acting effeminately on national TV.<sup>42</sup> Days later, the Parliamentary Commission for Defense, Foreign Affairs and Information, recommended “measures for the [Indonesian Broadcasting Commission] to tighten controls over broadcasting LGBT-related content, as well as sanctioning strict punishment for violation of LGBT content delivery.”<sup>43</sup> The Information and Communication Ministry even instructed messaging apps to remove LGBT content, such as emojis, that do not “respect the culture” of Indonesia.<sup>44</sup> Worryingly, religious leaders began to demand that Parliament table new legislation to block legal registration of LGBT organizations. In Yogyakarta, police and local authorities closed Al Fatah Pesantren Waria, a school for transgender students, in response to pressure from an Islamic religious group.<sup>45</sup>

40 “Minister: LGBT movement more dangerous than nuclear warfare,” Tempo (February 23, 2016), accessed April 15, 2016, <http://en.tempo.co/read/news/2016/02/23/055747534/Minister-LGBT-Movement-More-Dangerous-than-Nuclear-Warfare>

41 “Former Indonesian cabinet minister calls for ‘homosexuals’ to be ‘put to death,’” BuzzFeed (February 26, 2016), accessed April 15, 2016, [www.buzzfeed.com/lesterfeder/former-indonesian-cabinet-minister-calls-for-homosexuals-to-put-to-death](http://www.buzzfeed.com/lesterfeder/former-indonesian-cabinet-minister-calls-for-homosexuals-to-put-to-death)

42 Darren Wee, “Indonesia bans effeminate men on TV,” Gay Star News (February 29, 2016), accessed April 15, 2016, [www.gaystarnews.com/article/indonesia-bans-effeminate-men-on-tv/#gs.null](http://www.gaystarnews.com/article/indonesia-bans-effeminate-men-on-tv/#gs.null)

43 Human Rights Watch, “Indonesia: Don’t censor LGBT speech,” (March 9, 2016), accessed April 15, 2016, [www.hrw.org/news/2016/03/09/indonesia-dont-censor-lgbt-speech](http://www.hrw.org/news/2016/03/09/indonesia-dont-censor-lgbt-speech)

44 HRW, “Indonesia: Don’t censor.”

45 Bambang Muryanto, “Transgender Muslims in fear after school shutdown,” The Jakarta Post, February 29, 2016. Accessed April 14, 2016, [www.thejakartapost.com/news/2016/02/29/transgender-muslims-fear-after-school-shutdown.html](http://www.thejakartapost.com/news/2016/02/29/transgender-muslims-fear-after-school-shutdown.html)

38 UNDP, USAID, Being LGBT in Asia: Indonesia country report. (Bangkok, 2014), accessed April 15, 2016, [www.asia-pacific.undp.org/content/rbap/en/home/operations/projects/overview/being-lgbt-in-asia.html](http://www.asia-pacific.undp.org/content/rbap/en/home/operations/projects/overview/being-lgbt-in-asia.html)

39 “LGBT not welcome at university: Minister,” The Jakarta Post (January 25, 2016), accessed April 15, 2016, [www.thejakartapost.com/news/2016/01/25/lgbt-not-welcome-university-minister.html](http://www.thejakartapost.com/news/2016/01/25/lgbt-not-welcome-university-minister.html)

In this climate of accelerating political pressure, some support came from sympathetic politicians, including Coordinating Political, Legal and Security Affairs Minister Luhut Pandjaitan, who called for protection of the rights of LGBT people (though he also said he believed homosexuality should be “cured”).<sup>46</sup> Vice President Jusuf Kalla spoke against the passage of any laws “interfering in the internal affairs of citizens.”<sup>47</sup> The Pancasila Caucus of the House of Representatives issued a statement asserting that LGBT people have the right to “protection and a feeling of safety, just like other citizens.”<sup>48</sup>

However, even without the passage of specific laws targeting civil society or LGBT groups, the sweeping restrictions on online media, a critical tool for reaching otherwise hidden LGBT people, the hostile statements by senior officials, and the looming threat of potential restrictions on NGO registration, have created a threatening environment for LGBT groups. Some began to see signs of involvement in surveillance and control by national intelligence agents. After one face-off between national intelligence agents and an LGBT group over training for about 25 people that had been planned in a trusted hotel, activists have begun to seek less public venues to hold meetings.

Grace Poore of OutRight International says that the space in Jakarta, previously seen as open for LGBT groups, has tightened significantly, and threats are becoming more common there:

At least one group I know in Jakarta used to get text messages or online messages, “If you continue

doing this work we will kill you.” In the provinces, you have members of fundamentalist groups [that] will actually go up to an activist, say a trans individual who is visible, and personally threaten the person. One of our partners in East Kalimantan did have members from the group coming up to him and saying we will rape you, we will kill members of your family and we will kill you.

While such homophobic and transphobic attacks were previously unusual in Jakarta, she said, advocates worry they may become more common now, with political leaders’ homophobia fanning the waves of sensationalistic media coverage.

Some LGBT groups have begun to explore security measures to protect advocates, groups and community members from violence and intimidation.<sup>49</sup> Others described a rush to remove potentially dangerous content from websites, and changing their work and travel routines to manage risk.

Officials have also specifically targeted foreign funding for LGBT groups. Vice President Jusuf Kalla stated publicly that the National Development Planning Agency had summoned the UN Development Programme (UNDP) office in Indonesia and instructed them to terminate all domestic activities linked to a regional LGBT program, including UNDP’s funding for domestic LGBT groups.<sup>50</sup> Advocates said they had heard that other donors in Indonesia have also been unofficially told not to fund LGBT organizations. Advocate Dédé Oetomo said that some donors are accepting the restrictions on LGBT funding in order to enable them to continue other programs:

Some [bilateral and multilateral donors] have told me we have

other programs, poverty alleviation, clean water. Yes, of course that’s important. In the early 90s when the government stopped all Dutch funding... NOVIB and HIVOS actually set up companies within Indonesia and kept funding organizations, mostly human rights, also some worker and farmer advocacy groups.

He suggested that tactics like this, involving registering domestic companies to enable continued funding for domestic organizations, is something that donors should pursue in the context of closing civil society space for LGBT work.

Poore noted that funding for LGBT programs in Indonesia might still be feasible if it is done quietly and sensitively, and without public branding by the donor. Funders who keep a lower profile have fared better in these more constrained contexts, she says,

[Successful funders in these contexts] are discreet. Before approving a grant request they have a rigorous screening approach, but once they decide to give an LGBT organization the funds, they allow the organization to use the money in the way that makes the most sense on the ground. They are rigorous about reporting requirements, but they don’t meddle, basically.

Noting some that some donor agency staff have become personally engaged and responded directly to crises, Poore commented that the demonstration of personal involvement by donors made a real difference to domestic advocates during a crisis.

International health financing for Indonesia now also faces difficult decisions. In late February, the new leadership of the largest national union of Muslims, Nahdlatul Ulama (NU), issued public statements calling for criminalization of LGBT people, and calling homosexuality “incompatible

46 “Luhut agrees LGBTs need rights protected but says they are diseased,” Jakarta Post (February 16, 2016), accessed April 15, 2016, [www.thejakartapost.com/news/2016/02/16/luhut-agrees-LGBTs-need-rights-protected-says-they-are-diseased.html](http://www.thejakartapost.com/news/2016/02/16/luhut-agrees-LGBTs-need-rights-protected-says-they-are-diseased.html)

47 “No need for government to issue law on LGBT: VP,” Antara News (February 19, 2016), accessed April 3, 2016, [www.antaranews.com/en/news/103214/no-need-for-govt-to-issue-law-on-LGBT-vp](http://www.antaranews.com/en/news/103214/no-need-for-govt-to-issue-law-on-LGBT-vp)

48 “Ferdinand Waskita, Pernyataan Pers Kaukus Pancasila DPR RI. “Kaukus Pancasila DPR RI Tegaskan LGBT Juga Warga Negara yang Berhak Dilindungi,” Tribun Nasional (February 21, 2016), accessed April 3, 2016, [www.tribunnews.com/nasional/2016/02/21/kaukus-pancasila-dpr-ri-tegaskan-LGBT-juga-warga-negara-yang-berhak-dilindungi](http://www.tribunnews.com/nasional/2016/02/21/kaukus-pancasila-dpr-ri-tegaskan-LGBT-juga-warga-negara-yang-berhak-dilindungi)

49 “Under attack, Indonesian LGBT groups set up safe houses, live in fear,” Trust (March 9, 2016), accessed April 15, 2016, <http://news.trust.org/item/20160309010251-30zrd/>

50 Haeril Halim, Hans Nicholas Jong and Nurul Fitri Ramadhani, “Govt. demands UNDP remove funding for LGBT programs,” Jakarta Post (February 16, 2016), accessed April 15, 2016, [www.thejakartapost.com/news/2016/02/16/govt-demands-undp-remove-funding-LGBT-programs.html](http://www.thejakartapost.com/news/2016/02/16/govt-demands-undp-remove-funding-LGBT-programs.html)



with human nature.”<sup>51</sup> After public criticism of its stance, NU’s health department issued a separate statement reiterating its position that “the tendencies of Lesbian, Gay, Bisexual and Transgender (LGBT) are a form of perversion and the practice of LGBT is a desecration of human dignity.” NU called for laws to be passed that would ban homosexuality and provide for “rehabilitation.”<sup>52</sup>

NU is currently a recipient of funding from the Global Fund to Fight AIDS, Tuberculosis and Malaria through June 2016, and is being considered as a potential implementer for the next round of Global Fund financing that begins in 2017. The funding supports HIV prevention work among key populations vulnerable to HIV. In 2015, the Global Fund integrated human rights minimum standards into all grant agreements, including a commitment to non-discrimination and a complaints procedure for those who believe they have been victims of rights abuses such as discrimination. In 2015, the Global Fund also approved a policy that its funding may not be used for compulsory treatment including “cures for homosexuality.”

Indonesian advocates have written to the Global Fund’s domestic oversight mechanism, the Country Coordinating Mechanism, demanding they address NU’s statements. Both UN agencies and HIV activists say they intend to monitor NU’s service delivery closely.

As in this example, Indonesian LGBT advocacy continues, including advocacy targeting international aid. Advocates noted that during the current crisis, they have developed stronger partnerships with mainstream human rights organizations, which came together to denounce the homophobic government

rhetoric and the shutdowns of LGBT websites. Oetomo emphasized the strength and strategic nature of this alliance:

Our coalition statements include mainstream human rights organizations, feminists, indigenous groups, a rainbow coalition. We were told you guys [LGBT groups] should not appear on this, it should be everyone else saying this is unacceptable.

He noted that the National Commission on Human Rights has also issued a public statement referencing the Yogyakarta Principles, and calling for state action to protect and fulfill the rights of LGBT people.<sup>53</sup> Poore agreed that national-level solidarity with LGBT advocates has been effective, but noted that in smaller towns, formerly outspoken allies have been intimidated: “If they used to be supportive they have grown silent, taken a grey position, become noncommittal on LGBT issues.”

The question remains why the targeting of LGBT groups is happening at this particular moment. Two longtime observers who spoke to GPP speculated that the scapegoating of LGBT may be a power play by opposition political forces displaced in the populist fever of the last presidential elections, pointing out that one of the papers aligned with the opposition has been the most vocal in its denunciation of LGBT groups. As in Kyrgyzstan, the Indonesian rhetoric has linked LGBT groups to foreign influences, while calling for a return to “traditional” values, religious conservatism and nationalism. In both countries, the trend towards nationalist revival appears closely linked to public homophobia.

Other observers said they were less surprised when this wave of homophobia emerged, because it had

always existed below the surface. Said Oetomo, “Some older activists say this was bound to happen anyway. Now the cards are on table: let’s face it.”

51 Fedina S. Sundaryani, “NU joins anti-LGBT bandwagon with edict,” Jakarta Post (February 27, 2016), accessed April 15, 2016, [www.thejakartapost.com/news/2016/02/27/nu-joins-anti-lgbt-bandwagon-with-edict.html](http://www.thejakartapost.com/news/2016/02/27/nu-joins-anti-lgbt-bandwagon-with-edict.html).

52 Suara Nahdlatul Ulama, “Pernyataan Sikap LKNU Terkait Tudingan Dukung LGBT”, Indonesian original accessed April 3, 2016, [www.nu.or.id/post/read/66290/pernyataan-sikap-lknu-terkait-tudingan-dukung-lgbt](http://www.nu.or.id/post/read/66290/pernyataan-sikap-lknu-terkait-tudingan-dukung-lgbt). Unofficial translation provided by Kyle Knight, Human Rights Watch

53 The Yogyakarta Principles were developed by a group of human rights experts who met in Yogyakarta, Indonesia in 2006 to outline a set of international principles relating to sexual orientation and gender identity. For more information, see [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)

# "We try to engage everybody"

## Kenya

Kenya's struggle for civil society space has been ongoing for years. It recently has included the government's deregistration of hundreds of CSOs during a protracted fight over efforts to hold senior government officials accountable for funding and orchestrating 2007-08 election violence. At the same time, the Kenyan authorities have been forced to respond to the threat of terrorism from al-Shabaab and the Somali borders since 2011.

These and other contests over Kenya's constantly shifting civic space have naturally created pressure on LGBT groups as well. However, despite these pressures and the fact that African states have been frequently in international news over homophobic incidences and legislation, Kenya has a vibrant and active LGBT civil society sector, empowered in part by powers in the new Constitution.

After Kenya's hotly contested 2007-08 presidential elections, there was a strong push from many civil society organizations to hold the president and vice-president accountable for election-related violence. Related cases continue to move through the Kenyan courts and have been brought to the International Criminal Court, with mixed success.<sup>54</sup> The government has responded energetically, accusing Kenyan CSOs of promoting foreign interests, and threatening to leave the International Criminal Court over its "unfair targeting" of African leaders.<sup>55</sup>

54 Mark P. Lagon, "When civil society is attacked, Kenya's democracy is imperiled," Freedom House (January 8, 2016), accessed April 15, 2016, <https://freedomhouse.org/blog/when-civil-society-attacked-kenya-s-democracy-imperiled>

55 Agence France-press, "African Union members back Kenya plan to leave the ICC," The Guardian, (February

Counterterrorism legislation has given the government sweeping authorities to review and investigate CSO finances and operations. In 2014, the Kenyan government de-registered over 500 CSOs, including some with alleged links to terrorism.<sup>56</sup> In October 2015, there was a similar push to de-register another 957 CSOs, though authorities backed down after a public outcry.

Kenyan authorities have also attempted to use proposed new legislation on the registration and governance of civil society to restrict foreign funding. A bill known as the Public Benefits Organizations Act (or PBO Act) was developed under the previous presidential administration with the aim of facilitating better registration and management of CSOs. However, while it was enacted in 2013, the act has not yet been implemented, due to a number of new proposed Parliamentary amendments that would impose a controversial 15% cap on foreign funding, among other restrictions.<sup>57</sup>

Public protest against the proposed amendments to the PBO Act was broad-based and vocal, and concerns were raised by UN human rights experts. Cabinet Secretary for Planning and Devolution Anne Waiguru established a task force to collect public views and make recommendations<sup>58</sup>. The final report recommended rejecting the foreign funding cap, and urged the immediate enactment of the Act without any of the proposed government amendments. To date, the Act remains in limbo. "The discussions around the bill are not concluded," says Mukami Murete, deputy executive director of UHAI East Africa Sexual and Health Rights Initiative. "It's a thing

1, 2016), accessed April 15, 2016, [www.theguardian.com/world/2016/feb/01/african-union-kenyan-plan-leave-international-criminal-court](http://www.theguardian.com/world/2016/feb/01/african-union-kenyan-plan-leave-international-criminal-court)

56 Kenya de-registers NGOs in anti-terror clampdown," BBC News, (December 16, 2014), accessed April 15, 2016, [www.bbc.com/news/world-africa-30494259](http://www.bbc.com/news/world-africa-30494259)

57 "Simon Allison, "Kenya: Think again, civil society in Kenya is down but not out." (January 5, 2016), accessed April 15, 2016, <http://allafrica.com/stories/201601050964.html>

58 The PBO Task Force, Kenya Ministry of Devolution and Planning, Taskforce report on the Public Benefit Organizations Act 2013 (May 5, 2015).

hanging over our heads."

All Kenyan civil society organizations have had to contend with the chilling effect of government retaliation. For LGBT groups, the environment of instability is made worse by their criminalization and by a climate of police impunity for abuse. Kenyan law criminalizes same-sex sexual behavior with up to 14 years' imprisonment; though the law is rarely enforced, it exposes LGBT individuals to the risk of police violence, harassment, and extortion.<sup>59</sup> Human rights reports by Persons Marginalized and Aggrieved (PEMA-Kenya) and by Gay and Lesbian Coalition of Kenya (GALCK) have documented ongoing mob violence and police abuse against LGBT people across the country, noting the toxic role played by homophobic speech by religious leaders.<sup>60</sup>

Kenyan LGBT groups have had to be cautious about their public profile as a result. Esther Adhiambo of PEMA-Kenya says of her work,

All these things you are doing – you can't even publicize them. Most information is hidden. You will be afraid that the Kenyan revenue authority will check your books and say you are doing something [wrong]. They have not raided LGBT organizations yet, but they raid other organizations. You never know when that can hit you... If we have a website, people will follow us, we will be publicized, and we'll be under the hawk eye of the media.

As a result, many Kenyan NGOs working on LGBT issues register under more general or vague mission statements, and avoid publishing their work online. Visibility brings numerous risks to both groups and individuals. Says Mukami Murete of UHAI,

59 Human Rights Watch, "Kenya," World Report 2015 (New York, 2015), accessed April 15, 2016, [www.hrw.org/world-report/2015/country-chapters/kenya](http://www.hrw.org/world-report/2015/country-chapters/kenya)

60 Human Rights Watch and PEMA-Kenya, The issue is violence: Attacks on LGBT people on Kenya's coast (New York, 2015), accessed April 15, 2016, [www.hrw.org/report/2015/09/28/issue-violence/attacks-lgbt-people-kenya-coast](http://www.hrw.org/report/2015/09/28/issue-violence/attacks-lgbt-people-kenya-coast)

Our issues are always around morality.... That is remarkably different from challenges that other mainstream organizations may face. When LGBT-related cases are discussed in public, it comes with a lot of hate speech and hate talk.... There are always spurts of violence after such discussions. People get exposed. People get evicted from their homes.

In particular, LGBT advocates pointed to counterterrorism policies as creating specific threats to LGBT advocates. Lorna Dias of GALCK described the “Nyumba Kumi” anti-terrorist initiative, which requires clusters of households to take responsibility for monitoring and reporting “suspicious behavior,” as a source of trouble for outspoken LGBT advocates:

Wherever they move, if they go into medium or high-density housing environments, neighbors gang up and go to landlord, and demand the landlord evict them or face dire consequences.

The “Nyumba Kumi” initiative has created a climate of fear, says Dias. In 2014, when Uganda’s Anti-Homosexuality Bill sparked an influx of LGBT refugees into Kenya, “We had a situation where everyone felt that they were being monitored, and the requests for relocation spiked, whether or not the threats were real.”

In one incident where PEMA aimed to train police on LGBT issues in 2013-14, Esther Adhiambo remembered that police participants began to discuss the training by social media, saying that PEMA was “recruiting police officers to be LGBT.” The Inspector General was tagged in the tweets and a social media flame war erupted:

We had to stop the police training for one year, we kept asking our donors for no-cost extension. We had to look for the Tweets and send them to donors. We had to change the wording of the training,

and remove issues on lesbians and gays and all that. We are few and then there is everyone else. When people attack you, they come in masses.

By carefully managing their visibility and public profile, however, Kenyan advocates have managed to move their work forward significantly. Voices for Women in Western Kenya is one such organization working with LBT women in rural areas. Georgina Adhiambo says her organization has had success with bringing these issues into community discussions about the concerns of rural women:

We started having community conversations on what affects women. We take an inclusive approach. We really try to include everybody because we want to learn more about everybody.... We live in these communities, and we try to make LGBT issues just another aspect of where we stay.

Other activists working on LGBT issues have taken advantage of Kenya’s policy of devolution, in which political power has been devolved to local authorities, to work with local health and gender ministries and become active in county assemblies. “We are making progress,” says Adhiambo.

In Mombasa, Esther Adhiambo has similarly used low profile, steady work behind the scenes to sensitize several formerly homophobic religious leaders. After Sheikh Ali Hussein, one of the best-known imams in Mombasa, called for the killing of all gays, PEMA invited him to a twelve-week sensitization program on access to HIV services for marginalized persons. Without explicitly addressing homosexuality, PEMA spoke generally about health and human rights.

In the final week of the training, the facilitators disclosed that they were gay. The participants, including the imam, were taken aback. Subsequently, the imam changed his thinking about homosexuality, reaching out to a gay

cousin who had been rejected by the family. In early 2016, when Nairobi senator Mike Sonko posted a message on Facebook calling for homosexuals to be burned, religious leaders who had participated in the PEMA training publicly called for tolerance.<sup>61</sup> “We are working with these people, and we need to reach out and help them,” said Esther Adhiambo.

While working behind the scenes is critical in rural and coastal regions, media work has also helped to change the public discourse. In 2014, the Kenya Film Classification Board banned a documentary, “Stories of Our Lives,” which documented five stories of LGBT people in Kenya. In 2016, another controversy erupted over the Kenya Film Classification Board’s attempts to persuade Google to take down an explicitly queer-positive remix and music video of the hit song “Same Love,” by young Kenyan LGBT artists Art Attack.<sup>62</sup> However, several activists noted that the efforts to censor the video may well have backfired, bringing videos like “Same Love” to many more viewers who “watched it and didn’t see anything wrong,” says Esther Adhiambo. Some activists attributed the public shift to ongoing media work done by LGBT advocates. In Mutisya Leonard’s view:

Before only one story was told, but now in every media house we expect them to balance it by inviting a community activist to respond so that people expect to see many sides to a story. The story is not complete unless there’s a gay person or a trans person in the room.

Murete agrees that appearing on talk shows and radio shows has been important, even when it is an unpleasant experience: “Having gay people be the people speaking about

61 Maureen Mudi, “I have no apologies for gay comments: Soko,” *The Star* (February 25, 2016), accessed April 15, 2016, [www.the-star.co.ke/news/2016/02/25/i-have-no-apologies-for-gay-comments-sonko\\_c1301783](http://www.the-star.co.ke/news/2016/02/25/i-have-no-apologies-for-gay-comments-sonko_c1301783).

62 [www.the-star.co.ke/news/2016/02/23/films-board-bans-art-attacks-same-love-remix-for-being-immortal\\_c1300271](http://www.the-star.co.ke/news/2016/02/23/films-board-bans-art-attacks-same-love-remix-for-being-immortal_c1300271)

their issues, even if they do face aggression from fellow panelists, is one of the ways that activists have been able to engage.”

Litigation has also been a critical tactic for LGBT advocates. In July 2014, facing refusal of the National NGO Council to register an NGO, Transgender Education and Advocacy (TEA), founder Audrey Mbugua took the case to the court, and won a decision in TEA's favor from the High Court of Kenya. In October, Mbugua won a second suit for the right to change the gender on her school certificate.<sup>63</sup>

When the national NGO board refused to register the National Gay and Lesbian Human Rights Commission of Kenya, founder Eric Gitari took them to court as well.<sup>64</sup> Gitari said,

In article 36 of the constitution it is said that every person has the right to join, form, and participate in an organization of any kind. Any person! Any kind! What do those words mean? Do they exclude certain persons? Are there Kenyans who are excluded from enjoying certain rights, and if so on which criteria?<sup>65</sup>

In April 2015, the High Court ruled in favor of the National Gay and Lesbian Human Rights Commission, finding that criminalization of same-sex sexual behavior did not extend to restrictions on the right to freedom of association, and that refusal to register the NGO was illegal.<sup>66</sup> In its judgment, the high court found,

The Constitution and the right to associate are not selective. The right to associate is a right that is guaranteed to, and applies, to

everyone.... If only people with views that are popular are allowed to associate with others, then the room within which to have a rich dialogue and disagree with government and others in society would be thereby limited.<sup>67</sup>

The decision was widely seen as a victory for right to freedom of association for African LGBT groups, and it was in fact cited in the Botswana court decision to permit LGBT group LEGABIBO to register. However, the NGO Coordination Board has appealed the decision, and the process is ongoing.

While acknowledging the victory, LGBT advocates who spoke to GPP say they remain reluctant to take advantage of this win to register their own organizations openly. Said one: “Yes, the National Commission won the case there in Nairobi, but us, we are working in rural areas. We didn't want to jeopardize the work.”

Being careful about tactics has been critical, in Lorna Dias' view:

We are using language very carefully. [It's not about] gay rights, it's about human rights as enshrined in the constitution -- end of story.... Sometimes we engage in the discourse, sometimes we drive it, sometimes we encourage our partners to drive it on our behalf, so that resistance is diminished and we find ourselves with a road and a way in.

Similarly, Kenyan LGBT activists warned foreign donors to be cautious about publicizing their funding during the upcoming presidential elections, when media sensationalism could spike. Mutisya Leonard comments,

[They will say that] the reason we are concerned about cleaning up of civil society is to rid Kenya of terrorism, rid Kenya

of neo-colonialism, rid Kenya of homosexuality, which leads to pedophilia. If you, the public, allow us to surveil, we will weed out the bad people and leave Kenya with only the good ones.

Kenyan LGBT activists are exploring some ambitious advocacy tactics for the near future, and see sustained donor engagement as critical. Said one activist, “We're going up against the church, the government, all these huge actors.” Kenyan LGBT activists interviewed for this report stressed the need for funding for capacity-building, advocacy, litigation, communications – and above all, for continued core operational support. Says Dias,

When donors get excited about a thing, they redirect their funding to that thing and make cuts on day-to-day project support. The latter cannot stop. To our funding partners, if there's one thing they can't do it is to diminish support to organizations that are doing incredible day-to-day work out there.

63 “Kenya court victory for transgender activist Audrey Mbugua.” BBC News, (October 7, 2014), accessed April 15, 2016. [www.bbc.com/news/world-africa-29519881](http://www.bbc.com/news/world-africa-29519881)

64 Kenya Human Rights Commission, *The outlawed amongst us: A study of the LGBTQ community's search for equality and non-discrimination in Kenya* (Nairobi, 2011).

65 Sabine Bretz, “Interview with Eric Gitari: Sometimes I wish I was born two hundred years ago” (Goethe Institute Kenya, January 2015), accessed April 15, 2016. [www.goethe.de/ins/ke/en/nai/ku/mag/leb/20465545.html](http://www.goethe.de/ins/ke/en/nai/ku/mag/leb/20465545.html)

66 Graeme Reid, “Africa rulings move LGBT rights forward,” *Jurist* (August 5, 2015), accessed April 15, 2016. [www.hrw.org/news/2015/08/05/africa-rulings-move-LGBT-rights-forward](http://www.hrw.org/news/2015/08/05/africa-rulings-move-LGBT-rights-forward)

67 Eric Gitari vs. Non-Governmental Organisations Coordination Board and 4 others (2015), High Court of Kenya at Nairobi Constitution and Judicial Review Division. Petition Number 440 of 2013; paragraph 88.

# “Not enough air to breathe for civil society”

## Hungary



Photo by Labriz

Despite a history of restrictive policies, including supervision and surveillance during the state socialist era, since the mid-1990s Hungary has had a vibrant and outspoken civil society sector. LGBT NGOs have provided health and legal services, and advocated for progressive social policies; Budapest hosted a Pride celebration each year.<sup>68</sup> This changed in 2010, when civil society organizations began to come under intense pressure under the administration of ruling party Fidesz. LGBT and women's organizations were caught in the political pressure, and have had to form stronger alliances with other NGOs in order to advocate for preservation of their civic space.

Fidesz has taken numerous steps to consolidate government and political power through centralizing government, ratifying a new constitution, putting in place a new electoral system, and streamlining government agencies. The new constitution, which redefined marriage as being only between a man and a woman and which also prohibited abortion, came into effect despite a boycott by 80 members of parliament and massive street protests.<sup>69</sup> Fidesz's consolidation of power included a sweeping crackdown on civil society organizations.<sup>70</sup>

68 Judit Takács, "Queering Budapest," in *Queer Cities, Queer Cultures: Europe since 1945*, ed. by Jennifer V. Evans and Matt Cook (Bloomsbury Publishing, 2014).

69 Stephen Gray, "New Hungarian constitution comes into effect with same-sex marriage ban," *PinkNews* (January 3, 2012), accessed April 15, 2016, [www.pinknews.co.uk/2012/01/03/new-hungarian-constitution-comes-into-effect-with-same-sex-marriage-ban/](http://www.pinknews.co.uk/2012/01/03/new-hungarian-constitution-comes-into-effect-with-same-sex-marriage-ban/)

70 Human Rights Watch, "Hungary: Outstanding human rights concerns." (February 18, 2015), accessed April 15, 2016, [www.hrw.org/news/2015/02/18/hungary-outstanding-human-rights-concerns](http://www.hrw.org/news/2015/02/18/hungary-outstanding-human-rights-concerns).

Tamas Dombos, of LGBT and human rights NGO Háttér, describes a number of mechanisms that have since been used by authorities to circumvent standard policy-making processes: circumventing the usual process of consultation on proposed bills in Parliament to permit fast-tracking of controversial bills; adopting new laws on CSOs that compelled all organizations to amend their constitutions and bylaws through a court-approval process which has been slowed by massive backlogs; requiring all NGOs to re-apply for their public benefit status; and more, all of which combine to create "a destabilizing environment for NGOs."

In addition, the Hungarian government has abolished the State NGO fund (Nemzeti Civil Alapprogram, NCA), which Dombos characterizes as a representative and transparent mechanism of civil society financing, replacing it with a new funding mechanism managed by government representatives and by government-aligned NGOs, which have significantly shifted funding priorities. The new priorities fall under the "National Togetherness" objective of the government, and focus on projects for diaspora Hungarians and for promotion of family values, which explicitly include work on LGBT issues.<sup>71</sup>

71 Pascale Charhon and ILGA Europe, "Promoting an enabling civil society environment: Understanding the concept, policy environment, and its linkages with LGBT civil society protected rights (Working paper)," (January 23, 2015), accessed April 15, 2016, [www.icnl.org/globalforum2015/wp-content/uploads/2015/04/LGBT-cso-s-enabling-environment-charhon-consultants2015.pdf](http://www.icnl.org/globalforum2015/wp-content/uploads/2015/04/LGBT-cso-s-enabling-environment-charhon-consultants2015.pdf)

Inevitably, many such organizations depend on bilateral aid and private funding, making them vulnerable to public criticism. In 2014, Hungarian Prime Minister Viktor Orban called such organizations paid representatives of "foreign interests."<sup>72</sup> Most of the significant funds available to civil society came from Norway. In June 2014, the government launched financial inspections of three NGOs that administer foreign aid from Norway, investigated recipient NGOs, alleging in the media that the funds were being mismanaged. As part of the investigation, authorities demanded lists of the names of volunteers, which would have placed LGBT volunteers at particular risk. Says Tea Erdelyi of LGBT organization Labriz,

[The investigations were] taking 6 to 12 months (it was different in each case), wasn't legitimated by any laws, and during these "investigations" authorities...wanted to know data about clients and volunteers of this type of NGOs (which is against the Hungarian law on personal data). [Most LGBT] organizations cooperated with the authorities in the "investigation," but all of them denied serving personal data on their volunteers or their clients.... We think that the aim of this vexation was intimidation of [these] organizations, and obstruction of their daily work.

Erdelyi notes that "Authorities talked

72 Rutzen, "Aid barriers," 25.

about an examination, which [would] touch every kind of NGO, but all of [the] examined NGOs were human rights/watchdog NGOs, and gender (women rights)/LGBT related NGOs were overrepresented.”

Judit Takács, a sociologist, notes that the tax investigations placed a heavy burden on small NGOs, which lacked the staff to comply with these requirements and maintain their regular programs.

According to Human Rights Watch, four NGOs that distributed Norway grants in Hungary had their tax numbers suspended by the government. In the end, however, Dombos notes, the investigation “closed without finding any mismanagement issues. But they undermined public trust, due to constant charges in the press – it was a smear campaign.” Additional hostility towards civil society was stoked through public criticism in the media of Hungarian philanthropist George Soros, the founder of Open Society Foundations.<sup>73</sup>

The views of those interviewed for this report differed as to whether the closing space for Hungarian civil society has affected all civil society organizations equally, or has been especially burdensome for LGBT groups. Takács, the sociologist, expressed the view that the burden has been equally great on all CSOs. She notes,

It’s not that [authorities] are openly targeting civil society groups, it’s done in a very clever way. They are not providing enough air to breathe, and [civil society groups] would just die, [they] don’t have to kill them.

Others, such as Dombos, argue that all groups working with marginalized communities have been targeted, including LGBT, the homeless and refugees.<sup>74</sup>

73 “Crisis by design: Hungarian PM reveals ‘social engineering’ role of George Soros in refugee run.” (October 31, 2015), accessed April 15, 2016, <http://21stcenturywire.com/2015/10/31/crisis-by-design-hungarian-pm-reveals-social-engineering-role-of-george-soros-in-eu-refugee-run/>.

74 “Budapest Pride: Peaceful overall but right-wing blows and insults,” European Parliament’s Intergroup on LGBT Rights (July 20, 2013), accessed April 15, 2016, [www.lgbt-ep.eu/](http://www.lgbt-ep.eu/)



Photo by Labriz

In 2011 and 2012, the Budapest police refused to issue permits for the annual LGBT Pride march, though the Metropolitan Court of Budapest overturned the 2011 ban.<sup>75</sup> Budapest Pride was able to resume in 2013 despite attacks by right-wing groups, and Erdelyi notes that public LGBT events are now planned more carefully, and “need more safety provisions.” In early 2016, the European Union’s decision to sponsor a Pride float sparked a negative response from the Hungarian authorities.<sup>76</sup> However, as part of the European Union, Hungary shares in a commitment to promoting an “enabling environment for CSOs” including protecting “the de jure and de facto right to associate and secure funding, coupled with freedom of expression, access to information and participation in public life.”<sup>77</sup>

To resist the closing civil society space trend, LGBT groups in Hungary have learned to work closely in coalition with other civil society organizations. Liit Poghosyan of ILGA-Europe comments, “This was very successful in the case of

Hungary, to make the voice of the LGBT movement heard in these platforms.” Dombos agrees: “It is not always easy, but I don’t see any other way except to enjoy the protection of large organizations.” Poghosyan also noted the success of Hungarian LGBT groups in reconnecting with their grassroots base, and Dombos observes that the media attention has catalyzed new members: “Many others started volunteering because of the attacks.”

As in Kyrgyzstan, Indonesia, and Kenya, advocates spoke to GPP about the importance for donors of maintaining their commitment to grantees during periods of pressure. Says Poghosyan, “It is important for donors to be at peace with taking risks, to think long-term, to work closely in partnership with organizations in helping them to define strategies and supporting [their implementation].”

And as in the other three countries, Hungarian activists stressed the importance of having access to flexible core funding during a crisis. Says Dombos, “Things may change here from one week to the other. Political parties on the far right get funding from Russia to put these things on the agenda, and that’s who we are up against.”

news-stories/budapest-pride-peaceful-overall-but-right-wing-blows-insults/

75 “Budapest Pride ban overturned,” European Parliament’s Intergroup on LGBT Rights (February 28, 2011), accessed April 15, 2016, [www.lgbt-ep.eu/news-stories/budapest-pride-ban-overturned/](http://www.lgbt-ep.eu/news-stories/budapest-pride-ban-overturned/).

76 Andrew Rettman, “EU to sponsor gay rights boat, upsetting Hungary,” (March 8, 2016), accessed April 15, 2016, <https://euobserver.com/LGBT/132606>.

77 European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The roots of democracy and sustainable development: Europe’s engagement with civil society in external relations (Brussels: December 9, 2012), 5

# Conclusions

The four case studies in this report show the diversity of experiences of LGBT groups in the context of closing global space for civil society. With a growing number of countries passing new legislation that limits freedom of association and targets foreign funding for all NGOs, the environment in which civil society groups operate is increasingly unstable and unpredictable. In this context, new laws that target “LGBT propaganda,” and the resurgence of nationalism with its emphasis on “traditional values,” can create heightened pressure on LGBT activists. In some contexts, the public scapegoating of LGBT groups by nationalist politicians creates an environment in which violence against LGBT individuals is tolerated, and sometimes actively encouraged.

At the same time, the LGBT activists interviewed for this report continue to operate, opening new community centers, launching new programs, and flexibly tailoring their tactics as they go in order to preserve the space they need to work.

Many of those interviewed underscored the importance of donors, including bilateral and multilateral aid agencies, using their leverage to support LGBT groups’ continued work as part of broader efforts to resist closing civil society space. Bilateral and multilateral aid conditionality has been a subject of debate, and the diverse views of activists interviewed for this report emphasized the importance of using aid conditionality in relation to LGBT rights carefully. While pressure by international aid agencies, such as the European Commission, may have strengthened the hand of moderates in Kyrgyzstan’s Parliament, LGBT activists in Uganda have urged against the use of aid conditionality.<sup>78</sup>

Some have developed new alliances with larger civil society organizations or with regional networks, working tactically in coalition to respond to the pressure. Others have reached out to develop new channels of persuasion and influence with religious leaders. While the media can play a toxic role through inflammatory coverage, it has also in some contexts become a platform for public dialogue and education, enabling new LGBT voices to emerge. Future research can learn from their experience, documenting lessons learned by LGBT groups as the response to closing civil society space continues to evolve.

Photo by Labrys



<sup>78</sup> Civil Society Coalition on Human Rights and Constitutional Law (CSCHRCL), “Guidelines to national, regional, and international partners on how to support now that the Anti-Homosexuality Bill has been assented to,” (Kampala, Uganda: March 3, 2014), accessed April 15, 2016, [www.blacklooks.org/2014/03/guidelines-to-ugandan-national-regional-international-partners-on-support-around-the-anti-homosexuality-bill/](http://www.blacklooks.org/2014/03/guidelines-to-ugandan-national-regional-international-partners-on-support-around-the-anti-homosexuality-bill/).

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# About Global Philanthropy Project

Global Philanthropy Project (GPP) is a collaboration of funders and philanthropic advisors working to expand global philanthropic support to advance the human rights of lesbian, gay, bisexual, transgender, and intersex (LGBT) people in the Global South and East.

Established in 2009, GPP's 16 member organizations include many of the leading global funders and philanthropic advisors for LGBT rights. As the first international cohort of LGBT funders, GPP is internationally recognized as the primary thought leader and go-to partner for donor coordination around global LGBT work.

## Our Goals:

-  Cultivate and deepen the knowledge, skills and capacity of GPP members and other funders in support of global LGBT issues.
-  Increase the amount and influence the type of private and public foundation funding dedicated to global LGBT issues.
-  Increase the amount and influence the type of multilateral and bilateral aid and development funding dedicated to global LGBT issues.
-  Increase the amount and influence the type of philanthropic giving from individual donors dedicated to global LGBT issues.
-  Increase the amount and influence the type of philanthropic giving from corporations dedicated to global LGBT issues.
-  Build a dynamic, responsive, and effective structure enabling the GPP network.

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