

# Sexual orientation and gender identity as human rights issues in development cooperation

## Introduction

Discrimination on grounds of sexual orientation and gender identity (SOGI) is prohibited by international human rights instruments, which most states have ratified. Nevertheless, persons with a sexual orientation or gender identity that does not conform to – perceived – majority norms face discrimination, marginalisation and violence worldwide. A [2013 study](#) (PDF, 590 KB, not barrierfree) reports that homosexual acts are illegal in 78 countries and in seven of these are punishable with the death penalty (PDF, 1.77 MB, not barrier-free). Even though not all of these states implement their discriminatory laws, their mere existence usually reinforces a culture of permissiveness and impunity regarding discrimination and violence towards lesbian, gay, bisexual, trans\* and inter\* people (LGBTI).

Development cooperation has only recently started to pay attention in policy formulation and programming to discrimination on grounds of sexual orientation and gender identity. This may be partly attributable to the criminalisation of homo- or transsexual acts in many partner countries. It is also perceived to be a highly sensitive and political issue, which cannot be easily addressed with partner organisations.

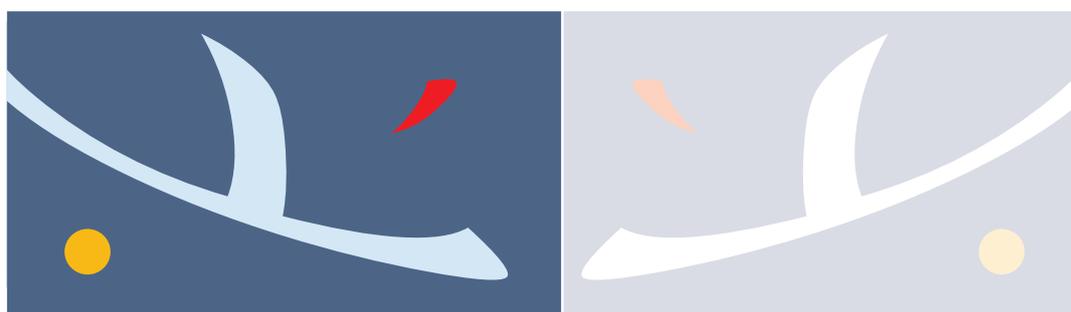
The 2011 strategy on '[Human Rights in German Development Policy](#)' (PDF, 573 KB), issued by the German Federal Ministry for Economic Cooperation and Development (BMZ), explicitly addresses discrimination based on sexual orientation and gender identity. It calls for improving respect for the human rights of LGBTI through development cooperation by working on the root causes of their discrimination. This will require development practitioners to address key questions similar to those that arise

when dealing with other groups suffering discrimination, such as women or people with disabilities: What are the social norms causing discrimination? How do they impact on development? How do these norms change over time? Who is engaged in these processes and can be supported by development programming?

This tool seeks to motivate development practitioners to consider human rights relating to sexual orientation and gender identity in development cooperation programmes. It introduces the relevant human rights framework, sketches out the situation of LGBTI in different regions, and gives examples of how German development cooperation has dealt with human rights relating to sexual orientation and gender identity so far.

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## Terminology

Some definitions up front:

**Sexual orientation** refers to each person's capacity for profound emotional and sexual **attraction to** individuals of a different gender, the same gender or more than one gender, and to the capacity to have **sexual relations** with them.

**Gender identity** refers to each person's deeply felt **individual experience of gender, which may or may not correspond with the sex assigned at birth**. Gender identity includes the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function) and other expressions of gender, including dress, speech and mannerisms.

Most societies are based on the assumption that there are two complementary sexes, male and female, and that heterosexuality is universal and the only acceptable way. When heterosexuality is perceived as the norm (heteronormativity), people with a different sexual orientation or trans\* or any other, gender non-conforming identity are often seen and treated as a threat to this order.

There are a number of self-descriptions that people with a different sexual orientation or gender identity use. When working with such people or groups, it is important to ascertain what they call themselves and what they would like to be called.

**LGBTI** is very common especially in the so-called Global North. The acronym refers to people:

- whose sexual orientation is towards the same sex (lesbians and gays);
- whose sexual orientation is towards both sexes (bisexual);
- whose formally assigned birth sex does not equal the person's gender (trans\*);
- born with a sex/gender that does not fit the concept of a binary (male/female) gender order (inter\*).

Others, often in the Global East and South, tend to refer to themselves as sexual minorities, as this is how they perceive themselves within their society.

### 'Black box LGBTI' – internal hierarchies:

Development cooperation strategies or organisations labelled as 'LGBTI' suggest an equal representation of lesbians, gays, bisexuals, trans\* and inter\*. However, HIV/AIDS programmes labelled 'LGBTI-inclusive' often primarily address gays, trans\* and bisexuals, or men having sex with men (MSM). The same is often true for NGOs who claim to be 'LGBTI', while in reality most of their activities are directed towards gays. The label LGBTI should only be used when all categories are included.

Both labels have connotations:

- The term 'sexual minorities' quantifies. As such, it might bolster arguments on what is considered normal, given it implies that there is a majority way. It might also suggest that SOGI rights are special rights or even minority privileges instead of human rights common to all human beings.
- LGBTI is linked to the gay rights struggle in the West and is often criticised as being Eurocentric. Groups in the Global South argue, for example, that the label LGBTI is based on a restricted catalogue of identities, which fails to grasp traditional trans\* identities common in other countries, such as hijras in Pakistan or metis in Nepal.

Another self-description often used by social movements and activists is queer. Other terms are MSM (men who have sex with men) and WSW (women who have sex with women). This avoids mentioning LGBTI what are perceived as set identities.

To avoid categorisations that lead to stigmatisation and to appreciate the diversity of gender identities and sexual orientations, it is important to bear in mind that the identities embraced by LGBTI do not manifest themselves in the same way worldwide and that categories change with time and place.

## Resources

[Glossary of terms relevant to SOGI/LGBTI](#)

[New Zealand Human Rights Commission: Born Free and Equal: A quick guide to sexual orientation, sex and gender identity \(2012\)](#)

## Rights relating to SOGI – an integral part of the international human rights framework

The prohibition of discrimination is a fundamental human rights principle and is enshrined in all core human rights treaties, including the [International Covenant on Civil and Political Rights \(ICCPR\)](#) and the [Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#). Most German partner countries have ratified the two covenants, along with other international human rights treaties.

### Common arguments: 'homosexuality is a Western import'

States who refuse to accept that human rights encompass SOGI rights often argue that homosexuality is a cultural import of the 'West' and SOGI rights recognition thus contradicts what they claim to be their traditions or culture. This argument has also often been used to oppose the equality of women. It disregards that culture and tradition are neither static nor monolithic and that non-heteronormative sexual orientations and gender identities have existed in all world regions (see, for example, the [recognition of a woman-woman marriage by a Kenyan High Court based upon traditional law](#)). In fact, it was under British colonial rule that homosexual acts were criminalised in many countries (see [Human Rights Watch report 'This Alien Legacy'](#)).

Both the ICCPR and the ICESCR ban discrimination on a variety of grounds, namely 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'. Sexual orientation and gender identity are not mentioned explicitly. This is mostly due to the fact that this type of discrimination – just like discrimination based on gender (as opposed to sex), age or disability – had not been considered human rights issues at the time these instruments were drafted in the 1950s and 60s. However, the prohibition of discrimination in both covenants includes the notion of 'other status'; so, even at that time, it was explicitly recognised that other discrimination grounds may exist.

#### **Common arguments: 'SOGI rights are new rights'**

States opposed to guaranteeing human rights to LGBTI often claim that they are not obliged to do so, despite having ratified the ICCPR and the ICESCR. They argue that by interpreting 'other status' as including discrimination relating to SOGI, the ICCPR and ICESCR treaty bodies have 'introduced new human rights'. These states argue they would have refused to ratify had they known the treaty bodies' interpretation before. However, treaty bodies are tasked with the interpretation of the human rights treaties, which includes taking into account changing legal developments and practice. So, even if the treaty bodies' interpretation has evolved after treaty ratification by most states, their interpretation advanced in the General Comments is widely considered as an authoritative interpretation of states' human rights obligations.

The treaty bodies (see [Human Rights ABC for development cooperation](#) (PDF, 221 KB)) are the expert bodies trusted with the interpretation of human rights treaties. In a landmark decision in 1994 (Toonen/Australia), the [Human Rights Committee](#), which is responsible for monitoring the ICCPR, confirmed that prohibition of homosexual acts among consenting adults amounts to discrimination and violates the right to privacy.

More recently in 2009, the [Committee on Economic, Social and Cultural Rights](#) confirmed in its [General Comment](#) (Doc, 221 KB) that both sexual orientation and gender identity are recognised as among the prohibited discrimination grounds. State parties are to ensure that these grounds do not prevent persons from realising human rights.

#### **Frequent recommendations by treaty bodies regarding human rights relating to SOGI**

In their Concluding Observations, treaty bodies recommend to states how to improve their compliance with international human rights law. With respect to human rights relating to SOGI, treaty bodies frequently request states to abolish the criminalisation of homosexuality. They also recommend states to provide effective protection from violence by third parties and to adequately investigate and punish such violence against LGBTI. Other recommendations include training law enforcement bodies and other measures to address patterns of prejudice and discrimination.

While other individuals and groups at risk of exclusion such as women, children and persons with disabilities can draw upon international legal instruments like the Convention on the Elimination of all forms of Discrimination against Women, no such international protection mechanism exists for human rights relating to SOGI. An important step to confirm human rights relating to SOGI as an integral part of the human rights framework was a [June 2011 resolution in the UN Human Rights Council](#) (PDF, 97 KB, not barrier-free). This was the first resolution to be adopted that dealt solely with human rights related to sexual orientation and gender identity. It asked the United Nations' Office of the High Commissioner for Human Rights to undertake a [study on violence and discrimination related to people's sexual orientation and/or gender identity](#) (PDF, 706 KB), and this was subsequently published in December 2011. It is the first UN report dedicated exclusively to human rights relating to SOGI.

## **Examples of critical human rights concerns related to sexual orientation and gender identity**

(Most examples are taken from the [OHCHR study 2011](#) (PDF, 706 KB) and the [2012 OHCHR publication](#))

### **Right to privacy**

Laws criminalising homosexual acts: homosexual acts are illegal in 78 countries, forcing homosexuals to hide their true identity or live in constant danger of legal persecution or stigmatisation.

Statutory rape: often there are higher age limits for consensual homosexual sex than for consensual heterosexual sex. For example, the age of consent is higher for both lesbians and gays in the Bahamas, Chile, Paraguay and Suriname.

### **Right to human and personal security**

The death penalty continues to be applied in seven countries for consensual adult sexual activity between persons of the same sex. The Special Rapporteur on extrajudicial, summary or arbitrary executions regularly reported the death of people who were killed for their sexual orientation or gender identity. As regards to trans\* persons: according to the [yearly](#) update of the [Transrespect versus Transphobia Project](#), 221 trans\* were killed in 2011.

### **Right to an adequate standard of living**

The UN Special Rapporteur on adequate housing noted that lesbian and trans\* women are at increased risk of discrimination, homelessness and violence.

## Right to education

The UN Special Rapporteur on the right to education noted that girls who display same-sex affection face discrimination and expulsion from educational institutions. He also concluded that sex education is a basic tool for ending discrimination against people of diverse sexual orientations and must pay special attention to sexual diversity.

## Freedom of expression, opinion and association

Where States require legal registration of non-governmental organisations, LGBTI groups have had applications rejected or their legal registration revoked. The threat of deregistration has been used to curtail advocacy on sexuality and gender issues and intimidate individuals in the organisations concerned. Peaceful gatherings to promote equality on the grounds of sexual orientation and gender identity are banned by authorities, and participants are harassed and intimidated by police and extremists.

## Right to the highest attainable standard of health

The criminalisation of homosexuality may deter individuals from seeking health services for fear of revealing 'criminal conduct'. It also results in services, national health plans and policies that fail to reflect the specific needs of LGBTI. Healthcare professionals are often insensitive to the needs of LGBTI and lack the necessary professional training.

For trans\* persons wishing to change their biological sex, gender reassignment therapy, where available, is often prohibitively expensive and State funding or insurance coverage is rarely available. Inter\* children, who are born with atypical sex characteristics, are often subjected to medically unnecessary surgery, performed without their informed consent, or that of their parents, in an attempt to 'fix' their sex.

## Freedom of movement and to request asylum

Having fled their countries, LGBTI often face rejection and ignorance when applying for refugee status. [Guidelines of the United Nations High Commissioner for Refugees](#) (PDF, 231 KB) demand that refugee protection should be accorded to people facing a well-founded fear of persecution based on sexual orientation and/or gender identity.

Due to social stigmatisation, LGBTI often face considerable barriers when moving around. In order to avoid verbal and physical abuse, they either have to resort to costlier private transportation or restrain their movements.

## Rights of participation in cultural and family life

The obligation to protect individuals from discrimination on the basis of sexual orientation extends to ensuring that unmarried same-sex couples are treated in the same way and entitled to the same benefits as unmarried opposite-sex couples ([Report of the UN High Commissioner for Human Rights](#), 2011, para. 68).

UN treaty bodies take divergent positions on the question whether States are required to allow same-sex couples to marry.

## Rights of human rights defenders

In her 2010 report to the Human Rights Council, the Special Rapporteur on human rights defenders noted that she had sent 47 communications regarding defenders working on LGBT issues during the previous year. Killings of LGBT human rights defenders were alleged in five communications, with rape and sexual violence (directed at both women and men) being reported in a further six. (See the [report of the Special Representative of the UN Secretary-General on human rights defenders](#) (PDF, 133 KB, not barrierfree).

## Impunity and rights of redress and accountability

Often violence by third parties against sexual minorities goes unpunished. The Special Rapporteur on extrajudicial executions noted that criminalisation increases social stigmatisation and makes people more vulnerable to violence and to human rights abuses, including death threats and violations of the right to life, as these crimes are often committed in a climate of impunity.

## The Yogyakarta Principles

In 2007, an international group of renowned human rights experts published '[The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity](#)'. These principles comprehensively identify the existing obligations of states to respect, protect and fulfil the human rights of all persons regardless of their sexual orientation or gender identity. They also map the specific human rights violations that people of different sexual orientations and gender identities often experience.

Even though the Yogyakarta [Principles](#) (PDF, 357 KB, not barrier-free) were published by people acting in a private capacity, they have attracted considerable attention. Some states, including [the Netherlands, Canada](#) (PDF, 357 KB, not barrier-free), and [Germany](#) (PDF, 1,6 MB), have committed to use the [Principles as foreign policy guidelines](#) (p. 23 to 24, PDF, 730 KB, not barrier-free). Movements working on SOGI issues worldwide use the

principles to fight for decriminalisation, protection and recognition. Case studies are documented in [‘The Activist’s Guide to the Yogyakarta Principles’ \(PDF, 2.5 MB, not barrier-free\)](#) and the [‘Copenhagen Catalogue of Good Practices’](#).

## The situation in different world regions

The situation of LGBTI people differs markedly between regions, from country to country within each region, within each country, and often even between the major cities and rural areas. The following provides very brief regional overviews on SOGI rights, describing some major human rights concerns for LGBTI, as well as successes at the national or regional levels.

### Asia-Pacific

Asian state practices are the most diverse when it comes to recognising SOGI rights. In 2010, the Advisory Council of Jurists of the [Asia-Pacific Forum of National Human Rights Institutions \(PDF, 295 KB\)](#) found that [at least 17 governments in the region failed to protect human rights relating to SOGI](#). The main human rights issues were identified as the criminalisation of consensual same-sex activities, the absence of sexual orientation and gender identity in anti-discrimination laws, and police violence and abuse of power.

Asia still lacks a fully defined regional human rights mechanism. Nevertheless, in some countries, there was increased protection of SOGI human rights at the national level. One notable success is that of Nepal’s metis, who brought their case before Nepal’s Supreme Court. In 2007, this [Court ordered the government to grant ‘Sexual and Gender Minorities’ in Nepal the same rights as other citizens](#). In 2009, [India’s Supreme Court ruled that the criminalisation of homosexuality in the Indian Penal Code – a legacy of colonialism – had to be abolished](#). And in 2011 the [Pakistan Supreme Court](#) ordered the registration of hijras for election.

In 2010, five National Human Rights Institutions ([Australia, Indonesia, Mongolia, New Zealand, Philippines](#)) started programmes to support SOGI human rights, which included the assessment of legal frameworks, training, reporting and advocacy.

#### Multiple discrimination against women

Women are often confronted with double discrimination due to their sex or gender and their sexual orientation or gender identity. UN rapporteurs have attributed risks faced by women human rights defenders to the perception that they are challenging widely accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. Specific risks female LBTs face are, for example, so-called “curative” or “corrective rape”, a form of gender-based violence which perpetrators describe as a “treatment” to “convert” their victims to heterosexuality.

### Latin America

Latin American SOGI movements have achieved a relatively high degree of recognition over the last two decades. Many laws criminalising homosexual behaviour have been repealed and tolerance towards LGBTIs has partly increased. Yet, social attitudes to homo- and transsexuals remain hostile and often violent. Police often resort to provisions such as ‘acts against decency’, ‘public scandal’, or ‘moral contravention’ to justify abuse of LGBTIs. Lesbians have been forcefully institutionalised, and shock therapy and other inhumane treatments have been used to ‘cure’ them. Trans\* people, fearing mistreatment, have reportedly resorted to dangerous self-medication and genital mutilation.

In August 2011, the Inter-American Court of Human Rights in its [first ever LGBTI case](#) (PDF, 165 KB) overturned a Chilean Supreme Court decision, through which a [Chilean mother lost custody of her child because of her sexual orientation](#) (PDF, 1,1 MB). In November 2011, the Inter-American Commission of Human Rights – next to the Court the main body of the Latin American Human Rights System – announced the creation of an [LGBTI unit](#).

As part of a wider series of resolutions, the Organization of American States adopted a resolution in June 2013 asking states to establish mechanisms to combat discrimination based on sexual orientation or gender identity and to protect human rights defenders working on the issue, [AG/RES. 2807](#).

### Africa

In many African countries, SOGI movements are increasingly under threat. LGBTIs are criminalised by law in many states, ostracised by their families, barred from equal access to health or education, and live in constant fear of police threats or violence from the general public. South Africa’s liberal legislation towards same-sex marriages is the regional exception and does not reflect the overall social attitude towards LGBTI in the country.

In recent years, homophobia has become a powerful tool used by populist politicians and religious figures. In Uganda, certain government officials employ a homophobic discourse and a group of parliamentarians tried to pass an anti-homosexuality bill in 2009, which was tabled again in February 2012. In 2011 in Ghana, labelling politicians as gay has become a major tool to defame them in election campaigning. Malawi in 2011 proceeded to criminalise female homosexual behaviour, as it already did for male homosexual behaviour. However in 2012, president Joyce Banda announced to decriminalise same-sex relations.

The African Charter on Human and Peoples' Rights of the African Union (AU) condemns discrimination (Article 2). The Commission tasked with monitoring the African Charter has [indicated in state reporting procedures](#) (DOC, 65 KB) as well as in a [communication](#) (PDF, 230 KB) in 2006 that discrimination on the basis of sexual orientation or gender identity does not conform to the African Charter. The Commission has so far [not taken any explicit position](#) on sexual orientation and gender identity; however, it saw fit to [deny the Coalition of African Lesbians observer status in 2010](#) (PDF 848 KB, not barrier-free), [even though the organisation met all necessary criteria](#).

## Resources

IGLHRC, [Nowhere to turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa](#), 2011.

## The Middle East and North Africa

Northern parts of Nigeria, Iran, Saudi Arabia and Yemen have instituted their version of Sharia jurisprudence and impose the death penalty for homosexual acts. Other countries in the Middle East and North Africa (MENA) criminalise homosexual acts using laws inherited from the colonial era; they include Algeria, Egypt, Jordan and Morocco. The region has probably the highest rate of attacks and campaigns against people that live a sexual orientation or gender identity different to the heterosexual norm. In the United Arab Emirates, Iran and other countries men suspected of being homosexual when arrested by the police, often must endure medical anal examinations. In Egypt, since the early 2000s, gays have been picked up randomly by the police, jailed, tortured and given lengthy prison terms for 'debauchery'. Overall, activist movements in the region are hardly visible and internet censorship inhibits networking and people's access to information about their rights.

Gender reassignment surgeries are legal in some MENA countries (such as Egypt and Iran), but trans\* people nevertheless remain criminalised and stigmatised in both states.

The [Arab Charter on Human Rights](#) (2004, effective since 2008) prohibits discrimination (Art. 3.1) but does not mention gender identity or sexual orientation as prohibited grounds of discrimination. Nor does it include a provision like "any other such status". There is no evidence that the Arab Human Rights Committee, established on the basis of article 45, has dealt with questions of discrimination based on sexual orientation or gender identity.

### Lessons learnt: talk rights, not identities

The pressure of Western LGBTI activism with respect to the situation of LGBTI in Africa and MENA has at times been counterproductive, leading to backlashes against LGBTI people. Talking about human rights rather than identities seems to be more promising and coalitions with the broader human

rights movement have been a key to success in the past.

Litigation strategies have been successful where they focus on claiming that one's sexual orientation and gender identity is no justification for human rights violations, for example in areas like the right to privacy.

## Last but not least: Europe

In Europe (both EU and non-EU), jurisprudence and non-discrimination have improved in recent decades. Being or becoming an EU member state [requires the repeal of discriminatory legislation](#). The European Court of Human Rights has a long history of solid advances in the recognition of [LGBT human rights](#), judging that [sodomy laws](#), as well as the [failure to give legal recognition for a change of gender identity](#) violate the right to privacy, that [sexual orientation was covered by the non-discrimination guarantee](#) of the [European Convention on Human Rights](#), and that the [relationship of a same-sex couple constituted "family life"](#). In the case of [Gas & Dubois](#) in 2012, however, the European Court of Human Rights held that the denial of second-parent adoption was not a violation of either the right to be free from discrimination (Article 8 of the European Convention) or the right to private and family life (Article 14).

However, homophobia is widespread and violent attacks on homosexuals, trans\* and inter\* people still occur. Same-sex marriage is legal in seven European countries, and civil unions and registered partnerships are available in ten states. There are still 30 states, particularly those of Eastern and Central Europe, which do not recognise same-sex partnerships or marriages. Of particular concern is the legal situation of trans\* and inter\* people, which is addressed in an [Issue Paper on Human Rights and Gender Identity](#) produced in 2010 by the former Council of Europe Commissioner for Human Rights, Thomas Hammarberg. He argues that sterilisation, which most European countries require before one can undergo gender reassignment therapy, does not accord with the right to physical integrity.

## Resources

Council of Europe, [Standards for combating discrimination on grounds of sexual orientation and/or gender identity](#) (PDF, 823 KB, not barrier-free), 2011.

Council of the European Union, [Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex \(LGBTI\) persons](#) (PDF, 98 KB, not barrier-free). This supports the promotion and protection of LGBTI rights in foreign policy, including development cooperation.

## How German development cooperation supports SOGI rights

A recent study analysed data on funding for strengthening LGBTI rights by German state and non-state institutions ([3L/GIHR, PDF, 1,5 MB](#)). It finds that most German support to LGBTI consists of direct funding of SOGI organisations via NGOs. In comparison, the state implementing agencies GIZ and KfW run only a few programmes targeting or including LGBTI. The [German-Kenyan Health Programme](#), funded by BMZ and implemented by GIZ, is one such programme. In cooperation with the German Backup Initiative, GIZ worked with local partners such as the Gay and Lesbian Coalition of Kenya (GALCK) and the NGO Liverpool Care and Treatment. Capacity building, advocacy and research enabled GALCK to create safe spaces, expand their network and improve access to health care for sexual minorities. Working at the national and regional level, with a variety of stakeholders, the programme aims to counter social stigmatisation and support legal reforms. (See the [GIZ video: GALCK](#), and the [promising practice](#)). Similar programmes for HIV prevention have been commissioned by BMZ, mainly for the Caribbean and South America. In Peru, Chile, Paraguay, Uruguay and Argentina, BMZ works with governments as well as the UN organisations UNAIDS, UNESCO and UNFPA to integrate the topic of sexual diversity into national curricula for sex education.

Germany's [Hirschfeld-Eddy-Stiftung \(HES\)](#) is working on LGBTI rights in development cooperation and foreign policy, and promotes international networking and cooperation with partner organisations in the Global South and Eastern Europe. It also provides direct assistance to LGBTI individuals who are being threatened. HES carries out national and international LGBTI human rights campaigns by providing information, raising public awareness, lobbying, sensitising, and building alliances. HES supports LGBTI human rights defenders and projects in and from Uganda, South Africa, Nigeria, Turkey, Israel, Lithuania, Latvia, Ukraine, Nicaragua, and Iran. These include the Nicaraguan network Red de Diversidad Sexual, Nigeria's House of Rainbow Fellowship, and the Nicaraguan Red de Desarrollo Sostenible (with financial support from the German Foreign Office). [The Red de Desarrollo Sostenible](#) drew up a National Agenda on Sexual Diversity and Human Rights. The House of Rainbow offers empowerment seminars for LGBTI people and for partner organisations to increase acceptance for sexual minorities in Nigerian communities.

Following a similar approach, the [Heinrich Böll Foundation \(HBS\)](#) supported the Coalition of African Lesbians (CAL). CAL works with 19 partner organisations in 11 African states for a broader acceptance of diverse female identities. One area of the NGO's work is to combat acts of so-called "curative" rape. It is also attempting to achieve observer status at the African Commission on Human and Peoples' Rights. In Thailand, HBS backs a media project that enhances access to information for that country's diverse gender and sexual identities, such as Dees, Gay Kings, Lesbians or Kathoey. Other examples include support for:

the first LGBTI magazine in Georgia; the Helem organisation in Lebanon and their writing of a parallel report to the UN General Assembly meeting on HIV/AIDS; and, the [Israeli internet platform 'We exist!'](#) (PDF, 301 KB, not barrier-free).

## Experiences and resources from other donors

In 2005, the Swedish International Development Cooperation Agency (SIDA) was the first donor organisation to launch an LGBTI action plan. The plan included [training for SIDA staff and the staff of partner bodies](#). A [2010 evaluation](#) (PDF, 440 KB, not barrier-free) concluded that the action plan has helped SIDA to mainstream LGBTI rights as an important human rights issue, but it could not yet report any major impacts on the ground. As a follow-up plan, the evaluation recommended more precise and concrete objectives and indicators.

[HIVOS](#), a Dutch NGO with longstanding experience in supporting LGBTI, recommends focusing SOGI rights funding and other support on:

- rural areas;
- coalition building, e.g. furthering alliances of SOGI movements with NGOs working on other human rights issues, such as women's rights or the prohibition of torture;
- the protection of human rights defenders;
- the exchange of experiences among NGOs and movements working on SOGI issues.

Since 2010, SIDA and HIVOS have collected best practice in mainstreaming SOGI rights in development cooperation.

The [Global Fund](#) is a partnership between governments, civil society, the private sector and affected communities, with the objective of supporting public health interventions relating to AIDS, tuberculosis and malaria. Its '[Global Fund Strategy in Relation to Sexual Orientation and Gender Identities](#)' (PDF, 2,2 MB, not barrierfree), provides a sound introduction on how to mainstream SOGI issues in health policies and especially HIV/AIDS policies.

## The SOGI movement

Non-governmental organisations are at the heart of the SOGI movement. They connect international donors and civil society, and they are expert in understanding people's needs inside the country and the movement's opportunities and limitations. Many NGOs/movements in partner countries are engaged in capacity building, litigation and policy reform, advocacy work, or leadership development. Many of them work almost exclusively with unpaid staff and face security and funding challenges.

Some of them might not be officially registered, as registration usually requires that an association's objectives run in line with national legislation. Criminalisation of LGBTI is thus used by states to bar SOGI movements from registration, which in turn raises further barriers, such as their activities being declared illegal, taxation hurdles, etc.

Whenever possible, development cooperation should take active steps to get in touch with these organisations. The best starting point might be the local NGO community; regional and international organisations working on human rights related to sexual orientation or gender identity, or social movements working on gender and health issues.

## Resources

Human Rights Watch, [Together, apart. Organizing around Sexual Orientation and Gender Identity Worldwide](#), 2009.

## Starting points for German development cooperation

The recent BMZ strategy '[Human Rights in German development strategy](#)' (PDF, 574 KB) explicitly calls for the inclusion in development cooperation programmes of people who suffer discrimination because of their sexual orientation and/or gender identity. It also emphasises the need for strengthening civil society organisations and, in particular, for supporting human rights defenders.

### Common argument: 'LGBTI people are not more affected by poverty than society in general'

The legal and social discrimination of LGBTIs affects their enjoyment of other human rights, such as access to housing, education and work. Some of the main reasons for this are that:

- LGBTI people are often rejected by their families and thus lack an important informal social security mechanism;
- discrimination against LGBTI people starts in school, thus preventing LGBTIs from receiving a formal school certificate;
- discrimination in the workplace either prevents LGBTIs from being employed or makes them more vulnerable to being dismissed.
- social stigmatisation means LGBTI have to take extra precautions when moving in public.

Measures to include LGBTI can be taken within development agencies and in programmes in partner countries. Within agencies, exemplary measures include awareness raising and providing staff guidelines. For example:

- SOGI rights are made visible as part of the human rights concerns in the organisation, e.g. by embedding the Yogyakarta Principles in human rights information and making this available on the agency's website and intranet;
- SOGI rights form part of staff training and briefings;
- Staff are enabled to address SOGI rights in the field, e.g. by providing practical guidelines for those working in the field or promoting the use of existing toolkits like the EU LGBTI foreign policy guidelines or the EU Guidelines on Human Rights Defenders;
- Organisational internal practice reflects what it preaches externally, e.g. it operates its own non-discrimination policy for the workplace.

In political dialogue and programming in partner countries:

Do no harm: check whether existing programmes reinforce existing discrimination against LGBTI, as has occurred in [social cash transfers delivered to female heads of households \(PDF, 12.6 MB, not barrier-free\)](#). Also, when evaluating political measures such as sanctions and conditionalities related to LGBTI criminalisation, take care to listen to local civil society groups. In 2011, [more than 40 social justice movements and NGOs](#) from all over Africa argued that the use of aid conditionality as an incentive for increasing the protection of the rights of LGBTI people on the continent could actually result in making their situation worse, as it undermines the local efforts of LGBTI groups to build coalitions with wider civil society and to establish ties with governments.

Depending on the specific context, development cooperation has the following options:

- Support NGO capacity building and/or NHRIs working on SOGI rights;
- Support groups that combine service delivery with advocacy, to help SOGI movements move from self-empowerment to political action;
- Facilitate cooperation between state actors and civil society;
- Support networking between SOGI and non-SOGI civil society organisations to overcome the isolation of sexual minorities and their advocates;
- Include SOGI rights in regional or country strategies;
- Include SOGI rights in existing programmes, beyond HIV/AIDS prevention: e.g. train legal professionals and law enforcement officers on SOGI rights and support legal advice centres in rule of law programming;
- Include sex education issues as part of teacher training in education programming;
- Reference international or regional human rights material on SOGI rights in political dialogue.

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## Resources

Discrimination related to sexual orientation and gender identity is increasingly covered by UN bodies as well as NGOs. As there is still no complete coverage by one organisation, it is recommended to consult a variety of sources when looking for country-specific information.

### Country information

The Concluding Observations of Treaty Bodies with regard to state reports can be found at the [Human Rights Index](#). Enter the respective country in the 'State/Entity' drop-down menu and use 'sexual orientation' as a keyword.

Information from LGBTI NGOs can be accessed in the Universal Periodic Review of the UN Human Rights Council. This provides access to all NGO statements submitted on individual countries. Select your country of interest using the appropriate drop-down menu on the [webpage](#). Next click on the superscripted '3' beside 'Summary of Stakeholder information' for an overview of the organisations who have submitted reports – NGOs working on sexual orientation or gender identity may be among them.

The International Gay and Lesbian Human Rights Commission runs a [country resource page](#).

The International Lesbian, Gay, Bisexual, Trans and Intersex Association ILGA: Double click your country of choice on the world map on [ILGA's homepage](#). ILGA's regular reports about 'state sponsored homophobia' (PDF, 591 KB, not barrier-free) (2012) provide information on legislation regarding LGBTI worldwide.

There is very limited information on intersex people. Some can be found at the [Organisation Intersex International](#).

The Transrespect versus Transphobia project, run by [Transgender Europe](#), publishes [annual updates on murders of trans persons worldwide](#) and has started to contextualise those data.

[Human Rights Watch](#) regularly researches situations in individual countries.

Amnesty International: Enter 'sexual orientation' in the SEARCH box on the homepage [www.amnesty.org](http://www.amnesty.org). For a particular country, click ADVANCED SEARCH and choose your country of interest from the list.

For Latin American countries, a look on the website of the recently created [LGBTI Unit of the Inter-American Commission of Human Rights](#) might be useful. Legislation in Latin American countries can be accessed [here](#).

For European countries, a search on the [LGBT website of the Council of Europe](#) or the website of the [European Union's Fundamental Rights Agency](#) might produce further information.

The Asia-Pacific Forum of National Human Rights Institutions runs a [website on sexual orientation and gender identity](#).

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