Helpdesk Research Report: Lesbian, Gay, Bisexual and Transgender (LGBT) and Aid
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Query: What strategies have been tried by development agencies (government and NGO) to secure and protect the rights of LGBT people, particularly in Africa? What has been their impact? What lessons have been learned? Please summarise findings from recent research in this area.

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1. Introduction

Many lesbian, gay, bisexual, and transgender (LGBT) people endure hate-motivated violence, torture, detention, criminalisation, and discrimination in jobs, healthcare and education because of their real or perceived sexual orientation or gender identity (OHCHR, 2011). In Africa, homosexuality is criminalised in 38 out of 53 countries (many of them being anti-sodomy laws dating back to colonial times), and in Mauritania, Sudan, and northern Nigeria, homosexuality can be punishable by death. This helpdesk report explores strategies that have been tried by development agencies (government and NGO) to secure and protect the rights of LGBT people, particularly in Africa, and identifies the following key findings from recent research in this area:

- **Action on HIV/AIDS**: Donor and NGO concerns about sexuality can be traced back to the HIV/AIDS epidemic. Concern about the links between health and economic, social and political vulnerability opened up spaces to talk about the human rights of people marginalised by their sexuality (Khanna, 2011). However, the ‘re-medicalisation’ of HIV/AIDS programming and associated focus on risk has raised concerns that the programming focus is shifting away from LGBT rights to access to drugs. It has also meant that while male homosexuality is seen as a legitimate concern, lesbian and bisexual women’s rights have benefited much less from these interventions. Other lessons learned from research in this area are the importance of:
  - not reinforcing stereotypes of homosexuality as ‘dangerous’;
  - funding LGBT movements that are not simply involved in public health issues, but also address human rights, justice and citizenship; and
  - talking about sexuality in self-affirming terms and of the basic human right to enjoy one’s sexuality, rather than a negative discourse of risk (Khanna, 2011).
**Legal change:** At an international level, governments and NGOs have lobbied hard over the last decade for LGBT rights to be considered as fundamental human rights. In December 2008, a declaration was presented to the United Nations General Assembly, condemning violence, harassment, discrimination, exclusion, stigmatisation, and prejudice based on sexual orientation and gender identity. To date, this declaration has been signed by 67 countries. More recently, the United Nations Human Rights Council passed a resolution (proposed by South Africa) in 2011, requesting the United Nations High Commissioner for Human Rights to draft a report detailing the situation of LGBT citizens worldwide. However, South Africa faced widespread criticism from other African governments and the Organisation of Islamic countries for raising the issue of LGBT rights (Fabricius, 2011).

**Supporting LGBT rights in Africa:** Several development agencies have provided technical assistance and support to lawyers taking on LGBT cases and activists providing emergency responses, as well as workshops on monitoring and documenting human rights abuses (for example Global Rights’ LGBTI initiative).

**Funding support for CSO advocacy on LGBT issues** is an increasingly important element of many donors’ human rights strategies, as there is evidence that these organisations often have detailed knowledge, rooted in local realities, of discrimination based on sexual orientation and gender identity or expression. Section 4 outlines how development agencies are providing support to CSOs using the examples of: Hivos, the International Gay and Lesbian Human Rights Commission, and the Human Rights, Sexual Orientation and Gender Identity Support Fund.

**Development assistance programming** (health, poverty reduction, gender, social inclusion etc) is another entry point for securing and protecting LGBT rights. To date, there is little evidence available on what strategies have been most effective in integrating LGBT rights into development work or what lessons have been learned, although this is a priority for the ‘Integration/Mainstreaming project’ which will research effective mechanisms to mainstream LGBT rights into development assistance programming. The project is being led by a working group formed after a meeting of development agencies in Stockholm in March 2010. Although there is currently little data on LGBT poverty rates in Africa, anecdotal evidence reveals that funders can increase the economic and social standing of LGBT people by funding LGBT organizations to implement job training, social enterprises and other forms of development assistance (Galst, 2010). A recent evaluation of Sweden’s LGBT action plan for development assistance also found that Sida had included LGBT issues in 13 mainstream programs and supported 30 LGBT initiatives via framework organisations. The dialogue entry points have been HIV/AIDS and health (5 countries), Human Rights (6 countries), Sexual and Reproductive Health and Rights (2 countries), Civil society cooperation (2 countries) and Gender (3 countries). These 18 countries represent almost 40% of Sida partner countries. However, the evaluation noted that it had not been possible to establish if these efforts have yet contributed to improvements for LGBT persons.

**Aid conditionality** tied to LGBT rights has been tried by several donors, for example in Malawi, but early evidence suggests that tying bilateral aid to LGBT rights can lead to an anti-LGBT backlash: inflaming homophobia, leading to scapegoating of LGBT persons, and potentially endangering LGBT communities, especially in African countries. Critics also argue that it is unworkable on a pragmatic level when African states know they can get aid from a stringless source, China (Long, 2011).

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1 LGBT is extended by some organisations and activists to include intersex people and in these cases the initialism becomes LGBTI
The query report highlights lessons learned from individual strategies, where these are available, but there remain few comprehensive evaluations of the strategies tried by development agencies to secure and protect the rights of LGBT people, with the exception of Sida’s (2010) evaluation of its action plan, which identified a number of lessons learned:

- Sensitivity, courage and innovative methods are required to address LGBT rights in each context.
- Within donor organisations, there is a need for training, competence-building and awareness-raising, as well as further dialogue with Senior management.
- Need to identify and support strategic partners in the NGO community, nationally and internationally.
- Need for clearer objectives and measurable indicators.

It is also useful for development agencies to have a strategic steering document on LGBT rights (for example, strategic LGBT policy documents have been produced by Sweden and the Netherlands). Going forward, there is further potential for donor coordination around LGBT rights to share lessons learned. In March 2010, a meeting was held with 25 representatives from ‘likeminded’ donors and INGOs in Stockholm, hosted by Sida and Hivos. More recently, there have been some discussions about having a follow-up donor meeting in May 2012, possibly hosted by the Dutch government (Frederiksson, 2011).

2. Action on HIV/AIDS

Donor and NGO concerns about sexuality can be traced back to the HIV/AIDS epidemic, with the majority of development policies and programmes handling sexuality primarily in terms of regulation and risk management (IDS, 2008). Gradually, small initiatives began to be funded that attempted to provide an enabling environment to men who have sex with men (MSM) to help protect themselves from infection and find support. Health professionals started to make the connection between social, economic and political vulnerability and health, which opened up a space to talk about the human rights of people marginalised due to their sexuality. Action on HIV/AIDS became the context for broader struggles for citizenship and local discourses of rights relating to sexuality. In addition, international networks were formed to encourage the sharing of experiences, and to a smaller extent strategic collaboration at an international level between these emerging groups (Khanna, 2011). However, there is a concern that the shift in programming focus has moved away from the conditions under which the marginalised become vulnerable to infection and instead has become a question of providing access to drugs and medical treatment (Khanna, 2011). Although this ‘re-medicalisation’ of HIV/AIDS is, to some extent, positive in that resources have been made available for funding prevention, care and treatment programmes for HIV and AIDS, it also means that sexuality “often winds up being reduced to little more than a series of problems that the development industry seeks to solve – HIV and AIDS chief among them – rather than being seen as an intimate and often pleasurable part of people’s lives and identities” (IDS, 2008, p.21).

A 2007 report by the International Gay and Lesbian Human Rights Commission (IGLHRC) described how HIV/AIDS programming in Africa was failing LGBT people as a result of repressive government policies, sodomy laws that legitimise and encourage social discrimination, and unequal access of LGBT people to medical treatment. The report notes that despite increasing evidence of the need for HIV-related interventions for same-sex practising people, there are scarcely more than a handful of formal HIV prevention, testing, treatment, or care programs targeting MSM in Africa and even fewer
for WSW (Johnson, 2008). Where programmes have looked at LGBT people, sexuality has been handled primarily in terms of regulation and risk management and the impact of HIV/AIDS programming on LGBT rights is not as significant as it could be. Some lessons learned here from recent research on the political economy of the development and HIV/AIDS industry (IDS, 2008; Khanna, 2011) are the need to:

- talk about sexuality in self-affirming terms and of the basic human right to enjoy one’s sexuality, rather than engaging in a negative discourse of risk;
- fund LGBT movements that are not simply involved in public health issues, but also address human rights, justice and citizenship;
- be careful not to reinforce stereotypes of homosexuality as ‘dangerous; and
- explore the complex linkages that exist between poverty, sexuality and gender.

3. Legal change

International human rights law and LGBT rights

At an international level, development agencies (government and NGO) have lobbied hard over the last decade for LGBT rights to be considered as fundamental human rights. In 2003, a number of predominantly European countries put forward the Brazilian Resolution at the UN Human Rights Commission, which expressed deep concerns at the occurrence of violations of human rights in the world against persons on the grounds of their sexual orientation.

In 2006, a worldwide campaign was launched by the French-based International Day Against Homophobia (IDAHO) committee to end the criminalisation of same-sex relationships. The campaign was supported by dozens of international public figures including Nobel laureates, academics, clergy and celebrities. Following meetings between IDAHO’s founder, Louis-Georges Tin, and the French Minister of Human Rights and Foreign Affairs, Rama Yade, in early 2008, the French government announced that it would appeal at the UN for the universal decriminalization of homosexuality. The appeal was quickly taken up as an international concern and by December 2008, a declaration was presented to the United Nations General Assembly, condemning violence, harassment, discrimination, exclusion, stigmatisation, and prejudice based on sexual orientation and gender identity. It also includes condemnation of killings and executions, torture, arbitrary arrest and deprivation of economic, social and cultural rights on those grounds. To date, the declaration has been signed by 67 countries, with broad support in Europe and Latin America. As the Office of the High Commission of Human rights noted in 2009, “While the statement was non-binding, it was squarely based on and reaffirmed existing protections for human rights in international law. It was historic, in that it was the first time that the condemnation of human rights violations based on sexual orientation and gender identity was publically criticized by a large number of states, in the context of the General Assembly”.

Working closely with the Norwegian and Dutch governments and NGOs working on LGBT issues, the French government convened a World Congress on Human Rights, Sexual Orientation and Gender Identity on May 15, 2009. Governments, international organisations and representatives of civil society engaged in dialogue on the prospects for cooperation in this sphere, on respect for LGBT people’s right to health and on transphobia around the world. Amongst other initiatives, the Congress recommended drawing up action plans and encouraging regional initiatives and the creation of networks.
Also important is the Yogyakarta Principles, adopted in November 2006 at an international seminar at Gadjah Mada University in Yogyakarta (Indonesia) attended by experts in different fields from around the world. The Yogyarta principles concern the application of international human rights law in relation to sexual orientation and gender identity and call for respect of the rights already recognised in existing instruments without creating specific rights for LGBT people. The many issues covered by the principles include access to justice, non-discrimination and the rights to freedom of expression and association, employment, health, education and involvement in public life. Although the principles are primarily directed at governments, they also emphasise that all players have a responsibility to promote and protect human rights.

On June 17, 2011, South Africa submitted a request to the United Nations Human Rights Council requesting the United Nations High Commissioner for Human Rights to draft a report detailing the situation of LGBT citizens worldwide to follow up and implementation of the Vienna Declaration and Programme of Action (VDPA). The resolution passed 23 to 19 with the three abstentions being Burkina Faso, China, and Zambia. However, South Africa’s policy of invoking the Bill of Rights to protect LGBT people “ruffled the feathers” of other African governments and the Organisation of Islamic countries, who told South Africa to leave the issue to the West (Fabricius, 2011).

In the first ever UN report on the human rights of LGBT people, the UN High Commissioner for Human Rights recently called on countries to repeal laws that criminalize homosexuality, abolish the death penalty for offences involving consensual sexual relations, harmonize the age of consent for heterosexual and homosexual conduct, and enact comprehensive anti-discrimination laws. The report also recommended that public information campaigns are introduced, especially in schools, to counter homophobia, and police and law enforcement officials should receive training to ensure LGBT people are treated appropriately and fairly (OHCHR, 2011).

Supporting LGBT rights in Africa: Global Rights’ LGBTI Initiative
In 2006, Global Rights launched LGBTI Initiative through their human rights programs and field offices worldwide, as well as through the dedicated field office in Nigeria. Global Rights provides technical assistance for lawyers taking on LGBTI cases and activists providing emergency responses, as well as workshops on monitoring and documenting human rights abuses for LGBTI and LGBTI-friendly human rights defenders. For example, in 2009 it took part in a four-day workshop in South Africa on legal strategies for promoting LGBT rights that was attended by 45 participants from 11 countries—Botswana, Cameroon, Ghana, Kenya, Malawi, Morocco, Namibia, Nigeria, South Africa, Uganda, and Zimbabwe. It was the first meeting between lawyers who have worked on litigation related to LGBT rights and African LGBT leaders, and participants reviewed key pieces of litigation to document lessons learned. The event concluded with a call to create a multi-faceted LGBT legal fund for Africa and a training and support network for African lawyers working on sexual rights cases (Pink News, 2009).

Global Rights also works with local partners, enabling them to participate in the political decision-making process and to advocate for their rights with regional and international human rights institutions such as the Organization of American States (OAS) and the African Commission on Human and Peoples’ Rights (ACHPR). Advocacy at the international level also encompasses working with partners to write and submit shadow reports to the UNHRC. Through the Commonwealth Project, Global Rights works with partners in former British colonies throughout Africa, Asia, and the Caribbean to share and implement country-specific strategies addressing the negative impacts of legislation criminalizing non-normative sexual or gender expression or behaviours.

Funding support for CSOs and NGOs working to secure and protect LGBT rights is an increasingly important element of many donors’ human rights strategies. These organisations often have detailed knowledge, rooted in local realities, of discrimination based on sexual orientation and gender identity or expression. Convincing arguments have been put forward as to why donors should support LGBT movements in the global south, learn from them, and recognise the specificities of local struggles.

For example, Khanna (2011) has highlighted how people experience and express same-sex desire in parts of the Global South without needing to think of themselves as ‘different’ and without reference to the idea of personhood. Activism in South Asia has recognised this diversity and addressed the politics of sexuality in a far broader way. In India, for instance, the Queer movement (activist groups and NGOs) made a conscious decision to “enable dialogue between different development and civil society actors - by talking a broader language of sexuality, rather than [of] ‘LGBT rights’. This gave rise to solidarities across movements and across different sectors within development, a more nuanced understanding and praxis, and ultimately the success of the campaign against the anti-sodomy law” (Khanna, 2011, p.7).

Collective action aimed at securing LGBT rights and stopping discrimination is growing in Africa. For example, in 2010 the African Commission on Human and Peoples’ Rights, the continent’s leading quasi-judicial human rights body tasked with promoting and protecting human rights on the continent, refused to grant observer status to the Coalition of African Lesbians (CAL), despite the group fulfilling all of the Commission’s administrative requirements. The NGO forum, representing African civil society organizations, publicly condemned the Commission’s discriminatory decision, flooding the Commission with letters of protest, bringing media attention to the injustice, and demanding that the Commission reverse its decision and represent all human rights struggles (Mgbako, 2011).

Despite the persecution of LGBT activists in Uganda and Malawi, there is also evidence that LGBT movements in many parts of Africa are gaining visibility and there is a growing momentum towards including issues of sexual minorities along with other minorities. In Kenya, the first openly gay candidate, David Kuria, is running for the position of Senator in 2012 in Kiambu County (population of over 1.6 million people). If elected, he will be the second openly gay politician in Africa (the first is South Africa’s Ian Ollis). Kuria is director of the Gay and Lesbian Coalition of Kenya (GALCK), and his candidacy for the senate is the latest development in GALCK’s “gradualist” strategy, which involves building alliances with civil society groups and talking with religious leaders (Canning, 2010).

Given the difficult circumstances under which many of these CSOs operate, however, several development agencies believe that these LGBT movements and grassroots organisations can benefit from support (Hivos, 2010). A report by the Arcus Foundation notes how many experts in the field believe that “several intermediary funders already model effective grantmaking and collaboration with LGBT groups in the developing world” (Galst, 2010, p14). These intermediaries have the staff and/or consultants necessary to identify appropriate grantees, to understand and navigate potential local conflicts, laws and risks, and to access social and professional networks as well as important local events. The report also notes how several European bilaterals have begun using their countries’ national LGBT groups to help regrant funding to a small number of organizations in the developing world.

Below are some examples of how development agencies (government and NGO) have attempted to secure and protect the rights of LGBT people, by providing support to CSOs.
Hivos
Hivos, a Dutch development organisation, is the biggest global sponsor of groups that champion the rights of LBGTs in developing countries. Together with other donors such as the Open Society Institute, ARCUS and the Ford Foundation, Hivos has set up special funds for small-scale LGBT organisations in Africa. It has also launched a capacity-building programme (with PSO) for LGBT organisations in Central America, Africa and Indonesia.

There is some evidence that Hivos’ support to CSOs is starting to make a difference, for example:

- The Coalition of African Lesbians (CAL) in Mozambique organised the first pan-African conference for 75 lesbian participants to discuss the growing hatred against homosexuals in Africa. In the closing statement, CAL called upon African governments to prohibit discrimination and to undertake action against the increasing violence against LGBT persons.

- In Nepal the Supreme Court ruled against discrimination on the grounds of sexual orientation and gender identity. With Hivos’ support, the Blue Diamond Society was able to develop a project in the short term to implement lasting changes in Nepalese legislation armed with the Supreme Court’s ruling. They do this by providing training and workshops for people in the judiciary, lawyers, government staff as well as the police and armed forces. Particularly with this last group, many cases of discrimination, intimidation and violence against gay men and transgenders are known and have been reported.

- LGBT groups have been formed for the first time or have been re-established in Malawi and Zambia. (Hivos, 2011)

However, lessons have been learned about the personal dangers involved for local activists who try to secure LGBT rights. In Uganda, for example, Hivos partners (both LGBT and other human rights groups) rallied against a newspaper that published ‘death lists’ of LGBT activists, bringing the case to the court. Although the newspaper stopped its hate campaign, this victory for the LGBT movement was short-lived. At the beginning of 2011 the prominent gay activist David Kato, who was also on the list, was murdered, sending shockwaves throughout the world (Hivos, 2010).

The International Gay and Lesbian Human Rights Commission (IGLHRC)
IGLHRC have provided formal training, capacity building and political space for strategizing to its partners in Africa on human rights treaties, the African human rights system, religious homophobia in Africa, and gender identity issues in the African context. Staff members also engage in regular informal mentoring and support to partner organisations on issues like funding. From its base in Cape Town, IGLHRC’s Africa Programme work with activists to identify and implement strategies that promote sexual rights and to work for the repeal of discriminatory laws. For example, by fighting against homophobic revisions to the Rwandan Penal Code, drawing attention to hate crimes in South Africa, supporting domestic legislation challenging unfair laws in Uganda and working with other regional and local organisations to deliver a public statement on sexual rights in Cameroon.

The Human Rights, Sexual Orientation and Gender Identity Support Fund
The French initiative, the Human Rights, Sexual Orientation and Gender Identity Support Fund, offers a structure for all public and private-sector partners (central and local government, businesses, NGOs, foundations, private individuals) wishing to finance practical initiatives aimed at strengthening “the necessary structures to defend rights and fight discrimination based on sexual orientation and
gender identity or expression, or even in some cases to help to create them. This may be expressed in the construction of eligible projects or directly in their purpose, since in many places the LGBT movement is fragmented and fragile or even clandestine, factors which greatly limit the means of action available to civil society” (Ministère des Affaires Etrangères et Européennes, 2010).

The Fund was set up in May 2009 and is hosted by France Coopération Internationale (FCI), an agency of the Ministry of Foreign and European Affairs. It has a budget of €200,000 for 2010-2012, with resources provided by France, the Netherlands and Norway. It is managed by a 9-member steering committee comprising:

- a representative of the Ministry of Foreign and European Affairs who chairs the committee;
- four representatives of civil society with an international dimension, comprising two NGOs specialising in LGBTI (lesbian, gay, bisexual, transgender, intersex) issues and two NGOs working to promote and protect human rights; and
- four representatives of contributors, elected at a General Assembly of all donors that contributed to the Fund during the previous year.

Although FEI is in charge of the monitoring of the projects and sees its role as one of capacity building and partnership, the LGBTI Fund is international: from the origin of its sponsors to the NGOs financed and the countries where the actions take place. FEI notes that, “We are currently looking for new donors in order to launch a second and larger (maybe with a bigger budget or in order to select more organisations) call for proposals next year”. 3

The first selection round (in February 2011) provided funds for three projects aimed at promoting tolerance and understanding of LGBT rights in Uganda, China and the Dominican Republic. The projects started mid-2011, so it is still too early to assess the impact of the activities and to bring out the lessons learned. However, the Support Fund 4 hopes that grant beneficiaries will implement the following kinds of activities:

- Information sessions for local stakeholders, LGBTI rights and advocacy workshops / session trainings, education classes in universities about the LGBTI cause;
- Organization of regular meetings in order to develop alliances and consensus with human rights and LGBT friendly organisations;
- Carry out individual targeted lobby meetings with politicians;
- Production and broadcasting of radio theatre programme on LGBT rights, followed by Q&A, testimonies and debate sessions / Production, Broadcasting, Promotion of films/information documentaries/news items/testimonies;
- Strengthen a local structure and improve its executive skills to develop strategies of political incidence and rights advocacy; and
- Participation in local and international events: AIDS Walks, international LGBTI conferences, film festivals, etc.

An early lesson that FEI have learned is the difficulties involved in managing the finances of projects on LGBT rights in Africa (and indeed elsewhere). In personal communication, FEI’s Project Manager described how, “Sometimes these organisations can’t have a legal status [so] we have to find other ways to send them the grant’s money. We met with this problem twice: one of the identified solutions

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3 Personal communication with Léonie Guerlay, Project Manager at FEI
4 Ibid.
has been to go through a fiscal sponsor, the second one to send the money on a specific individual account opened by the President of the Organisation”.

5. Development assistance programming

Another entry point for securing and protecting LGBT rights is through development assistance programming (health, poverty reduction, gender, social inclusion etc). However, as Khanna (2011) has argued, ‘LGBT rights’ has been somewhat of “a silo which is unfortunately disconnected from mainstream development work. This is in part because mainstream development practitioners often tend to consider sexuality to be unrelated to their work” (p.6). There is, however, an emerging literature by researchers, activists and organisations which show that sexuality is closely linked to poverty, gender, globalisation and governance. For example, Jolly (2010) has argued that if economic policies and poverty reduction efforts do not take account of sexuality, they risk exacerbating exclusions and inequalities, and becoming less effective. In order for development agencies to “address LGBT rights effectively, and sexuality in development more broadly, it is important that interventions recognise these linkages and address them in a holistic manner” (Khanna, 2011, pp.6-7).

Although there is currently little evidence available on what strategies have been most effective in integrating LGBT rights into development work or what lessons have been learned, this is a priority for the Working Group formed after a meeting of development agencies in Stockholm in March 2010 (see Section 7 for further outcomes of the meeting). The Integration/Mainstreaming project will research effective mechanisms to mainstream LGBT rights into development assistance programming. The working group will lead the process of conducting/supporting/analyzing the research, work with researchers from the Global South to conduct such a research and disseminate the results in their own settings as well as in the Global North.

Although there is little data on LGBT poverty rates in Africa, anecdotal evidence points to significantly increased poverty rates among LGBT people, social exclusion and difficulties accessing services. The Arcus Foundation (Galst, 2010) has highlighted how funders can increase the economic and social standing of LGBT people by funding LGBT organizations to implement job training, social enterprises and other forms of development assistance:

- In the Philippines, GALANG is helping poor lesbians who have been able to find work as a result of prejudice against homosexuality to start their own businesses.
- In Kathmandu, several European intermediary funders have teamed up with the Blue Diamond Society, a Nepalese gay rights group, to underwrite the Cutey Beauty Salon. The salon teaches hair dressing and cosmetology skills to young ‘metis’ – male-to-female transgender individuals – who would otherwise have no economic alternatives but sex work. A number of graduates have gone on to work in salons or start their own cosmetology businesses.
- In Burma, the American Jewish World Service, a US-based intermediary, funds a group of LGBT migrant workers called Rays of the Rainbow. The organisation earns money for individual members while simultaneously supporting community development projects through fundraising activities such as fashion shows and drag performances.

Galst (2010) has observed how funding LGBT-specific economic development results not only in a broad range of economic benefits, but can also alter the lives of LGBT people at the most profound
level. An example is provided of the MSM (men who have sex with men) Initiative at amfAR – the American Foundation for AIDS Research – of the transformation that happens when the LGBT person becomes the breadwinner: “the family is no longer homophobic. The person becomes more empowered and has more interest in their future. That’s going to help prevent HIV, too” (Klindera, cited in Galst, 2010, p.11).

Another entry point for dialogue about LGBT rights and development relates to women’s empowerment and gender. For example, a recent DFID-funded paper on women’s empowerment and sexuality observes how struggles for social justice and equality can intersect with the realisations of sexual rights: “A sexuality lens can provide new ways of looking at seemingly intractable development problems such as tackling poverty, preventing violence against women, and improving access to education” (Hawkins, Cornwall and Lewin, 2011, p.2). Indeed, Khanna (2011) notes how the patriarchal structures that give rise to discrimination and violence against LGBT persons are often the same structures that generate gender based violence and the social/economic/political exclusion of women and girls: “While larger development agencies, including bilateral and multilateral agencies and INGOs are yet to recognise the pressing significance of these dialogues, local NGOs in the global south have begun to open up the spaces for them” (p.4).

**Sida: Situating LGBT in development cooperation – a human rights issue**

In 2006, Sida adopted an Action Plan for its work on sexual orientation and gender identity in international development cooperation. The overall goal of the Action Plan was to enable LGBT persons to improve their living conditions in countries where Sweden is engaged in development cooperation. Sida’s recent dialogue paper on the rights of LGBT persons (part of a human rights dialogue kit) describes how “addressing the rights of LGBT persons also resonates with Sida’s human rights based approach and emphasises including the perspectives of people living in poverty” (2010, p.1). The paper notes that there are several possible entry points, which should be discussed and anchored within the domestic LGBT community. Some of the suggested **entry points** include:

- **Public health, particularly sexual and reproductive health and rights.** Sweden has attempted to enhance skills and awareness about sexual orientation and gender identities and works to ensure that the issue of discrimination against LGBT persons receives adequate attention (Sida, 2010). Sida’s dialogue paper notes how “heteronormativity, discrimination, and criminalisation create unequal access to health care. LGBT persons may find it harder to obtain adequate care and, individually tailored care” (2010, p.3). In terms of HIV prevention, LGBT groups are usually not included in national health plans, and most countries fail to address the needs or report on MSM (men who have sex with men) and MTF (male to female) transgender persons, who almost universally are more affected by HIV than the general population. The health of lesbian and bisexual women is also routinely overlooked in research and medical practice; although HIV has low transmission in WSW (women who have sex with women) practice, Sida believes this to be an inadequate reason to assume that the group is not at risk.

- **Decriminalisation** – Sida’s dialogue paper recommends that embassies work actively for decriminalisation within the framework of on-going human rights dialogue and legal reform programmes when the issue is on the agenda. Sida emphasises the importance of letting LGBT communities decide themselves when and how to bring up decriminalisation, because of the risk of backlash: “As such, it is of strategic importance that civil society and LGBT organisations are strengthened, so that they can take active part in bringing decriminalisation up on the agenda” (2010, p. 5).
Non-discrimination - Sida’s action plan (2006) on LGBT issues also notes that the “perspectives of poor people are highly relevant to LGBT persons, as there is a strong correlation between marginalisation and poverty” (p.2). Indeed, an earlier study (Samelius and Wågberg, 2005) of Swedish policy on and administration of LGBT issues in international development cooperation found that in most parts of the world LGBT persons are subject to “cultural and legal injustice”, leading in turn to economic marginalisation and social exclusion. This has led to a situation of widespread poverty among LGBT persons in many countries. One of the conclusions of the study is that LGBT issues should continue to be treated as a human rights issue, and to form part of the discourse on gender, gender equality and social justice” (p.2). The dialogue paper also recommends promoting non-discrimination legislation, based on the human rights argument, that it gives protection in the labour market and within the school system.

Social networks and families – Sida has observed how certain LGBT issues can be brought up under the heading of gender mainstreaming, for example gender-related violence can cover hate-motivated violence against LGBT persons: “Dialogues between the authorities and civil society organisations, LGBT organisations if they exist or women’s organisations that are LGBT inclusive, can be useful fora to bring up such issues” (Sida, 2010, p.5).

A recent evaluation of Sida’s LGBT action plan found that Sida had engaged in dialogue with other governments, donors and stakeholders in 18 countries and supported 23 direct LGBT initiatives on global, regional and national levels in 8 countries (including Sweden) during the period 2007-2009. Sida had also included LGBT issues in 13 mainstream programs and supported 30 LGBT initiatives via framework organisations. The dialogue entry points have been HIV/AIDS and health (5 countries), Human Rights (6 countries), Sexual and Reproductive Health and Rights (2 countries), Civil society cooperation (2 countries) and Gender (3 countries). These 18 countries represent almost 40% of Sida partner countries. However, the evaluation noted that it had not been possible to establish if these efforts have yet contributed to improvements for LGBT persons. A key recommendation of the evaluation was “increased inclusion of LGBT rights in mainstream human rights and civil society initiatives (e.g. women, HR, HIV platforms etc) supported by Sida” (p.28). Other recommendations and lessons learned from Sida’s LGBT work are outlined in Section 7.

6. Aid conditionality

A controversial strategy for securing LGBT rights is aid conditionality – tying bilateral aid to LGBT rights. For example, in Malawi, arrests for homosexuality and a new law criminalising lesbians have contributed to the withdrawal of $400 million in assistance by the IMF, European Union, World Bank, Britain, Germany and Norway. Donors have traditionally provided up to 40 percent of the country’s development budget, so the freeing of aid has left a significant hole in Malawi’s national budget. More recently, the U.S. government’s Millennium Challenge Corporation (MCC) decided to hold back $350 million earmarked to address Malawi’s energy crisis, stating the money will only be released if the government commits to democratic values (Palitzer, 2011).

However, aid conditionality which is tied to LGBT rights can be counter-productive and in several African countries has already led to an anti-LGBT backlash. The leader of the Malawian Council for Non-Governmental Organisations, Voice Mhone, described how LGBT human rights had opened up a rift between Malawian NGOs and was a “distraction from the many issues affecting the vast majority of Malawians” (quoted in the Guardian newspaper, 17 May 2011). LGBT campaigners fear that aid conditionality can inflame homophobia, leading to scapegoating of LGBT persons which may possibly
endanger LGBT communities. A recent statement (22 November 2011) by over 100 African social justice activists criticised donor policies of aid conditionality, instead requesting that donors:

- Expand aid to community based and lead LGBTI programmes aimed at fostering dialogue and tolerance;
- Support national and regional human rights mechanisms to ensure the inclusiveness of LGBTI issues in their protective and promotional mandates; and
- Support the entrenchment of LGBTI issues into broader social justice issues through the financing of community led and nationally owned projects.

Critics of aid conditionality have also argued that the policy is unworkable on a purely pragmatic level. Scott Long, the American human rights activist and former Executive Director of the LGBT Rights Program at Human Rights Watch, has argued that aid conditionality “won’t work because increasingly governments know they can get stringless aid from a different source, China. The best way for Western governments to advance LGBT rights is to aid LGBT rights movements themselves directly. As African states move into the orbit of a flush and generous funder uninterested in rights protections, the same will hold true for almost any human rights issue.” (Long, 2011)

7. Lessons learned

Although this query report has highlighted the impact and lessons learned from individual strategies, where these are available, there remain few comprehensive evaluations of the strategies tried by development agencies to secure and protect the rights of LGBT people. The exception to this is Sida’s (2010) evaluation of its ‘Action Plan on Sexual Orientation and Gender Identity in Swedish Development Cooperation 2007-2009’, which identified a number of challenges and lessons learned:

- **Sensitivity, courage and innovative methods** are required to address LGBT rights in each context. Homosexuality is criminalised in many of Sida’s partner countries and work on LGBT rights is highly political, with high level politicians and respected religious leaders sometimes strongly involved in campaigning against LGBT persons.

- **Within Sida,** there is a need for **training, competence-building and awareness-raising,** as well as further dialogue with Senior management. The evaluation found a limited staff understanding of LGBT as an essential part of the human rights and poverty agenda. There is a tendency to see LGBT rights as a narrow issue of low priority, affecting only a small group. Furthermore, discriminating attitudes against LGBT persons still exist within Sida and within Embassies.

- **Need to identify and support strategic partners in the NGO community, nationally and internationall.** There are many small and sometimes weak LBGT-organisations, but LGBT rights are a growing movement within civil society. The evaluation recommended Sida work closer with the Swedish CSO Community, both those working on LGBTI and those that are not (yet) and find innovative ways of supporting LGBTI NGOs at different levels (funds etc).

- **Need for clearer objectives and measurable indicators.** Possible indicators suggested in Sida’s evaluation include: decriminalisation has taken place; reduction in hate speech from politicians and religious leaders; anti-discrimination legislation in place and used; media reporting and depicting of LGBT persons improved; reduced fear of being open about sexual orientation; Pride festivals are allowed and peacefully conducted; increased number of national CSO platforms and networks that include LGBT organisations; increased capacity and visibility of LGBT groups and organisations; and increased number of mainstream CSOs addressing LGBT issues.
It is also useful for donors to have a **strategic steering document on LGBT rights**. As a result of Sida’s (2006) action plan on sexual orientation and gender identity in international development cooperation, Sida has been able to raise the rights of LGBT persons as an important human rights issue, both internally and externally, with more direct support, more dialogue and the rights of LGBT persons more included in the analysis and country cooperation strategies. Likewise, the Dutch government produced a strategic document on LGBT policy in 2007 entitled ‘Simply Gay’. The policy brought together the following Ministries to actively implement the memorandum together: Foreign Affairs and Development Cooperation (see pages 59-64 of the report); the Interior and Kingdom Relations; Justice; Health, Welfare and Sport; Youth and Families; Housing, Neighbourhoods and Integration; Social Affairs and Employment; Defence; Education, Culture and Science.

Going forward, there is further potential for **donor coordination** around LGBT rights to share lessons learned. In March 2010, a meeting was held with 25 representatives from ‘likeminded’ donors and INGOS in Stockholm, hosted by Sida and Hivos. The meeting aimed to bring together organisations that were already involved and active in international LBGT rights work with those who were interested, but not yet active. The representatives discussed experiences, lessons learned, challenges within the organisations, as well as contextual challenges. The following recommendations were made:

- Increase support to national and local NGOs, including following up on specific initiatives such as the French LGBT fund initiative and Sida’s democracy initiative;
- Mapping of the situation for LGBTI persons, LGBTI protection mechanisms and where the donors work (countries and sectors). Bilateral agencies could also start a dialogue with the World Bank on a LGBT-index, possibly linked to the Gender Equality Index;
- Establish a calendar of (LGBT and LGBT related) events, an electronic resource library, list serv for information dissemination, possibly hosted by an NGO;
- Create a working framework in relation to different areas like health, EA2J, Health, Poverty / Development etc;
- Include LGBTI issues in internal training and explore the possibility of joint bilateral agencies / donor NGOs training in the field; and
- All bilateral agencies should look into issuing guidelines on working for LGBTI rights (Frederiksson, 2011).

More recently, there have been some discussions about having a follow-up donor meeting in May 2012, possibly hosted by the Dutch government. Other donors that have expressed an interest in joining the 2010 group of donors include Germany and the United States. From the Global South, Brazil and South Africa are particularly active in LGBT rights (Frederiksson, 2011).

### 8. Sources


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**Experts consulted**
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- Julie Dorf, Senior Advisor, Council for Global Equality
- Lisa Fredriksson, Head of Human Rights and Political Participation Team, Sida
- Léonie Guerlay, Project Manager of the Human Rights, Sexual Orientation and Gender Identity Support Fund, France Coopération Internationale (FEI)
- Dr Akshay Khanna, Research Fellow in the Participation, Power and Social Change research team at the Institute of Development Studies (IDS), Sussex.
- Kate Hawkins, Convenor, Sexuality & Development Programme, Institute of Development Studies (IDS), Sussex.

**About Helpdesk research reports:** Helpdesk reports are based on 2 days of desk-based research. They are designed to provide a brief overview of the key issues, and a summary of some of the best literature available. Experts are contacted during the course of the research, and those able to provide input within the short time-frame are acknowledged.