"Just head-banging won't work"

How state donors can further human rights of LGBTI in development cooperation and what LGBTI think about it

Andrea Kämpf

German Institute
for Human Rights

DREILINDEN
Gesellschaft für gemeinnütziges
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The German Institute for Human Rights is the independent National Human Rights Institution in Germany. It is accredited according to the Paris Principles of the United Nations (A-status). The Institute's activities include the provision of advice on policy issues, human rights education, information and documentation, applied research on human rights issues and co-operation with international organizations. It is supported by the German Federal Ministry of Justice and Consumer Protection, the Federal Foreign Office, the Federal Ministry for Economic Cooperation and Development and the Federal Ministry of Labour and Social Affairs. The Institute was mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and established Monitoring Bodies for these purposes.

The Author

Andrea Kämpf is a lawyer and Senior Policy Advisor at the German Institute for Human Rights and coordinates the Institute's work on development policy. In her work at the Institute, she focuses on accountability of state donors and the promotion of civil society. She also works as a consultant for both state and non-state organisations. Before joining the Institute, she spent several years working with EU-funded development projects and for the Organisation for Security and Co-operation in Europe.

Acknowledgements

Study

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Preface by Dreilinden gGmbH

Human rights carry a tremendous promise. They transform us from entities struggling and competing for this-and-that to bearers of essential privileges. Human rights can, as a minimum, provide some protection from violent attacks on our physical and mental well-being by governments and other social actors. However, human rights also reflect the historical and cultural contexts in which they were created, which is very much the world of struggle and competing interests.

As some countries, as well as the United Nations top hierarchy, now call to end discrimination on grounds of Sexual Orientation and Gender Identity and Expression (SOGIE), other actors have stepped up their opposition. At this point, "homosexuality" debates among governments and within many countries tend to be symbolically hyper-charged. The language used against sexual and gender minorities is often shockingly hostile and violent, and so is the mood in many societies. These are social groups whose persecution often has a legal basis, singling them out from other persecuted minorities.

What are development practitioners to do? The inspiration for this study came from experts within the German Institute for Human Rights. They saw the missing element in development cooperation efforts to stop this particular form of repression and violence, or at least not to add to it: research, put into development practitioners' language and working context, fit to build strategy upon.

Dreilinden gGmbH is glad to present this pioneering study. It contains local, lived, practical SOGIE exper-

tise. It updates us on the legal tools of SOGIE human rights that are binding in development cooperation, and discusses the specific challenges when recipient governments and societies negate SOGIE human rights, in principle and in particular.

Centrally, this study offers so-called "field research" in recipient countries (though the working context in donor countries is just as much a "field"). Clearly, the connection between development decision makers and practitioners and civil society actors in recipient countries is key. Discourses around SOGIE, as all discourses about human sexuality, are characterized by ignorance and sometimes violent repression. They are long term issues – and yet they are highly specific to local contexts that change very quickly these days. Activists who live that experience can best navigate the terrain. They know how such ignorance is used for political manipulation, and what to do and what to avoid in the interventions.

But "the field" is not only the place of expertise; it is also where negative consequences of interventions will be felt, in the worst case endangering already vulnerable human beings. In this study, activists in recipient countries tell clearly that support from the outside is needed, for what, and in what manner.

With thanks to all who have contributed to this study, and in solidarity,

Ise Bosch
Executive Director
Dreilinden gGmbH.

Preface by the German Institute for Human Rights

The German Ministry for Economic Cooperation and Development issued a human rights policy in 2011 that includes the respect, protection and promotion of human rights of LGBTI.

In cooperation with Dreilinden, a private trust that supports social acceptance of gender and sexual diversity, the German Institute for Human Rights conducted two studies in 2011 and 2014, looking at donor funding in 2010 and 2013, respectively, that identified German donors that funded human rights work related to sexual orientation and gender identity (SOGI), which regions the funds went to and which activities were funded.

Among other findings, the studies revealed that most funding from German bilateral cooperation for this type of work go to HIV/AIDS projects and that civil society organisations working on SOGI issues find it rather difficult to access development cooperation funds from Germany due to the high financial and organisational thresholds. They pose particular challenges for young organisations and those working in an unfriendly environment.

These findings underline the urgent need to look into the questions of which funding policies works and how bilateral donors can most effectively support LGBTI rights. The present study complements our previous funding studies by looking into how LGBTI actors work, what they need, how development cooperation has engaged with LGBTI so far and where it has not.

Supporting LGBTI rights has parallels to supporting women rights, in that both challenge notions about gender and gender roles. Similar questions can be asked, such as what are the norms causing discrimination, how do they change over time and who can be supported to bring about this change.

However, because many countries have legislation in place criminalising LGBTI, supporting LGBTI rights is often more difficult than supporting women's rights. This is why it is crucial that any support for LGBTI also offers an appropriate level of protection. Financial and political support for LGBTI must also be tailored so as to prevent LGBTI from becoming a target for scapegoating by their fellow citizens or politicians. Therefore, donors needs to build bridges to LGBTI organisations, whether these are registered or not, and work with them, instead of over their heads and voices, to develop support strategies.

This study seeks to shed light on the needs of LGBTI, the barriers they face, and the solutions they have developed. We thank Ise Bosch for her support and sincerely hope that it will serve as a useful background and source of ideas for further engagement on the part of bilateral as well as private donors.

Prof. Dr. Beate Rudolf
Director
German Institute for Human Rights

Contents

Executive summary

This study tackles the question how state development cooperation can work on issues related to sexual orientation and gender identity (SOGI) in countries where these issues are criminalized and where Lesbians, Gay, Bisexual, Trans and Inter persons (LGBTI) are socially stigmatized.

The study starts with an analysis of the human rights obligations relating to sexual orientation and gender identity and how they relate to development cooperation. It then addresses how working on sexual orientation and gender identity furthers the global development agenda of poverty reduction. A subsequent chapter illustrates how LGBTI activists work and the conditions they face. This includes the way human rights are understood and framed in their respective countries. The study argues that development cooperation has to take this into account in order not to generate negative consequences for LGBTI activism and activists.

The study then explores how different aspects of state development cooperation – such as aid cuts, programme design, modes of aid delivery and internal staff policies – may promote or endanger work on sexual orientation and gender identity. Last but not least, the study points to those areas where development cooperation has still not considered or reached LGBTI groups. To close the analysis, interviews with LGBTI activists demonstrate that the Universal Periodic Review and the work of National Human Rights Institutions have potential of promoting SOGI human rights.

Recommendations

The study concludes with a range of recommendations to donors and development cooperation agencies:

Do support SOGI rights

SOGI human rights are an integral part of international human rights law. If donors take their human rights policies seriously they should be promoting SOGI human rights through development cooperation. In addition, improving the legal and social situation of LGBTI persons contributes to poverty reduction; LGBTI make up as much as ten percent of any population, and the barriers they face are similar to those faced by other marginalised or stigmatised groups.

Talk about SOGI rights as human rights

SOGI human rights can and should be raised in political dialogue just as violations against other groups, such as women or religious minorities, should be. Talks should be framed within a larger human rights framework, focusing on acknowledged rights to non-discrimination and privacy.

Address value issues, but smartly

Forms of same-sex or cross-gender expression and behaviour existed in Africa before colonial times. While it may have been stigmatised then, it was colonial rule which criminalised homosexuality. Those working on SOGI rights should be up to date with regard to developments and debates around SOGI issues, for example on same-sex marriage, in the Global North, because these debates in the Global North are projected onto LGBTI movements in the Global South.

In order for human rights to attain relevance in local discourse, they need to be linked to the values that are their functional equivalents in the set of values shared by people in that society, or in other words, translated into the local discourse.

The best way for donors to promote LGBTI rights in national discussions is from "the backseat". Thus donors need to let local actors steer the course, let them give voice to SOGI demands and support them in building capacity at the individual and organisational level.

Coordinate when needed – but variation is important

As a general rule, donors should coordinate. Coordination is effective when it is used to promote a common position. When it comes to funding, donor coordination may not always bring about the desired results, mainly due to power imbalances between international donors and LGBTI organisations. An informed, but diversified approach to civil society support may be the best way to maintain or even further different approaches of civil society organisations and movements and avoid blueprints.

Review criteria for sustainability and ownership when funding contentious human rights issues

State development cooperation spends taxpayers' money, needs to act accountably and with the prospect of obtaining sustainable results. While development partner countries may be able to draw on taxes or other sources of income and thus run programmes previously supported by donors on their own, Civil Society Organisations (CSOs) in the Global South often cannot. This is particularly the case for CSOs that work on issues their governments do not approve of. Such organisations will probably remain aid dependent for some time to come – thus donors should review and adapt their sustainability criteria in order to enable LGBTI CSOs to play their crucial part in effecting social and legal change.

Understand visibility – and have emergency procedures ready

Protection of human rights defenders will probably – and sadly – remain another of the major aspects, requiring emergency funds to cover travel if a need arises.

Visibility – understood as public discussion about sexual orientation and gender identity – is a necessary element of promoting respect and human rights for LGBTI. Neither activists nor donors are able to control the process or the outcome of public debates. As public discussion can also trigger violence and backlash against LGBTI, donors should be prepared and have safeguards in place, such as local shelters, regional travel funds or non-bureaucratic asylum procedures.

Work with traditional and religious leaders

In order to create ownership development cooperation needs to connect to local structures and procedures, thereby strengthening these structures and increasing their legitimacy. However, support of local structures should always be accompanied by a critical assessment of who is being left out of these structures – and in-built approaches to remedy these deficits.

For this to happen, development cooperation should be conscious of and take advantage of the fact that rather than being static or monolithic, tradition and religion are ever evolving. Change agents exist in both communities and can and should be approached as to which support they consider useful.

Aid cuts – if you think they are really necessary, consult LGBTI in any case

When considering aid cuts, donors and diplomats should consult with activists beforehand as to how they assess the possible impacts. For this to happen, communication channels need to be established before any such incident arises.

Any decision about aid cuts should be based on an analysis of the full range of human rights – as singling out LGBTI might contribute to their stigmatisation.

Practice what you preach

"Walk the talk" implies sensitising agency staff both with regard to both their professional work and the working environment. Staff needs to be sensitised about working in contexts where LGBT are subject to a high degree of stigmatisation and/or LGBTI behaviour has been criminalised and taught ways to address this when working in partner countries. This sensitisation should be accompanied and reinforced by an internal staff policy that explicitly addresses discrimination based on sexual orientation or gender identity. And make diversity a criterion for hiring – and LGBTI a diversity criterion.

Close gaps – lesbians – trans* – inter*

For programmes to be really inclusive of the full range of L-G-B-T-I, donors need to be clear about whom they actually reach. Existing approaches such as the public health approach can and should be extended to be inclusive of lesbians due to their social situation, which renders them more exposed to HIV/AIDS. Programmes which are intended to empower women

should be expanded to consider the specific situation of lesbians, for example through women's empowerment programmes or programmes on gender-based violence. Other entry points such as sports need to be explored.

Support necessary research and learning

Studies about prevalence and life situations of LGBTI, which could inform development programming and implementation, are still lacking for many contexts. The same applies for processes of change – some narratives of activism and how it contributes to social and legal change do exist, but they are often not in a publicly accessible and easily digestible format. Other processes haven't been documented yet – one example is the Argentine transgender law: although it serves as a model for legislation worldwide, no one has as yet written about the political window of opportunity and the advocacy that led up to it.

1
Introduction

The situations of persons whose identities, forms of expression and desires fall out of the sexual and gender norms of their societies have gained increasing international attention. However, broad legal and social acceptance of lesbian, gay, bisexual, trans* and inter* (LGBTI) persons are the exception than the norm. This is exemplified by the legislative proposals or adoptions of "anti-homosexuality" bills in Uganda, Nigeria, Russia and Lithuania, the killings of trans* persons in Central America, and the prohibition of gay pride marches in Serbia. Recent reports by the United Nations and by a range of non-governmental organisations document the fact that LGBTI are subject to many human rights violations – expulsion from schools and employment, denial of adequate health care, physical harassment, arbitrary detention and murder.

A human rights-based approach to development cooperation advances the rights of those most exposed to marginalisation, discrimination and stigmatisation, which are core factors causing poverty. While human rights focus on violations, and on the barriers impeding access to human rights, development cooperation usually addresses "target groups", such as "the rural or urban poor" or "women", in its attempts to reduce poverty. Persons whose sexual orientation or gender identity differs from those perceived as majority have only recently become a target group for development cooperation.

The existence of this blind spot of development cooperation in the past may be partly due to the fact that issues relating to sexual orientation and gender identity (SOGI) are considered highly controversial, difficult to address with partner governments and considered to concern only a relatively small percentage of the population. In addition, even in donor countries, decriminalisation and social acceptance of LGBTI is at best a rather recent phenomenon; Western development cooperation practitioners may not be significantly more tolerant of LGBTI than are their counterparts in the countries they work in.

With the public perception of violations of LGBTI rights on the rise, state development cooperation entities have started to react in some states, but they are still exploring ways to provide practical support for SOGI rights in and through their programmes.

This study explores possible avenues for state development cooperation to support SOGI rights. It reaches three main conclusions: (1) more can be done, (2) more needs to be done and (3) what is being done already could be done even better.

The study focuses on Africa, as this is where the struggle around SOGI human rights emerges most prominently at this time and where states development cooperation is still very present. About 60% of the countries in Africa have explicit laws criminalising male homosexual behaviour, and often female as well, and homosexuality is on the whole highly socially stigmatised. Obtaining information about procedures concerning legal gender recognition is difficult, if not impossible. Despite the fact that forms of same-sex behaviour existed in Africa before colonisation, it is widely perceived and labelled as a Western import by opponents to SOGI human rights.

Mainstream state development is "programme-based" and for good reasons. That means that donors support programmes the sponsored country itself has decided upon, and that donors work through the institutions of the partner country. However, if the recipient government excludes certain groups from their programmes or drives them underground, as can be the case for ethnic or religious minorities or LGBTI, programme-based approaches come into conflict with the human rights obligations of the donor and the recipient state: a problem addressed in this study.

While increasing direct international support to civil society seems to be the obvious solution, more and more governments are restricting the scope of civil society, often with the stated objective of reducing foreign influence exerted through Western-funded Civil Society Organisations (CSOs). Far from affecting only organisations working on SOGI issues, such a restriction reduces the latitude for discussing any issues perceived as critical, of which SOGI rights are only one example. It also makes it easier for CSOs working on SOGI issues and receiving foreign support to be identified and labelled by opponents as pushing a Western agenda.

One could ask whether it would be wise for state-funded development cooperation programmes to avoid addressing SOGI at all, and instead leave that task to international CSOs and other non-state funding, in order to avoid fuelling the "Western agenda" line of attack. However, the comments made by activists from the region clearly indicate that state donors are not expected to refrain from engaging in the issues at all – but rather to engage in certain ways while refraining from other activities. International CSO funding is not free from being perceived as Western influence either – often international CSO funds also come from "Western" (state or non-state) donors, though the funds are often channelled through local or regional organisations.

After Chapter 2, addressing methodology and terminology, Chapter 3 outlines the international and regional human rights frameworks as they relate to sexual orientation and gender identity and reviews the extraterritorial obligations of donor countries in development cooperation. Chapter 4 explains why and how numbers of LGBTI matter. Chapter 5 illustrates how interviewed LGBTI activists are working. Chapters 6 and 7 examine where development cooperation and LGBTI have already met and the experiences that resulted – and where they have not. Chapter 8 examines two human rights instruments – the Universal Periodic Review (UPR) and National Human Rights Institutions (NHRIs) – with a view to how they are useful in promoting HR related to SOGI on the national and local level. Chapter 9 concludes with recommendations.

2
Methodology and terminology

The study is based on an analysis of existing human rights law relating to SOGI rights, on a review of current literature on LGBTI in different world regions, and qualitative interviews conducted with LGBTI activists in Cameroon and Malawi. Malawi and Cameroon were chosen based on a set of criteria which included explicit or implicit outlawing of "homosexual behaviour" (which ruled out South Africa), diversity in legal tradition, including the colonial past (francophone/anglophone), regional diversity (southern and central/western Africa), a certain degree of visible activism and public debate within the country, interaction of local activists with other actors at the regional and international level of human rights work, and the existence of an A-accredited National Human Rights Institution.

A conscious decision was made to visit two countries that – at that point in time – were receiving considerably less public attention at donor country level than, e.g. Uganda, with its notorious "anti-homosexuality bill". A visible trans* and/or inter* movement wasn't a criterion, as at the time of decision-making this would have ruled out too many countries. This factor would probably be considered differently now, in the light of developments of the last years. The absence of trans* and inter* is noticeable in the study, however this quite realistically reflects the situation in the LGBTI movements in the countries visited. The same is true – though to a slightly lesser degree – with regard to the presence of lesbians.

Interview partners in each of the two countries were identified through personal contacts, contacts via mailing lists and a snow-ball system. All interviews were transcribed and coded. Interview contributions are anonymous and interview partners were given the possibility to vet the quotes.

This study uses SOGI as an acronym for sexual orientation and gender identity. LGBTI or "sexual minorities" are used to refer to the group of persons experiencing discrimination because of their real or imputed sexual orientation or gender identity. "Donors" are those state development cooperation entities which fund or operate through staff in "partner countries" – the latter being the term used to refer to countries in which development funds or practitioners are deployed.

3
Human rights obligations relating to sexual orientation and gender identity in development cooperation

Human rights obligations in the major Covenants

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 countries have ratified these two covenants, along with other international human rights treaties. 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 these types of discrimination – just like discrimination based on gender, age or disability – were not considered human rights issues when these instruments were drafted in the 1950s and 1960s. However, the prohibition of discrimination in both covenants includes the notion of "other status"; so, even at that time, it was explicitly recognised that new grounds for discrimination might arise.

Most human rights treaties established what are known as treaty bodies, which are the expert bodies entrusted with the authoritative interpretation of the treaty in question. In a landmark decision in 1994, the Human Rights Committee, the body responsible for monitoring the ICCPR, confirmed that prohibition of homosexual acts among consenting adults amounts to discrimination and violates the right to privacy.[1] In 2009, the Committee on Economic, Social and Cultural Rights (the ICESCR monitoring body) confirmed in its General Comment 20 that both sexual orienta-

tion and gender identity are recognised discrimination grounds. State parties have an obligation to ensure that these grounds do not prevent persons from realising Covenant rights.[2]

Treaty bodies now regularly incorporate sexual orientation and/or gender identity in their interpretation of their treaties, in the form of General Comments, for instance.[3] This illustrates a fundamental characteristic of human rights: they evolve over time, and the universal guarantees are adapted and reinterpreted in response to ever-changing situations.

However, states that deny that they have human rights obligations in respect of SOGI human rights often argue against this evolution. They refuse to accept SOGI-related human rights, considering them "new" rights "invented" long after ratification of the respective human rights treaties.[4] These states argue that they would have refused to ratify had they known how the treaty bodies would interpret them. However, treaty bodies are tasked with the interpretation of the human rights treaties, a duty that includes taking into account changing legal norms and practice. So, although the treaty bodies' interpretations have evolved since the respective treaties were ratified by most states, those interpretations, advanced in the General Comments, constitute authoritative interpretations of states' human rights obligations.[5]

Other states argue that homosexuality is contrary to their cultural, societal and legal norms and that they would never have ratified human rights treaties had they known that the treaties prohibit discrimination

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1   UN HRC (1994), p. 3
2   UN CESCR (2009a), p. 10
3   UN CESCR (2009a), para. 32; UN CRC (2011), para. 60; UN CAT (2008), para 21; UN CEDAW (2010), para 18
4   See eg the UPR country reports by: ARC International (undated)
5   Klein (2005), p. 29 f.

relating to SOGI.[6] In this vein, a Summit decision of the African Union from 2010

> reiterates the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues
> [... and]
> strongly rejects any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, taking into account that such attempts constitute an expression of disregard for the universality of human rights.[7]

However, like human rights, culture and traditions also evolve over time. They cannot be invoked to undermine human rights obligations of states. In its General Comment No. 21, the UN Committee on Economic, Social and Cultural Rights stated that

> while account must be taken of national and regional particularities and various historical, cultural and religious backgrounds, it is the duty of States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms. Thus, no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope.[8]

While other individuals and groups at risk of exclusion, such as women, children and persons with disabilities, can draw upon international legal instruments, no such international protection mechanism exists for SOGI rights as yet. Two important steps taken to confirm SOGI rights as an integral part of the human rights framework were a June 2011 resolution in the UN Human Rights Council and a subsequent OHCHR study – both the first of their kind to deal exclusively with human rights relating to sexual orientation and/

or gender identity.[9] Others have followed, and the inclusion of LGBTI issues has become an increasingly regular, though not undisputed, feature of reports by Special Rapporteurs and of UN resolutions.

In a 2012 case, the UN Human Rights Committee decided that a Russian law aimed at banning "propaganda of homosexuality" violated the defendant's right to freedom of expression. It also stated that

> [T]he concept of morals derives from many social, philosophical and religious traditions; consequently, limitations [...] for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition. Any such limitations must be understood in the light of universality of human rights and the principle of non-discrimination.[10]

Violations of human rights thus cannot be justified by merely invoking traditional social values. Human rights can only be limited based on an appraisal of a variety of traditions and on reasonable and objective criteria and in pursuit of a legitimate aim.

Non-binding legal instruments

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 focus on universal rights and identify and stress the existing obligations of states to respect, protect and fulfil the human rights of all persons regardless of their sexual orientation or gender identity. Under the Principles, members of sexual minorities are entitled to equal protection under the law.[11] Their authors also mapped out the specific human rights violations that people of different sexual orientations and gender identities often experience.

The Yogyakarta Principles are not legally binding. But movements working on SOGI issues worldwide use

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6   See e.g. the debate in the UN Human Rights Council on traditional values in 2012, for a case study on Russia see: Wilkinson (2014)
7   Assembly of the AU (2010), paras. 2, 4
8   UN CESCR (2009), para.18
9   UN Human Rights Council (2011): A/HRC/19/41. Among the recommendations of the OHCHR report were the investigation of killings and other serious incidents of violence, prevent torture, decriminalise, enact anti-discrimination legislation including the grounds of SOGI, protect LGBTI refugees, ensure rights of freedom of expression, association and peaceful assembly implement training programmes for law enforcement personnel and support public information campaigns, facilitate legal recognition of third gender.
10 UN HRC (2012), para. 10.5
11 Thoreson (2009), p. 327

the Principles to fight for decriminalisation, protection and recognition. As an opinion of internationally renowned legal experts, the Principles can be consulted in determining international law if no other rule or interpretation exists.[12] Some states, such as the Netherlands, have accepted them as guiding principles for their foreign policy;[13] others, including Germany and the United Kingdom, consider the Yogyakarta Principles as an important point of orientation for the debate, but have refrained from officially endorsing them as foreign policy guidelines.[14] The EU has issued its own foreign policy guidelines on LGBTI. However, research is needed to analyse how the three states and the EU implement these guidelines and to what effects.

Obligations on the national level

States are obliged to respect, protect and fulfil human rights. The duty to respect requires states not to deprive individuals of their human rights or interfere with their right to enjoy those rights. The obligation to protect requires states to prevent and protect against human rights violations committed by private entities. The obligation to fulfil is divided into

- the obligation to facilitate, that is to enable individuals' enjoyment of human rights,

- the obligation to provide for the enjoyment of rights, if individuals are unable to do so themselves, and

- the obligation to promote, that is to promote awareness of human rights.

States are thus required to do more than change existing laws that curtail or interfere with human rights, a measure entailed by their duty to respect: they also have to take measures to combat discrimination by third actors and to ensure fulfilment in a variety of ways, e.g. through effectively informing about human rights.[15]

The treaty bodies echo these obligations in their Concluding Observations. With respect to SOGI rights, treaty bodies frequently request states to abolish legislation criminalising homosexuality. They also recommend that states provide effective protection from violence by third parties and 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.[16]

The African Human Rights System

The African Charter on Human and Peoples' Rights, concluded in 1981 by the Organisation of African Unity (since replaced by the African Union, or AU), condemns discrimination (Article 2).

For a long time, the commission which oversees the Charter, the African Commission on Human and Peoples' Rights (the African Commission) did not take any explicit position[17] on sexual orientation and gender identity; on the contrary, it saw fit to deny the Coalition of African Lesbians observer status in 2010,[18] even though the organisation met all necessary criteria.

In 2014, things began to change. In January of that year, Nigeria's president signed into law the Same-Sex Marriage Prohibition Act. The next month, the African Commission's Special Rapporteur on Human Rights Defenders in Africa, Mrs Reine Alapini-Gansou, issued a statement declaring herself to be "deeply concerned about the consequences this law may have on sexual minorities who are already vulnerable as a result of social prejudice." She also stressed that provisions in the law restrict the work of human rights defenders and that a public debate on this issue must be possible.[19]

During its April/May 2014 session in Angola, the African Commission adopted its Resolution on Violence and Human Rights Violation against Persons on the

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12   See UN ICJ Statute, Article 38 Nr. 1d
13   Ministerie van Buitenlandse Zaken (2007)
14   German Foreign Office (2015), which however has referred that issue to the EU by recommending to include them in the EU's toolkit; on the United Kingdom: Foreign Commonwealth Office (2010)
15   Sepulveda (2003), p. 222
16   UN Human Rights Council (2011): OHCHR study with further references
17   Pambazuka (2011)
18   ACHPR (2010), para. 33
19   ACHPR (2014c); IACHR (2014)

Basis of their Imputed or Real Sexual Orientation and Gender Identity in Africa.[20] This resolution frames SOGI discrimination within the African Charter's general prohibition of discrimination and makes note of the different acts of violence committed by both state and non-state actors, as well as the lack of proper investigation and judicial proceedings.

This statement corresponds with a line of argumentation expressed by the UN Human Rights Committee, in its 2012 ruling relating to prohibition of propaganda of homosexuality in Russia (see above), as well as by CSOs and some courts in Africa:[21] Human rights defenders working on these issues must be able to express themselves even if some or large parts of society find issues surrounding sexual orientation and gender identity controversial or even repulsive. In other words, public dialogue about SOGI issues must be possible in society, without criminalising those who lead or initiate it. Many "Anti-Homosexuality Laws" clearly fall short of this obligation, as such legislation often labels public discussion as propaganda for homosexuality. As the last in a series of steps, the African Commission granted observer status to the Coalition of African Lesbians in April 2015.[22]

Obligations of donors in international cooperation

One aspect in which human rights-based development cooperation differs from mainstream development cooperation is with respect to its notion of accountability. In human rights-based development cooperation, the accountability relationships comprise four parties: the donor state, the recipient state, and the residents in both countries.

Donor states have to observe human rights, both on their own territory and when acting outside it. This requires a shift in perspective: while debates on development cooperation in donor countries usually focus on the question of whether a specific country "deserves" taxpayers' money and whether the country properly reports to the donor and its citizens, an extraterritorial human rights perspective requires that the consequences of donor action on the population of the recipient country be considered and that money is used efficiently and effectively. The full nature of these obligations has yet to be defined,[23] but at a minimum (donor) states should refrain from doing any harm and should support the fulfilment of human rights obligations by the recipient state. This includes

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Box 1 The African Commission's Resolution on Violence and Human Rights Violation against Persons on the Basis of their Imputed or Real Sexual Orientation and Gender Identity in Africa (2014) (excerpt)

The Commission

1. Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;

2. Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;

3. Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and

4. Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.[24]

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20   ACHPR (2014a)
21   News24 (2014): "The magistrate was clear, public discussion is important, even on controversial issues that are repulsive to some members of community," Meerkotter told AFP.
22   Siimwe (2015)
23   Kämpf/Winkler (2012/2013)
24   ACHPR (2014b)

those human rights obligations a state has committed itself to, but which its current government is unwilling to accept or implement. As explained above, by ratifying international human rights treaties states have committed themselves to avoid discriminating against persons because of their sexual orientation and gender identity and this obligation continues to exist – even if the states refuse to accept it.

Box 2 Extraterritorial human rights obligations

The starting point for the discussion on extraterritorial human rights obligations is Article 2(1) ICESCR, according to which states are to take steps including through international cooperation to work towards the full realisation of human rights. This is echoed in Article 4 of the Children's Rights Convention (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD). Article 32 CRPD specifies measures which could be taken within the realm of international cooperation, such as ensuring that international cooperation is inclusive of and accessible to persons with disabilities and facilitating and supporting capacity-building.

The Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights[25] – like the Yogyakarta Principles – were drawn up by international experts in 2011. These principles are intended to clarify what extraterritorial human rights obligations exist in the wide variety of legal sources. Article 32 of the Maastricht Principles enumerates principles for international cooperation, among them the prioritisation of the rights of disadvantaged, marginalised and vulnerable groups. Like the Yogyakarta Principles, the Maastricht Principles are not binding, but may acquire authoritative value, and are a subsidiary means of legal interpretation.

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25   Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic Social and Cultural Rights (2011)

4
The importance of numbers

Research on how LGBTI are affected by poverty is increasingly available.[26] However, mainstream development cooperation often argues that LGBTI are a relatively small group in any society, and that using programmes of development cooperation to improve their access to services would not lead to the accrual of sustainable benefits for a larger part of the population – or that benefits from development programmes targeting the larger population would ultimately trickle down to LGBTI as well.

As far as the trickle down-effect is concerned, it is doubtful whether improvements in a country's education system and economic situation provide LGBTI with better access to education or workplaces as the high stigmatisation they are subject to bars them from accessing social services in the same way as others. It is equally impossible to confirm or refute the other part of this argument – concerning the lack of impact of LGBTI-specific programmes on poverty reduction – both because of the inadequate number of programmes targeting LGBTI and because of the absence of impact evaluations assessing the relevance, effectiveness, efficiency and sustainability of what programmes have been implemented. Regarding the first part of the argument concerning the percentage of LGBTI among the populace, caution is called for. Existing studies point to the difficulties entailed in assessing the number of individuals belonging to a group that is criminalised and stigmatised and whose members might not self-identify or conform to a particular definition of LGBTI. For example, the Swedish International Development Agency (SIDA) reports that

A questionnaire study in India [...] was stated to give evidence that 37–50% of the male population had experiences of same-sex encounters. A majority of these men would not define themselves as homosexuals or bisexuals.[27]

Also, stigmatisation limits the reliability of data even when self-identification and sexual behaviour concur. One study from the United States concludes:

We find substantial under-reporting of identity and behaviours as well as underreporting of anti-gay sentiment [...] even under anonymous and very private conditions.[28]

Existing surveys estimate the percentage of LGBTI at between 3.5 and 10 % in the areas under study, though these figures are predominantly geared toward men who have sex with men (MSM).[29] Regarding inter* children, SIDA estimates: "In a global scope, it is estimated that an average of 1.7 % of the babies born [...] are inter* babies, but the number is not uniform throughout the world."[30]

From a human rights perspective, it is irrelevant whether many or few persons identify as LGBTI, what matters is only whether their rights are violated. Violations may be grave and systematic, or wide-spread, or affect a defined group of people, such as human rights defenders. Rarely, however, will a violation, which prima facie affects a defined group of people, come alone. In places where, for example, human rights defenders are detained illegally it is almost certain that the respective rights of the press, academ-

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26   See e.g.: Philippines: Galang (2015); Nepal: Coyle/Boyce (2015); India: Dhall/Boyce (2015); Rio de Janeiro: Itaborahy (2014)
27   SIDA (2005), p. 13
28   Morin (2013)
29   Gates (2011); SIDA (2005), p. 13; Aspinall (2009), p. 50–51
30   SIDA (2005), p. 13; Fausto-Sterling (2000), p. 45

ia and trade unions are also being curtailed. Where women are systematically discriminated against, LGBTI are usually also subject to discrimination.

In addition, human rights violations are severely underreported in most countries and thus do not permit an assessment of how many people are affected. Where one torture survivor manages to report abuse by the police, there are often others who do not report it. A transgender person who was the victim of police extortion or a lesbian who has been raped may manage to report this, but they are probably only two among hundreds. In other words, when we hear about the human rights of one person being violated, there are usually many more violations we never learn an-

ything about. Thus, the number of violations against LGBTI that are reported does not give an indication of the absolute number of LGBTI or of the number of violations of their rights in a given society.

To conclude: numbers do matter, but not in the way mainstream development cooperation entities think they do. If development cooperation takes its human rights policy seriously, it must support LGBTI rights, regardless of the perceptible numbers of people involved, because it aims to support the rights of stigmatised groups and to address the barriers those groups face when trying to access resources. These barriers will be similar to those experienced by other groups, such as women or persons with disabilities.

5
What kind of work do LGBTI activists do and what do they need?

This chapter will flesh out the characteristics of LGBTI activism in Cameroon and Malawi, by looking at how interviewees become involved in LGBTI activism, what forms their activism takes, how they finance their activities and what strategies they pursue. The chapter draws on literature and the interviews in Cameroon and Malawi. It aims to depict the diversity of LGBTI activism which should be considered when development cooperation attempts to engage with LGBTI groups.

5.1 Organisational development and core activities

The groups and organisations in Cameroon and Malawi included in this study varied greatly with regard to size and set-up. Some have existed since the 1990s, some only for a few years. Their size ranges from small organisations with just a few members and neither office space nor a website, to organisations with headquarters, paid staff, a website and regular activities on the national and international level. The majority of organisations were working predominantly on LGBTI issues, some of them also addressed issues related to sex workers. No formalised permanent coalition of a broad range of LGBTI groups with other civil society organisations working on human rights existed in either Cameroon or Malawi.[31]

Many of the organisations, particularly the smaller organisations, were funded chiefly by their founders or members (C10), some had secured international funding. Some operated openly as LGBTI organisations, others as HIV/AIDS organisations.

If registered at all, they usually registered as human rights CSOs. Registration as a CSO working on LGBTI is not possible due to the criminalisation of homosexual behaviour (C2).

Most organisations were started by a group of – often gay – friends and acquaintances. Most frequently, a need for exchange and social support was cited as providing the motivation for formation of the organisation, other reasons cited were support for detained and/or imprisoned persons, also attempts to secure health care triggered formation of the respective organisation. Working within a group of friends and acquaintances usually preceded attempts to sensitise the broader MSM community. Advocacy aimed at changing underlying conditions then often followed (C10). One interviewee cited the fact that "many of our friends were dying" (C2) as the explanation for the inclusion of a health component in the work of the organisation, while others explained that including health issues increased their access to funding: "Officially we are a HIV/AIDS organisation, but what we really intend is to assemble the community and create activism" (C15).

External events also played a role: in Malawi, the trigger was what became known as the "gay marriage" between Tiwonge Chimbalanga and Stephen Monjeza in 2011,[32] which was an occasion that drew the government's attention to "the issue" (M6), and in Cameroon, the "affaire des listes" (C2) in 2006, surrounding the publication by three newspapers of lists of "suspected" homosexuals, triggered an intense media debate.[33] Other groups came together more recently, against the backdrop of already existing LGBTI

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31 The case in Uganda, for example, is different, where a broad CSO coalition exists, see their website: Civil Society Coalition on Human Rights & Constitutional Law – Uganda (undated)
32 Nyasa Times (2012)
33 Awondo (2010)

groups. Most of those more recently formed groups were identity-based organisations, with being gay (or trans*) or a member of a sexual minority being a defining factor.

The organisations engaged in a wide range of activities. The most frequent ones are as follows:

- Enforcement: litigation after arrests, legal aid;

- Education: awareness-raising, especially through informal workshops ("talks", "causeries");

- Empowerment: community-building, incl. psychosocial support;

- Documentation: HIV/AIDS–related research, reports to UN bodies;

- Development: providing HIV/AIDS-related and other health services;

- Democratisation: advocacy, for example reporting on human rights violations, and talking to authorities;

- Emergencies: support to persecuted human rights defenders and detainees and prisoners.

On a more personal level, the interviewees, most of who were involved in the running of the different groups, identified the following as their main needs: safety, health, employment, and education. While the activities of the different groups mentioned above do address health issues and – to a lesser degree – personal safety, income-generating activities were not mentioned as a core activity. Only one interview partner mentioned a case he had heard of in which LGBTI were trained to be small entrepreneurs (C10).

There are probably a number of reasons for the inactivity of LGBTI organisations in both countries in the areas of employment and income generation. In a context where large parts of the population live in abject poverty, making the link between poverty and discrimination on grounds of sexual orientation may not be a priority, neither for LGBTI groups nor for donors. Also, LGBTI activists may be members of the middle-class, and thus tend not to have poverty issues in their immediate focus. The only example of donor action in this respect is a 2015 blog entry that report-

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Box 3 Common forms of engagement by CSOs working on SOGI

Enforcement: litigation, legal aid for victims of hate crimes and state oppression

Education: awareness-raising, training of law enforcement personnel (police, judges, prosecutors), public campaigns against LGBT violence, training journalists and editors, identification of and dialogue with LGBT-supportive religious actors, traditional leaders or school teachers

Empowerment: community building, capacity building on organisational development and management, leadership skills, advocacy planning and implementation, working with media, promoting knowledge of int'l human rights standards and HIV/AIDS prevention; networking among LGBTI movements and human rights CSOs in general – on the local, national, regional and international level

Documentation and research: documentation of human rights abuses, including parallel reports to UN treaty bodies or to the Universal Periodic Review, and situation reports mapping MSM prevalence and their needs

Development: service delivery, psychological counselling, job training programmes for LGBT, HIV/AIDS education

Democratisation: measures to promote political opening such as working for reformation of laws, regulations and criminal justice systems, legal advocacy

Emergency support for LGBTI human rights defenders under threat or in difficult conditions, in cooperation with international or regional networks[34]

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34   Systematization based on: Welch (1999)

ed that a Brazilian CSO had secured funding from the European Union to lift LGBT out of poverty.[35]

Funding is difficult to come by for almost all LGBTI organisations. It is mostly the older organisations that have established relations with donors. But to date most organisations are member-based and raise money among their members. Members organise activities, and the organisation attempts to reimburse them for their expenses such as transport and telephone (C15).

Access to a fund to pay for activities, especially inward community-building and external awareness-raising, would be very helpful for most organisations. In addition to that, they would like to have funds and materials for health counselling and selected health services, legal advice, preferably on their own premises. Many of them also stressed the need for internal capacity-building for volunteers: "They are young and motivated but do not know how to deal with groups and what to tell them" (C10). They would also prefer more regional exchange on issues such as advocacy strategies, on human rights as such, and communication strategies (C10).

One organisation mentioned the need for a coordination mechanism, consisting of donors, organisations working on LGBTI, and the authorities. The aim of such a coordination mechanism would be for donors to draw up and implement an action plan in line with activists' needs and wishes on how to further LGBTI acceptance and promotion of their rights (C7).

Regarding needs on an organisational level, most interviewees stressed the need for office space, and more specifically for safe office space. This should be in the form of securely held property, to ensure that organisations could not be kicked out by a landlord, or rented premises free of hostile neighbours, where their clients can come and go without intimidation (C10). One organisation opened up a small restaurant on their premises that raised some money but was also intended to decrease stigmatisation and to create trust in the neighbourhood (C2).

5.2 Strategy

Given that many of the organisations interviewed have small memberships and were only founded re-

cently, it may be too soon to look for strategic directions in their planning and activities. In addition, the movement has tended to been started by men having sex with men (MSM), and other specific groups within the larger LGBTI movement – especially lesbian women and trans* – are still emerging.[36] There are almost no case studies on strategies of movements led by lesbians – who might face a lower degree of legal stigmatisation, but in return more social stigmatisation as well as high levels of violence (see below, chapter 7.1).

With those caveats in mind, some general aspects of SOGI activism and strategies did emerge from the literature review and the interviews:

Decriminalisation

Many interview partners agreed that laws criminalising homosexual behaviour are one of the key factors contributing to continuing stigmatisation and marginalisation, as well as poverty. These laws create a climate of impunity, in which LGBTI encounter increased blackmail and physical violence by state and non-state actors alike. Some also stated that because of such laws people continued to think that homosexuality comes from the West, and that upholding criminalisation will help prevent the spread of "Western" behaviour in Africa (C10).

So although decriminalisation is high up on the agenda, activists also acknowledge that it needs to be accompanied by greater acceptance in society. One activist summarises this point well:

> If you decriminalise early, and society is not ready, you have social backlash, people are going to protest against it and that is why there is corrective rape. [...] It is not an issue that should be solved by law. That is why we have taken it to the chiefs, to the parliament. We need to solve it in the public space and people need to come to terms with the fact that sex is done differently. Otherwise they will deal with it by breaking the law and it costs lives. (M10)

Reducing stigma

Most interview partners argued for an incremental approach to reducing stigmatisation, by first identifying like-minded persons, and then familiarising them

35   Hudson (2015)
36   Kirey (2010), p. 99; Ofreneo/Casal de Vela (2010), p. 358

with LGBTI issues. Again, interview partners emphasised that the public should not be antagonised:

> The public debate is often instrumentalized. It would be great if everybody could already take a stand among the people he is around with. And then, informal talks with family members, neighbours are needed. Before there can be a public debate, the ground has to be prepared. It would be great already to get people to think 'well, if those homosexuals want to get lost, let them get lost' (C15).

In other words, LGBTI would already be glad if the rest of the population abstained from violence, it did not necessarily have to like them.

Another interview partner stated:

> [It is] best to use a way which does not confront people, does not hurt them. To start with, we thought it interesting to discuss sexuality as such: What is it? What are the components? Sexual orientation, gender identity, sexual practices, sexual roles. People simply don't know about that. (C7)

Sensitisation of the general public is often done by LGBTI CSOs "under the radar" and by means of a snow-ball system: LGBTI identify non-LGBTI persons who are open or at least not hostile and invite them to a closed "workshop" (*causerie* in French), where LGBTI are present and informal discussions can take place. These workshops are repeated in other locations, and sometimes the persons invited to the original workshop take other persons along for the next one. According to many interview partners, this slowly builds a community of more friendly-disposed persons, without triggering backlash through a public approach.

Occupying the public space and dialogue with authorities

Many organisations meet from time to time with representatives from the authorities, usually from the national or local administration, less so parliamentarians. One person remarked that while such meetings do take place, they are seldom embedded in a broader strategy and, in case there is one, there is usually no

follow-up (C7). Visits of international organisations such as Human Rights Watch (HRW) have the potential to induce authorities to meet activists, something which is difficult without an international presence (C7). Diplomatic missions could potentially create informal spaces in which local activists and authorities could meet and exchange views (C7). Personal contact to diplomats was held to be very important, but most organisations – probably due to lack of funds and time – work through e-mail, which was deemed insufficient to establish sustainable relationships (C7). In one country, CSOs had direct contact with a presidential adviser, who was formerly a prominent HIV/AIDS activist (M5).

In Cameroon, the public debate "usually discusses only the question 'for or against', which is not suited to take the issue forward" (C7). In Malawi, after a survey by a CSO revealed a lack of awareness about homophobia among the population and key stakeholders, the CSO developed radio programmes and street theatre plays. Popular theatre groups were engaged and billboards were put up. In addition, fabric that people use to carry things around with (shitenges) was printed with LGBTI-friendly slogans. And, as one person pointed out: "People wear them, even to church, in rural areas" (M2). In addition, each week a half page column on SOGI issues is written for a national newspaper. This column is paid for by the CSO, supported by an international public donor (M2). At the time of the interviews, the public debate in Malawi seemed to be more open and less antagonised than the debate in Cameroon. Interview partners in Malawi did not attribute this to their strategy alone, but also to the 2012 change in government, which improved the general climate for CSOs in Malawi.

Generally, activists saw publicity as a necessary step, but did not seem to have been working strategically to attain it – rather, publicity "came over them" in the course of specific events, for example the above mentioned "gay marriage" in Malawi. They then tried to cope with the challenge and make the best out of it.

Ashley Currier concludes that the strategies which LGBTI movement organisations use to become publicly visible remain under-scrutinised. She stresses that it is important for development cooperation practitioners and donors to understand issues related to visibility because it can alter LGBTI persons' lives.[37]

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37   Currier (2010), p. 155

There is a risk for backlash when LGBTI go public, [38] and donors should anticipate that, for example, putting in place procedures for emergencies.

Most interview partners considered education and sensitisation of the population as a whole to be crucial:

> Because media etc. play a very negative role in the discussion about homosexuality. We, as LGBT organisations, have to be able to counter that, but not alone, rather in cooperation with other members of civil society. And we have to find allies among the judges, journalists. Here in Cameroon we lose our minds when we discuss homosexuality, we forget that we have studied. Instead we put forward tradition, religion, in short, everything that blocks evolution. We need a real work on sensitisation and on dialogue. Because over the years we let the public space be occupied by homophobes. Maybe if we bring about another discourse, we can maybe move towards a reduction of homophobia. (C2)

Outreach and sensitisation of their own community (self-empowerment):

Many interview partners stressed the need for self-empowerment of LGBTI: "If you are not convinced of yourself, you will not convince others" (C15). Stigmatisation was said to cause low self-esteem or even self-hatred in some LGBTI, resulting in self-destructive behaviour, for example, in the form of reckless sexual behaviour due to an almost defeatist attitude towards life. Rights education was mentioned as playing an important role for protection of members of the community. One interview partner explained that members of the community did openly, that is in the street show signs of same-sex affection, despite the social climate towards gays. When asked why they did not limit these signs to meetings in secure and closed spaces, they answered that they thought they could be arrested because of being gay either way. But "just because homosexuality is criminalised, does not mean you will be arrested on the street" (C10).

CSO networking

While interview partners considered networking with other – non LGBTI – CSOs important, they agreed that it is not easy (C7). In Malawi, a CSO working on gen-

der issues was said to have actually lobbied for signatures on a petition directed against LGBTI (M10). LGBTI issues are a divisive issue in the CSO community (M5), though it might be possible to form alliances based on the fight against discrimination. LGBTI and other organisations have not cooperated, elaborated, or agreed explicitly on a country-wide strategy to promote issues related to SOGI in either of the two countries. In Malawi however, the one explicit LGBTI organisation cooperated closely with a general human rights organisation and formed a common strategy. Regarding Cameroon, one interview partner confirmed that "at the level of the associations/organisations, there hasn't been a real discussion about strategy so far" (C7). Given the unstable conditions many LGBTI live in and the need for activism reacting to imprisonments, public outings or other external events, strategy building

> [...] Is also a question of capacity, some organisations do not have that much capacity for that. Also, most LGBT who want to get engaged want to because they are being ousted, they are vulnerable; those who could contribute to a reflexion, are usually a bit older and often have more stable environments, they have jobs etc. This makes that they do not feel that urgent need to get involved. So organisations need to mobilise a certain number of persons to initiate that reflexion. Unfortunately, many people perceive this approach of being elitist, regarding the economic and social level. (C7)

Public health approach

There are open and "covert" approaches to LGBTI activism. One of the latter is the "public health approach", which means using the predominantly medical discourse of HIV/AIDS to promote LGBTI issues covertly. Some authors argue that this approach restricts LGBTI to the health sector, impedes a human rights perspective and might even further stigmatisation, by turning LGBTI into a health risk.[39] As one person remarked:

> LGBT is so much more than HIV/AIDS. They are rights in their own right. If you use the HIV/AIDS argument, it sounds a bit like gays are driving the epidemic – is that not blaming them? (M3)

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38   HRW (2009)
39   Ofreneo/Casal de Vela (2010), p.199

Others estimate that arguing through a public health approach might avoid confrontation over "special rights for gays".[40]

Working on SOGI issues via the related HIV/AIDS public health concerns (the "public health approach") has been instrumental to putting issues relating to sexual orientation and gender identity on the table, both in and beyond the two countries visited for this study. This is primarily due to the activities of AIDS/HIV organisations that are not LGBTI, but whose strategies to combat the further spread of HIV have led them to address the needs of marginalised and high-risk groups, which has helped to make the issue of MSM "discussable" (M5).

The public health approach is a door-opener vis-à-vis the authorities:

> But until now, public health authorities say 'Here we talk about health, if you want to talk about rights, go to justice'. They refuse to be the interlocutor. It is really political. It is clear that they wouldn't do anything ever for MSM if it was not for health. (C7)

However, the public health approach has its limits: the global focus on three to four groups identified as high-risk, such as commercial sex workers, MSM, truck drivers and drug users, fails to take local high-risk groups into account. Recent research from Africa, for example, indicates that lesbians are at considerable risk: the study suggests that most studies fail to detect this risk simply because researchers conclude that lesbians are not at risk of HIV only on the basis of unverified assumptions about lesbian life and sexual behaviour.[41]

In addition, a public health approach runs the risk of focussing solely on service delivery. To address the root causes of SOGI discrimination, this might just not be enough:

> I think the public health approach is too tacky, just buying services, etc. But if you look at whole picture, you need to tackle other issues such as

rights, privacy, and confidentiality. The public health approach is not sufficient. It is used to initiate the discussions. There is always data on higher prevalence among MSM from other countries. But then, MSM often live in bisexual relationships, so [there is] a risk for the whole population. (M6)

A public health approach might also contribute to a "mission drift", or put more pointedly: advocacy groups become condom distributors. While extending HIV/AIDS services to LGBTI is important, reducing the issue of sexual orientation to HIV/AIDS risks causing further stigmatisation of gays, bisexuals and trans* as a high risk group and usually renders lesbian women invisible.[42] In addition, the HIV/AIDS discourse often implicitly reinforces racist stereotypes of African men as sexually uncontrolled, and of gay men as promiscuous and dangerous.

5.3 Factors and actors impacting LGBTI organisations

There are a number of legal, political, economic and social conditions as well as actors that exert decisive influence on LGBTI activism in both countries.

Religion

Religious actors are perceived as one of the driving forces of homophobia: "Sexuality is a war zone, where religious forces strive for social and political power."[43] This 2009 HRW statement is echoed in a 2012 report by Political Research Associates. The organisation found that Uganda's 2009 Anti-Homosexuality Bill was part of a larger trend of US conservatives pushing their anti-gay and anti-choice agenda on the African continent and revealed that the Christian right in the USA fuels its campaign by building alliances with government leaders abroad.[44] But local Christian Councils also play a major role. When Ghana undertook measures in 2011 to review its legislation on sexual orientation, the Ghanaian Christian Council fiercely and publicly opposed any attempt at decriminalisation.[45] In Malawi,

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40   Epprecht (2012), p. 224 with further references. Another distinction is made between "feminist" – often also associated with more intersectional – approaches as opposed to "calmer"/pragmatic approaches based on practical issues; Ocholla (2011), p. 96; Ofreneo/Casal de Vela (2010), p. 199
41   Sandfort/Baumann/Marebeni/Southey-Swart (2013)
42   Parliamentary Strengthening Learning Program (undated)
43   HRW (2009), p. 7
44   Kaoma (2012)
45   African Press Association (2011)

religion has a very influential role in being a deterrent to have the full enjoyment of these rights because of the privileged position religious authorities tend to have in raising their voice. They have the platform, they have the audience to listen to them although not a hundred %, but at the moment they speak out, there is a constituency that sits back and listens to them. (M5)

One interview partner explained the importance of religion in daily life – and where to find entry points for dialogue:

When I am doing research, I have to give them their religion. Before I start talking to a gay person or doing a focus group discussion they must pray. (...) But the good thing about religion is that religion has its own distractions. They just do not all believe in all that. There are also other people in religion who talk about gay rights and the trick is to use them. ... We need to understand that religion is not a monolithic discourse. (...) It can be undone from inside. (M10)

Many LGBTI activists in the Global South, just as their non-LGBTI country men, are believers and consider the church key to social inclusion.[46] This might provide a starting point for dialogue. The following arguments have been successfully employed in dialogue with religious authorities and the population:

Our spiritual basis as a religious organisation: 'We are all equal in the face of God'. To that extent there is nothing that can separate us from the love of God and so the emphasis was 'Does being gay remove you from that love of God? Or deny you the image that you bear of God?' And: 'Many sins have been described in the bible – why should homosexuality be the biggest sin'? (M5)

Despite the often homophobic stances of religious leaders, there are some, in Uganda, Zambia, and South Africa, who actually speak out for human rights-related to sexual orientation and gender identity – sometimes even unintentionally:

Religious leaders came up with a statement condemning homosexuality. But they inter-

preted it with help of a theologian – and there were things like 'just as other sinners', 'don't close the door to them', 'will still be welcome to the church' – that is positive. Our experience is [that] just head banging won't work with religious leaders, that is, telling them we know and the UN says it is a human right. So I think we need to get someone from the inside. Work through the faith-based organisations we support as a state development agency. (M3)

However, there are also religious leaders who do speak out against intolerance and find arguments and ways to include them both in religious mission and daily life. One recently founded regional organisation reuniting those religious leaders is the Global Interfaith Network on Sex, Sexual Orientation, Gender Identity, and Gender Expression, based in South Africa.[47]

Media

The most notorious of the numerous cases from Africa illustrating the negative impact the media is able to exercise on the lives of LGBTI is probably the hate-campaign by the Ugandan print newspaper Rolling Stone in 2010 to expose LGBTI with their addresses, calling for someone to "hang them". Prior to that, homosexuality became an issue in Cameroon, when opposition newspapers published lists of alleged homosexuals in 2006 (see above).

On the other end, there are cases in which media organisations, especially newspapers, have been supportive in facilitating an open dialogue about sexual orientation. Ocholla reports that in Kenya, articles written by members of the Gay and Lesbian Coalition of Kenya (GALCK) sometimes featured in the daily newspapers.[48] In Côte d'Ivoire, several newspapers ran balanced articles and presented sexual minorities as Ivorian and not as un-African after an attack on a local AIDS organisation in early 2015.[49] In Malawi, one major newspaper published activists' articles (paid for by the local LGBTI CSO) about homosexuality on a weekly basis. This generated discussions on issues surrounding homosexuality.

These examples show that there is space for media development as a part of development cooperation. Its objective should be to strengthen the media in

46   Wood/Anmeghichean (2007)
47   See their website: http://www.gin-ssogie.org/ [last accessed: 4. August 2015]
48   Ocholla (2011), p. 96
49   Corey-Boulet (2015)

their professional role to investigate facts and enable free discourse. While social media are gaining importance, newspapers and radio stations still play an important role in many African countries, and activists continue to try to work with them.[50] One caveat and one suggestion: Media should not be told what to report about. Instead, media development should focus on the functions of media and ethical and professional standards. And local voices – not Western voices – should engage with local media, to underline that homosexuality is not something alien to Africa or imported from the West.[51]

In addition, there is ample room for engaging with Northern-based media regarding their reporting about homosexuality in Africa. In a recent blog for the Open Society Initiative for Southern Africa, Robbie Corey-Boulet, a journalist based in West Africa who focuses on LGBTI issues, concluded that while African homophobia sells well overseas, country-specific variations or positive developments are not a "story".[52] He quotes Sibongile Ndashe, a South African human rights lawyer as saying that it is this "single story of 'African homophobia'" which "hinders the work of local activists by ignoring on-the-ground progress that doesn't align with the established narrative."[53]

Traditional leaders

Traditional leaders wield social influence and sometimes hold official positions within the state. Interview partners reported that traditional leaders often refuse to discuss issues relating to SOGI. Nevertheless, activists recognise the importance of engaging with traditional leaders and have been looking for and finding ways to do so. (C10, M5, M2)

Development cooperation has been engaging successfully with traditional leaders to promote social change in other areas, for example regarding issues of female genital mutilation or early marriage.[54] While those approaches will not be entirely transferable, they might provide helpful starting points and should be explored, together with local activists.

Donor coordination and variation

Donor coordination is one of the principles of the 2005 Paris Declaration on Aid Effectiveness and thus one of the cornerstones of today's aid delivery philosophy. While coordination might be important in order to reduce transaction costs when multiple donors are attempting to support one government programme, the situation is different, when it comes to promotion of civil society. A 2014 study by the German Institute for Development (DIE) emphasised that "uncoordinated" donor action might actually be the best option when it comes to support for democratisation: democracy cannot be planned and does not look the same everywhere, and a fragmented and diversified approach avoids blueprints and furthers diversity and a competition of ideas.[55] Currier points out that donors need to be aware that the power imbalance between international donors and LGBTI organisations may motivate movements to adapt to donor strategies, alter their messages or overemphasise local obstacles in order to be eligible for funding.[56] An "uncoordinated", or rather: diversified approach to civil society promotion might also help to address this risk and maintain or even further different and consistently local approaches of civil society organisations and movements. It goes without saying that when it comes to the promotion of marginalised groups, other principles of the Paris declaration, such as "ownership", have to be interpreted in the light of subsequent declarations, such as the Accra Agenda for Action and the Busan Declaration, that is: in a way that includes broader society including civil society and that conforms to international obligations, including human rights obligations of a country.

However, when it comes to encouraging non-LGBTI-CSOs to work with LGBTI CSOs, some form of incentive by donors might trigger change, even sustainable change, and donor coordination would be necessary in this area:

> Cooperation with other CSOs was difficult at the beginning, because the [SOGI] issue brought shame. But maybe because of donor pressure other CSOs now take the issue up – I am not

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50   Ibid.
51   Ibid.
52   Ibid.
53   Ibid.
54   GIZ (2013)
55   Leininger/Ziaja (2014), p. 1
56   Currier (2010), p. 155 f.; Jad (2007)

sure whether it is because they are convinced or because donor money made them. But more and more partners in civil society are sensitised about that. This shows itself through the cooperation they do with us, their structures through which they work with LGBT. (C2)

Donor coordination might be used to include LGBTI in official fora: in one of the countries visited, a diplomat cited budget support as an example of donor coordination that promoted the role of local human rights (though not LGBTI) CSOs. Since human rights are one of the conditions underlying budget support, donors coordinated a meeting in which CSOs were invited to present their perspective on the development of human rights in the country to the budget donor group. While LGBTI groups did not participate on that occasion, such a forum could be used to integrate their perspectives.

Other factors

Ocholla cites other factors that have been conducive to promoting SOGI human rights in Kenya. She described Kenyans as very curious about LGBTI and therefore not completely unapproachable on issues related to SOGI. This in turn facilitated public discussion of issues surrounding homosexuality, which was instrumental in advancing more acceptance.[57]

Woods et al. report a positive role of the internet, at least for LGBTI in urban areas: the internet established safe spaces for meeting either virtually or in real time.[58] Internet spaces, however, are also under increased surveillance by state authorities.[59] This does not rule out the internet as an important instrument for organising within a movement, but it does underline the need for capacity-building of LGBTI (as well as other human rights defenders) on IT security.

5.4 Human rights arguments and SOGI discourse

As sketched out above, LGBTI in Africa are faced with a number of actors and their respective arguments against SOGI rights. While the above chapters focused on the actors and factors en- or disabling debates on SOGI rights, the following provides a closer examination of the arguments raised against SOGI rights and how activists deal with them.

"Homosexuality is a Western import"

Many activists encounter the argument that SOGI rights are part of "a Western agenda" and "an import from the West". This argument presents homosexuality as something alien to "African culture". Others argue that the motivation behind SOGI rights advocacy by the Global North is that sexuality has become a new battleground for the West to demonstrate its "superiority" and "modernity", and the backwardness of all non-Western societies.[60] This argument against LGBTI rights thus frames the discourse in terms of power differentials, again implicitly accusing LGBTI of being in cahoots with "the West".

Based on these lines of reasoning, Western governments that publicly push for recognition of LGBTI rights in Africa are often pigeonholed by African politicians as neo-colonialists. The "neo-colonialism" reference allows African politicians to tap into homophobic and anticolonial sentiments in the population and the media, and offers politicians an opportunity to display their nationalism.[61] CSO activists point out that the "Western agenda" argument helps their governments divert attention from pressing public issues, as occurred during the debate about the Ugandan "oil bill" and the corruption in Northern Uganda in 2012.[62]

The "Western agenda" argument is further buttressed by the double standards so often seen in human rights policies. Western states, which promote SOGI issues abroad, are not always equally outspoken at home. Take France: although the country positions itself as promoting LGBT rights at the United Nations,[63] many of its mayors had to be forced by the French Constitutional Council to perform same-sex marriages.[64] Or Germany: while its development cooperation was pushing for LGBTI rights in other countries, the country's own ruling coalition refused to enact compre-

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57   Ocholla (2011), p. 96
58   Wood/Anmeghichean (2007)
59   Lee/Sirgany (2015)
60   Correa (2012), p. 7; Abbas (2012), p. 17
61   Chase (2012), p. 509
62   Esom (2014)
63   French Foreign Office (2013)
64   Le Conseil Constitutionnel (2013)

hensive legislation on equal marriage and adoption rights for same-sex couples and to this day hasn't started to reform the "law on transsexuals", whose wording still requires trans* to undergo sterilisation, a requirement which had to be stopped by the Constitutional Court. In the United States, the federal government had been establishing funds to promote LGBTI abroad while gay marriage – at the time – was still prohibited in a number of states. In the UK, the GCHQ, accused of illegal mass surveillance, presented its building in rainbow colours, which was perceived by some as steering attention away from violations of the human right to privacy and related to data protection.[65]

In the Global North – as in the Global South – domestic policies often require parliamentary consent, while foreign policy doesn't, therefore domestic policy might offer less scope for promoting change than do foreign policies. In addition, LGBTI rights violations associated with the prohibition of same-sex marriage are of a different order of gravity than those associated with the criminalisation of homosexual behaviour. At the bottom, however, they all deny LGBTI their rights as full citizens. And they reinforce an impression of a double standard with respect to LGBTI rights.

Activists often call up historical examples to counter the "Western import" argument. They correctly point out that it is homophobia that Europe exported to Africa, not homosexuality.[66] While some interview partners pointed to the fact that forms of same-sex behaviour existed in pre-colonial Africa and reported that they used this fact in their advocacy work, others also noted that persons engaging in same-sex behaviour or relationships were often stigmatised even in pre-colonial times (C15). In other words, while research into pre-colonial forms of same-sex behaviour may help by rebutting the arguments that homosexuality is an import from the West, it does not necessarily contribute to removal of the stigma attached to it.

To counter the "Western Agenda" argument, human rights lawyers recommend using strategic litigation seeking to enforce the rights enshrined in international instruments, such as the right to privacy or freedom of association, rather than focusing on decriminalisation or marriage equality. This approach, considered a first step, concentrates on the universality of human rights and on the human rights guarantees explicitly contained in international treaties such as the IC-CPR.[67] One interview partner remarked on the lack of SOGI-specific human rights instruments as opposed to women's or children's rights: "[The] problem is that you cannot put LGBT rights into a specific UN human rights instrument, which Malawi then has to follow up. You have to put it into a broader framework, privacy, health etc." (M6).

Arguably, the absence of such an instrument makes advocacy for LGBTI rights more complicated, but it also offers opportunities to place human rights violations based on SOGI in an already acknowledged, broader human rights framework.

Election times

During election campaigning in particular, human rights related to SOGI have frequently been used as an issue with which to attack other politicians, especially those who do not tune in to the hate speech of others. A common insinuation used as a threat might be something along the lines of "If you vote for these people, they are going to make [...] MSM legal" (M3). LGBTI rights have been used primarily to attack liberal parties, or rather their frontmen.[68]

During election times, LGBTI issues are also used to distract from other challenges politicians face:

> Homosexuality is the perfect scapegoat. Because there were lots of demonstrations and marches against the cost of living, unemployment etc. so they (the people) had to be given something. So with homosexuality you could divert their attention. One example: One minister was imprisoned and that was when he revealed secrets about the government (corruption etc.). But when it was time for the government to answer these questions, they didn't but suddenly the homosexuality issue was brought forward. It was like the drug needed for the population to divert its legitimate and natural demands.(C2)

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65   Greenwald (2015)
66   See HRW (2008). This argument seems to slowly gain ground – for example Uganda's Prime Minister Mbabazi stated that homosexuality has existed in Africa for a long time and that there are African words for it: Burroway (2014)
67   See eg Ndashe (2010), p. 5
68   BBC (2014)

Therefore, campaign periods might not be the best time to advocate openly for LGBTI rights: "To take up issue of LGBT is suicidal for any politician. It is better to push for LGBTI rights outside the run-up to elections" (M3). For donors this means that support needs to be well-timed with regard to the election cycle.

Developments in the Global North

While LGBTI actors in the two countries clearly framed their requests as being about decriminalisation, non-violence and privacy, thus anchoring them in the broader human rights framework, their demands were often warded off by church and state authorities and others as promoting "gay marriage" (C7, M3, M6). One interview partner explained it this way: "their fear [is]] that once law is repealed, tomorrow [LGBTI] will be asking 'can we marry?' And they have used that as propaganda 'these organisations are fighting for same-sex marriage'" (M2).

Unintentionally, advocacy and legislative advancements in the Global North have contributed to this debate:

> People here have much access to the debate in Europe. So European issues influence the debate here very much, even though they have nothing to do with the situation here, for example the gay marriage debate. (C7)

Funders thus need to be aware that people in other countries pay attention to discussions on SOGI issues in the donor countries and that familiarity with that debate may negatively affect how their support for SOGI rights is perceived there, perhaps even result in political repercussions.

Grounding human rights in local discourse

> "Malawians do not perceive human rights as something that pertains to them. It is still seen as a foreign discourse. It still needs a lot to be done for the domestication of the human rights discourse in Malawi". (M6)

This perception of human rights "as a foreign discourse" stems from the legacy of colonialism and of today's human rights policies – including development cooperation – on the African continent. "Human

rights have been used in the name of 'you must get developed'" (M10). In order for human rights to be used, they need to be reframed, or "domesticated", as one interview partner put it (M6).

> "I think they [the population in Malawi] see these rights as non-applicable to Malawi, but if you really look at it, it is part of Malawi culture as well. … I think one has to take the discussion a little higher and link it to the cultural values of Malawi. And then this way there will be traction. At least our thinking is that." (M6)

One way to domesticate human rights is to draw parallels to other groups such as albinos who, like LGBTI, cannot simply change. This can "take the debate to a more scientific level and make people understand that it is not a choice" (C15). Another way is to use the public health approach (see chapter 5.2), which is – at least for MSM – the entry point that allows activists to communicate with public authorities "through the back door if you want" (C10).

Still, no one questioned that human rights as such are fundamental to human development. When it comes to using them as an instrument, they were perceived by one person as being more useful to those who can raise their voices in ways familiar from Northern advocacy patterns of protest:

> Human rights tend to work on voice. Who can speak. Who can write. From a Western perspective. [...] Take, for example, 'stand up for your rights'. I am in an environment where it is difficult for persons to stand. Sometimes they stand when they sit … Standing up means they have to forego the structure they depend on. (M10)

Terminology is bound up in the question of local discourses on SOGI. The term LGBTI was coined in the Global North and does not resonate well outside of it.

> For example 'gay' – in my village they would not say that. Maybe they say somebody 'is different'. Maybe 'mathanyula'. But that is a derogatory term, it comes from the mining history of our country. (M10)[69]

So associating the struggle of LGBTI with existing local terms does not always provide an unalloyed pos-

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69 Mathanyula has been described as a term which originates in the history of migrants and mining of Southern Africa, where men lived together closely far away from their families for prolonged periods, see also Msosa (2014)

itive effect, but it does help to bolster the argument that SOGI has not been imported from the West.

However, for human rights to attain relevance in local discourse, they need to be linked to the values that are their functional equivalents in the set of values shared by people in that society. In addition, human rights activism takes very different forms in different settings and this needs to be recognised by Western donors, who may only be familiar with specifically European methods of organising and advocating for rights. "The best way for donors to push for LGBT rights in national discussions is in the backseat, because it should be seen as a Malawian issue" (M6). "Backseat" was explained as not perceived as driving the process, translating into "We will support & facilitate but we cannot be the ones who push it" (M3).

This should not prevent donors from taking a clear stance regarding their own position, for example with respect to non-discrimination policy. But a "backseat-position" has repercussions on how donors act and how they fund: they should support local actors who give voice to local demands, and support them in building capacity at the personal and organisational level.

Public discourse

In Malawi and Cameroon, issues surrounding sexual orientation and gender identity are considered taboo and the few public discussions that have taken place were triggered by specific events. In Malawi, a trans* person held an engagement ceremony with her partner in 2009 ("Auntie Tiwo" case, see chapter 5.1.) launching public discussion; in Cameroon a discussion was triggered when a number of men alleged to be gay were outed by La Météo newspaper ("l'affaire des listes") in 2006.[70]

In Malawi, the couple was arrested and sentenced, which prompted a visit by the UN Secretary General. After high-level discussions the couple was pardoned by the president and released.[71] While one interview partner believed that this has started a debate which might lead to decriminalisation (M6), another argued that this sequence of events might have furthered the impression that it was "the West" who wanted the release (M10).

Despite the many public controversies triggered by these events and the differing perspectives on the engagement of the Global North, activists welcomed public debate as opposed to silence.

> People are giving their views, much more open than last year. But [the] debate is hot. They do not agree but at least they are starting to talk. And it is also good for the MSM community because they can give their views and their positions, quite strongly in the papers. (M3)

African Culture

Interview partners commented on the use of the concept "African Culture", that is, the argument that homosexuality is un-African:

> We do not have a defined culture. We haven't agreed what culture we want ourselves to be. So there is no 'culture'. But we use culture as a scapegoat to persecute sexual minorities. Because the way I live in where I come from is different from where someone lives in a certain region. But at the same time, which culture are we saying are we protecting, because the food we eat right now is European. Because some people are saying 'our' culture and these are putting on a suit, trippy suit. So, I mean culture can't remain the same, culture has to move on (M2).

Another interview partner provided his/her vision of African culture:

> Africans have a good image of their culture – and every country has its particularities. But, this culture that wants to shut itself in, which rejects individuals and which even does to kill individuals because they are not 'normal', that is not African. That is not what they taught me about African culture. That is a culture which is welcoming, which is understanding and which accompanies, takes care. (C2)

The instrumentalisation of the concept of "culture" is commonplace and use of the concept against LGBTI by political as well as religious and traditional leaders has been documented here and elsewhere. Equally common places are examples of people in dif-

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70   Afrik.com (2006); Awondo (2010)
71   It has also led to a moratorium on arrests of gays in Malawi and the Malawian sodomy law had been subjected to a constitutional review, which seems to have been blocked 2014 on procedural grounds. Nyasa Times (2013); CEDEP (2014), p.5

ferent contexts being easily mobilised by appeals to a perceived or constructed identity and by outlawing those who do not fit into that identity. Development cooperation needs to connect to local structures and procedures in order to create ownership. However, in doing so, it inadvertently strengthens these struc- tures, and confers or increases their legitimacy. This poses a dilemma of a sort. It can only be addressed if donors accompany their support of local structures with a critical assessment of who is being left out of these structures – and build in approaches to remedy this exclusion.

6
Practical encounters: LGBTI in state development cooperation

This chapter explores instances of LGBTI inclusion in development cooperation, e.g. through political dialogue, in programming and in internal staff policy. It assesses both their potential and their challenges and also addresses the areas where development cooperation has failed to engage so far.

6.1 The limits of public pressure and aid conditionalities

One way donors have reacted to human rights violations concerning LGBTI in the past, particularly in Africa, has been through the threat or imposition of sanctions, such as the cutting of aid. One example is British Prime Minister Cameron's statement when female same-sex behaviour was about to be criminalised in Malawi in 2011.[72] Other examples are statements from the Global North around the time of the re-introductions of the anti-homosexuality bill in Uganda, adopted by the parliament and signed into law in 2014, and subsequently overturned by Uganda's Constitutional Court.[73]

Through such statements, one could argue, donors can at least react to human rights violations related to SOGI. However, statements like these are often intended to appeal to the domestic audience of donors and their parliamentarians' respective constituencies,[74] and they are not followed by actions which support LGBTI in the Global South in a way that the latter consider supportive.[75]

As explained above, human rights treaties oblige states domestically, but also in their development efforts. The question, then, is whether statements condemning violations do contribute to promoting human rights abroad.

Sanctions and aid cuts are not per se unsuitable for effecting change. But they certainly are no panacea either. According to research, the impact of sanctions and conditioning aid on the improvement of human rights is mixed. These approaches appear to work well either

- in countries where human rights conditions are already acceptable and the government has a strong reform and/or development agenda, or

- when the conditionalities are acceptable to the recipient government or at least its reform agents,[76] and

- under the condition that the sanctioned government (or individuals) are able to influence progress toward achieving the objectives of conditionalities, for instance by amending legislation, improving financial audits, or curbing corruption.

There is no research on how conditionalities and sanctions work in cases where human rights violations are committed with impunity by representatives of the government and by private actors due to the deep entrenchment of homophobia and discrimination in society. In such situations, local politicians speaking out against homosexuality will win votes, as demonstrated for example during the 2012 elections in Ghana. This suggests that pushing for

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72   African Activist Archive (2010)
73   The Guardian (2014)
74   E.g. explicitly Liberal democrats, quoted in Kretz (2013): IV.A: "The British taxpayer is no longer willing to give financial aid to countries …"
75   See Paszat (undated) for an in depth discussion of "homonationalism"
76   Mosley/Hudson (2004); Pekson/Drury (2009), p. 404 and 407; Schmitz (2008), p. 133

decriminalisation will not be enough, as discussed above.

Activists from all over Africa have made it clear, in several joint statements, [77] that threatening to cut off aid due to human rights violations associated with SOGI can have adverse effects. Such moves could lead to their alienation in their community and the broader civil society movement, since all organisations need aid for health or education-related activities. In addition, it offers sanctioned governments a fitting occasion to scapegoat LGBTI for shortcomings in social service delivery, and thus sidestep from taking the blame themselves because of maladministration. Last but not least, singling out human rights violations on LGBTI as a reason for aid cuts buttresses the notion that human rights relating to sexual orientation and gender identity are a Western imposition and are somewhat special rights.[78]

Aid cuts in general reinforce the power asymmetries between donors and recipients. Activists do not rule out the possibility of sanctions as such; one activist stated clearly that his government will not reform his laws without some form of pressure.[79] But activists request that donors respect their agency and consult with them before taking decisions on cutting aid. The Uganda CSO coalition, probably the national coalition with the most experience in dealing with donors' domestic political landscapes, asked states to justify aid cuts by referring to the full range of human rights violations in Uganda – and not to single out sexual orientation and gender identity. They also recommended that donor states exercise their pressure mostly behind closed doors so as not to trigger public outrage at "a Western imposition".

The Council for Global Equality has suggested that conditionality – to be legitimate – must be built into initial aid agreements and that aid cuts with the objective of supporting LGBTI rights can only be legitimate if donors also look for avenues that actively further LGBTI human rights.[80]

All this requires donors – staff on the ground in implementing agencies and the embassies, as well as the ministries and members of parliament who sometimes come out with the call for aid cuts – to establish and maintain communication channels with activists in partner countries. This is not easily done, when for example LGBTI leaders are under assault or in hiding, or when LGBTI activists are divided on the question.[81] Having procedures in place for emergencies is thus equally important as having a good understanding of the local CSO landscape, including LGBTI groups. Communication between LGBTI activists in the Global South and members of parliaments in donor states is particularly challenging, due to the latters' calls for aid cuts being largely aimed at their domestic constituency in the donor state. LGBTI organisations in donor countries should bridge that gap, by providing accurate information about the LGBTI and general human rights landscape in the respective country and assisting in establishing direct contact between northern parliamentarians and southern CSOs, and thereby requesting parliamentarians in donors states to respect the agency and the views of LGBTI activists in other countries and rendering that possible.

6.2 Traditional family models implied in programme design

Programmes supported by development cooperation are often based on dominant assumptions about family and kinship and direct their own resources accordingly; some authors even argue that development cooperation is based on a heteronormative family model.[82] In consequence, these programmes promote a certain type of family and unintentionally leave out persons who do not fall into these norms.[83] With respect to LGBTI, more is at work: the exclusion of LGBTI from mainstream development is based not only upon the assumption of certain family models, but sometimes also on assumptions about gay and other people's willingness to come out and about the circumstances in which they will do so. Some examples may serve to illustrate this point:

- An HIV/AIDS education project in Bolivia in the 1990s was based upon an initial assumption that "closeted" gay men could be motivated

77   E.g. The Africa Report (2012); Johnson (2011); Nyasa Times (2011)
78   Ford/Allen (2012)
79   Kuria (2012)
80   Global Equality (2011)
81   Gay Star News (2012)
82   See eg de Camargo/Mattos (2008), p. 365 f.
83   Paulson (2010), p. 114, 115

to "come out", embrace their gay identity and to gather in gay centres. These would provide free condoms and information on safe sex. However, a later assessment revealed that only a small percentage of men were attending those centres. The nascent gay community did not welcome poor and indigenous men, and wealthier men preferred private clubs. Men who had sex with other men but did not embrace a "gay" identity, found the idea of identifying with homosexuals repulsive. The community did not accept effeminate or transgendered individuals either. Thus, many Bolivian men were left out of sexual health and disease prevention campaigns, especially men of a disadvantaged economic or ethnic position, sex workers and transgender. Instead of attending the centres supported by the project, some Bolivian men created alternative spaces to meet in – these, however, were overlooked by development programmes.[84]

- Another form of project design that tends to leave out certain groups that do not fit into dominant family models is one in which resources are granted on a per household basis, because the design hinges on the way a household is defined.[85] An agrarian reform programme in Bolivia in the 1980s that supported the intensification of commercial wheat production initially focused on relatively wealthy and male-headed households and left out poorer households and those without males. A "women and development program" was added later, and intended to counterbalance the initial approach. However, it ended up exacerbating the unequal access to the benefits of this programme: while an association of female wheat producers was established, its members consisted mainly of married women from families with the greatest access to land. Poorer and single female-headed households were excluded. Thus heteronormativity and economic status excluded poorer men and women who did not conform to majority norms, further limited their access to resources

and forced them to change occupations to make a living.[86]

- While the programme in Bolivia was not analysed under SOGI criteria, a humanitarian programme in Haiti was: after the January 2010 earthquake in Haiti, [87] food rations were predominantly distributed to female-headed households, this approach was based upon the experience that women are more likely than men to distribute food equitably among family members, particularly the most vulnerable. However, this policy left out gays and transgender in need – as well as other families with no adult female member. It did not even reach lesbian and single women, as the security conditions in the queues were such that unaccompanied women did not dare to join them.

While the need to include single female-headed households and to address gender disparities has since been recognised and addressed in development discourse and policy, [88] international cooperation programmes likely fail to grasp local realities regarding sexual orientation and gender identity. They therefore unintentionally continue to import Western-based assumptions resulting either in a limited impact or even negative outcomes for LGBTI. A gender sensitive assessment at the beginning of each programme could be a solution, but it needs to go beyond the traditional man/woman distinction.

6.3 Modes of aid delivery

While non-state funders have been engaged in funding SOGI issues since the 1970s/1980s, [89] bilateral donors have only recently started to implement development strategies that explicitly include LGBTI. The number of such donors has been rising over the last years, and donors have set up different instruments to implement their commitments. Some examples: The Swedish International Development Association (SIDA) spearheaded SOGI issues. In 2006, it published

84   Paulson (2010), p. 121–123
85   Examined more closely in Paulson (2010), p.113 f.
86   Paulson (2010), p. 123
87   IGLHRC/SEROvie (2011), p. 3
88   See eg Holmes /Jones (2011)
89   Bowen (2012), p. 6

an Action Plan that was based on a 2005 study on the relevance and prevalence of SOGI issues in development cooperation.[90] The Netherlands have also been engaged in this area for quite some time, [91] mostly working through Hivos, a Dutch CSO.[92] The German Ministry for Economic Cooperation and Development issued its human rights strategy in May 2011, and includes LGBTI on an equal footing with other "vulnerable groups".[93] Hillary Clinton, US Secretary of State, announced on 6 December 2011 that the US would engage proactively in funding LGBT rights and has launched a Global Fund to support LGBT.[94] Likewise, France has announced its plans to promote SOGI human rights through its foreign policy and has provided funds for LGBTI in the past.[95] The Danish Institute for Human Rights conducted a study on behalf of their Foreign Office on human rights challenges faced by LGBTI in Africa and how Danish institutions could support them.[96] The World Bank is reported to be considering how to ensure that it does no harm to LGBTI in its programmes and has commissioned research on the economic costs of homophobia.[97]

Unlike all other donors, SIDA evaluated its 2006 Action Plan in 2010 and published an assessment study in 2013.[98] The evaluation reports an increase in funding for LGBTI, inclusion into country strategies and political dialogue, and more knowledge among staff. LGBTI were mainstreamed into measures in the health sector and in the human rights/governance sector strategies. Swedish CSOs also reported that funding for LGBT in the Global South has become easier. A set of training courses for LGBT activists from partner countries was also evaluated positively. On the other hand, the evaluation revealed the remaining challenges: despite the fact that the Action Plan is generally known among SIDA staff, only very few personnel had acquired the necessary skills and knowledge through voluntary training, and discriminatory attitudes towards LGBTI still existed among SIDA staff. The evaluation also remarked that staff needed internal mechanisms to prioritise and streamline policies, as well as clear guidelines for and goals of LGBTI support. Also, a system for follow-up and learning from past experiences was found to be lacking.[99]

Box 4 Examples of modes of delivery in current development cooperation – the German example

- CSO support via funding mechanisms – through funds based in the donor country managed by state development agencies, contributions to Southern CSOs working in partnership with German CSOs or direct contributions to CSOs

- Project-based interventions – dominant until the late 1990s. These are stand-alone interventions by staff of the respective development agency.

- Programme-based aid has gained more prominence in the aftermath of the 2005 Paris Declaration. These are measures where aid programmes support strategies and programmes developed by and aligned to the partner country.

- Embedded experts – these are either expatriate or local staff who are "embedded" in or employed by state institutions or CSOs, and whose salary is paid entirely, or topped up by development institutions. They can be part of a programme-based approach or a project-based approach.

- Alongside these modes of delivery of state development cooperation, a range of other German non-state institutions also implements cooperation projects. These fall into two groups: what are known as the political foundations, on the one hand, each of which is affiliated with a party continuously represented in the German parliament, and the German CSOs, including faith-based organisations. While they may receive funds from state institutions, they decide on funding priorities and possible partners themselves.

90   SIDA (2010)
91   For a recent position, see a presentation to the Dutch parliament, The Dutch House of Representatives (2011–2012)
92   Hivos (2012/2013)
93   BMZ (2011); Previous publications focused on health issues, such as one on "Sexual minorities and HIV" (BMZ, 2012)
94   Kretz (2013): Introduction
95   French Foreign Office (2013)
96   Kerrigan (2013)
97   Stewart (2012); Stewart (2014)
98   French Foreign Office (2013); SIDA (2010); Nilsson /Lundholm /Vagberg (2013)
99   SIDA (2010), p. 10, 34

German development cooperation work with LGBTI has taken place mainly through programme-based aid in the health sector, for example in Kenya and the Caribbean, and focussed mainly on MSM.[100] As for CSO funding, the Ministry for Economic Development and Cooperation has issued several calls for project proposals for CSOs supporting partner CSOs in the Global South since 2011.[101] It has specifically encouraged proposals on SOGI issues. German CSOs related the dearth of received proposals to the funding criteria. These criteria require CSOs to put up 25% of the estimated project costs themselves and contain quite a few bureaucratic hurdles. Meeting these criteria is a challenge for most of the rather small LGBTI organisations in Germany.[102] Only 2 projects, submitted by the German Lesben- und Schwulenverband Deutschland and by filia.die frauenstiftung, had been funded under this scheme by the start of 2015. In 2014, German state development cooperation set up its first regional project to support LGBTI organisation in Africa, based in Arusha, Tanzania. A human rights and good governance programme in Uganda is exploring ways to address these issues either directly or indirectly.[103] In Ukraine, German development cooperation supports a CSO working on HIV/AIDS issues through an embedded German expert, who is employed by the CSO.[104]

The Netherlands see themselves as one of the pioneers in combating gender-based discrimination.[105] Hivos is implementing several projects for the Dutch Ministry for Foreign Affairs, which focus on network- and capacity-building of LGBTI organisations.[106]

When it comes to mainstreaming SOGI human rights, state development cooperation still focuses on the health sector, and more specifically on HIV/AIDS, as well as funding CSOs working on LGBTI issues. However, as discussed below (chapter 5.2) including (mostly) MSM into HIV/AIDS programmes does not necessarily amount to human rights promotion.[107]

The strategy of the Global Fund is another example of how SOGI issues can be integrated into HIV/AIDS programmes.[108] However, how trans*, and especially WSW have been integrated into the Global Fund is less clear. A recent report suggests that MSM and Transgender are rather being left out of country dialogue, planning and programming of Global Fund funding.[109] The Global Fund seems to have reacted to this with a trans* specific call.

One model hitherto rather unexplored by bilateral donors is participatory grant-making, i.e. the allocation of grants through a peer process. A recent study that examined a range of participatory grant-making funds (PGF) concluded that PGFs can constitute a powerful intermediary between grassroots organising and traditional and institutional donors.[110] Providing funds to grant-making organisations which are managed by the respective community itself might also contribute to reduce arguments about "Western infiltration". Same goes for assigning local experts instead of donor country staff to implement any activities related to LGBTI and promote south-south exchange.

For international exchange among donors, the Stockholm process – first organised by SIDA and Hivos in 2010 – attempts to gather state donors for exchange and policy development. Additional meetings have taken place, in Berlin 2013 and Washington 2014, the next meeting is planned for Montevideo in early 2016. Donors participating in the Washington conference 2014 committed themselves to continuing and increasing their engagement for LGBTI activists worldwide, listening to activists, mainstreaming the issues across all sectors and involving local LGBTI communities.

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100 Other examples include a programme on primary education in Southern America as well as a peace programme in Colombia. See the minor parliamentary interpellation: Kleine Anfrage (2010); as well as examples in Chebout/Sauer (2011), p. 37, 39, 44
101 These calls ask for proposals from German CSOS that partner with CSOs from partner countries.
102 HIVOS (2012/2013)
103 GIZ (2010–2013)
104 See the news at https://www.facebook.com/MuniQiev/posts/164797930343750 (accessed 22. 6. 2015)
105 The Dutch House of Representatives (2011–2012)
106 HIVOS (2012/2013)
107 Internal study paper by GIHR/DIMR on human rights-based evaluation (2014), on file with the author
108 The Global Fund to Fight AIDS, Tuberculosis and Malaria: The Global Fund Strategy in Relation to Sexual Orientation and Gender Identities (undated)
109 ECOM (2015)

6.4 Internal staff policy as an instrument

The 2010 evaluation of SIDA's Action Plan found that a lack of knowledge and understanding about SOGI issues and discriminatory attitudes of SIDA staff and staff at embassies are obstacles to the promotion of human rights related to SOGI.[111] This suggests that an LGBTI-inclusive staff policy and active promotion for SOGI-related issues inside a donor agency are a precondition for the external promotion of SOGI human rights in partner countries.

Policies at the World Bank reveal the potential of an LGBTI-inclusive staff policy as well as its limits.[112] As to the latter, an inclusive staff policy does not automatically create a climate in which LGBTI are at ease telling others about their orientation or identity. Almost nobody at the World Bank came out after it published its LGBTI-inclusive anti-harassment policy in 1992.[113] It took the initiative of some senior staff members to create a staff club called GLOBE – the Gay, Lesbian or Bisexual Employees staff association of the World Bank Group.

GLOBE's main objectives are to create social gatherings for bank staff, to lobby bank management to adopt LGBT inclusive human resources strategies, to liaise with counterpart organisations in related agencies and promote the debate around issues related to SOGI. GLOBE has reportedly helped to create a more receptive climate for discussions around SOGI on internal staff issues and beyond.[114] It increased visibility, even outside the World Bank, among shareholders whose countries still criminalise LGBTI. GLOBE's main internal achievement relates to the almost equal privileges the World Bank grants to partnerships and the association's contribution to awareness-raising.[115] Primarily individual champions achieved these changes in World Bank policy; it was they who paved the way for changes in the Bank's HIV/AIDS policy.[116] This demonstrates that along with policies, it takes individual agency to promote an issue – and agency needs recognition and support.

Engagement in GLOBE mirrored disproportional relationships commonly associated with discrimination on prohibited grounds – its attendees were mostly white men and very few women. The majority of women and staff from non-Western backgrounds felt less secure about coming out. Reasons were manifold. Contributing factors may include the countries individual staff worked on, or the fact that the Bank's attitude toward LGBTI was still evolving. The statement "You never know why you are not being promoted" sums up the trepidations at work. The only people who felt comfortable about coming out were those who had no reason to fear discrimination on other grounds.

Thus, for internal human resource policies to be effective, they need to reach out to more LGBTI as opposed to only white gays, or rather than only addressing LGBTI, they must address other prohibited grounds for discrimination, such as gender, ethnicity and disability. LGBTI could also be included as diversity criterion for hiring staff. Last but not least, simple awareness-raising training sessions can work wonders.

Internal staff policy is no substitute for SOGI mainstreaming in development cooperation. But it might lay the groundwork for more interest and acceptance among staff – who are ultimately the ones who implement any SOGI mainstreaming. As of 2012, the World Bank is reported to be considering integrating LGBTI in its policies on a do-no-harm-basis;[117] in 2013 it commissioned a study on the economic costs of homophobia and in 2014 it presented a draft for the Environmental and Social Framework that mentioned discrimination related to sexual orientation and gender identity.[118]

110   The Lafayette Practice (2014), p. 4
111   SIDA (2010), p. 10, 34
112   Gosine (2010), p. 67
113   Ibid.
114   E.g. WB panel discussion 2011 on aid cut threats, see Johnson (2011)
115   Gosine (2010), p. 71
116   Ibid., p. 77
117   Stewart (2012); (2014)
118   World Bank (2014)

7
No encounters: what development cooperation does not address – or rarely

While the last chapter addressed how LGBTI issues can be and are being addressed by development cooperation, this chapter will address the gaps that remain, i.e. areas in which development cooperation has still not considered or reached LGBTI groups. The following paragraphs address only those groups that are included in LGBTI but are often being left out in practice. For development cooperation to be truly inclusive, it has to overcome its "target group" approach, in order to address intersectional or multiple discrimination. This is a problem relevant not only to lesbians, but also to women, – indigenous and non-indigenous – more generally, for instance.

7.1 Lesbians

Lesbians or women who have sex with women (WSW) are much less visible than gay men or MSM – and underfunded to an even greater degree. As a recent study has demonstrated for Germany, this is due to the fact that (1) very few funds go specifically to lesbians, and (2) funding-recipient groups that donors label as "LGBTI" usually do not include many lesbians (or trans* or inter* for that matter).[119]

Lesbians or women who have sex with women struggle with two intersecting factors of discrimination. As women, they experience the disadvantages all women face in society. On the average, they have less formal education, have less access to social resources, such as jobs and participation, and they may generally be less vocal in asserting their position. In addition, being lesbian, they have to struggle with dominant perceptions of sexual orientation and gender:

> With men they have reached a point where they say: 'Oh, they actually sleep with each other and we hate it.' But with women it is denial. They do

not take it seriously: 'Maybe they haven't met the right man' (M10).

One interview partner stated that unlike MSM, women who have sex with women are not afforded the cover of staying in a heterosexual relationship, since their husbands will not consent (C15). Few WSW are in a stable, self-determined economic situation and able to support themselves. When WSW stay single and remain in the parental home, parents and relatives often get suspicious and start asking questions.

WSW employ a variety of coping strategies. One among many is to get pregnant, even outside marriage, to at least defer questions. Another one is to be dependent upon several men – and/or women – with enough money to support them. The resulting dependency often entails a high risk of exposure to sexualised violence.

While donors use the public health approach in HIV/AIDS programmes as a gate-opener for issues surrounding sexual orientation (and maybe gender identity) for MSM, they do not include WSW. They deem the risk of infection to be low to non-existent for lesbian women. This risk assessment does not take into account the social situation of WSW described above. HIV/AIDS risks change significantly when the above mentioned coping strategies are taken into account.

To enable WSW to profit from health-related interventions, interview partners stressed that self-organisation of lesbians should be supported, in order for WSW to "be coherent persons" (C15), understood as empowering WSW to speak for themselves before they speak to others.

Programme interventions that strengthen the role of women in general are important:

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119   Chebout/Sauer (2011); Baumgartinger/Knoke (2014)

The situation of WSW is linked to situation of women in general: If families do not have means, they send only boys to school. Education is the key. There should be more projects that favour women; because for the families, men are more important. (C15)

However, not all programmes supporting women do automatically improve the lives of lesbians or WSW (see above, Chapter 2).

Also, public intervention/coming-out on the part of lesbians needs to be supported when takes place. (M3) While one instance in which a lesbian came out in public in Malawi produced violent reactions from the public, it also triggered phone calls from other lesbians, seeking forums for exchange and to take joint action and work for change. People who have come out also need shelter and protection. Social reintegration programmes for women living on the streets could be adapted to be inclusive of WSW. (C15)

Coming out on the part of lesbians has been a rather recent phenomenon in the countries visited and some interviewees warned that this phenomenon might increase (unreported) so-called "corrective rapes", a form of gender-based violence which perpetrators describe as a "treatment" to "convert" their victims to heterosexuality. "Corrective rape" has not received much attention in interventions on gender-based violence so far. So another starting point would be to alter gender-based violence programmes to be inclusive of WSW.

The experience of a German CSO in promoting female soccer[120] has been that international matches and accompanying workshops have been instrumental in broaching the issue of homosexuality.[121] Sports could be used as an entry point to support women in general and lesbian organising in particular without making support to them explicit:

In Cameroon, coverage for lesbians is soccer. So if you say you are a footballista, everybody thinks you are lesbian. Many lesbians do sport, football, handball, judo. (C15)

As most international and local resources for LGBTI go to HIV/AIDS prevention, WSW usually need to turn to MSM organisations in order to access resources for organising. While the public's reaction to lesbians and WSW is similar to that towards homosexuals, and while WSW might profit from the space created by gays, one interview partner underscored that the response to discrimination of WSW and lesbians is

going to require its own focus because Malawi has severe gender imbalances. Women's access to services is entirely dependent on their relationship to men, to husbands, to fathers. Bringing the lesbian issue in there will require its own focus and attention within a greater gender response. (M6)

In other words, promotion of the rights of lesbians needs to be embedded in a framework of gender equality promotion.

7.2 Trans* persons

The author did not interview any person who self-identified as trans*. One interview partner concluded that this was because the discussion around the broader notion of biological sex and its social construction was yet in its infancy (M5). "Transgender is a concept that is not yet fully appreciated or understood" (M5).

Seen in broader perspective, this is linked to the use of terms in general: although the term "LGBTI" was used by interview partners, the term "sexual minorities" seemed to be the more comfortable term, along with MSM or WSW. The absence of discussions around transgender was also notable in the discussion around the "gay marriage" in Malawi, one of whom was by some considered to be transgender rather than gay.[122]

Two reports from 2013 documented an emerging international trans* and inter* movement. According to the findings, in contexts where no trans* and inter* organisations exist, trans* and inter* persons often work within LGBTI organisations, which, for their part, do not always have the specific knowledge required, and often do not prioritise trans* and inter* issues.[123] Here again, the acronym LGBTI obscures what is often very unequal representation within organisation's activity and structure. The reports recommend seeking out trans* or inter*-led organisations or for LGBTI

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120   Mann/Schauer (2013)
121   Ibid.
122   Nyasa Times (2012)
123   Global Action for Trans Equality (2013); (2014)

organisations that have a dedicated and well-documented focus on these groups.

7.3 Inter* persons

Some interview partners mentioned they had either heard personally or learnt on TV about inter* persons, but had not followed up on that issue (M10, C2, M5). The scarce, but existing literature on the lives of inter* in the Global South draws a sketchy and diverse picture.[124] On the whole, society knows little or nothing about inter*, and inter* is negatively connoted and a taboo, which translates into inter* persons usually living hidden from the view of society. In some countries an inter* baby is not considered a medical case, but rather a "magical" one, i.e., such babies are seen as a punishment for an offence the mother committed in life. Medical treatment, increasingly carried out, often takes the form of cosmetic genital surgery on babies or adolescents. With regard to inter*, donors should support efforts by organisations to spread knowledge about inter* persons – for example through conducting (or enabling) qualitative and quantitative studies about the lives of inter* persons, encouraging and strengthening inter* persons in their self-organisation. Donors could also seek to motivate a broader spectrum of CSOs to work on inter* issues and, last but not least, integrate inter* aspects into programming.

124   Ghattas (2013)

8
What human rights instruments can do to advance SOGI human rights

This chapter examines two human rights instruments and their potential to advance human rights in relation to sexual orientation and gender identity. The Universal Periodic Review (UPR) is a peer-based reporting procedure which links the national and the international level and foresees a follow-up at the national level. National Human Rights Institutions (NHRIs) are mandated to translate international debates – that is connecting them to the debates at the national level. At the same time, they are part of a set-up of institutions in a particular national context, which influences their understanding of themselves, their independence and their work. Other instruments such as the state reporting procedures of the human rights treaty bodies are of equal importance, but will not be examined here.

8.1 Using international human rights mechanisms to effect change at home: the Universal Periodic Review

International human rights mechanisms are designed to achieve change on the domestic level. The Universal Periodic Review (UPR) promotes dialogue among state representatives and might offer an alternative to what could potentially be a confrontational and antagonistic process of attempting to enforce politically controversial human rights norms.[125] With regard to sexual orientation and gender identity, many states reporting to the UPR have confirmed that societal attitudes are a major obstacle to the decriminalisation of homosexuality – an obstacle which states have reported to the same degree under the Child Rights Convention (CRC) with regard to female genital mutilation/cutting.[126] However, states opt for different approaches: while some states expect that the passage of time will help in diminishing these negative social attitudes toward homosexuality, others consider education, awareness and sensitisation to be necessary to pave the way for social acceptance.[127]

While various actors document the impact of UPR proceedings at the international level,[128] the subsequent process at the domestic level remains to be fully explored. In an interview series conducted by ILGA, activists coming to Geneva for their states' UPR reviewed their expectations and the results so far: [129]

- The UPR process provided an opportunity to engage in diplomatic discourse with the representatives of the activists' own states, as high-level officials were more easily accessed there than in the national context. These contacts provided a basis for further follow-up at the national level.

- Sometimes the UPR was the only way for activists to find out about the government's official position and to get them to commit to supporting LGBTI.

- Since the CSOs' parallel reports became international documents, the UPR documentation comprised an important reference that brought visibility to the organisation and the issue.[130]

- Factors determining whether the UPR has an impact at home: Follow-up on the recommendations is important so that countries will

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125   Cowell, Frederick/Milon, Angelina (2012)
126   Ibid.; for the CRC see Harris-Short, Sonia (2003)
127   Ibid., p. 9
128   See ARC International (undated); International Service for Human Rights (2015)
129   Valenza (2013)
130   Ibid.

accept them. Also, there is a need for continuing education and advocacy at all levels so that legislators and the government understand the reality of LGBTI. Networking with human rights organisations at the national level is considered crucial. Having established friendly relations with the government and having a clear strategy is important for successful implementation of the UPR recommendations. Here development cooperation can support both the preparation as well as the follow-up of the UPR at the national level.[131]

Activists in Malawi und Cameroon participated in the proceedings (C2, C10) with finances and logistic support provided by regional LGBTI organisations (C10). In the run-up to the UPR, other states were approached through their embassies and encouraged to submit recommendations that homosexuality be decriminalised – and about twenty countries did so (C2). As for the domestic follow-up, activists planned events with diplomatic representatives. Both the submission of the reports as well as the follow-up were planned among the groups of CSOs that had submitted civil society reports to the UPR.[132] Regarding the success of the UPR recommendations on decriminalisation, activists from Cameroon were matter-of-fact: "We don't know whether Cameroon will accept these, but at least this issue wasn't left out." (C2)

8.2 National Human Rights Institutions: potential for and track record in supporting SOGI human rights

National Human Rights Institutions (NHRIs) are situated between the state, CSOs and academia. They are regulated by the 1993 Paris Principles which require them, inter alia, to be financed by, but act independently of the state, to have a broad mandate and to engage in both the protection and the promotion of all human rights.[133] NHRIs worldwide work for the harmonisation of legislation and practices with international human rights obligations and promote human rights through education, public awareness raising and other means. In many countries the NHRI accepts complaints from individuals.

Monitoring the situation of LGBTI, human rights education on SOGI human rights and requesting changes both in legislation as well as administrative practices regarding LGBTI thus are all within the mandate of NHRIs.[134]

Research on NHRIs has started to assess how these institutions can be most effective in terms of human rights promotion. Some authors have found that NHRIs are effective when they strengthen CSOs through capacity-building or provide a platform where CSOs can meet with government representatives, thus facilitating access for them.[135] One author proposes that NHRIs and CSOs should establish a structured basis for their engagement (as opposed to ad hoc meetings) and proposes criteria for such a framework of engagement.[136] Other authors argue that social mobilisation happens when civil society actors realise structural opportunities and that NHRIs should strive to create these openings for CSOs.[137] By engaging in human rights issues that are socially contentious, NHRIs can contribute to legitimising claims previously deemed illegitimate, and they can help to increase accountability of public authorities.[138]

The regional association of NHRIs in Asia, the Asia-Pacific Forum (APF), is the only regional NHRI network in the Global South which has been explicitly working on human rights related to SOGI. Since a study in 2010 on the situation of persons with a sexual orientation and/or gender identity outside of the norms of their societies, several APF-member NHRIs have assessed the respective laws on SOGI, conducted training programmes and established working relationships with LGBT CSOs. Even though, gaps remain – an APF study notes further need for building institutional capacity and sensitising NHRI staff, continuing to engage, liaise and partner with LGBTI groups and NGOs, planning, strategising and implementing activities designed to utilise the convening and advocacy powers of NHRIs

131   BMZ (2014)
132   For Cameroon, there were 2 submissions, Humanity First et al (2012); Human Rights Watch (2012)
133   See UN General Assembly "Paris Principles" (1993)
134   APF NHRI (2013)
135   Anguita (2012); Dinokoplia (2010); Meyer (2011); Okafor (2011)
136   Dinokoplia (2010), p. 41, 43
137   Meyer (2011)
138   Goodman/Pegram (2011)

and increasing human rights education for LGBTI communities, the broader community and the media.[139] The study also documents existing cooperation between NHRIs on SOGI issues such as in Indonesia, Bangladesh and Nepal.[140] In the Philippines, the Philippine Human Rights Commission supported a court case contesting the denial of registration of an LGBT political party. This created a political opening for discussing LGBT issues, which LGBT groups used to gain support for other LGBT issues, such as the inclusion of LGBT rights in the national human rights agenda.[141]

Reports regarding the engagement of African NHRIs with LGBTI CSOs on human rights issues relating to sexual orientation and gender identity are scarce and scattered throughout research focusing on LGBTI organisations or their general situation. Ocholla reports briefly that the Kenyan National Commission on Human Rights involved LGBT groups in the UPR process and provided them with legal, technical and moral support.[142]

However, not all NHRIs are supportive of LGBTI rights. Anguita asserts that South African LGBT CSOs would gain influence by pushing the South African Human Rights Commission to take up SOGI issues more systematically. As of 2012, he finds a lack of engagement between the Commission and CSOs.[143] In Cameroon, activists reported that their NHRI did not seem very proactive on the issue, but that there had been some meetings on the working level (C10). The Cameroonian NHRI had included some – but not all – of the cases of violations brought forward by activists –to their surprise – in their monitoring reports (C2). In Malawi, activists did not perceive the NHRI as being proactive on SOGI issues either. For example, the activists were disappointed that the NHRI did not "stand up" for them, after an episode in which one of the previous year's university research assistants working on SOGI issues was attacked by students, and the police arrested the research assistant instead of the students (M10).

As reasons for the low level of NHRI engagement with SOGI human rights issues, interview partners stressed the lack of explicit inclusion of SOGI human rights in international human rights treaties. This made it more difficult for NHRIs to lobby for SOGI human rights, as their mandate is usually linked not only to international human rights treaties, but also to national law – which criminalises homosexual behaviour (M6).

Another factor is the NHRI leadership:

> The problem is that Commissioners are appointed by the president. So if president is against LGBT, they are not going to shoot him in the foot. Maybe in private conversations, Commissioners would be more open, but they would not do so publicly. So, maybe they need to reform the Commission, make it more neutral, more independent. (M6)

Despite the Paris Principles, which stipulate NHRIs' independence from the government, NHRIs are often perceived as being dependent: "On this issue, I do not know what to expect from them. After all, they are a governmental body". (M3) Similar concerns were raised for Cameroon, including with respect to the appointment procedures for the Commissioners.

Several interview partners stressed that operational staff of the NHRI – for example the Secretariat – are more receptive than the Commissioners, whose attitudes are often shaped by political forces. But since the role of the Secretariats is limited with respect to agenda setting,

> there needs to be a deliberate awareness-raising process between secretariat and stakeholders that work with it towards that direction. But if secretariat manages to take that up, that will be a plus. (M5)

One interview partner built this into a possible strategy to engage the NHRI:

> [...] our thinking is that within the next six months we develop a right to health approach and let the Malawi Human Rights Commission run it, let them be the forefront of it. They seem very progressive – meeting [with us] at the working level, not Commissioners. On the other hand, at least in public discussion, they have been silent. CSOs are much more vocal on this. (M6)

139   APF NHRI (2013)
140   Ibid.
141   Casal de Vela/ Ofreneo/Cabrera (2010), p. 355, 373
142   Ocholla (2011), p. 96
143   Anguita (2012)

Some interview partners remarked that their NHRIs lacked capacity, financially, professionally, and personally. Capacity-building, including study trips to get exposure to SOGI issues, might partly remedy this situation (M3, M6). After all, "[...] it takes people who appreciate the issues [...]. It is not about intellectual discourse, it also has to move your heart for you to really engage." (M5)

On the whole, activists did not dismiss the relevance of NHRIs as actors for SOGI issues. NHRIs should be whistle-blowers, and persons whose rights have been violated should be able to turn to them. With respect to the possible role of NHRIs, one interview partner recalled the basic principles of NHRI's mandates:

They should bring to the core that issues relating to sexual orientation are human rights concerns and that their denial is denial of people's rights and [NHRIs should] do home-grown research on what is being provided towards those groups and what can be done best to ensure that gaps are addressed. (M5)

NHRIs' potential with regard to promoting human rights related to SOGI thus depends on the attitude of their leadership and how they use the purview their mandate affords them. NHRIs that use their purview to engage with SOGI issues might be an important partner for development cooperation just as they could be for LGBTI CSOs.

9
Recommendations

Based on these findings, the German Institute for Human Rights makes the following recommendations to multi- and bilateral donors and their agencies:

1. Do support SOGI rights

SOGI human rights are an integral part of international human rights law. If donors take their human rights policies seriously they should be promoting SOGI human rights through development cooperation. In addition, improving the legal and social situation of LGBTI persons contributes to poverty reduction; LGBTI make up as much as ten % of any population, and the barriers they face are similar to those faced by other marginalised or stigmatised groups.

2. Talk about SOGI rights as human rights

SOGI human rights can and should be raised in political dialogue just as violations against other groups, such as women or religious minorities, should be. A number of factors, including whether or not LGBTI behaviour has been criminalised or not and the general political climate, should determine how and when SOGI rights should be addressed. Often, keeping a low profile about the nature and content of talks might be advisable in order not to endanger LGBTI on the ground.

Talks should be framed within a larger human rights framework, focusing on acknowledged rights to non-discrimination and privacy. The Concluding Observations of treaty bodies or accepted UPR recommendations with respect to SOGI rights offer a good starting point for political talks. Treaty bodies frequently address SOGI rights by requesting states to decriminalise homosexuality, increasingly also gender-nonconforming behaviour. They also recommend states to provide effective protection from violence by third parties and to adequately investigate and punish such violence. Other recommendations include training law enforcement bodies and other measures to address patterns of prejudice and discrimination.

3. Address value issues, but smartly

Forms of same-sex or cross-gender expression and behaviour existed in Africa before colonial times. While it may have been stigmatised then, it was colonial rule which criminalised homosexuality. Those working on SOGI rights should be up to date with regard to developments and debates around SOGI issues, for example on same-sex marriage, in the Global North, because these debates in the Global North are projected onto LGBTI movements in the Global South. When speaking out about human rights related to SOGI, donors should therefore stress the universality of human rights and relate violations to universally recognised human rights enshrined in international treaties, such as the right to privacy, access to justice, physical integrity, health and education etc.

In order for human rights to attain relevance in local discourse, they need to be linked to the values that are their functional equivalents in the set of values shared by people in that society, or in other words, translated into the local discourse. In addition, human rights activism takes very different forms in different settings, and this is something that needs to be recognised by Western donors, who may be familiar only with specifically European forms of organising and advocating for rights. The best way for donors to promote LGBTI rights in national discussions is from "the backseat". Thus donors need to let local actors steer the course, let them give voice to SOGI demands and support them in building capacity at the personal and organisational level.

And don't backtrack as donor just because you sense a bit of headwind.

4. Coordinate when needed – but variation is important

As a general rule, donors should coordinate. Coordination is effective when it is used to promote a common position, for example by supporting general human rights CSOs to link with or at least get in touch with LGBTI CSOs on specific occasions, e.g. to engage in parallel reporting. Another instance where coordination can be used to integrate LGBTI CSOs into official fora, and at the same time strengthen third party monitoring, relates to budget support: when examining the underlying conditions for budget support, donors could set up fora in which human rights CSOs report about a range of human rights issues, SOGI issues included.

When it comes to funding, donor coordination may not always bring about the desired results. Power imbalances between international donors and LGBTI organisations may motivate the latter to adapt to donor strategies, alter their messages or overemphasise local obstacles in order to be eligible for funding. If donor approaches are too uniform, LGBTI movements working differently than those favoured by the coordinated approach will be excluded. An informed, but diversified approach to civil society support may be the best way to maintain or even further different approaches of civil society organisations and movements and avoid blueprints.

5. Review criteria for sustainability and ownership when funding contentious human rights issues

State development cooperation spends taxpayers' money, needs to act accountably and with the prospect of obtaining sustainable results. While development partner countries may be able to draw on taxes or other sources of income and thus run programmes previously supported by donors on their own, CSOs in the Global South often cannot. This is particularly the case for CSOs that work on issues their governments do not approve of. Such organisations will probably remain aid dependent for some time to come – thus donors should review and adapt their sustainability criteria in order to enable LGBTI CSOs to play their crucial part in effecting social and legal change.

6. Choose what to fund strategically – and be prepared

* Assess before you start
  Overall, in designing their programmes, donors should be more sensitive to local gender realities.

Where indicated, gender-sensitive impact assessments should be commissioned at the beginning of each programme phase, and go beyond the traditional distinction between men and women.

* Be prepared
  Establish a pool of knowledgeable experts in the field of LGBTI. In doing so, donors should be conscious that LGBTI expertise is not simply an add-on to gender mainstreaming expertise. Addressing SOGI issues requires going beyond the classic heteronormative antagonism of male/female which dominates many gender programmes.

* Crack open the black box LGBTI
  Continue the public-health approach to SOGI rights, but expand it to be more rights-based and address those usually left out – who are frequently lesbians, transgender and inter*.
  With regard to the specific situation of lesbian women, gender-based violence programming should take into account the diverse situations women – including lesbian and transgender women – and trans* men live in and the violence they face. As stated above, this requires opening up "gender" beyond the classic male/female thinking. In order to close existing gaps in development cooperation, ask those organisations claiming to work on LGBTI issues for specific references regarding their work with lesbians, transgender and inter* persons before making a decision to fund or work with LGBTI CSOs.

* Think of targeted interventions and mainstreaming
  Targeted support to LGBTI organisations remains important as inclusion in bilateral programmes is dependant to a large degree on the willingness on the part of state structures of the partner country – willingness which is usually lacking. Capacity-building of both organisations as well as the persons working within them is crucial. Self-empowerment of LGBTI and community-building is necessary in order to support LGBTI in their roles as advocates.
  Possibilities for employment generation should be further explored, as LGBTI are disproportionately affected by poverty due to lack of education, job and informal social support networks.
  A combination of service delivery – to do something directly relevant for and needed by the community – and advocacy is seen as a useful approach – so funding guidelines should allow for both lines of work. Advocacy might include

general public education through small workshops in order not to generate public backlash.

• Make use of human rights instruments
Development cooperation can support both during the preparation as well as during follow-up of the UPR at the national level. This includes both addressing UPR in policy dialogue (see above) and supporting CSOs in report writing, networking and liaising with government.
NHRIs can be an important partner in broaching LGBTI issues to state actors, but often lack capacity, financially, professionally and personally, when it comes to issues such as SOGI. Therefore, capacity-building might partly remedy this situation.

7. Evaluate what you are doing

Some states have bilaterally committed to use the Yogyakarta Principles as foreign policy guidelines, and the European Union and its members states are bound to use the EU's foreign policy guidelines on LGBTI, among others. Research and evaluations should show whether and how these guidelines are relevant and effective for SOGI issues on the ground. Same goes for programmes run by bilateral and multilateral donors – as well as those by CSOs. However, do leave room for self-evaluation and do not over-evaluate smaller projects in order not to burden small organisations with excessive demands.

8. Continue with public health as an entry point – but address its gaps and shortcomings

HIV/AIDS programmes can constitute an important entry point for raising issues around sexual orientation and gender identity, especially in sensitive environments. For this approach to be human rights-based, donors need to use this entry point to address rights-related root causes, such as criminalisation and stigmatisation, and find ways to support individuals and movements in their struggle against them. HIV/AIDS programmes also need to go beyond the target group of MSM and sex-related health risks and look at the health risks implied in the social situation, particularly that of transgender persons and lesbians, as well as gender-based violence directed towards them.

9. Grant-making: Redefine what can be funded and how to access those funds

LGBTI groups are often young and quite small and have little experience with elaborate funding requirements. Often the groups are not registered, usually

as a direct consequence of criminalisation, and they face security threats. Funding provisions that take the situation of these LGBTI organisations into account allow for: funding of office space, security provisions and personnel; reimbursement of volunteers' expenses, such as public and private transport; a self-administered fund to run small-scale activities, both inward community-building and capacity-building of volunteers and external awareness-raising; funds to pay for legal advice, health care counselling and selected services; regional exchange on strategies, human rights and communication. In general, funding should respect and further the agency and autonomy of the people working in the groups or organisations and not demand elaborated logframes, excessive reporting or that organisations put up a certain percentage of project costs themselves.

10. Explore new ways of funding, especially for small funds

Support provided by donors in the Global North to CSOs working on contentious issues is increasingly meeting with organised resistance from authoritarian states or, in the case of LGBTI, from states that reject SOGI human rights. Measures range from laws restricting foreign funding to criminalisation of public discussion about homosexuality. Thus funding CSOs that work on LGBTI issues might be depicted as a way of promoting a "Western agenda". One possible way of countering this is participatory grant-making, which was assessed positively in a recent study. Providing funds to grant-making organisations which are managed by the respective community itself might also contribute to reduce arguments about "Western infiltration". Same goes for assigning local experts instead of donor country staff to implement any activities related to LGBTI and promote south-south exchange.

11. Understand visibility – and have emergency procedures ready

Protection of human rights defenders will probably – and sadly – remain another of the major aspects, requiring emergency funds to cover travel if a need arises.

Visibility – understood as public discussion about sexual orientation and gender identity – is a necessary element of promoting respect and human rights for LGBTI. Neither activists nor donors are able to control the process or the outcome of public debates. As public discussion can also trigger violence and backlash against LGBTI, donors should be prepared

and have safeguards in place, such as local shelters, regional travel funds or non-bureaucratic asylum procedures.

12. Work with traditional and religious leaders

In order to create ownership development coopera- tion needs to connect to local structures and pro- cedures, thereby strengthening these structures and increasing their legitimacy. However, support of lo- cal structures should always be accompanied by a critical assessment of who is being left out of these structures – and in-built approaches to remedy these deficits.

Development cooperation has been successfully en- gaging traditional or religious leaders or with moder- ate imams for social change in areas such as female genital mutilation or early marriage. While those approaches will not be transferable in their entirety, they might provide helpful starting points and could be explored in cooperation with local LGBTI activists with a view to how they could be used to further their cause.

For this to happen, development cooperation should be conscious of and take advantage of the fact that rather than being static or monolithic, tradition and religion are ever evolving. Change agents exist in both communities and can and should be approached as to which support they consider useful.

13. Don't neglect newspapers, radio and internet. Work with them abroad – and at home

Journalists should be supported in their profession- al role, and media in their institutional role which is independent reporting, investigation of facts and enabling free discourse. This proscribes influencing them with regard to contents, but leaves space open for cooperation on ethical and professional standards. Bringing local LGBTI to talk with the media is equal- ly important, to underline again that homosexuality is not something un-African and alien. While social media are gaining importance, newspapers and radio stations still play an important role, and activists in a variety of countries continue to try to work with them.

In addition to supporting media development in the Global South, there is also room for engaging with Northern-based media regarding their stereotyped reporting about homosexuality in Africa.

14. Aid cuts – if you think they are really necessary, consult LGBTI in any case

When considering aid cuts, donors and diplomats should consult with activists beforehand as to how they assess the possible impacts. For this to happen, communication channels need to be established be- fore any such incident arises.

Any decision about aid cuts should be based on an analysis of the full range of human rights – as singling out LGBTI might contribute to their stigmatisation. If talks about aid cuts take place, they should not be made public, in order to avoid a media outcry over an alleged "imposition of Western morals". Emergency procedures for LGBTI human rights defenders should be in place before going down that road. In addition, aid cuts should not lead to a race-to-the-bottom in donor countries, where politicians may attempt to instrumentalise violations against LGBTI rights in the Global South to promote aid cuts in general or racist stereotypes in an effort to appeal to their domestic audiences.

15. Practice what you preach

"Walk the talk" implies sensitising agency staff both with regard to both their professional work and the working environment. Staff needs to be sensitised about working in contexts where LGBT are subject to a high degree of stigmatisation and/or LGBTI behav- iour has been criminalised and taught ways to address this when working in partner countries. This sensiti- sation should be accompanied and reinforced by an internal staff policy that explicitly addresses discrimi- nation based on sexual orientation or gender identity. And make diversity a criterion for hiring – and LGBTI a diversity criterion.

16. Close gaps – lesbians – trans* – inter*

For programmes to be really inclusive of the full range of L-G-B-T-I, donors need to be clear about whom they actually reach. Existing approaches such as the public health approach can and should be extended to be inclusive of lesbians due to their social situa- tion, which renders them more exposed to HIV/AIDS. Programmes which are intended to empower women should be expanded to consider the specific situation of lesbians, for example through women's empower- ment programmes or programmes on gender-based violence. Other entry points such as sports need to be explored.

Lesbians, trans* and inter* persons are increasingly organised and visible in Africa, and should be supported. There are a number of lesbian, trans* or inter*-led organisations and some LGBTI organisations which have a dedicated and proven focus on trans* or inter*. Especially with regard to inter* persons, local studies about prevalence and life situation are needed, in order to spread knowledge about inter* persons. Action could take the form of conducting (or enabling) qualitative and quantitative studies about the lives of inter* persons, encouraging and strengthening inter* persons in their self-organisation, motivating a broader spectrum of CSOs to work on inter* issues and, last but not least, integrating inter* aspects into programming.

17. Support necessary research and learning

Studies about prevalence and life situations of LGBTI, which could inform development programming and implementation, are still lacking for many contexts. The same applies for processes of change –

some narratives of activism and how it contributes to social and legal change do exist, but they are often not in a publicly accessible and easily digestible format. Other processes haven't been documented yet – one example is the Argentine transgender law: although it serves as a model for legislation worldwide, no one has as yet written about the political window of opportunity and the advocacy that led up to it.

Most of the research on human rights instruments, such as the UPR, state reporting procedures or NHRIs, has concentrated on their effects on the international level or on a regional level. While activists have confirmed the usefulness of these instruments at the national level, studies documenting their usefulness for advancing social and legal change at the local or national level are scarce. Examining their role in national or local advocacy processes would help both with respect to integrating those instruments within advocacy processes as well as by informing the international level about the kind of support needed.

10
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11
Abbreviations

ACHPR	African Commission on Human and Peoples's Rights
AIDS	Acquired Immune Deficiency Syndrome
APF	Asia Pacific Forum
AU	African Union
CEDAW	Committee on the Elimination of Discrimination against Women
CEDEP	Centre for the Development of People
CESCR	Committee on Economic, Social and Cultural Rights
CRC	Convention on the Right of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
DIE	Deutsches Institut für Entwicklungspolitik
EU	European Union
FGM	Female genital mutilation
GALCK	Gay And Lesbian Coalition of Kenya
GIHR	German Institute for Human Rights
GIZ	Gesellschaft für Internationale Zussammenarbeit
GLOBE	The Gay, Lesbian Or Bisexual Employees
HIV	Human immunodeficiency virus
HIVOS	Humanistisch Instituut voor Ontwikkelingssamenwerking (International Humanist Institute for Cooperation with Developing Countries)
HR	Human rights
HRC	Human Rights Committee
HRLR	Human Rights Law Review

HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IGLHRC	International Gay and Lesbian Human Rights Commission
ILGA	International Lesbian, Gay, Bisexual, Trans and Inter* Association
ISHR	International Service for Human Rights
IT	Information technology
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LGBTQ	Lesbian, gay, bisexual, transgendered and queer
MSM	Men who have sex with men
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
OSI	Open Society Institute
PGF	Participatory grant-making funds
SIDA	Swedish International Development Agency
SO	Sexual orientation
SOGI	Sexual orientation and gender identity
UHAI-EASHRI	UHAI-The East African Sexual Health and Rights Initiative
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review
WSW	Women who have sex with women

German Institute for Human Rights

Zimmerstr. 26/27
10969 Berlin

Phone: +49 (0)30 25 93 59 – 0
Fax: +49 (0)30 25 93 59 - 59
info@institut-fuer-menschenrechte.de

www.institut-fuer-menschenrechte.de