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# SEXUAL ORIENTATION AND GENDER IDENTITY IN DEVELOPMENT COOPERATION

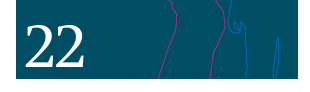
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# THE RIGHT TO A BETTER LIFE

“The right to a better life” is the name of Denmark’s new rights-based strategy for development cooperation. And those are not empty words, but a promise from me as a Minister for Development Cooperation. I insist that Danish development cooperation must contribute to creating a better life and a better world for the people we aim to help. And this goes for everyone regardless of sexual orientation or gender identity. The strategy for Denmark’s development cooperation emphasizes that “human rights are an end as well as a means and must be included in everything we do all the way and across our four strategic priority areas.” And it is my fundamental conviction that LGBT individuals hold the same human rights as everyone else – there is no distinction, nor should there be.

The principle of non-discrimination is central to the UN Universal Declaration of Human Rights, hence also to Danish foreign affairs and development politics. Yet, in many places people are discriminated against for expressing their sexual orientation or gender identity. In some places this may prove fatal even if they have done nothing but belong to a sexual minority.

Denmark actively supports all efforts to ensure that LGBT individuals enjoy their human rights. And fortunately, many do. I admire all the dedicated LGBT activists who often risk their lives fighting for the human rights to which they are entitled – human rights whose realization is crucial to change, peace and a sustainable development in which all citizens participate and contribute on equal terms.

I congratulate you on the new handbook which I hope will help combat discrimination and promote the right to a better life.

**CHRISTIAN FRIIS BACH**

Minister for Development Cooperation

WE ARE HERE

# HUMAN RIGHTS

## CANNOT BE MADE A MATTER OF DEGREE

**HOMOSEXUALITY IS A VERY CONTROVERSIAL TOPIC IN MANY OF THE PLACES WHERE DANISH NGOS OPERATE. AMONG OTHER PLACES IN UGANDA WHERE PROPOSALS TO IMPOSE THE DEATH PENALTY HAVE GENERATED A DISCUSSION AS TO WITH WHOM DENMARK CAN COLLABORATE ON DEVELOPMENT.**

Shortly after the infamous proposal to adopt an anti-homosexuality bill, which, pushed to extremes, makes homosexuality punishable by death, had been presented to the Ugandan Parliament in 2009, President Yoweri Museveni gave a speech to his party colleagues in Kampala.

“The Prime Minister of Canada came to see me. And what was he talking about? Gays. Prime Minister Gordon Brown came to see me. And what was he talking about? Gays,” he said and continued, “The other day when I was here, Mrs. Clinton rang me. What was she talking about? Gays.”

The video clips from the speech that are available online reveal murmurs of disapproval and protests from the audience. But the president underscores the message of world society’s interest in Uganda by announcing that 300,000 people gathered in New York in a rally condemning the proposal: “Who of you, MPs, has ever had a rally of 300,000 people?” he asks the congregation.

Internationally, the case has since exploded into massive media attention around the chain of proposal events, a local newspaper campaign targeting 100 named homosexuals in Uganda, “Kill the Gays” and prominent LGBT activist David Kato’s murder.

The debate in the United States and in Western Europe not only thematizes the concrete proposal and the critical situation in Uganda, but also the human rights violations – on a general level and vis-à-vis LGBT individuals specifically – which happen in many of the countries working with development aid and projects. Where to draw the line regarding who counts as collaboration potential, and what deserves support? When is it appropriate to refuse systematic and continued human rights violations?

This is a controversial issue in Denmark, too. In the media and among politicians and the political parties in Parliament. And it attracts a lot of attention.

This might prompt volunteers or employees at NGOs to think of the cause they are preoccupied with and the many other problems regarding poverty, health, famine, education, freedom of speech, corruption and lack of democracy present in Uganda and in other African countries. Those projects as well as the cooperation with local partners and authorities are already fraught with challenges.

And after all, homosexuality is an extremely controversial issue in many of the places where Danish NGOs are engaged in development work. Homophobia is widespread everywhere and in all circles. It is not something that is talked about openly. Sexual minorities are reduced to living in stealth or risking persecution and expulsion by society and their families.

But being able to express one’s sexuality is a fundamental right which is inextricably linked to other human rights. Human rights are inviolable and indivisible. They can never be made a matter of degree.



With the anti-homosexuality bill still on the table in Uganda, the LGBT movement held the first Gay Pride ever in August 2012, featuring a parade, a film festival and a party. Photo from the parade: David Robinson

**2012 has seen a historical focus on gender identity and sexual orientation within the UN Human Rights Council. On March 7 2012 the UN Human Rights Council – taking a UN report on discrimination and violence against LGBT people across the world as its point of departure – convened a panel debate concerning LGBT equality, for the first time focusing explicitly on gender identity and sexual orientation.**

More information available at [www.lgbtnet.dk/human-rights](http://www.lgbtnet.dk/human-rights)

# THE YOGYAKARTA PRINCIPLES

THE RIGHTS TO LIFE AND PERSONAL SECURITY, TO EXPRESSION, ASSEMBLY AND NON-DISCRIMINATION ARE SOME OF THE UNIVERSAL HUMAN RIGHTS THAT ARE VIOLATED WHEN LGBT PEOPLE ARE DISCRIMINATED AGAINST AND PERSECUTED. THE 29 YOGYAKARTA PRINCIPLES DEMONSTRATE HOW INTERNATIONAL HUMAN RIGHTS ALSO APPLY IN RELATION TO SEXUAL ORIENTATION AND GENDER IDENTITY.

In response to the lack of implementation of basic human rights for LGBT people across the world, a group of renowned human rights experts from 25 countries came together in Yogyakarta, Indonesia, in 2006. Here they formulated the Yogyakarta principles, published in Geneva in March 2007 in connection with a UN Human Rights Council meeting, and these principles have since constituted an extremely important tool in the work for equal rights for all.

The principles examine how the existing human rights rules apply to issues of sexual orientation and gender identity. Moreover, they exemplify how these rules are broken by states and other actors vis-à-vis the rights of LGBT individuals:

**Principles 1–3** address the access to universal rights and freedoms as stated in the UN Universal Declaration, non-discrimination and equality before the law. Legislation criminalizing homosexual acts thus violates the right to non-discrimination.

**Principles 4–11** address the rights to personal security, freedom from violence and torture, access to legal protection, etc., which are violated through e.g. groundless imprisonment of homosexuals.

**Principles 12–18** deal with the financial, social and cultural rights in the UN Universal Declaration. These principles highlight the specific vulnerability of lesbians and transwomen to violence, homelessness and discrimination, as well as legislation that denies transgendered individuals the opportunity to obtain gender correction surgery, or forces intersexed people to go through surgery.

**Principles 19–21** underscore that the right to freedom of expression, opinion and assembly also apply to the right to express one's gender and sexuality. When peaceful rallies for LGBT rights are cracked down upon by police, this is a violation of these human rights.



The Yogyakarta Principles logo

For more examples of how civil society organizations and others have used the principles, please refer to the website Yogyakarta Principles in Action: [www.ypinaction.org](http://www.ypinaction.org)

## The principles in practice

Even though the Yogyakarta Principles are not by themselves a legally binding part of international human rights law, they serve as an interpretive aid to the human rights treaties, and have been influential in UN work within the area. The principles have also been central to a number of lawsuits filed by civil societies. Examples are:

**African Court/Commission on Human and Peoples' Rights:** A resolution against discrimination on the grounds of sexual orientation adopted in 2009 refers to the principles.

**Argentina:** The state has integrated the principles in a number of proposals, e.g. an anti-discrimination act, family law and laws regarding the right to gender identity and access to employment and health care services for transgendered individuals/transsexuals.

**India:** In 2009 a Supreme Court ruling referred to the Yogyakarta Principles in the decision that the criminalization of homosexual acts in the penal code was a violation of the country's constitution as well as of international human rights.

**Principles 22–29** address among other things the right to seek asylum, to found a family and to defend human rights.

In addition, the Yogyakarta principles include detailed recommendations to states, the UN, national institutions, media, NGOs and donor organizations as to how they may facilitate the dissemination of the principles, e.g.:

NGOs working with human rights on a national, regional and international level should promote respect for the principles within the scope of their specific mandate.

Humanitarian organizations should incorporate the principles in all emergency aid and humanitarian interventions and avoid discriminating against individuals on the basis of their sexual orientation or gender identity when they access emergency aid and other services.

See all the principles at [www.yogyakartaprinciples.org](http://www.yogyakartaprinciples.org)



# WORDS

## WHAT DO THEY MEAN?

The following is a brief explanation of words used to describe aspects of sexual orientation and gender identity as well as related discrimination. The concepts are typically developed in a westernized context, and the way they are perceived is also deeply contextual. In many parts of the world other terms are used by and about people who do not fit the prevalent norms for gender and sexuality.

<b>Bisexual:</b>	A person who is emotionally and/or sexually attracted to persons of more than one sex.
<b>Gender expression:</b>	Refers to people's manifestation of their gender identity, through choice of clothing, speech, mannerism etc.
<b>Gender identity:</b>	A person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body, which may involve, if freely chosen, modifications of bodily appearance or function by medical, surgical or other means.
<b>Hate crime:</b>	Offences that are motivated by hate or by bias against a particular group of people. This could be based on gender, gender identity, sexual orientation, ethnicity, religion, age or disability.
<b>Hate speech:</b>	Public expressions which spread, incite, promote or justify hatred, discrimination or hostility towards minorities.
<b>Heteronormativity:</b>	The assumption that everyone is heterosexual unless otherwise stated, and that it is normal to be heterosexual, while homosexuality and bisexuality must be explained, discussed and questioned.
<b>Homophobia:</b>	The fear, unreasonable anger, intolerance or/and hatred toward homosexuality.

<b>Homosexual:</b>	It is recommended to use the terms lesbian and gay men instead of homosexual people. The terms lesbian and gay man are being considered neutral and positive, and the focus is on the identity instead of being sexualised. Lastly, the term homosexual has for many a historical connotation of pathology.
<b>Intersex people:</b>	Refers to those who have genetic, hormonal and physical features that are neither exclusively male nor exclusively female, but are typical of both at once or not clearly defined as either.
<b>LGBT:</b>	Acronym for lesbian, gay, bisexual and trans people. The acronym LGBTI includes intersex people.
<b>MSM:</b>	Abbr. for Men who have Sex with Men. Term used in HIV/AIDS prevention, rarely in other activist circles. It was coined for prevention purposes where the identity of a person does not matter - only the sexual practice.
<b>Sexual minorities:</b>	Refers to groups whose sexual orientation is not strictly heterosexual, or whose sexuality is not exclusively expressed through heterosexual relations. Those who identify as gay, lesbian or bisexual are the most readily identifiable sexual minority groups, however the term can include anyone who engages in same-sex sexual relations, even if they may identify as heterosexual.
<b>Sexual orientation:</b>	Refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with individuals of a different gender or the same gender or more than one gender.
<b>Trans person/ people/man/woman:</b>	An inclusive umbrella term referring to people whose gender identity and/or a gender expression differs from the sex they were assigned at birth. It includes, but is not limited to: men and women with transsexual parts, and people who identify as transsexual, transgender, transvestite/cross-dressing, androgyne, polygender, genderqueer, agender, gender variant or with any other gender identity and/or expression which is not standard male or female.
<b>Transphobia:</b>	Negative cultural and personal beliefs, opinions, attitudes and behaviors based on prejudice, disgust, fear and/or hatred of transpeople or against variations of gender identity and gender expression. Institutional transphobia manifests itself through legal sanctions, pathologisation and inexistent/inadequate mechanisms to counter violence and discrimination.

# THE RIGHT TO BE WHO YOU ARE

Building on the principles of non-discrimination, participation, openness, and accountability in all stages of the cooperation “The Right to a Better Life”, the Danish rights-based strategy for development cooperation, offers a new framework for addressing the rights of sexual and gender minorities.

Discrimination on the grounds of sexual orientation and gender identity is widespread in a number of the Middle Eastern and African countries in which Denmark has partnerships and invests developmental focus. LGBT people – gay men, lesbians, bisexuals and trans people – constitute one of the most exposed and persecuted groups. Legislation criminalizes homosexuality and thus contributes to justifying and exacerbating the very pervasive homophobia and transphobia among the populations. When discrimination prevents LGBT people from participating in society on equal terms, accessing education or employment, important benefits of development are lost to the individual - and to society as a whole. In other words, the right to a better life depends on the right to be who you are.

The rights-based approach, taking as its point of departure the Universal Declaration of Human Rights as well as the conventions, principles, and obligations of the UN and other multi-lateral organisations, is an important tool to influence the governments and institutions of the partnering countries and thus change their policies, legislation, practice, and – in the long run – also attitudes.

Moreover, it is stated quite clearly in the new Danish strategy that lack of will or failure to collaborate on improving human rights and combating systematic human rights violations will have consequences for the development cooperation. Thus, Denmark is now on par with a number of other countries, e.g. Norway, Sweden, the Netherlands and the UK, which have long given LGBT rights a high priority in their development policies.

“A fundamental principle in the human rights obligations of states is that of non-discrimination. All persons are equal and should have equal access to public services and opportunities, to security and justice. (...) Exclusion often affects poor and marginalised groups and individuals, including children, indigenous peoples, the elderly, refugees, internally displaced people, stateless people, religious minorities, people subject to caste discrimination and people with disabilities or affected by HIV/AIDS. Similarly, some are discriminated against due to sexual orientation or gender identity. In the specific interventions, we will identify the conditions and power relations which give rise to inequality and discrimination and work for positive change.”

*The Right to a Better Life. Strategy for Denmark's Development Cooperation, 2012, p. 11*



In June 2012, the EU adopted a very comprehensive and ambitious plan, namely the EU Strategic Framework and Action Plan on Human Rights and Democracy, which is to sharpen the EU profile vis-à-vis the foreign affairs and development aspects of human rights and democracy. Among other things, a designated EU human rights representative has been appointed, and a joint rights-based EU development strategy will be worked out. Furthermore, EU guidelines within the LGBT field will be devised based on the tools and proposals adopted in 2010 under the headline of Toolkit to Promote and Protect the Enjoyment of all Human Rights of Lesbian, Gay, Bisexual and Transgender (LGBT) People. Denmark is already using these tools in connection with e.g. Danish embassies' contact to local authorities and organisations.

However, like many of the other countries we like to compare ourselves to, Denmark should also have our own independent LGBT strategy and policy within the realm of foreign affairs and development. It is important that Denmark's basic attitudes regarding the rights of sexual minorities are made visible to the governments, authorities and civil society in the partnering countries, and that Danish NGOs thus gain the proper tools and guiding lines to include LGBT issues in their projects and organizations as they rightly should – but unfortunately do not always manage to – concerning all sensitive and often disregarded minority areas.

More information on  
EU guidelines at  
[www.lgbtnet.dk](http://www.lgbtnet.dk)

# PERSECUTION, ESCAPE AND ASYLUM

LGBT PEOPLE ARE FACED BY PARTICULAR CHALLENGES IN COUNTRIES OF TRANSIT AND REFUGEE CAMPS AND AS ASYLUM SEEKERS IN RECIPIENT COUNTRIES.

It is unknown how many trans people, bisexuals, lesbians and gays are fleeing persecution. According to a 2012 estimate from ORAM, The Organization for Refugee, Asylum and Migration that works for LGBT refugees, 175,000 people are living in danger in their home countries on account of their gender identity or sexual orientation. A small minority flee – and they are faced by particular challenges in countries of transit and refugee camps and as asylum seekers in recipient countries.

A consequence of the persecution is that most LGBT people have had to hide their identity in their home countries. As refugees they often continue to fear disclosure, and rightly so. In many places, refugees who are – or who are perceived to be – gays, lesbians, bisexuals or transgendered suffer comprehensive and often violent harassment from the local authorities as well as from other refugees in their countries of transit.

Several international studies show that bisexuals and homosexuals are frequently repatriated to the very countries in which they have every reason to fear imprison-

ment or a death sentence. At the same time, serious human rights violations targeting trans people – an extensive problem in many places in the world – in many cases fail to ensure them asylum.

## A question of freedom of speech

According to UNHCR, the UN Refugee Agency, the trend within international and national legal usage clearly shows that LGBT people may be recognized as a “particular social group”, granting them the right to protection against persecution under the UN Refugee Convention from 1951.

But it also becomes clear that sexual orientation and gender identity are considered special personal circumstances that may be expected to be concealed. And hence it happens that LGBT asylum seekers are told to hide their sexual orientation or gender identity in order to avoid trouble – not a strategy that people who flee for political or religious reasons are expected to employ, UNHCR points out. It is a violation of the freedom of speech because people are prevented from expressing their identity. And all the while

In recent years, more LGBT asylum seekers have arrived in Denmark from Africa. In the OOs, many were from the Middle East, and in the 1990s a large proportion came from the former Soviet Union. Since the late 1980s approximately 150 cases have been tried by the Refugee Appeals Board. The majority were rejected.

A Danish report from 2009 analyzes the cases of 147 LGBT asylum seekers and documents what they have been subjected to in their countries of origin.

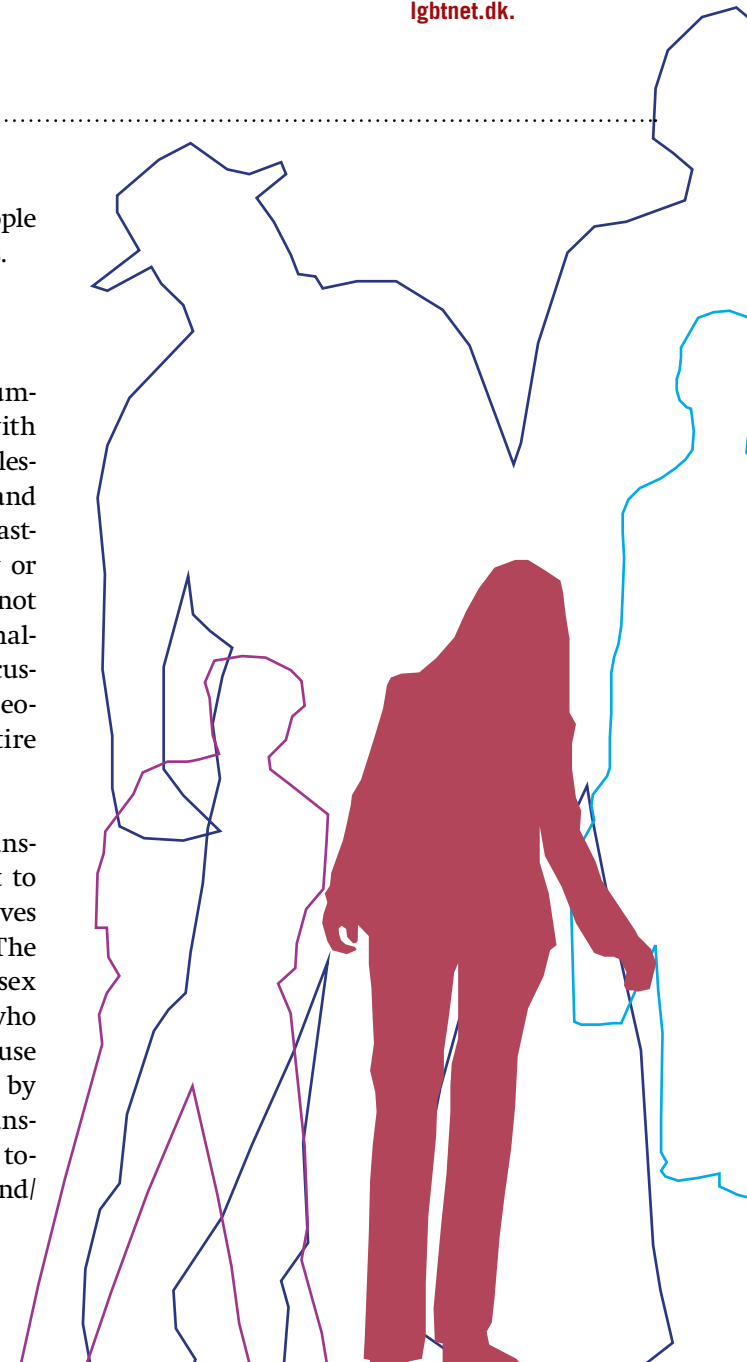
it is allegedly their own fault if people are being persecuted for these reasons.

## LGB – and T

As far as asylum is concerned, the umbrella term LGBT should be used with utmost caution only. The situations of lesbians, gays and bisexuals on the one hand and trans people on the other differ vastly. Firstly, contrary to homosexuality or homosexual acts, transgenderism is not prohibited by law anywhere. Criminalization plays a crucial role in legal discussions pertaining to asylum for LGB people, but as regards the T people, this entire argumentation is rendered irrelevant.

Another important aspect is that transgendered people often have to resort to sex work in order to support themselves financially in their home countries. The European asylum systems see many sex workers, often trafficked women, who end up here seeking asylum because they were busted in the sex industry by the authorities. There is a risk that transgendered asylum seekers are lumped together with the LGB asylum seekers and/or the trafficked sex workers.

Please refer to the report “Disturbing knowledge. Decisions from asylum cases as documentation of persecution of LGBT-persons”, LGBT Denmark and the Danish Refugee Council, 2009, at [www.lgbtnet.dk](http://www.lgbtnet.dk).





# WORLD MAP OF NATIONAL LGBT LEGISLATION

Every year ILGA publishes a map of legislation pertaining to lesbian, gay and bisexual rights across the globe. In some cases the legislation also affects transgendered and intersexed people. In 2012, same-sex relationships or sexual activities were punishable in more than 70 countries. Five of these countries as well as parts of Nigeria and Somalia punish by death.



## PERSECUTION

- DEATH PENALTY**  
5 countries and parts of Nigeria and Somalia
- IMPRISONMENT**  
38 countries and 6 entities
- Imprisonment up to 14 years**
- Imprisonment from 14 years to a life-long sentence**
- unclear = legislation not specifically homophobic but which can be used as such**
- imprisonment, no precise indication of the length/banishment**
- uncertain = law awaiting court ruling or persecution by organised non-state agents**

## RECOGNITION

- RECOGNITION OF SAME-SEX UNIONS**  
30 countries and 31 entities
- Marriage**
- Equal (almost equal) substitute to marriage**
- Clearly inferior substitute to marriage**

## PROTECTION

- ANTI-DISCRIMINATION LAWS**  
52 countries and 61 entities
- Countries which introduced laws prohibiting discrimination on the grounds of sexual orientation**
- NO SPECIFIC LEGISLATION**

The purple, pink and yellow countries on the map criminalize same-sex relationships/sexual activities or have legislation that enables prosecution. In many countries where homosexual acts between men are illegal, no legislation applies to relationships between women. This, however, does not mean that lesbians and bisexual women are not exposed to state and police persecution. The same very much goes for trans people even if they are not covered by official criminalization.

Map: "Lesbian and Gay Rights in the World", May 2012. ILGA, The International Lesbian, Gay, Bisexual, Trans and Intersex Association.  
The map is based on data from the ILGA report "State-Sponsored Homophobia: a world survey of laws criminalising same-sex sexual acts between consenting adults - 2012".



# THE HERITAGE FROM VICTORIA

**GAYS, LESBIANS, BISEXUALS AND TRANS PEOPLE ARE OPPRESSED BY 150-YEAR-OLD LAWS INHERITED FROM THE COLONIAL POWER.**

Queen Victoria reigned over an empire in which the sun never set, encompassing almost a quarter of the world's countries and population.

The British Empire no longer exists. The former British colonies are now free and independent states, but gays, lesbians, bisexuals and trans people continue to suffer persecution, imprisonment and criminalization due to 150-year-old laws that were handed down from the colonial power.

In 1860 a new Indian penal code came into effect, including a passage regarding "unnatural, punishable offences", i.e. homosexuality. As per the so-called anti-sodomy section, Section 377, "acts against the order of nature" resulted in sentences ranging from fines to life-time prison. "The Sodomy Act" was subsequently – in the 19th century – introduced in the other British colonies in Asia and Africa.

The laws, as the name suggests, reflect the Christian and moral attitudes of the Victorian era. They only applied to men, seeing that women were not expected to have a sex life of their own, but solely to have sex with their husbands in order to procreate. Moreover, the laws were meant to protect the stationed colonists, officials and soldiers against "Oriental vices" so that they would not give in to the temptations of "Sodom and Gomorrah".

In India the act prohibiting homosexuality is being phased out, seeing that the Indian Supreme Court declared it void and in contravention of the Indian constitution in 2009. In the Caribbean the act has been repealed in some of the former colonies, while it is being discussed in others.

Queen Victoria pictured on the world's first stamp from 1840 – the same period during which the colonial laws were passed.



Africa, however, is moving in the opposite direction. Here, legislation is being tightened up not only in the form of harsher sentences and increased public and police awareness, but also in the sense that women are now included in the legislation against homosexuality. The most controversial and infamous example is the so-called anti-gay bill in Uganda, which – if it gets passed and takes effect – will make homosexuality punishable by death, and failure to report homosexual individuals and associations to the authorities for prosecution punishable by imprisonment.

The increased homophobia and persecution legally speaking and among the populations in the countries south of the Sahara are a relatively recent phenomenon, inspired and backed by fundamentalist Christian churches and missions from the United States. Those are the same people who oppose sexual and reproductive rights such as contraception and abortion.

Homosexuality is punishable by death in a number of Muslim countries and states governed by Sharia law: Iran, Mauritania, Nigeria, Qatar, Saudi Arabia, Sudan and Yemen. In other Muslim countries, gays, lesbians, bisexuals and trans people are also criminalized and persecuted to a larger or smaller extent, whether there is an actual anti-gay law in place or not.

**More than half of the countries in which homosexual acts continue to be penalized are former British colonies. According to the Human Rights Watch report "This Alien Legacy" (2008), the oppressive laws are a direct result of colonization.**

**More information available at [lgbtnet.dk](http://lgbtnet.dk)**

Photo from an annexation ceremony in the British protectorate Lagos. 1890s.

Photo: Foreign and Commonwealth Office Historical Collection





# ACCESS TO DEVELOPMENT FOR ALL

To LGBT people, marginalization, social exclusion and criminalization make up concrete barriers to accessing services in society and hence to benefiting from the results of the development initiatives.

The following pages provide an introduction to the reasons why it is important to reflect on the special circumstances of gendered and sexual minorities in the development efforts within a number of crucial areas.

## Poverty

It is no secret that a clear correlation exists between marginalization and being poor. And this is particularly true of LGBT people: Thus, a study conducted by Sida, the Swedish International Development Cooperation Agency, has shown that LGBT people are at great risk of getting poverty-stricken as a direct consequence of the stigma they suffer due their sexual orientation or gender identity (“Sexual Orientation, Gender Identity and Development”, Sida 2005).

Multiple factors are at stake: Discrimination in terms of employment and risk of harassment and assault at the workplace or within the educational system impose some of the concrete limitations on the individual lesbian, gay man, bisexual or trans person as regards supporting themselves financially. Access to employment is even more restricted for trans people than it is for homo- and bisexuals.

Financial blackmail has been documented in many places in which criminalization and lack of law and order enable it. If a family condemns a family member’s sexual orientation or gender identity this also has serious consequences for that person’s social network, and hence a lot of LGBT people are more likely to be relegated to poverty.

People who deviate from the norms governing gender and sexuality face specific challenges as regards poverty. At the same time they represent a significant resource at risk of going to waste if they are not included in the framework of all the projects with a direct or indirect aim to combat poverty.

## Health

The right to decide over one's own body and sexuality are fundamental prerequisites of each person's health. However, LGBT minorities are often denied access to society's health care services because of discrimination and invisibility.

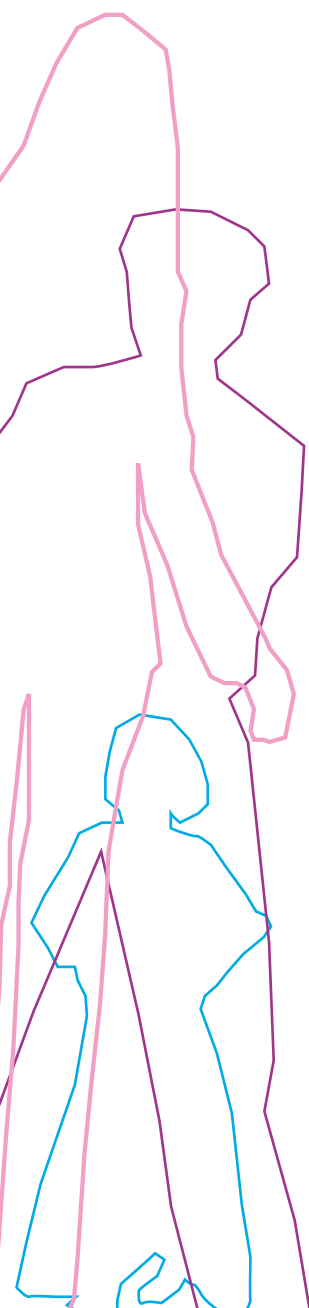
Clearly, then, the likelihood of being interrogated and exposed in societies where homosexuality is criminalized may deter people from seeking medical aid. But even without the danger of direct retaliation LGBT people's access to relevant health care is often limited by the health care professionals' lack of knowledge or their expectation that everyone is heterosexual, or that an unambiguous relation between body and gender expression exists.

Hence it is important to be aware of the specific situations and needs of gendered and sexual minorities in joint development ventures within health care, a field where an LGBT perspective is often completely absent in national programmes.

Recent years have seen an increased focus on HIV/AIDS work. Some initiatives have managed to launch efforts targeting men who have sex with men – also in societies that do not officially recognize the existence of homosexuals. The HIV/AIDS work may thus be a lever to raise awareness of non-heterosexual people and practices within the health care system in general. In many places, however, the HIV virus continues to be treated as a heterosexual health risk, resulting in lack of education and prevention among parts of the LGBT population.

## Democracy and rule of law

The more than 70 countries that criminalize homosexual acts and penalize the offenders with fines, imprisonment, corporal punishment or death are guilty of clear human rights violations, including the right to freedom of expression. In some countries it is argued that the laws are not enforced anyway, hence it is not so important whether they are repealed or not. But the mere existence of these laws legitimizes violence, harassment and many other forms of discrimination based on sexual orientation, and they render protection impossible. Also the risk of losing one's job or home contributes to silencing and isolating LGBT people and civil rights defenders, preventing them from being the active participants in civil society that they might have been.



In many places criminalization means that LGBT activists have to operate secretly and have a hard time organizing. Decriminalization is thus crucial to the work that local LGBT organizations and other human rights defenders invest in enhanced democracy and participation. At the same time, a decriminalization process requires a sufficient amount of strong forces within the local LGBT organizations and civil society that can actively put the issue on the agenda – and handle the potential backlash. Hence, it is strategically important to capacity-build LGBT organizations, and that the agenda in relation to the anti-homosexuality laws is set by the people afflicted by them.

## Education

Homo-, bi- and transphobic bullying can make school attendance impossible for certain LGBT youths, and studies show that some drop out of the educational system due to harassment. In severe cases formal exclusion is enforced, like in Cameroon where especially girls and young women have been denied access to their schools on account of accusations of homosexuality. Condemnation by and exclusion from the family can pose additional obstacles to young people who lose financial or other support to educate themselves.

Discrimination in class and curricula is also significant: When for instance sex education fails to include minorities in a non-discriminatory way, LGBT people face more difficulties developing a sense of self-esteem and the relevant skills to move on in their lives. While inclusion of LGBT aspects in education is a long-term challenge in many contexts, equal access to and participation in education may be addressed in projects within the field of education here and now: Do barriers to LGBT participation exist? Can something be done to ensure recruitment or retention of participants who risk exclusion because of their sexual orientation or gender identity?



# WORTH CONSIDERING...

... WHEN YOU AIM TO INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY IN YOUR EFFORTS AND WHILE WORKING WITH LGBT PEOPLE AND ORGANIZATIONS.

## For all projects and encounters in general:

- Even though information about the situation for LGBT people in the country where you work or cooperate may be scarce, it is possible to do some research. Country-specific facts are available at e.g. [www.ilga.org](http://www.ilga.org), [www.ecoi.net](http://www.ecoi.net) and [www.lgbtnet.dk](http://www.lgbtnet.dk).
- LGBT individuals may fear disclosure or being linked to a tabooed issue. Thus you need to make it clear that you defend equal rights for LGBT people when you ask partners or others in the global South about topics related to sexual orientation and gender identity.
- A person's sexual orientation is not visible to the naked eye, so do not assume that everyone is heterosexual, or that the person's gender identity and gender experiences are given.
- Pose open questions: Ask, for instance, whether a person has a partner rather than using phrases like boy- or girlfriend.
- LGBT people often experience great vulnerability in encounters with authorities such as police, social services, etc., and their network may be limited due to the dissociation of family and others.
- It may be risky for the individual LGBT person to be "out" (or to be perceived as such). It is always up to the individual person whether they decide to "come out" to their surroundings.
- Gender and sexuality are not static. They may change over time for each person. The norms governing gender and sexuality also change over time within a given society.

## Specifically in regard to working with LGBT issues and organizations:

- Other organizations and donors may have worked with LGBT issues in the same area, and thus results to build upon may already be available.
- LGBT organizations in the global South are often just starting up, thus lack resources and need time to grow and formulate their own goals and strategies. They are often bound by legal restrictions.
- A number of LGBT organizations work under cover and may for instance be registered as women's or human rights organizations.
- Support collaborations to achieve goals that unite the local LGBT movement. Collaboration often boosts impact and efficiency rather than competition for resources among the local actors.
- Women and trans people are often marginalized within the LGBT movement. Often HIV prevention efforts targeting men who have sex with men are the only source of funding.
- Women's organizations and other human rights actors can turn out to be good allies in the LGBT work.
- In some areas it may be dangerous to work with LGBT issues. Be aware of the jeopardy that you and your local partners are exposed to. Be prepared to offer acute assistance in emergency situations where aggressive opposition is mobilized against LGBT people.
- Certain LGBT questions may be addressed during work with gender mainstreaming. Gender-related violence, for instance, also covers hate crimes against LGBT people.
- The local health authorities play an important role in relation to including LGBT groups in e.g. national health programmes. For example, you may inquire whether MSM (men who have sex with men) or trans people are covered by the National Health Strategic Plans or other surveys.

Sources: "LGBT in development – a handbook on LGBT perspectives in development cooperation", RFSL, 2008 & "Human Rights of Lesbian, Gay, Bisexual and Transgender persons: Conducting a Dialogue", Sida, 2010.



# FROM HABIT TO ACTION PLAN

DIVERSITY AND LGBT PERSPECTIVES WITHIN THE ORGANIZATION AND IN THE WORKPLACE.

In professional life we often take sameness for granted. A survey from 2011 shows that 50% of all LGBT people in Danish workplaces are not completely open about their sexual orientation/gender identity. One might ask why this matters – are sexual orientation or gender identity not irrelevant to people's professional lives?

On the other hand one might also ask how much space heterosexual orientation takes up in professional life. A great deal! When we tell our co-workers how our children and partners are doing during lunch break, when we know about our co-workers' family lives and marital statuses, and when we automatically assume that new co-workers or partners are heterosexual, we are contributing to upholding a heteronormative culture. A culture in which non-heterosexuality is made into a special sexuality. The same goes for gender identity when we automatically gender our co-workers and assume that the gender we perceive them to embody is also the one they were assigned at birth and feel at home in.

Often LGBT people do not feel comfortable discussing their gender or sexual identity openly in the workplace. This means that they have to take pains to avoid talking about their private lives or in certain cases make up a private life which is not in agreement with reality. The workplace is responsible for pursuing a culture in which all employees feel safe and welcome. And a lot can be done to ensure that:



## 1. Question business as usual!

The first step toward a more inclusive workplace is an assessment of the situations or areas of organizational life that may be characterized by habit as regards gender and sexual orientation. It may be when encountering new co-workers and partners. One might ask questions such as: “Do our vacancy notices and job interviews signal that all kinds of employees are welcome?” Here it is important to think in gender neutral terms such as “partner” and “person”.

It is also relevant to examine whether the way jokes are made and fun is shared are characterized by heteronormativity. Many Danish workplaces, for instance, nurse a certain amount of heterosexual flirtation – during breaks, at Christmas dinners, etc. This is not necessarily problematic as long as it is not automatically assumed that all colleagues find it entertaining and applicable. On a less cheerful note, it might be worth investigating how jokes defaming people who do not fit the norms for gender and sexuality impact the inclusiveness of the workplace.

## 2. Devise action plans and mainstreaming policies

Ask questions such as: “Do we want all kinds of employees to feel welcome and included?” and “What can we do to signal diversity?” It might be a matter of critically perusing the organization's parental leave policies, policies regarding stationing of employees/partners, overall work environment policies, vacancy notices, etc. Mainstreaming means that minority groups are included in the framework of all policies and practices. Thus, it is relevant that all employees are engaged in and trained to mainstream and handle diversity. It may often be a good idea to seek assistance from LGBT savvy professionals to get started. LGBT Denmark, for instance, offers counseling and training of key figures or seminars for entire employee groups.

## 3. Appoint accountable LGBT ambassadors

New employees join the team, old habits take over. Once an organization has adopted a mainstreaming policy it is important to follow up on it by means of frequent diversity seminars or diversity checks. In this connection it is crucial to allocate the responsibility for the organization's LGBT mainstreaming to trained employees.

Read more in the survey “Status of the Danish LGBT Workplace”, Q-factor, 2011.

### “Sort of like fumbling in the dark”

#### – A stationed employee tells her story

My partner and I were stationed by a large Danish NGO a couple of years ago. I'm certain that the Danish headquarters were unaware that homosexuality was illegal in the country in which I was going to be stationed. It didn't occur to them until the moment we were leaving, and they called me to inquire whether I still wanted the job. I did.

However, I didn't expect that it would be that hard for my partner to gain a residence permit. And the Danish NGO wasn't prepared for the situation, either – to say the least. In the beginning we just had to figure it out on our own – and my partner had to leave the country every two months to get a new visa. After a year, when I threatened to resign and go home, they suggested my partner might marry a male co-worker for papers. Finally, they also offered my partner a pro forma contract.

So after a certain amount of pressure they did try to solve the problem. There was just no overall or conscious strategy as to how they would handle it to begin with. It almost felt like I was the first homosexual Dane whom they had ever stationed with a partner. It was sort of like fumbling in the dark.

# ADDITIONAL INFO

## A SELECTION OF SIGNIFICANT REPORTS, HANDBOOKS, HUMAN RIGHTS DOCUMENTS, ETC. SEE ALSO THE DATABASE AT [WWW.LGBTNET.DK](http://WWW.LGBTNET.DK)

A Global Gaze: Lesbian, Gay, Bisexual, Transgender and Intersex Grantmaking in the global South and East 2010. Funders for LGBTQ Issues, 2011

An Activist's Guide to The Yogyakarta Principles. YP In Action, 2010

Demanding Credibility and Sustaining Activism: A Guide to Sexuality-based Advocacy. Global Rights, 2010

Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. Report of the United Nations High Commissioner for Human Rights, 2011

Disturbing knowledge. Decisions from asylum cases as documentation of persecution of LGBT-persons. S. Laurson & M.L. Jayaseelan, LGBT Denmark & The Danish Refugee Council, 2009

Fleeing Homophobia. Asylum claims related to sexual orientation and gender identity in Europe. S. Jansen & T. Spijkerboer, Vrije Universitet Amsterdam, 2011

Handbook on the protection of LGBT people – good practices in helping victims. S. Rukš nait, Equal Jus, 2011

Human Rights of Lesbian, Gay, Bisexual and Transgender persons: Conducting a Dialogue. Sida, 2010

Human Rights Watch: Reports on LGBT issues in various countries, including Burundi, Iraq, Kuwait and South Africa.

LGBT in development. A handbook on LGBT perspectives in development cooperation. RFSL, 2011

Looking at Sida work in Kenya from a sexuality angle. Sida, 2007

Love, Hate and the Law. Decriminalizing Homosexuality. Amnesty International, 2008

My way, your way or the right way? Implementing the Yogyakarta principles in Kenya. G-Kenya Trust, 2010

Opening doors. A global survey of NGO attitudes towards LGBTI refugees and asylum seekers. ORAM, 2012

Rainbow bridges. A community guide to rebuilding the lives of LGBTI refugees and asylees. ORAM, 2012

Sexual orientation and gender identity issues in development. A study of policy and administration. Ed. L. Samelius & E. Wägberg, Sida, 2005

Sida's work on Lesbian, Gay, Bisexual and Transgender issues in international development cooperation. Action plan 2007–2009. Sida, 2006

State-sponsored Homophobia. A world survey of laws criminalising same-sex sexual acts between consenting adults. L.P. Itaborahy. ILGA, 2012

Status of the Danish LGBT Workplace. Q-factor, 2011

The AIDS Accountability Scorecard on LGBT 2011. Aids Accountability International, 2011

This Alien Legacy. The Origins of “Sodomy” Laws in British Colonialism. Human Rights Watch, 2008

Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender (LGBT) People. Working Party on Human Rights, EU, 2010

Trans and intersex people – discrimination on the grounds of sex, gender identity and gender expression. S. Agius & C. Tobler. EU, Luxembourg 2012

UNHCR guidance note on refugee claims relating to sexual orientation and gender identity. United Nations High Commissioner for Refugees, 2008

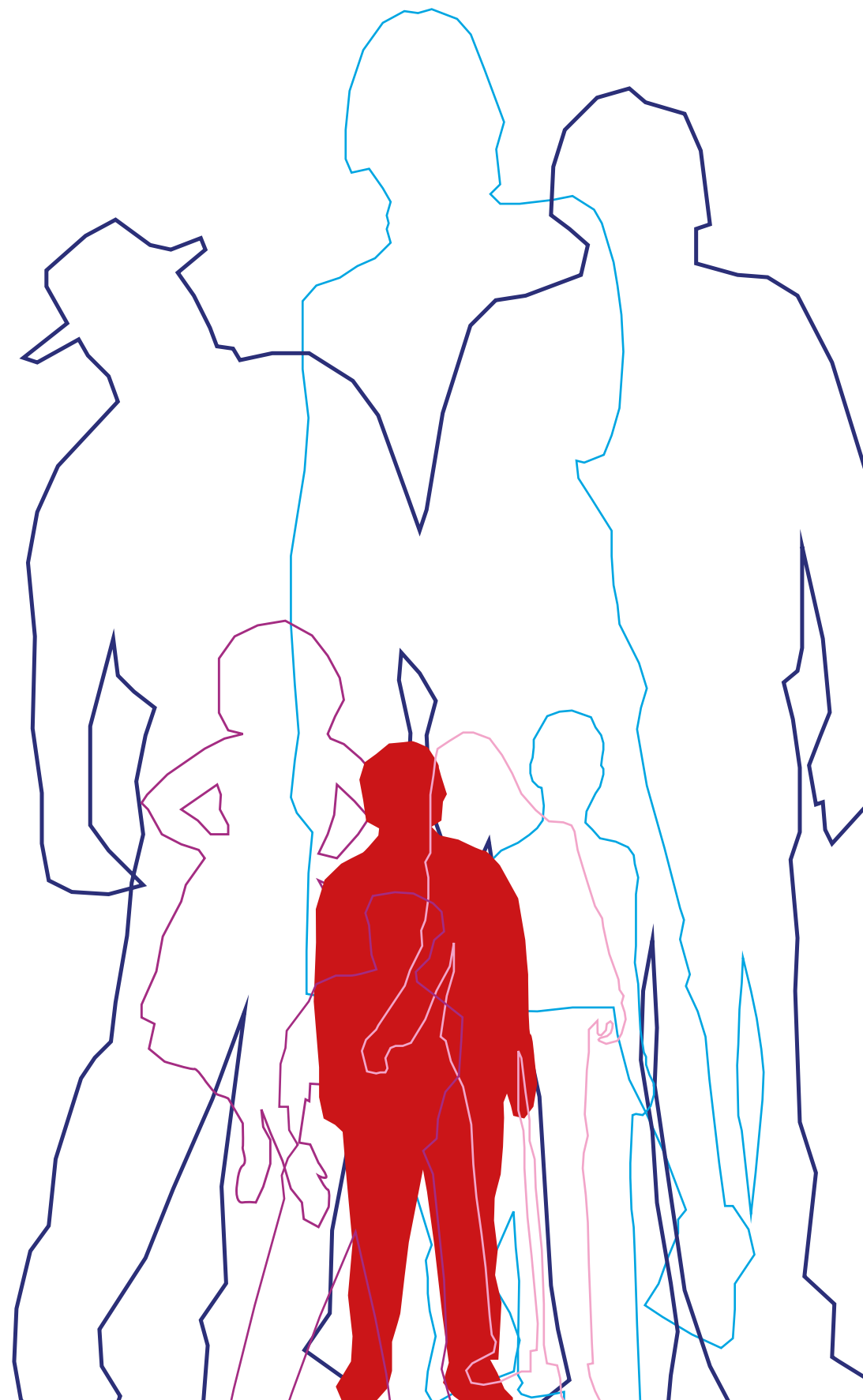
Urgency Required – gay and lesbian rights are human rights. Ed. I. Dubel & A. Hielkema, Journal for Humanitics, 2008

This publication was published in October 2012 as part of a capacity-building project aiming to focus on LGBT rights within international development work and strengthen Danish NGO knowledge of LGBT-related problematics.

LGBT Denmark, The Danish National Organisation of Gay Men, Lesbians, Bisexuals and Transgendered Persons, is the legally and financially responsible lead organisation for the project which has been developed and monitored by a steering committee with representatives from the partner organisations: Danish Refugee Council, The Danish Family Planning Association and Sabaah, an organization for gay, lesbian, bisexual and trans people with minority ethnic background in Denmark.



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**“The principle of non-discrimination is central to the UN Universal Declaration of Human Rights, hence also to Danish foreign affairs and development politics. Yet, in many places people are discriminated against for expressing their sexual orientation or gender identity.”**

**Minister for Development Cooperation Christian Friis Bach**  
(preface p. 5)

# LGBTnet

**AT [WWW.LGBTNET.DK](http://WWW.LGBTNET.DK) YOU WILL FIND MUCH MORE INFORMATION ABOUT SEXUAL ORIENTATION AND GENDER IDENTITY WITHIN DEVELOPMENT WORK:**

- ❖ database with easily accessible summaries of reports and relevant documents
- ❖ outlines of legislations, conditions for LGBT people and local organizations in the developing countries
- ❖ toolkits and examples of best practices
- ❖ links and other relevant information

The portal is in English and targets all development and human rights organizations as well as their partners. It was launched in 2012 and developed by LGBT Denmark – The Danish National Organisation for Gay Men, Lesbians, Bisexuals and Transgendered persons in collaboration with The Danish Family Planning Association, Danish Refugee Council and Sabaah.

