Sexual minorities and HIV

Germany’s response to the issue through development cooperation
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In many societies, people whose sexual orientation or gender identity does not conform to majority norms, in other words lesbian, gay, bisexual, transgender, transsexual and intersex people (LGBTI), face stigma, discrimination, criminalisation and persecution. Same-sex sexual relations between adults are a criminal offence in 76 countries, and in five countries and two regions are punishable by death. A 2011 report published by the UN High Commissioner for Human Rights outlined how members of sexual minorities are subject to considerable discrimination in many areas, even in countries without such laws. They are often subject to attacks from the general public or from organs of the state. In some cases, they may even be murdered. The perpetrators are often not prosecuted. In many societies, members of sexual minorities therefore cannot live openly. LGBTI human rights activists are threatened and persecuted. Their organisations and networks have very little scope for effective action.

Human rights are at the heart of German development policy and are a guiding principle in our cooperation with partner countries and in international negotiations. Article 7 of the Universal Declaration of Human Rights guarantees freedom from discrimination as a fundamental human right. That
includes discrimination on the grounds of gender identity or sexual orientation. Germany and the majority of its development partners have ratified the international human rights conventions, thus accepting a legally binding obligation to implement them in practice. Realisation of LGBTI human rights has therefore been explicitly enshrined in the human rights strategy of the German Federal Ministry for Economic Cooperation and Development (BMZ). That means that the BMZ is committed to making specific efforts to support the LGBTI community.

It does so mainly by helping civil society groups to defend their own interests in areas including healthcare. Experts engaged in development cooperation are also being trained to be aware of human rights issues and the needs of LGBTI people, and discussion with other donors on this topic is being intensified.

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1 ICCPR Article 2, ICESCR Article 2(2): “other status”: General Comment No. 20 on Article 2(2) of the International Covenant on Economic, Social and Cultural Rights explicitly prohibits discrimination on the grounds of sexual orientation or gender identity (para. 32).

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HIV prevention in the Caribbean

Men who have sex with men and people of bisexual orientation have a particularly high HIV risk in the Caribbean. The traditional gender roles that exist there often prevent people from being open about their sexuality and taking a responsible approach to their sexual relations. The regional HIV programme that the BMZ is funding in 13 member countries of the Caribbean Community provides information and education to help reduce the stigma surrounding the issue and increase knowledge of how to prevent HIV infection. The programme also increases the availability of condoms and lubricants and encourages people to be open about their sexual orientation. It is successfully employing modern media. In Jamaica, online questionnaires help people in the target groups to assess their own risk and advice is offered on the services available. In Haiti, internet communities and blogs are used to enable the target groups to share information.
Sexual minorities and the global response to the HIV epidemic

Violations of the rights of members of sexual minorities are a major issue within the context of the global HIV epidemic. Members of sexual minorities are at increased risk of HIV infection. Violations of their rights can directly foster the spread of the virus and hamper efforts to effectively control it. In developing countries and emerging economies, men who have sex with men (MSM) are some 20 times as likely as the rest of the population to contract HIV. While little data is available on transgender people, it is known that they are also disproportionately affected by HIV. In some countries, LGBTI are more likely to experience sexual violence. This, too, puts them at increased risk of contracting HIV. Yet they tend to be neglected in national HIV strategies and find it difficult or impossible to access healthcare services. These may be sexual and reproductive health services, HIV prevention, treatment and care services and support services. So LGBTI are often excluded from the information, counselling and healthcare that is on offer.

2 Prevention and treatment of HIV and other sexually transmitted infections among men who have sex with men and transgender people - Recommendations for a public health approach; WHO, UNAIDS, GIZ, MSMGF, UNDP; 2011
The UNAIDS strategy identifies MSM and transgender people as key populations in efforts to deliver an effective response to HIV. The strategy’s aim is to halve sexual transmission of HIV amongst MSM by 2015. It also aims to encourage countries to abolish discriminatory legislation, such as the prohibition of homosexuality.

Support for non-governmental organisations in the Dominican Republic

With financial support from the German BACKUP initiative and other partners, such as UNAIDS, the civil society initiative “Youth in the real world (YurWorld)” has been able to bring together youth organisations and organisations engaged in the field of HIV. The result has been a number of projects, such as the Tal Cual health programme for transgender women in Santo Domingo, which is being conducted in cooperation with COTRAVEDT, an organisation of transgender sex workers. The project provides prevention information and outreach services to the estimated 4,000 transgender women in Santo Domingo. Other projects also conduct outreach activities or produce radio programmes and documentaries specifically aimed at men who have sex with men and at young people and sex workers.
Supporting non-governmental organisations for MSM in Ukraine

There is a strong stigma surrounding sex between men in Ukraine. Many MSM therefore deny their sexual orientation. Yet secret sexual relationships increase their risk of HIV infection and also that of their male and female partners. Discrimination prevents MSM from accessing HIV prevention and treatment services and other social services.

The HIV/AIDS prevention programme that the BMZ is funding in Ukraine provides support to two MSM non-governmental organisations. The focus is on specific HIV prevention measures and on fostering greater tolerance within Ukraine society. In 2011, some 48 MSM initiatives provided balanced and unbiased information about gay lifestyles and gay identity and suggested ways of dealing with discrimination and stigma. Support was also provided to networks of doctors, psychologists and social workers to help them tailor their advice and treatment services to the needs of MSM.

The Political Declaration on HIV/AIDS that was adopted in 2011 at the UN General Assembly Special Session specifically identifies MSM as being at increased risk of HIV infection (para. 29). This mention of MSM is of great significance, as states signing up to the Declaration commit themselves to include populations at higher risk in their national prevention strategies and, for example, ensure they have access to HIV services.

Development cooperation activities being conducted by Germany

The considerable political and financial backing many governments are putting into the global response to HIV offers a major opportunity to promote human rights in general and thus the human rights of LGBTI people. The BMZ is operating prevention programmes aimed specifically at sexual minorities in a number of countries. The health sector measures being funded as part of German development cooperation are quite explicitly designed so as to be accessible to all, regardless of gender, sexual orientation or gender identity. The strategy of linking HIV prevention and treatment closely with sexual and
reproductive healthcare services helps to reduce stigma and also to increase the quality of services and the extent to which they are used.

German development cooperation also extends to the field of education, where efforts are being made to promote comprehensive sexuality education that teaches respect for sexual and gender diversity. Efforts are also being made to support and strengthen organisations that are specifically concerned with combating the prejudice, discrimination and criminalisation that sexual minorities face and demanding that they be included in national strategies (e.g. HIV strategies). In its political dialogue with its partner countries in development cooperation, the BMZ urges them to observe all human rights, including those of sexual minorities.

The issue of sexual minorities and their needs is regularly brought to the attention of and discussed at international organisations and bodies, such as the Global Fund, UNAIDS and the UN Human Rights Council. The BMZ also encourages and supports German governmental and non-governmental development organisations in their efforts to address the issue. In 2010, the German government provided funding of around 1 million euros in support of 60 measures aimed at realising the human rights of LGBTI people. Of this sum, around 250,000 euros were channelled through German foundations.

**Support for the Gay and Lesbian Coalition of Kenya (GALCK)**

Homosexuality is a taboo subject in Kenya. Members of sexual minorities are stigmatised and marginalised. Homosexual men and women are increasingly subject to threats and physical attacks. This presents a particular challenge for HIV work in Kenya. The prevention and treatment programmes that are available are unable to reach men who have sex with men, although they are at high risk of HIV infection.

In 2006, five LGBTI organisations joined together to form the Gay and Lesbian Coalition of Kenya (GALCK). The aim was to promote recognition of LGBTI people and create a safe and conducive environment for LGBTI organisations. The BMZ is helping GALCK to build its planning, networking and lobbying capacities.
The issue was brought to a wider public in 2012 when the documentary film “Call me Kuchu” won the special prize for films on development issues awarded as part of the Berlin film festival. The prize was launched in 2011 and is sponsored by the BMZ. “Call me Kuchu” depicts the lives and struggles of gay and lesbian activists in Uganda. The BMZ is also supporting the David Kato Vision & Voice Award, which is presented in memory of David Kato, the LGBTI human rights activist from Uganda who was murdered in 2011. It is awarded to persons who have made an outstanding contribution to the realisation of the human rights of members of sexual minorities.