



The
Federal Government

LGBTI Inclusion Strategy

Federal Government LGBTI Inclusion Strategy
for Foreign Policy and Development Cooperation



The Federal Cabinet adopted the following decision in June 2017 within the framework of the National Action Plan Against Racism:

“*The Federal Government ... **initiates, together with civil society, an LGBTI inclusion strategy for foreign policy and development cooperation.** The goal is to create structures to effectively support LGBTI human rights activities carried out by civil society in this area by giving special consideration to specific vulnerabilities and multiple discrimination.”*

Human rights basis for the inclusion of lesbian, gay, bisexual, transgender and intersex people (LGBTI) in foreign policy and development cooperation

There are both binding and non-binding human rights foundations for the inclusion of LGBTI people at international, regional and national level.

Discrimination against LGBTI people is not compatible with **Art. 3 of the Basic Law**. Moreover, **Art. 14 of the European Convention on Human Rights** also contains a general prohibition of discrimination. Art. 21 of the EU Charter of Fundamental Rights expressly prohibits discrimination on the grounds of sexual orientation.

In ratifying the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** and the **International Covenant on Civil and Political Rights (ICCPR)**, Germany recognised in a legally binding way the human rights provisions contained therein. The same is true of most countries with which Germany works in foreign policy and development cooperation. Both Covenants implicitly prohibit discrimination based on sexual orientation or gender identity with the ban on discrimination on the grounds of “other status” (Art. 26, Art. 2(1) ICCPR, Art. 2 (2) ICESCR). The **Universal Declaration of Human Rights** (Art. 2) and the **Convention on the Rights of the Child** (esp. Art. 2) also express the principle of non-discrimination. Human rights are inalienable and universal.

The **UN Committee on Economic, Social and Cultural Rights**, whose mandate includes interpretation of the ICESCR, has now specifically stated in its **General Comments** Nos. 20, 22 and 23 that sexual orientation and gender identity are prohibited grounds of discrimination.

In 2007, human rights experts drew up the **Yogyakarta Principles**, which interpret and apply existing international human rights agreements in relation to LGBTI people. After ten years, the original Principles were updated to address also transgenderism and intersexuality (Yogyakarta Principles plus 10). These Principles are not legally binding, but can be taken into account when interpreting binding human-rights standards.


On 12 November 2020, the European Commission adopted the LGBTIQ Equality Strategy, which forms the framework for the Commission’s work in this area from 2020–2025. The Strategy aims to better protect LGBTI people against discrimination. It is to be complemented by measures to promote LGBTI equality in areas where

competence lies with the EU member states. The primary responsibility for implementing these provisions and thus for upholding, protecting and guaranteeing human rights in their territory lies with the individual states. Within the framework of foreign policy and development cooperation, the Federal Government supports state structures in partner countries in their efforts to meet these obligations. It strengthens civil society in advocating for and monitoring human rights. In the multi-lateral framework, the Federal Government consistently champions respect for human rights, including the rights of specific groups, including LGBTI people.

Beyond the legal and normative sphere, the realisation of human-rights goals and principles is an important precondition for sustainable development. This is borne out in the **2030 Agenda for Sustainable Development**. Recognising the fundamental importance of human dignity, its central promise is to leave no one behind (LNOB). The LNOB principle can be applied to LGBTI people, even if they are not specifically mentioned in the 2030 Agenda. The Federal Government has undertaken to implement the 2030 Agenda. One aspect of this is helping foreign states and partner countries of German development cooperation to reach especially poor and marginalised groups and to tackle specific forms of discrimination, in order to develop inclusive, peaceful societies.

1. Background

- 1.1 Discrimination and violence on the grounds of sexual orientation and gender identity or characteristics exist in all societies. Although the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people are subject to international human rights protection, these rights are frequently violated. The patterns of discrimination against LGBTI people are deeply rooted and institutionalised in most countries. In many societies, a gay or lesbian sexual orientation, or a gender identity that does not conform to the gender binary standard, is a taboo. In many countries, consensual homosexual acts between adults are criminal offences and can incur severe penalties, even including the death penalty. In many countries, transgender people are unable to change their name and legal gender along with their appearance and body; in some countries, they are forced to that end to undergo medical procedures such as coerced sterilisation or compulsory psychological treatment. The human rights of intersex people are violated if, as is customary in many societies, they are given medical treatment or are operated on at an age when they cannot give informed consent in order to irreversibly determine their gender when there is no clear medical need for such intervention. More and more countries have recently criminalised advocacy for LGBTI rights through “anti-propaganda” legislation. Even in countries where there is no specific discriminatory legislation, LGBTI people are often subject to massive attacks from both state and non-state actors. Often the support that organised local civil society can give them is inadequate. Cultural or religious prejudices intensify discrimination against and stigmatisation of LGBTI people.
- 1.2 LGBTI people are disproportionately affected by violence, poverty and discrimination. This often has a negative impact on their access to other human rights, such as housing, health, work, education and political, cultural and social participation, for example in sports. They are frequently marginalised even in school, are unable to undergo vocational training, and fail to find regular income-generating employment. Often they are not in a position to realise their full potential; they thus have poorer life chances (inequality of opportunity). LGBTI people, especially children and adolescents, are often rejected even by their families, who in many cases provide their only social security system. They are exposed to a greater risk of violence. Lesbians, bisexual women, intersex and transgender people in particular experience gender-specific violence, e.g. in the form of rape and other types of sexual violence.
- 1.3 Human rights violations on the grounds of sexual orientation and gender identity or characteristics are exacerbated by other forms of violence, hatred and discrimination, e.g. on the basis of ethnicity, age, religion, disabilities or economic and social status (multiple discrimination). There may be particular vulnerabilities during economic or political crises or in the run-up to elections.

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- 1.4 The “leave no one behind” (LNOB) principle enshrined in the 2030 Agenda calls on the international community to ensure that no one is left behind on the way to sustainable development, to combat systematic discrimination and to reach the furthest behind first. Attaining the Sustainable Development Goals (SDGs) of the 2030 Agenda depends explicitly on implementing the LNOB principle and therefore, in the Federal Government’s view, implicitly on taking account of the special circumstances of LGBTI people.
 - 1.5 Local history and the life stories and traditions of LGBTI people, including relevant aspects of mission and colonial history, are essential considerations.

2. Objectives

2.1 In drawing up this Strategy, the Federal Government is making its engagement towards realising equal rights for LGBTI people and combating discrimination on the grounds of sexual orientation and gender identity or characteristics more visible, and, with the support of Germany's missions abroad, is aiming to shape this engagement in a strategic manner worldwide. The Strategy implements the provisions of the National Action Plan Against Racism and makes a key contribution to attaining the SDGs, and in particular to realising the central principle of the 2030 Agenda – “leave no one behind”.

2.2 At international level, Germany is one of the most committed states in advocating for LGBTI human rights worldwide as part of its foreign policy. The **overarching goal** of the LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation is this: German foreign policy and development cooperation will provide structurally sustainable support to the LGBTI human rights work undertaken by civil society, with particular attention to specific vulnerabilities and multiple discrimination. In order to give specific substance to this overarching goal, the Federal Government has defined the following sub-goals:

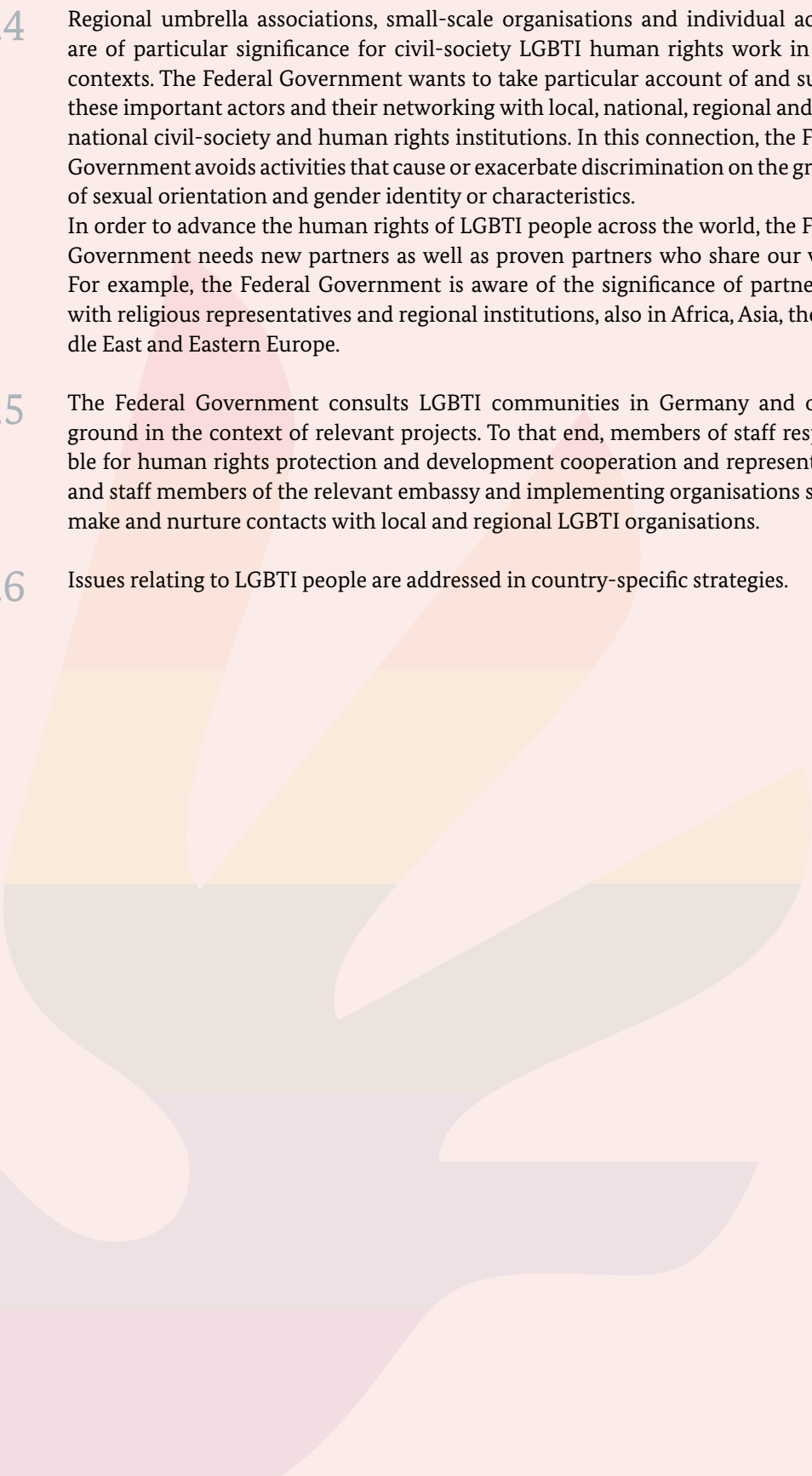
1. Within the scope of foreign relations and development cooperation, the Federal Government is increasingly strengthening civil-society organisations which work at local, regional, supraregional or international level to safeguard the human rights of LGBTI people and to combat discrimination on the grounds of sexual orientation and gender identity or characteristics.
2. Within the scope of the international human rights dialogue, the Federal Government plays a trailblazing role in ensuring that the human rights of LGBTI people are upheld, protected and guaranteed.

2.3 The Federal Government intends to achieve these goals through the following **approach**:

1. stronger focus on support for measures that contribute directly to sustainable improvements in civil-society human rights work for LGBTI people;
2. mainstreaming of LGBTI issues within the institutions of German foreign policy and official development cooperation, as well as their procedures and activities; this includes enhanced reporting by the German missions abroad on LGBTI rights in the host country;
3. intensified dialogue with bilateral and regional partners as well as multilateral actors that is geared more to eliminating discrimination on the grounds of sexual orientation and gender identity or characteristics and strengthening human rights and the rule of law. In pursuing this goal, the Federal Government will work closely with EU partners and other like-minded states to ensure even better support and protection for the rights of LGBTI people, including at United Nations level.

3. Overarching approaches/ responsibility

- 3.1 Human rights are a guiding principle of German foreign policy and development co-operation; they are universal and apply irrespective of sexual orientation and gender identity or characteristics.
- 3.2 Work for the human rights of LGBTI people is an important part and horizontal function of German human rights policy. The Federal Government believes it important that this issue is not regarded in isolation, but as an intrinsic element of the universal human rights catalogue: it is not a matter of establishing new rights for individuals or groups, but of demanding respect for the existing human rights of all – in Germany and worldwide. In doing so, we coordinate with civil society and in particular with LGBTI organisations and orient ourselves to the SDGs of the 2030 Agenda, the EU Guidelines to Promote and Protect the Enjoyment of All Human Rights by LGBTI Persons, and international human rights agreements. The Yogyakarta Principles (Yogyakarta Principles plus 10), drawn up by international human rights experts, provide an important frame of reference here.
- 3.3 The situation of individuals and groups in vulnerable situations – including LGBTI people – must always be borne in mind in international human rights policy. For example, the right to physical integrity – free of discrimination of any kind, free of gender-specific and sexual violence and free of harmful practices – is especially important. On the basis of their sexual orientation and gender identity or characteristics, LGBTI people are more strongly exposed to these forms of discrimination and violence. Ensuring the safety and protection of vulnerable persons is an important maxim for the Federal Government, in keeping with the “do no harm” principle.

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- 3.4 Regional umbrella associations, small-scale organisations and individual activists are of particular significance for civil-society LGBTI human rights work in many contexts. The Federal Government wants to take particular account of and support these important actors and their networking with local, national, regional and international civil-society and human rights institutions. In this connection, the Federal Government avoids activities that cause or exacerbate discrimination on the grounds of sexual orientation and gender identity or characteristics. In order to advance the human rights of LGBTI people across the world, the Federal Government needs new partners as well as proven partners who share our values. For example, the Federal Government is aware of the significance of partnerships with religious representatives and regional institutions, also in Africa, Asia, the Middle East and Eastern Europe.
- 3.5 The Federal Government consults LGBTI communities in Germany and on the ground in the context of relevant projects. To that end, members of staff responsible for human rights protection and development cooperation and representatives and staff members of the relevant embassy and implementing organisations seek to make and nurture contacts with local and regional LGBTI organisations.
- 3.6 Issues relating to LGBTI people are addressed in country-specific strategies.

4. Initial and continuing training and awareness-raising

- 4.1 The Federal Government is committed to seeing all people treated with respect. It therefore seeks to create a working environment free of prejudice and disadvantage. Everyone working in German foreign policy and development cooperation should be appreciated and valued, irrespective of sexual orientation and gender identity or characteristics. Our commitment to diversity is also reflected in our recruitment and procurement policies.
- 4.2 The Federal Government ensures that LGBTI issues are addressed in the training of staff in German foreign policy and development cooperation by means of appropriate initial and continuing training measures. It also tries to ensure that its implementing organisations and partners pay greater attention to LGBTI issues in their staff training. The subject is covered in existing initial and continuing training modules at the German development cooperation implementing organisations. In initial and continuing training designed to raise awareness of LGBTI and carried out for staff working in German foreign policy and development cooperation in our partner countries, the Federal Government takes care to involve local employees abroad and local partner organisations wherever possible in the context of the host country and against the backdrop of its national legislation.

5. Particularly vulnerable groups

Minors

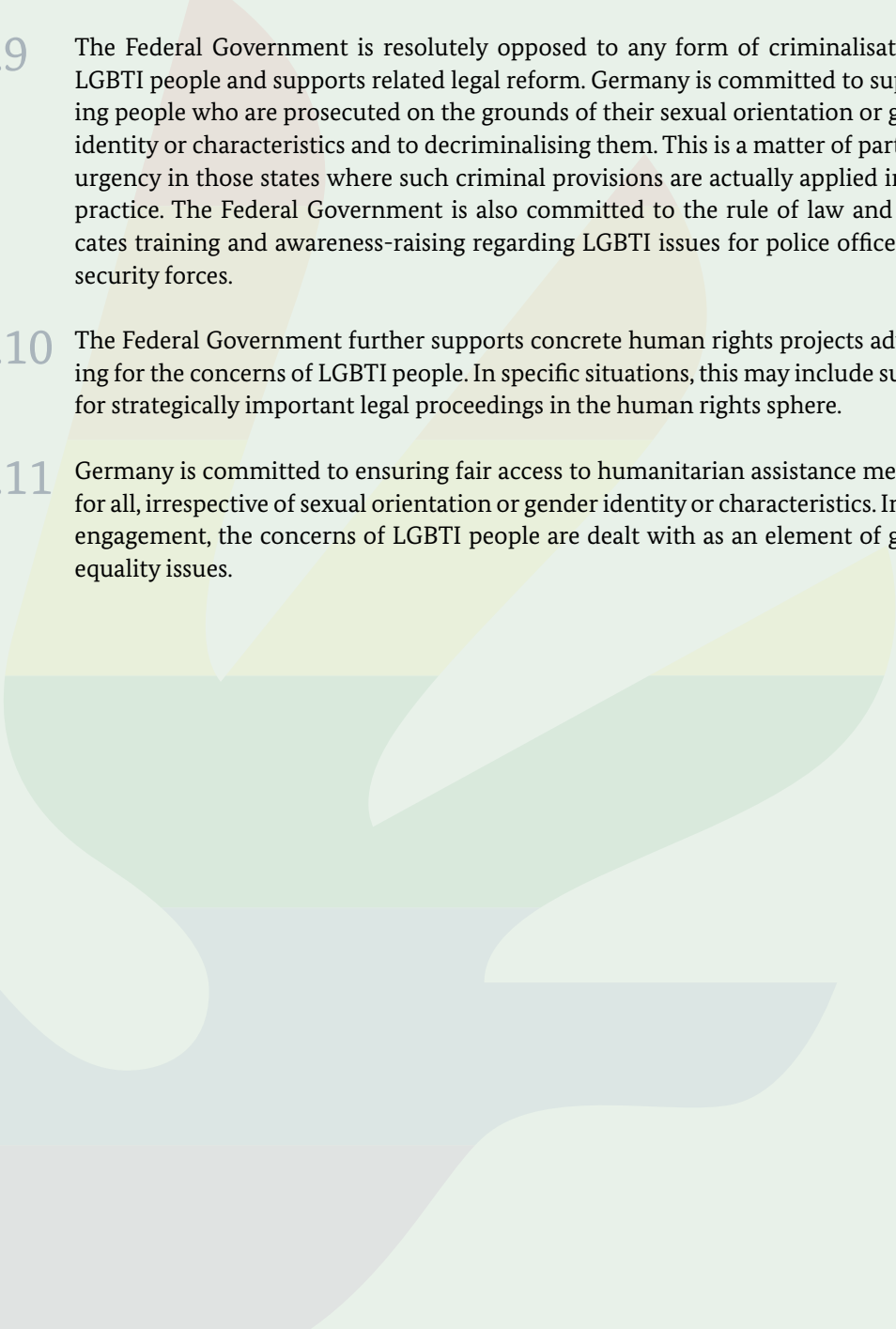
- 5.1 LGBTI minors are in particular need of protection, not least because they are particularly vulnerable to violence, sexual abuse, discrimination and persecution. Protecting them is a major objective of our commitment to the human rights of LGBTI people.
- 5.2 As strengthening the rights of children and young people benefits LGBTI minors facing harassment as well, it is a key aspect of our strategy to promote LGBTI human rights. This includes strengthening their economic, social and cultural rights, such as the right to education, as well as the right to participation and protection (security, health, self-determination, care of children growing up without parental care) and protection against discrimination.
- 5.3 Through its work, for instance in the field of education, rule-of-law promotion, media work and health, the Federal Government will raise awareness of the issue, help to strengthen the rights, protection and social participation of LGBTI minors, and play a part in aiding them towards a life in self-determination. The Federal Government is committed to removing legal barriers, as well as structural barriers in education systems. Further, it supports competence-building in civil-society and state actors in the areas of gender-based violence and comprehensive sex education. In this way, awareness-raising and advocacy can trigger processes of social change aimed at removing stigmatisation and promoting inclusion of LGBTI minors. In addition, the Federal Government works, if possible, to support competence-building in civil-society and state actors active in this field.

Transgender and intersex people

- 5.4 The Federal Government opposes all forms of pathologisation of LGBTI people. In this context, it works in international, regional and national organisations and institutions to ensure that transgenderism and intersexuality are not classified as disorders.
- 5.5 The Federal Government campaigns worldwide to ensure that legal provisions on transgenderism and intersexuality conform with human rights standards and that they are interpreted in practice, too, in a manner consistent with human rights.
- 5.6 Access, both in law and in practice, to health and transition rights and services is especially important for transgender and intersex people. The Federal Government supports access to these rights and the creation of conditions enabling the provision of relevant services.
- 5.7 The Federal Government ensures that people who do not conform to heteronormative gender roles are treated respectfully and appropriately in its administrative procedures and advocates for this in other countries too.

6. Foreign policy and diplomacy

- 6.1 In human rights policy, the Federal Government champions the human rights of LGBTI people at all levels and is a leader in this area. It seeks close partnership on the issue with international partners and actively participates in international alliances committed to LGBTI human rights. For example, Germany is a founding member of the Equal Rights Coalition and a member of the Global Equality Fund and the LGBTI Core Group.
- 6.2 At international level, it is especially important to find partners not only from European, Western and Latin American countries, but also countries in other regions. In this context, the Federal Government also wants to work with international and regional (human rights) organisations.
- 6.3 Engagement for the human rights of LGBTI people is a horizontal task for everyone. The Federal Government handles the issue worldwide in the specific context on the ground and, in cooperation with like-minded governmental – and wherever possible also religious, civil-society and business – stakeholders, develops ideas and strategies.
- 6.4 In this connection, the Federal Government wants to make better use of the media as multipliers and to build partnerships with interested actors from the education, culture and sports sectors and with business representatives. Cultural relations and education policy has a particular role to play here: its networks and intermediary organisations can raise awareness of LGBTI issues and address them worldwide from multiple perspectives, e.g. through art, literature and history.
- 6.5 Civil society is a key partner in our commitment to human rights. Dialogue with LGBTI activists on the ground is a core element of our human rights work. The Federal Government wants to support the work of civil society as well as human rights defenders facing oppression. For example, the provision of spaces for civil-society meetings can be an effective form of support. We provide appropriate assistance for at-risk activists, for instance by talking to representatives of the host government and raising the issue in official dialogue formats. In some cases, a public statement or visible sign of solidarity can be a source of effective protection. When LGBTI people are prosecuted on the grounds of their sexual orientation and gender identity or characteristics, or because of their work for human rights, the Federal Government endeavours, along with civil society, to support them, for example by observing trials and visiting those in detention.
- 6.6 The Federal Government champions the protection of people who are persecuted on the basis of their gender, including their gender identity and sexual orientation, or because of their work for the human rights of these people. It takes account of the situation of these people, not least when examining whether there is a right to protection under asylum law in an individual case or when implementing existing rules on the right of residence. In acute emergencies, where applicable law permits, this might mean Germany taking them in.

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- 6.7 The Federal Government considers the special situation of members of civil society in the visa process in order to facilitate activists' work and international networking.
- 6.8 In addition, the Federal Government uses the instruments of quiet diplomacy to demand that the human rights of LGBTI people be met. Here, too, dialogue with local civil society is important in order to exclude the possibility of them being put at risk or facing other negative consequences. Where this is impossible on the ground, dialogue with supraregional and international organisations takes on particular significance.
- 6.9 The Federal Government is resolutely opposed to any form of criminalisation of LGBTI people and supports related legal reform. Germany is committed to supporting people who are prosecuted on the grounds of their sexual orientation or gender identity or characteristics and to decriminalising them. This is a matter of particular urgency in those states where such criminal provisions are actually applied in legal practice. The Federal Government is also committed to the rule of law and advocates training and awareness-raising regarding LGBTI issues for police officers and security forces.
- 6.10 The Federal Government further supports concrete human rights projects advocating for the concerns of LGBTI people. In specific situations, this may include support for strategically important legal proceedings in the human rights sphere.
- 6.11 Germany is committed to ensuring fair access to humanitarian assistance measures for all, irrespective of sexual orientation or gender identity or characteristics. In crisis engagement, the concerns of LGBTI people are dealt with as an element of gender equality issues.

7. Development cooperation

- 7.1 Human rights are a guiding principle of our development cooperation. Human rights and gender equality are also addressed in the Federal Ministry for Economic Cooperation and Development Strategy Paper “Development policy 2030”. The Federal Government makes sure that appropriate attention is paid to the human rights of LGBTI people in bilateral and multilateral development policy. In the development policy dialogue with partner countries and other actors, we take care to present our relevant criteria clearly in related contexts and to promote their consistent implementation through our funding practice. Within the scope of bilateral development cooperation in particularly relevant fields, the Federal Government remains committed to ensuring that LGBTI people are included.
- 7.2 In order to strengthen civil-society human rights work for LGBTI people, the Federal Government seeks to expand support for civil-society organisations committed to LGBTI human rights. We support capacity-building in these organisations, as well as their local, national, regional and international networking, cooperation and dialogue.
- 7.3 The Federal Government supports the participation of LGBTI organisations in public dialogue and helps civil-society organisations to strengthen the human rights of LGBTI people. This is intended also to strengthen the social, cultural, economic and political participation of LGBTI people and includes greater involvement of LGBTI people in decision-making processes, as well as calls for non-discrimination of LGBTI people in the media. We support the rule of law in our partner countries.
- 7.4 In weighing up possible risks of our development policy activities, the Federal Government gives consideration in the human rights risk analysis to the impact on LGBTI people, including those suffering multiple discrimination.
- 7.5 When deciding on funding and commissioning projects, the Federal Government demands comprehensive respect for human rights and the rule of law from our partners at home and abroad.
- 7.6 When deciding on new projects in a country, consideration is given to the special situation of LGBTI people when looking at the general human rights situation. Local LGBTI organisations and activists, where known, are to be consulted on the planning and implementation of concrete LGBTI measures. As the smallest common denominator, protection against violence is often a good way to get on board as partner actors who are sceptical about equal rights for LGBTI people.
- 7.7 Human rights are an integral part of intergovernmental negotiations on development cooperation with partner governments. How the subject of LGBTI rights can and should be explicitly raised depends on the specific context.

A consistent effort should be made to pursue the inclusive approach of the 2030 Agenda, its aims of reducing inequalities (SDG 10) and achieving gender equality (SDG 5), and the “leave no one behind” principle. The Federal Government supports partner countries in realising equal access to development opportunities for LGBTI people.

7.8 The Federal Government is committed to the goal of universal access to sexual and reproductive health and rights. This includes non-discriminatory, needs-based access to information and services regarding sexual and reproductive health and rights (including comprehensive sex education), needs-based health services, HIV prevention and modern contraception methods, without requiring third-party consent, as well as protection against sexual violence and harmful practices. German development cooperation makes a contribution to implementing these rights worldwide.

7.9 By supporting the collection of aggregated, anonymised data on the human rights situation of LGBTI people, the Federal Government wants to flag up existing inequalities, improve support for LGBTI people and their advocacy groups and enable orientation to their specific needs. In keeping with the 2030 Agenda, our funding decisions are based on the “leave no one behind” principle. The Federal Government supports partner governments in collecting and processing data and ensures that such data collection and processing does not violate privacy rights or cause or worsen discrimination or persecution on the grounds of sexual orientation and gender identity or characteristics. When partner organisations are collecting data, the Federal Government tries to ensure that local organisations for the protection of LGBTI human rights are involved, in order to prevent discrimination. In countries where LGBTI people are criminalised, the Federal Government attaches particular value to appropriate preventive measures in keeping with the “do no harm” principle.

7.10 In the context of development cooperation measures aimed at LGBTI people, the Federal Government continues to take account of the diversity of this group. This necessitates, for instance, a differentiated approach that is equally fair to lesbians, gay men, bisexuals, transgender and intersex people and that enhances consideration of interfaces with other identity dimensions (such as age or disabilities). The goal is to ensure that the projects are geared to the actual needs of the relevant group of people.

8. Monitoring and review of implementation

- 8.1 As part of its commitment to the human rights of LGBTI people, the Federal Government regularly joins with civil society to review the situation and constantly improves its work by analysing and exchanging examples of good practice. It intends to evaluate this Inclusion Strategy after three years, in consultation with civil society.
- 8.2 The Federal Government is examining ways in which our complaints mechanisms and those of the implementing organisations should be adapted so as to make accessing them as risk-free as possible for LGBTI people.





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