Advancing the rights of LGBTQIA+ Persons: ACFID Submission to the Australian Government's LGBTQIA+ Human Rights Strategy

Executive Summary

Diversity in sexual orientation, gender identities and/or expression, and sexual characteristics (SOGIESC) has contemporarily and historically existed in every society, culture, country and nation across the globe. The Australian Council for International Development (ACFID) welcomes the Australian Government's intent to increase its support and advocacy for the rights of LGBTQIA+ persons, including through the development of an LGBTQIA+ Human Rights Strategy and a new Inclusion and Equality Fund.[1]

Australia's development program offers an opportunity to protect and advance the rights of individuals with diverse SOGIESC fulfilling the promise of the Sustainable Development Goals (SDGs) agenda to 'leave no one behind'. Through the voluntary, self-regulatory industry Code of Conduct, all ACFID members have committed to the advancement of human rights, including for people of diverse SOGIESC. ACFID members also comply with requirements to ensure the inclusion and representation of those who are affected by the intersecting drivers of marginalisation and exclusion, including on the basis of gender, gender identity, sexuality or sexual orientation. Further information about ACFID and its members is provided in Appendix A.

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[1] Throughout this submission the acronyms 'LGBTQIA+' and 'SOGIESC' are used interchangeably. We have learnt from and refer to the Edge Effect explainer on language and acronyms. Whilst LGBTQIA+ is currently used most widely, there are critiques of this acronym that challenge the universal framing of these categories as representing all diversity. The SOIGIESC acronym is more inclusive, generally referring to characteristics that attract human rights protection.

SUMMARY OF RECOMMENDATIONS

ACFID and the ACFID Gender Equality Community of Practice (CoP) provide the following recommendations for DFAT in drafting the new LGBTQIA+ Human Rights Strategy. Recommendations have been developed in consultation with CoP members and present ACFID's most up-to-date policy position on LGBTQIA+ rights.

Recommendation 1: Continue advocacy on LGBTQIA+ human rights in multilateral fora and expand bilateral dialogue and advocacy.

Recommendation 2: Mainstream efforts to advance LGBTQIA+ inclusion and equality across Australia's international development cooperation and humanitarian assistance program.

a) Build on DFAT's current GEDSI Analysis Guidance by gradually stepping up requirements for programs to consider ways to support people with diverse SOGIESC.

b) By 2025, all DFAT-led designs and programs should include a risk and needs assessment to consider ways to support people of diverse SOGIESC. By 2027, this requirement should extend to partner-led designs and programs.

Recommendation 3: For all country and regional programs, undertake an analysis of the current state of LGBTQIA+ rights (including legal and social status) as well as the existing network of allies, organisations and support networks. This analysis should underpin program planning and should feed into the Development Partnership Plans (DPPs).

Recommendation 4: Engage closely with local civil society organisations, including informal networks and unregistered groups, who are advocating for LGBTQIA+ inclusion and equality in their context. Listen to their priorities, understand their needs, and take measures to support these organisations in maintaining and improving the work they currently do.

Recommendation 5: Increase Australia's Inclusion and Equality Fund to the value of $15m per annum, commensurate with the need for support to human rights defenders and CSOs working towards LGBTQIA+ human rights and equality.

Recommendation 6: Leverage existing programs – especially in health, SRHR, GBV and disability services – to promote inclusion and equality for people with diverse SOGIESC.

Recommendation 7: Within the parameters of 'doing no harm', strongly encourage all programs to ensure their monitoring and evaluation frameworks are SOGIESC-inclusive.

A critical time for Australia's advocacy

Millions of individuals with diverse SOGIESC across the globe experience violence, stigma, discrimination and marginalisation. At present, 66 countries criminalise consensual, same-sex sexual activity and 14 countries criminalise the gender expression/identity of transgender people. Many of these countries are in Australia's neighbourhood, the Indo-Pacific Region.

Many countries have moved in a positive direction in the last decade regarding the protection of people from discrimination and violence, yet we are presently seeing a sustained, well-funded and reactive pushback on LGBTQIA+ rights. An increasingly organised and resourced opposition is driving legal setbacks, wielding attacks on LGBQTIA+ rights as an ideological and political tool, whilst utilizing new channels and technology for greater influence and reach. This regression in public discourse and rise in hostilities is having real world consequences for the LGBTQIA+ community, hindering development efforts and putting the physical, mental and emotional safety of LGBTQIA+ people at risk.

ACFID and its members strongly support Australia increasing its international advocacy, in both bilateral and multilateral fora, on LGBTQIA+ human rights (**Recommendation 1**). Talking about the human rights of people with diverse SOGIESC and championing their voices in the public sphere in a visible way is an important demonstration of Australia's values. Equally, quiet diplomacy is a powerful tool in bilateral advocacy to help nudge shifts towards inclusion and rights for LGBTQIA+ people.

Australia's advocacy should be aimed at ending legal discrimination against LGBTQIA+ persons, pushing for decriminalisation of same-sex relations, and enhancing legal protections for people with diverse SOGIESC.

One of the most effective ways for Australia to support movements for change on LGBTQIA+ rights is by working with locally led, constituent organisations and LGBTQIA+ advocates. Not only are people with lived experience the most effective advocates for change in their context, but this also mitigates against the critique that the push for equality is a 'Western' or colonial agenda that is being imposed.[2]

Harnessing the development program to advance LGBTQIA+ rights

Australia's international development and humanitarian assistance offers one of the most practical avenues through which to advance the human rights of LGBTQIA+ people. Australia's commitment to the 2030 Agenda key principle – "leave no one behind" – necessitates a strong focus on LGBTQIA+ inclusion and equality across all aspects of our

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[2] https://www.psgdn.org/

international engagement, but especially our support to realise the SDGs in the Indo-Pacific.

ACFID and its members strongly welcome the inclusion of a focus on people with diverse sexual orientation, gender expression and identity, and/or sex characteristics in DFAT's recently published [Good Practice Note for GEDSI analysis](#).

In particular, we support:

- the contextualised approach to the engagement of LGBTQIA+ people, communities and organisations;
- flexibility around the collection of gender-disaggregated data, to ensure that safety, rights and confidentiality of those involved in the activity are prioritised;
- clear instruction that good GEDSI analysis must go beyond a binary understanding of gender; and
- an approach of 'do no harm'- which considers the risk of backlash, and risks to safety of LGBTIA+ individuals who may face discrimination and lack of protections based on their legal and social status in a particular context.

> *"We will only realize this vision [of 'no one left behind'] if we reach all people regardless of their sexual orientation or gender identity. Ending marginalization and exclusion of LGBT people is a human rights priority – and a development imperative."[1]*
>
> *UN Secretary General Ban Ki-Moon, 2015*

As practice evolves, and programs develop more sustained consideration of the needs of people with diverse SOGIESC in their programming, it will be appropriate to gradually review and step up the requirements for diverse SOGIESC inclusion across the development and humanitarian program.

We recommend that DFAT consider making diverse-SOGIESC inclusion a requirement of DFAT-led design pathways and programs by 2025, with a view to extending this requirement to Partner-led designs and programs by 2027 (**Recommendation 2**).

Any efforts to mainstream a focus on LGBTQIA+ inclusion in existing bilateral and regional programs must be done gradually, in consultation with local actors and informed by an assessment of threats and risks to the safety and rights of those involved in the activity.

As well as being mindful of the risks, Australia's program should also adopt a **strengths-based approach** to inclusion. This starts by acknowledging and crediting the existing work by local organisations for inclusion and equality (see below).

Down the River –Oxfam Australia and Edge Effect

The report '*Down by the River*', developed by Oxfam Australia and Edge Effect, share thirty stories that chart the diversity of experiences of sexual and gender minorities in disaster contexts. Whilst these stories are specific to Fiji, the underlying themes of violence, trauma, isolation, insecurity, exclusion and solidarity resonate with the diverse experiences and vulnerabilities of sexual and gender minorities in disasters across a range of country contexts. This report identifies the priorities shared by Fijian sexual and gender minorities and aims to provide guidance for their improved inclusion and engagement in disaster risk reduction (DRR) and humanitarian programs.

This report identified four key themes that emerged from the activities of story-sharing, community mapping and traditional talanoa sessions with Fijian sexual and gender minorities. These themes include (1) 'Livelihoods and early recovery' which examines discrimination and marginalization in contexts of education, work and families that compromise livelihood development. This exacerbates the impact of stresses and shocks during disasters and reduces capacity for recovery, (2) 'Housing, shelter and wash' highlights the challenges in finding safe spaces in the immediate aftermath of disasters and in the rebuilding and provision of long-term housing solutions, (3) 'Violence, harassment and trauma' refers to the exclusion from family, community and faith, leaving people isolated and cut off from social networks and (4) 'Strengths of informal networks' where networks of friends (and chosen family) relieve social isolation and facilitate access to information and services.

To identify risks, strengths, needs and other contextual factors, we recommend that the Government undertake a detailed analysis of the current state of LGBTQIA+ rights (including legal and social status) as well as the existing network of allies, organisations and support networks, for each of its country and regional programs. This analysis should underpin program planning and should feed into the Development Partnership Plans (DPPs). (**Recommendation 3**)

Working with civil society and their trusted allies– the most effective approach

Working with local CSOs and their trusted allies is by far the most effective approach to support LGBTQIA+ inclusion and equality internationally. This is because the social, cultural, political, and legal norms surrounding SOGIESC issues greatly differ depending on the cultural and political context, and movements for inclusion and equality are consistently more effective when people and communities with lived experience are in the driving seat.

People with diverse SOGIESC are best positioned to lead policy and development programmes, as they have a direct understanding of the risks and needs of people in the LGBTQIA+ community. The Australian Government should support and engage development NGOs working with diverse communities and ensure that meaningful and intersectional inclusivity and equality are a priority for all international development partners. (**Recommendation 4**). Local CSOs repeatedly tell us that core and flexible funding support is one of the most helpful ways Australian organisations can support them. However, it must be recognised that in many countries, these groups may not be formally organised or registered (in some cases due to the very lack of LGBTQIA+ legal rights and protections). This will require an especially flexible and contextualised approach, which may involve working through networks, allies and intermediaries (see below) to support their staff and ensure sustainable operations.

Plan International

Plan International's briefing paper, 'Walking the Talk: Supporting young LGBTIQ+ people in our COVID-19 adaptation and response', focuses on the challenges faced by young people who are LGBTIQ+. It provides critical guidance to addressing these challenges within the context of the COVID-19 response and aims to support Plan's teams to 1) understand the unique needs, vulnerabilities and capabilities of LGBTIQ+ youth during the COVID-19 outbreak and 2) ensure the inclusion of young LGBTIQ+ people in COVID-19 response interventions and adaptation of programmes, in line with Plan's commitments to gender equality and challenging exclusion of vulnerable children in society.

The report examines the entirety of the programme cycle, identifying how the inclusion of LGBTIQ+ people can be improved in the phases of preparation, initial response, mitigation and recovery, in addition to outlining the do's and don'ts for 'do no harm and risk mitigation'. This approach to the inclusion of LGBTIQ+ peoples is applied to the key pillars of Plan's COVID-19 response which include Water, Sanitation and Hygiene, Child Protection, Health (including SRHR), Education (Including Early Childhood Development) and Social Protection. This commitment to addressing LGBTIQ+ issues is not new or novel for Plan International, with LGBTIQ+ issues being addressed at the organisational level as part of Plan International's Strategic Inclusion Review in 2012.

Where local SOGIESC civil society organisations are not available, the Australian Government should engage with regional intermediary organisations (such as Asia-Pacific Transgender Network, APCOM) which can help development agencies work with and for local actors, supporting them to grow.

The Australian Government should also identify and nurture support for LGBTQIA+ human rights, including in the work led by faith-based organisations and leaders, partner governments, other NGOs and community groups, research institutions and the private sector. Through its strong reputation and partnerships there is an opportunity for Australia to identify multiple organisations or coalitions of support for LGBTQIA+ rights and recognition. Recognising that faith is important to many people in the LGBTQIA+ community, stakeholders can include faith-based organisations who hold influence in the Pacific and encompass a range of denominations and communities. This approach would

also be consistent with the Government's firm commitment to a locally led approach to development cooperation, and humanitarian assistance.

> **WaterAid Australia**
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> A gender audit conducted by WaterAid in 2019 revealed that 84% of staff reported as having limited to moderate knowledge and skills for the inclusion of people with diverse SOGIESC in their programs. This catalysed a series of internal learning and partnership opportunities to strengthen WaterAid's approach towards the inclusion and engagement of LGBTQI+ people in their programmes.
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> In Timor-Leste, WaterAid worked with local rights partners and networks to map out ideas and opportunities for collaboration. This led to LGBTQI+ rights groups attending national WASH working group meetings, and the hosting of internal cross-learning workshops with our staff and partners. In 2021, WaterAid partnered with Edge Effect, who designed and delivered a bespoke online training course exploring practical ways to achieve inclusion of diverse SOGIESC inclusion in WASH programs. The course supported in-country teams to build their awareness, rights-based language and practical tools to foster new partnerships and do data disaggregation safely.
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> In 2022, WaterAid Australia collectively developed an organisational-wide LGBTQI+ Statement of Intent. Led by a small working group, an all-staff workshop co-shaped the statement in celebration of IDAHOBIT day and mapped out a set of key actions to guide our commitment to rights and inclusion. Since developing the statement, WaterAid country programs have embedded reaching people with diverse SOGIESC into their five-year strategies and have been integrating inclusive steps into programming tools focused on GEDSI.

Funding for local CSOs

For the reasons outlined above, Australia should increase its support to civil society organisations working to advance inclusion and equality in their context.

As outlined in the report "Partnering with Pride: The case for Australian action on equality in our region", Australia spent just $700,000 on grants for diverse SOGIESC rights work outside of Australia in 2019 and 2020. This is in stark contrast to the Netherlands, Sweden and Canada, who spent $75 million, $34 million and $25 million respectively.

The announcement of a new Inclusion and Equality Fund, with an initial value of $3.5m, aimed at supporting CSOs and human rights defenders is very welcome. However, given the need for support to advance SOGIESC-inclusion and equality in our region, its size should be increased as a matter of priority. ACFID recommends increasing the fund to $15m per annum (**Recommendation 5**).

Several of ACFID's recommendations to [DFAT on the Locally Led Guidance Note](#) will be relevant to the design of this fund. In particular, it will be important to ensure that the Fund is accessible to small, grassroots organisations, especially in terms of the reporting, compliance and due-diligence requirements.

Leveraging existing programs to advance inclusion and equality

Another effective approach for advancing LGBTQIA+ inclusion and equality is to work through existing programs and initiatives that may perhaps already reach people with diverse SOGIESC, especially sexual and reproductive health services, disability support services, gender-based violence and disaster response. Supporting the mainstreaming of LGBTQIA+ inclusion within issues that are a priority for local communities, and framing this in terms that are most relevant for those communities (e.g. safety and protection in the context of disaster response, conflict and emergencies), helps to increase effectiveness as well as promote locally led solutions. For example, the [Water for Women guidance on Partnerships for WASH and Rights Holder Organisations](#) outlines specific guidance on partnerships with sexual and gender minority organisations and mainstreaming approaches in the water, sanitation and hygiene sector. The guidance includes case studies on the development of LGBTQIA+ friendly public WASH facilities and integration of the needs of transgender people to urban planning.

The Australian government could consider providing small grants to add an inclusion or equality focus to existing programs that are reaching people of diverse SOGIESC. Alternatively, scaling up primary healthcare services, such as those targeting sexual and reproductive health, mental health and domestic and family violence, could expand the availability of these services to LGBTQIA+ people. In particular, the Australian Government should consider expanding its support for comprehensive sexual health education programs and training with the aim to increase inclusion of diverse SOGIESC; rollout of STI testing and counselling; promotion of strategies the prevent STI transmission (e.g. condoms); access to HIV prevention such as PrEP and PEP; and locally led research and advocacy for the development of comprehensive HIV services (**Recommendation 6**). HIV health care services should always be complemented by programming to raise awareness and combat stigmatisation of living with HIV, and also with decentralisation of HIV services to community organisations. Ensuring that all people have access to health services in a safe and equitable way is a human rights outcome itself.

Intersectionality

ACFID strongly supports an intersectional approach to Australia's development cooperation and humanitarian assistance program. In the context of LGBTQIA+ human rights, this means regular and explicit awareness that the needs and experiences of people with diverse SOGIESC will vary widely, even in the same context. It is important to account for factors such as race, class, ethnicity, age, disability and social status in ensuring that programs reach all LGBTQIA+ people. Through our work, ACFID members understand that

the concept of asexuality may not be accounted for in some contexts, and some intersex organisations prefer to be separately recognised to LGBTQIA+ issues.

> **Samoan artist and fa'afafine, Yuki Kihara, explaining the importance of avoiding gender binaries in supporting development in the context of climate changes.**
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> "Traditionally, in our roles as fa'afafine and fa'afatama, we are the caretakers of young children and the elderly. Those are the same roles that we do in the event of climate change and disaster risk management. So, to take those [roles] away from us, that were culturally designated, into the western binary system of 'man' and 'woman', it doesn't actually recognise the resilience of the culture and how everybody contributes to the sustainability and the recovery of our traditions and our culture"'.
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> [Beyond men and women: a critical perspective on gender and disaster](#)

Inclusive data, monitoring and evaluation

As part of efforts to mainstream a focus on LGBTQIA+ human rights in Australia's development cooperation and humanitarian assistance program, Australia should seek to ensure data-collection, monitoring and evaluations processes are inclusive of people with diverse SOGIESC. We note that this may not always be appropriate and safe to do so, but at least considering ways to include sexual and gender minorities should be a baseline requirement for all programs (**Recommendation 7**).

Tools, mechanisms and plans to monitor and evaluate SOGIESC-inclusion in international development are sorely lacking. Research by UN Women and Edge Effect shows that humanitarian assessments across different areas frequently omit diversity of SOGIESC or will mention SOGIESC in passing but not provide any of the required substance required for response planning, evaluation or data collection. This report – *[The Only Way Is Up](#)* – includes a benchmarking and evaluation tool for SOGIESC inclusion which could offers a strong model for practice in this area.

Appendix A - About ACFID

The Australian Council for International Development (ACFID) is the peak body for Australian non-government organisations involved in international development and humanitarian action.

OUR VISION

Our vision is Australia acting with compassion and fairness for a just, sustainable and equitable world.

OUR SHARED PURPOSE

Our purpose is to lead, unite and support international development and humanitarian organisations to realise our vision.

ABOUT ACFID

Founded in 1965, ACFID currently has 125 full members and 22 affiliate members operating in more than 79 developing countries. The total revenue raised by ACFID's membership from all sources amounts to $1.83 billion (2020 - 21), $721 million of which is raised from over 996,000 thousand Australians. ACFID's members range between large Australian multi-sectoral organisations that are linked to international federations of NGOs, to agencies with specialised thematic expertise, and smaller community-based groups, with a mix of secular and faith-based organisations.

ACFID members must comply with the ACFID Code of Conduct, a voluntary, self-regulatory sector code of good practice that aims to improve international development and humanitarian action outcomes and increase stakeholder trust by enhancing the transparency, accountability and effectiveness of signatory organisations. Covering 9 Quality Principles, 33 Commitments and 92 compliance indicators, the Code sets good standards for program effectiveness, fundraising, governance and financial reporting. Compliance includes annual reporting and checks. The Code has an independent complaint handling process.

Full Members:

- A Liquid Future
- ACC International Relief
- Act for Peace - NCCA
- Action on Poverty
- ActionAid Australia
- Adara Development Australia
- ADRA Australia
- Afghan Australian Development Organisation
- Anglican Overseas Aid
- Anglican Relief and Development Fund Australia

- Anglicans in Development
- ASHM Health
- Asian Aid Organisation
- Assisi Aid Projects
- Australia for UNHCR
- Australian Afghan Hassanian Youth Association
- Australian Doctors for Africa
- Australian Doctors International
- Australian Himalayan Foundation
- Australian Lutheran World Service
- Australian Marist Solidarity Ltd
- Australian Medical Aid Foundation
- Australian Red Cross
- Australian Respiratory Council

- AVI
- BridgIT Water Foundation
- Brien Holden Vision Institute Foundation
- Burnet Institute
- CARE Australia
- Care for Africa
- Caritas Australia
- CBM Australia
- ChildFund Australia
- CLAN (Caring and Living as Neighbours)
- Cufa
- Destiny Rescue Australia
- DAISI (Doctors Assisting in South Pacific Islands)
- Diplomacy Training Program
- Disaster Relief Australia
- Door of Hope Australia Inc.
- Edmund Rice Foundation (Australia)
- EDO NSW
- Educating the Future
- Engineers without Borders
- Evergreening Global Alliance
- Every Home Global Concern
- Family Planning New South Wales
- Fairtrade Australia New Zealand
- FemiliPNG Australia
- Foresight (Overseas Aid and Prevention of Blindness)
- Global Mission Partners
- Good Return
- Graceworks Myanmar
- Habitat for Humanity Australia
- Hagar Australia
- HealthServe Australia
- Health Equity Matters
- Home in Place
- Hope for Children
- HOST International
- Indigo Foundation
- International Justice Mission Australia
- International Needs Australia
- International Nepal Fellowship (Aust) Ltd
- International Women's Development Agency
- Interplast Australia & New Zealand
- Islamic Relief Australia
- John Fawcett Foundation
- KTF (Kokoda Track Foundation)
- Kyeema Foundation
- Live & Learn Environmental Education
- LiteHaus International
- Love Mercy Foundation
- MAA International (Muslim Aid Australia)
- Mahboba's Promise Australia
- Mary MacKillop Today
- Mary Ward International Australia
- Mercy Ships Australia
- Mercy Works Ltd.
- Mission World Aid Inc.
- MIT Group Foundation
- MSI Asia Pacific
- Murdoch Children's Research Institute
- Opportunity International Australia
- Our Rainbow House
- Oxfam Australia
- Pacific Assist
- Palmera Projects
- Partner Housing Australasia
- Partners in Aid
- People with Disability Australia
- Plan International Australia
- Pollinate Group
- Project Rozana
- Quaker Service Australia
- REACH for Nepal
- RedR Australia
- Reledev Australia
- Royal Australasian College of Surgeons
- Salesian Missions
- Salvation Army International Development
- Save the Children Australia
- School for Life Foundation
- SeeBeyondBorders
- Sight For All
- So They Can
- Sport Matters
- St John of God Outreach Services
- Surf Aid International
- SUSTAIN Projects Myanmar

- Symbiosis International
- Tearfund Australia
- The Fred Hollows Foundation
- The Leprosy Mission Australia
- The Nusatenggara Association (NTA), Inc
- The Oaktree Foundation
- This Life
- Transform Aid International (incorporating Baptist World Aid)
- UNICEF Australia
- Union Aid Abroad-APHEDA
- UnitingWorld
- Water for a Village
- WaterAid Australia
- Worldshare Australia
- World Vision Australia
- WWF-Australia
- YWAM Medical Ships

- University of Queensland – **International Development**
- University of Sydney – Office of Global Engagement
- University of Technology, Sydney – Institute for Sustainable Futures
- Vision 2020
- Western Sydney University- School of Social Sciences and Psychology
- Women's Plans Foundation

* Denotes Interim Full Member

** Denotes Interim Affiliate Member

Affiliate Members:

- Australian National University – Development Policy Centre
- Deakin University – Alfred Deakin Research Institute
- Global Citizen
- Global Health Alliance Australia
- Institute of Economics and Peace
- James Cook University – The Cairns Institute
- La Trobe University – Institute of Human Security and Social Change
- Monash Sustainable Development Institute
- Refugee Council of Australia
- RESULTS International Australia
- Transparency International Australia
- United Nations Association of Australia
- Unity Housing
- University of New South Wales- Institute for Global Development