



GUIDE TO INCLUSION OF LGBTI PEOPLE IN DEVELOPMENT AND FOREIGN POLICY



OUTRIGHT
ACTION INTERNATIONAL



Cover photo: EU ambassador to Paraguay Paolo Berizzi (center, left), British ambassador to Paraguay Matthew Hedges (center, front) and US ambassador to Paraguay Lee McClenney (center, right) pose with revelers and flags during the Pride Parade in Asunción on June 29, 2019 (Photo: Norberto Duarte / AFP via Getty Images)

Above: A diverse group of marchers chant slogans during Belgian Pride 2019, held under the theme “All for One” and aimed at recognizing intersectionality while celebrating unity among LGBTI movements. Over 100,000 people attended the event and the parties around the center of the town. (Photo: Ana Fernandez/SOPA Images/LightRocket via Getty Images)



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OutRight Action International works at a global, regional and national level to eradicate the persecution, inequality and violence lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people face around the world. From its offices in seven countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight has recognized consultative status at the United Nations.

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South African human rights activists protest outside the Home Affairs' Offices May 20, 2010 in Cape Town, South Africa, after a court in Malawi sentenced two people to 14 years in prison for consensual same-sex relations. (Photo: Nardus Engelbrecht Gallo Images / via Getty Images)



Executive Summary

Although human rights belong to everyone by virtue of being human, the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people are too often not recognized as such.

Violence and discrimination toward LGBTI people, and others whose gender identity, gender expression or sexual orientation situate them outside dominant social norms, are pervasive in every region of the globe and are gaining increased attention across foreign affairs and development cooperation institutions. However, incorporating consideration of the human rights of LGBTI people into diplomacy and development is still a relatively new practice, and such work is often conducted ad hoc and unsystematically across governments.

This guide aims to contribute to the body of knowledge providing effective approaches for diplomats and development officers promoting LGBTI equality. The guide is organized in three main categories of foreign engagement: crisis response moments, windows of opportunity, and long-term sustained commitment. It offers best practice benchmarks and potential pitfalls to avoid, proposes ethical principles and legal frameworks that can guide LGBTI inclusion efforts, and suggests strategies to institutionalize LGBTI people's rights in foreign policy and development cooperation. It proposes an intersectional and anticolonial approach to advancing the rights of LGBTI people, informed by theories of power and cognizant of the value of allyship. Finally, it proposes that governments bring rigor into their efforts to advance LGBTI equality by implementing monitoring, evaluation and learning plans that take into account the particularities of LGBTI-inclusive programming in hostile or unpredictable contexts.

¹ This report utilizes the acronym "LGBTI" for lesbian, gay, bisexual, transgender, and intersex people because this acronym is the most widely used across international institutions to refer to these communities in 2021. The acronym LGBTI is intended to be inclusive of a broad range of people of diverse sexual orientations and gender identities. In other recent publications by OutRight Action International, we have also used the acronym LGBTIQ, where Q denotes queer. Identities are context specific, and communities that face marginalization on the basis of sexual orientation, gender identity, gender expression or sex characteristics refer to themselves in different ways throughout the world and across generations.



US Ambassador to Ukraine Marie Yovanovitch (center) takes part in the Pride march in central Kiev on June 17, 2018. Several thousand people took part in Kiev's Pride event amid a heavy police presence. Ukrainian police detained 56 far-right activists who tried to interrupt the Pride march, the police said in a statement. (Photo: Genya SAVILOV / AFP via Getty Images)



Introduction

Violence and discrimination against people marginalized by virtue of their sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC) are pervasive in every region of the world.

As of 2021, approximately 68 countries outlaw same-sex sexual relations; with seven prescribing the death penalty.² 81 countries have in place laws protecting people from discrimination on the basis of sexual orientation or gender identity; they are outnumbered by countries that have no such protections.³ Only 15 countries allow transgender people to change the gender markers on their official documents based on self-determination. Violations of the rights of lesbian, gay, bisexual, transgender, intersex (LGBTI) people include but are not limited to violence by actors ranging from the security forces to families and members of the public; discrimination in education, employment, housing, and access to goods and services; harmful and medically unnecessary surgeries on intersex children; prohibitions on freedom of expression, assembly and association for those asserting the rights of LGBTI people; and harmful and abusive sexual orientation and gender identity change efforts (so-called “conversion therapy”). In many contexts, LGBTI people and communities are scapegoated for societal problems, including most recently the COVID-19 pandemic.⁴

Diplomats have historically remained silent on domestic affairs related to sexual orientation, gender identity and expression, and sex characteristics. That is changing. Today approximately 15 countries formally incorporate discussion of LGBTI inclusion in foreign policy documents. An additional 27 countries engage on LGBTI rights in the Equal Rights Coalition.⁵ Still others take up human rights issues related to SOGIESC within multilateral institutions such as the United Nations, the Council of Europe, and the Organization of American States.

2 Human Rights Watch. “#Outlawed. “The Love That Dare Not Speak its Name.” http://internap.hrw.org/features/features/lgbt_laws/

3 Daniele Paletta, “ILGA World Updates State-Sponsored Homophobia Report: “There’s Progress in Times of Uncertainty,” December 15, 2020, <https://ilga.org/ilga-world-releases-state-sponsored-homophobia-december-2020-update>

4 Amie Bishop, “Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTI people”, OutRight Action International, May 6, 2020, <https://outrightinternational.org/content/vulnerability-amplified-impact-covid-19-pandemic-lgbti-people>

5 Equal Rights Coalition. “The Equal Rights Coalition” (ERC). <https://equalrightscoalition.org/>

LGBTI-inclusive diplomacy and development—broadly defined as *global policies and programs with the goal of promoting the legal, social, political, and economic equality of LGBTI persons*—now encompasses a diverse range of policy responses in bilateral and multilateral relations.⁶ As these approaches are relatively new, policy choices are often unmethodical. Guidance on best practices for inclusive diplomacy and development work is needed for diplomats and development practitioners⁷ to pursue effective policies and programs that improve the lives of LGBTI people globally and contribute to durable change.

Advancement of the human rights of LGBTI people abroad should be guided by legal frameworks, ethical considerations, and movement priorities. Although there is no specific treaty or convention on LGBTI people's rights, all international and regional treaties apply and have relevance for LGBTI people. The **Yogyakarta Principles** and the **Yogyakarta Principles Plus 10 (YP+10)** outline how international human rights law applies in relation to sexual orientation, gender identity, gender expression and sex characteristics. They cover a range of political, economic, cultural, and social rights as related to LGBTI people.⁸

With regard to ethical considerations, a fundamental commitment within any LGBTI-inclusive foreign policy response is to **do no harm, but do something**. Diplomats and development practitioners should ensure that interventions do not put LGBTI people in danger; however, they should also not use the possibility of risk as a reason to do nothing. Every intervention carries some risk. The challenge

is to proactively manage risk rather than to use risk as a justification to remain inactive.

A second ethical principle to bear in mind is **“nothing about us without us.”** LGBTI people are the experts on their own lives. LGBTI people and movements must be centered in decision-making. They should be engaged in the design, implementation and evaluation of activities.

This guide is organized in three main categories of foreign engagement: crisis response moments, windows of opportunity, and long-term sustained commitment. A large portion of contemporary LGBTI diplomatic work takes place in crisis, when governments promulgate laws that restrict LGBTI people's freedom, or authorities conduct raids or mass arrests in which people are targeted on the basis of their real or perceived sexual orientation or gender identity. Windows of opportunity include developments that lead to sudden momentum toward progress, such as potential for decriminalization or new political openings for civil society. Such positive developments often do not make international headlines, and therefore can remain under-resourced by the international community. Supporting positive momentum during windows of opportunity is vital to incremental change at all levels – local, regional, and global.

Finally, this guide discusses best practices for long-term sustained commitment to advancing the rights of LGBTI people. Due to changes in governments in donor nations or faltering political will, only a handful of foreign ministries globally have maintained sustained financial and political commitment over the last decade. Yet, especially in light of a growing backlash against LGBTI equality in the guise of “anti-gender” and “anti-LGBTI propaganda” movements, LGBTI rights movements critically need durable diplomatic and donor support.

6 Rainer, Elise Carlson. *From Pariah to Priority: How LGBTI Rights Became a Pillar of American and Swedish Foreign Policy*. SUNY Press, 2021.

7 Throughout this report, OutRight uses the term “development practitioners” to refer to employees of development cooperation agencies.

8 “The Yogyakarta Principles”
<http://www.yogyakartaprinciples.org/>.

Yvonne Oduor, Gay and Lesbian Coalition of Kenya operations officer, speaks at OutSummit in 2019. (Photo: Brad Hamilton Photography)



Methodology

The methodology for drafting this guide included:

- 1) semi-structured interviews with key stakeholders;**
- 2) an extensive desk review of the LGBTI diplomatic and development landscape;**
- 3) primary source data collection across the LGBTI advocacy community.**

Research focused on the 15 countries in which the team identified efforts to incorporate the human rights of LGBTI people as a formal aspect of their foreign policy mandates—Argentina, Australia, Canada, Denmark, Finland, France, Germany, Iceland, Italy, South Africa, Sweden, Netherlands, Norway, United States, and Uruguay, along with the European Union. From June to October 2021, the research team carried out interviews with experts in this field including diplomats, development practitioners, and LGBTI civil society advocates.

The team also conducted content analysis of government reports, policy platforms, formal statements, press releases, and funding portfolios of international development agencies and Ministries of Foreign Affairs, as well as reports by civil society groups, foundations, human rights organizations, and multilateral organizations.



Victor Madrigal-Borloz, UN Independent Expert on sexual orientation and gender identity, speaking at OutSummit 2019 on December 7, 2019. (Photo: Brad Hamilton Photography)

The Value of an Explicitly LGBTI-Inclusive Foreign Policy and Development Cooperation Framework

For decades, diplomacy and development efforts systematically excluded LGBTI people.

While some countries' foreign policies have long been responsive to certain human rights issues—arrests of political prisoners, torture, crimes against humanity—specific rights violations impacting LGBTI people were rarely if ever addressed before the turn of the century, and attention to such violations remained sporadic until the last decade. In part, inaction on the rights of LGBTI people derived from the fact that LGBTI-phobia was deeply entrenched in most countries, and even where that began to change, knowledge of how to ensure inclusion of communities which remained heavily persecuted was lacking. The relative invisibility of LGBTI people in some societies—a result of social exclusion, discrimination, and violence or the threat of violence—meant there was also little pressure on diplomats and development practitioners to adopt more inclusive approaches. When development programs began to consider sexual and gender diversity, it was often in the context of HIV prevention, where men who have sex with men were recognized as a key population requiring focused prevention and treatment strategies. Lesbian and bisexual women, trans people, and intersex people remain largely invisibilized in a great deal of foreign engagement.

The emergence in almost every country on earth of visible LGBTI movements that demand recognition of their existence and rights, alongside the increasing opportunities created by legal and policy reform, and the explicit expression of the applicability of human rights principles

Helena Dalli, Minister for EU Affairs and Equality, at a Commission on the Status of Women side event, “Transgender and gender conforming people and access to public services challenges and best practices,” on March 14, 2019, at UN Headquarters, NY. (Photo: Brad Hamilton Photography)



for LGBTI people by international bodies, means that LGBTI people globally can no longer be ignored. But where to begin, given the vast array of challenges posed by a global context in which 68 countries still criminalize same-sex relations and in which nearly every country can be taken to task for inadequately protecting LGBTI people from violence and discrimination?

Having an explicit LGBTI policy mandate can begin to address some of these concerns, formally solidifying LGBTI inclusion as an important foreign policy concern and issue of national interest. It can prepare diplomats and employees of development agencies with an understanding of available tools when entering their posts. It can ensure a greater degree of continuity in country-specific policy objectives, prompt diplomats to foster connection with LGBTI civil society groups, and lay the groundwork for sustained inclusion of LGBTI people across all development work as well as funding of specific work aimed at advancing the rights of LGBTI people. It can compel the integration of LGBTI inclusion into broader foreign policy interests.

An LGBTI-inclusive policy that is disaggregated—that considers the diverse needs of lesbians, gay men, bisexual people, transgender and non-binary people, and intersex people, as distinct groups while also being part of a larger collective—means that lesbian and bisexual women, trans people and intersex people will no longer be left behind. An LGBTI-inclusive policy that is intersectional—taking into account the multiple and intersecting forms of marginalization and discrimination to which LGBTI individuals may be subjected on the basis of a range of identities, including race, ethnicity, religion, ability, and socioeconomic class—creates a framework for prioritizing the most marginalized and for building alliances across movements.

An explicitly LGBTI-inclusive foreign policy and development cooperation framework also sends the message to LGBTI people around the world that foreign governments have their backs—a crucial form of protection that allows activists to carve out the space to advance LGBTI social movements.



Overarching Considerations in LGBTI-Inclusive Foreign Policy and Development Cooperation

Diplomacy and development that is inclusive of people of diverse sexual orientations, gender identities and expressions, and sex characteristics should take as its starting point several fundamental groundings: in international law, in ethics, and in movement priorities.

Grounding in International Law and Development

Any LGBTI-inclusive foreign policy should be rooted in the Yogyakarta Principles, a set of principles developed by international legal experts on the application of existing international human rights law in relation to sexual orientation and gender identity,⁹ and the Yogyakarta Principles Plus Ten (YP+10), which draws from emerging standards regarding state obligations vis-a-vis sexual orientation and gender identity as well as “the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.”¹⁰ The principles provide a human rights law framework to address common violations impacting LGBTI people, ranging from the right to a fair trial, to the right to education, to the right to the enjoyment of human rights in relation to information and communication technologies. The Yogyakarta Principles do not set forth “new” or “special” rights. They derive from the application of major international treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Culture Rights, and the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment. Diplomats and development partners should commit themselves to supporting LGBTI people worldwide in the

9 “The Yogyakarta Principles”, <https://yogyakartaprinciples.org/>

10 “The Yogyakarta Principles +10”, <https://yogyakartaprinciples.org/principles-en/yp10/>

attainment of these rights, guaranteed under treaties to which most countries—even those that routinely violate LGBTI people’s rights—have signed on.

Engagement should also take cues from major international agreements such as the United Nations 2030 Agenda for Sustainable Development. Although sexual orientation, gender identity, gender expression and sex characteristics are not explicitly mentioned in Sustainable Development Goals (SDGs), inclusion of LGBTI populations is critical to realizing member states’ pledge that “no one will be left behind.”¹¹

Do No Harm, But Do Something

A fundamental commitment within any LGBTI foreign policy and development cooperation engagement is to do no harm, but to do something. Diplomats and development practitioners should ensure that interventions do not put LGBTI people at risk, for instance by directly exposing individual activists or participants in an activity or program to hostile government officials, or by contributing to a public backlash. At the same time, aversion to risk should never be used as a justification to do nothing.

To put the “Do No Harm” principle into practice, prior to commencing programmatic work, diplomats and development partners should assess the impact a program or intervention might have on the security and well-being of LGBTI people and movements.

This may include assessing, inter alia:

- the safety of meeting locations
- the security of program participant names and material

- the digital security of communications for participants
- risks of branding of materials
- any publicity around the event
- possible LGBTI-phobia of on the ground staff

An LGBTI-supportive foreign embassy in Côte d’Ivoire posted photographs on its website of LGBTI advocates at an embassy event. While their organizations reportedly provided consent, the individuals in the photos did not. Members of the public saw the posting, recognized some of the participants, and physically assaulted them, forcing them to leave their homes. Several important lessons emerge from this incident: First, consent is individual, not institutional. Second, embassies have a duty to conduct their own risk assessment before publishing photos of this nature: have these individuals been publicly “out” as LGBTI in the past? Is the embassy prepared to respond to any risk that arises as a result of publishing such photos? LGBTI-inclusive diplomatic efforts must not cause harm to the people they are meant to serve.¹² LGBTI-inclusive programs must sometimes remain unpublicized to ensure safety.

The potential harm to LGBTI communities needs to be regularly assessed against the benefits of public diplomacy. Diplomats and development practitioners should apply a do no harm principle to decisions around publicizing events or funding for in-country civil society groups. Many international aid agencies have standards of branding program material. It may be appropriate to waive branding standards to ensure the safety

11 United Nations, Department of Economic and Social Affairs, “Transforming our world: the 2030 Agenda for Sustainable Development,” <https://sdgs.un.org/2030agenda>, Introduction, paragraph 4.

12 “Gay Ivory Coast men allegedly attacked over photo of Orlando shooting event,” *The Guardian*, June 29, 2016, <https://www.theguardian.com/world/2016/jun/29/gay-men-attacked-ivory-coast-us-embassy-photo>

of program participants and mitigate the risk of backlash in contexts where associating LGBTI issues with international or foreign organizations can pose a risk. This can be especially risky where there is a strong sentiment that LGBTI issues are “Western.” Ensuring LGBTI people’s protection often means not publicizing some programming, or not publicizing the LGBTI-inclusivity of programming – one does not have to assert LGBTI inclusivity in order to ensure it.

Diplomats and development practitioners need to maintain a strict policy of consent regarding featuring individuals in pictures or identifying images – while some activists may want their picture published, many do not. Strict procedures need to be in place regarding collecting and working with data from LGBTI participants in any program or event.

The Swedish non-governmental organization RFSL provides the following “do no harm” guidance:

Development practitioners must envision, and remain vigilant for, possible harmful repercussions from interventions several steps ahead and base decisions on this scenario analysis. Consultation with the community is essential. Considerations might include [ensuring] safe spaces, meeting locations, security of offices and equipment, and methods of communication. Additionally, regarding the visibility of development activities, practitioners should consider the benefits of avoiding visibility where it might trigger hostile responses, or encouraging visibility where it might serve a protective function. Thus, modifications of funder branding requirements, attendance at public events at meetings, media activities, and public engagement should be considered.¹³

13 Andrew Park and Lucas Mendos. Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL) November 2018. “Guiding Principles on the Inclusion of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) People in Development Policy and Programs.” https://www.rfsl.se/wp-content/uploads/2018/11/RFSL_Guiding-Principles_final_digital.pdf, p. 25.

Partners should secure the consent of individuals and organizations to utilize their data, and ensure confidentiality and the protection of privacy. Risk assessments should be ongoing and iterative; a risk assessment completed in Kenya in 2016 may no longer be applicable in 2017, after elections in the country heightened political tensions.

It is crucial to recognize that every intervention carries some risk, and that the challenge is to proactively manage risk rather than to use risk as a justification to remain inactive. Abiding by the Do No Harm principle does not mean “do nothing.” There is a balance between Do No Harm and engagement. Stakeholders interviewed for this report lamented observing diplomats refusing to engage on LGBTI diplomacy when they found the work too contentious. LGBTI rights diplomacy is complicated work done in multifaceted environments, and activists may disagree on risk assessment and their recommendations for responses from foreign governments. Rather than disengaging from this work, stakeholders interviewed for this report recommended strategic consultation with civil society organizations to generate creative direct or indirect approaches to improve human rights, rule of law, and civil rights that impact LGBTI communities and the society at large.

An option where overt promotion of the rights of LGBTI people can be dangerous is to implement broader human rights programming that will advance inclusion—for instance, human rights training for young lawyers or activities to advance media freedom or gender equality—with deep intentionality regarding such programs’ intended outcomes for LGBTI equality, even if such objectives are not publicized.

Another approach where public diplomacy is not possible is to ensure that programming is inclusive. For example:

[rfsl.se/wp-content/uploads/2018/11/RFSL_Guiding-Principles_final_digital.pdf](https://www.rfsl.se/wp-content/uploads/2018/11/RFSL_Guiding-Principles_final_digital.pdf), p. 25.

- Avoid using binary definitions of gender.
- Don't use narrow definitions of family.
- Where same-sex relations are criminalized or active persecution of LGBTI people is ongoing, do not conduct programs aimed at members of the public at police facilities, and avoid using other government buildings for programming, where possible.
- Numerous international organizations provide security trainings to LGBTI activists.¹⁴ In contexts in which in-country trainings are too dangerous, organize civil society trainings in a neighboring country, invite advocates from that country as well, and foster transnational advocacy efforts.

Do No Harm does not mean “do nothing.” In most contexts, LGBTI diplomacy is complex and contentious. At times, diplomats have become paralyzed by inaction due to in-country tensions. Activists sometimes expressed feeling abandoned by foreign governments. It is important not to allow the difficult nature of LGBTI diplomacy and development cooperation to hinder action.

Nothing About Us Without Us

While countries dedicated to promotion of LGBTI equality may have notions of how equality was achieved at home and how it can be achieved elsewhere, it is important to remember that every country and even locality is different. Therefore the principle of “nothing about us without us” is absolutely crucial. LGBTI civil society movements must be centered in decision-making, and should be engaged in the design and implementation of activities. Most countries in the world have some

¹⁴ See Freedom House's Preventive Security Workshops specifically for LGBTI human rights defenders offered around the globe: <https://freedomhouse.org/programs/LGBTI-assistance>

form of LGBTI movement, often through unofficial groups. In countries in which there is no active or visible LGBTI movement, diplomats and development partners can still take a stand for fundamental human rights of LGBTI people in certain circumstances—for instance, by speaking out against arbitrary arrests, acts of violence, or other egregious human rights abuses when they occur, and by ensuring their own programming is inclusive. In such contexts it is advisable to avoid undertaking largely symbolic actions that could impact LGBTI people's security, such as flying a Pride flag outside an embassy.

The social movement toward LGBTI equality is a transnational, interconnected global movement. If no in-country organization exists, diplomats and development partners can contact global or regional organizations, which can help diplomats understand priorities in the region and generate creative approaches to engage. Guidance from global or regional organizations, however, cannot be seen as a substitute for engagement with organizations on the ground.

USAID sets out these two fundamental principles:

When working to advance the human rights of LGBTQI+ people, USAID abides by two foundational principles: “do no harm” and “do nothing about them without them.” “Do no harm” means that we take measures to ensure that our efforts do not put LGBTQI+ individuals or groups at increased risk of harm or raise their public profile in a way that could lead to backlash. “Do nothing about them without them” means that we thoughtfully consult with LGBTQI+ individuals and groups before and throughout any engagement designed to support them and their priorities.¹⁵

¹⁵ See: USAID. “Advancing LGBTQI+ Inclusive Development,” June 2021. <https://www.usaid.gov/LGBTQI>

Best Practices and Potential Pitfalls (Dos and Don'ts)

The following diagrams provide a visual overview of, on the one hand, best practices to adopt or adapt to the local context and, on the other hand, potential pitfalls to avoid. They are largely derived from real case studies recounted to the research team by diplomats, employees of development agencies, and activists interviewed as part of this research.

DO! Tried and True Best Practices

POST

- Do follow the principle of “nothing about us, without us” and incorporate in-country LGBTI civil society into policy discussions to generate development initiatives and priorities in their communities. Engage civil society advocates in the design, implementation, and evaluation of activities.
- Do provide safe spaces for CSOs to meet.
- Do cultivate positive working relationships with reform-minded in-country government allies and progressive opinion leaders, and engage them in action-oriented discussions and planning.

CAPITAL

- Do establish a central office or focal point on global LGBTI rights within ministries of foreign affairs and ministries of development cooperation. Draft a policy and outline a budget for advancing the rights of LGBTI people.
- Do send high-level dignitaries to countries of concern to raise concerns about severe instances or patterns of anti-LGBTI violence and discrimination, where possible as part of a multinational and cross-regional group to demonstrate unity.
- Do include LGBTI rights across human rights dialogues, as well as in development initiatives, trade and security cooperation.
- Do implement funding and reporting requirements on LGBTI inclusion for all embassies and foreign posts.
- Do ensure that LGBTI inclusion efforts are mainstreamed throughout MFAs and development cooperation agencies, and that they do not remain the exclusive province of human rights bureaus.

BOTH

- Do support and strengthen civil society organizations, with long-term, sustainable funding, including core funding, and political support.
- Do be prepared to work with and fund informal networks and non-registered civil society organizations. In criminalizing or restrictive environments, CSOs may not be permitted to register or may be harassed if they seek formal approval.
- Do consult global or regional LGBTI organizations or peer stakeholders from, for example, the Equal Rights Coalition.
- Do increase quantity and quality of development cooperation projects that are inclusive and take into account the specific issues facing LGBTI people.
- Do welcome local, national, regional and global LGBTI organizations into embassies, posts and development agencies to participate in diplomatic functions and events related to gender, human rights, development, and other related topics.
- Do recognize that there is no monolithic “LGBTI community,” globally or in any country. Understand the ways in which discrimination and violence differentially affect lesbian, gay, bisexual, transgender and intersex people. Maintain contacts with representatives of different groups within the “LGBTI” constellation, with an emphasis on engagement with underrepresented groups. Seek to understand other key differences that may impact LGBTI peoples’ needs, for instance, rural v. urban, race, ethnicity, indigeneity, religion, disability, etc.
- Do engage in diplomatic efforts behind closed doors, utilizing all levers of power, when necessary to avoid backlash and other unwanted outcomes.
- Do establish monitoring and evaluation plans for all activities aimed at LGBTI-inclusion.

DON'T!

Potential Pitfalls to Avoid

Don't create one-size-fits-all LGBTI-inclusive diplomacy and development programs.

Instead, tailor country- and region-specific strategies that are agile and updated regularly.

Don't assume that financial or technical support provided to an "LGBTI" civil society group will reach LGBTI communities equitably, or that gay men speak for LGBTI people writ large.

Instead, work with in-country civil society groups that represent (not in name only) various L, G, B, T, and I communities, and that also represent other marginalized vectors of identity (around race, gender, class, ability, etc.) that may be relevant in any given context and issue. Recognize power dynamics within LGBTI movements that influence different approaches.

Don't solely rely on activists who are not actually in the country or have fled the country.

Instead, while diaspora voices are important to engage, consider them alongside perspectives in-country activists and stakeholders to have a full overview and to be able to verify information.

Don't engage in public shaming tactics if it may bring harm to LGBTI people; going the route of too visible, too quickly can lead to political backlash. Similarly, do not internationalize campaigns unless asked to by in-country groups, and avoid centering the supporting country in any unwanted visible manner.

Instead, engage publicly and internationalize issues only when advised to do so by in-country groups, or other key human rights advocates in cases in which in-country LGBTI groups are nonexistent or unknown. Silent diplomacy is welcomed by in-country civil society in many cases, provided it is accompanied by some form of transparency and communication to alleviate fears that foreign partners are not doing anything.

Don't assume that LGBTI civil society is monolithic, that one organization speaks as the voice of LGBTI people writ large, or that civil society groups will have a shared assessment of risk assessment or aligned policy recommendations. Differences in opinion across civil society groups are common and natural.

Do be prepared to confront an array of opinions and preferred strategies among LGBTI civil society organizations. Seek to bring organizations together and urge them to identify a concise list of shared priorities and recommendations to the donor and diplomatic community. In the absence of consensus between organizations, carefully weigh the recommendations proposed by a range of groups, through a lens of "do no harm" and with greatest consideration given to the needs of the most marginalized within in-country LGBTI communities. Recognize that "taking the lead from LGBTI civil society" is not straightforward and that donors/partners will have to make judgment calls. Complement civil society recommendations with investment in insider knowledge of government decision-making processes and other factors that may impact choices.

Don't limit engagement to civil society activists who can communicate fluently in your language.

Do contract interpreters to ensure that activists representing all of a country's language groups are able to engage with diplomats and development partners.

Don't provide humanitarian assistance with the mistaken belief that LGBTI people face no greater vulnerabilities than the general population.

Do recognize that LGBTI people may have distinct needs or face forms of discrimination that inhibit their access to services. Foreign aid programming needs to thus be designed specifically to reach LGBTI communities.

Don't condition foreign aid on respect for LGBTI people's rights except in very specific circumstances and with support from in-country LGBTI movements, as discussed further below.

Do recognize that aid conditionality can both lead to backlash against LGBTI communities, and can harm them through the removal of resources. When relying on aid conditionality in exceptional instances, look for ways to bypass government agencies, and direct foreign funds towards civil society organizations and other service delivery partners.

Don't act in isolation so that your government is seen as the "leader" on LGBTI rights in a given country context.

Do recognize the potential benefits of multilateralism. At times it will be most effective to speak in a unified voice. Different donor/partner governments can also strategically engage with different institutions within a rights-violating government to maximize information gathering, play "good cop bad cop," and take turns leading on an issue.

Don't limit LGBTI engagement to crisis response.

Do focus on preventive and long-term work to build movements and combat stigma and discrimination.



Julia Selman Ayetey, lawyer for twenty-one Ghanaian activists who were detained by police and accused of unlawful assembly for attending an LGBTIQ rights advocacy training, speaks to journalists at the Ho Circuit Court in Ho, Volta Region, Ghana, June 4, 2021 (Photo: Francis Kokoroko / Reuters)

LGBTI Inclusion: Crisis, Opportunity, Sustainability

This guide divides diplomatic and development work for the human rights of LGBTI people into three main categories: crisis response, windows of opportunity, and long-term sustained engagement.

Crisis response can be activated by sudden crackdowns by authorities, proposed draconian laws, arrests, harassment and rapid increases in violence against LGBTI people. Windows of opportunity can be understood as potentially positive developments that will be bolstered by political or financial support from foreign governments. Sustained engagement takes a long view toward durable structural change that will contribute to LGBTI equality.

Crisis Response Moments

Political situations can rapidly deteriorate and put LGBTI people at heightened risk of violence and persecution. For example, in 2021, Ghanaian parliamentarians introduced what activists in Ghana described as the “worst anti-LGBTQ bill¹⁶ ever,” requiring rapid mobilization from partners concerns about the bill. In Afghanistan, the Taliban takeover, unanticipated by most foreign observers, immediately heightened the risk of violence against LGBT and possibly intersex people. There is a critical need for agile, rapid crisis response diplomacy and funding to address sudden changes in risk level.

Funding and Civil Society Engagement During Crisis

Donors need to have funding mechanisms in place to be able to catalyze funding and mobilize quickly in response to crisis, whether it is to move LGBTI individuals to safety, to help relocate or

¹⁶ Dan Avery, “Ghana poised to vote on ‘worst anti-LGBTQ bill ever,’ advocates warn,” NBC News, July 29, 2021, <https://www.nbcnews.com/nbc-out/out-news/ghana-poised-vote-worst-anti-lgbtq-bill-ever-advocates-warn-rcna1545>.

Police in Cameroon arrested Shakiro and Patricia, two transgender women, for wearing women's clothing in February 2021. A court sentenced them to five years in prison. © Private, Douala, Cameroon, March 2021



enhance security at a civil society office, to fund lawyers to respond to criminal charges, or to support activists in emergency advocacy efforts.

In these cases, donors must sometimes discreetly provide funds to LGBTI civil society groups on the ground. In times of tremendous societal tension, differences in opinion can emerge from various in-country LGBTI groups about what types of external support may be helpful or harmful. To address potential differences of opinion, diplomats and development partners should bring organizations together and urge them to identify a concise list of common key messages to respond to the crisis. Donors who intend to provide crisis funding should discuss and solicit feedback on the intention of funding, and should be transparent with regard to criteria as to what organization or organizations will be the direct recipient. Ideally, these conversations occur before a crisis response moment, so that there is clarity in approach and priorities are already identified when a crisis begins. Developing a solid grasp of the movement politics, before infusing funding into a movement at a moment of crisis, is crucial for success.

Once it is determined to whom and for what purposes funds will be allocated, the next challenge is efficiently getting funds out the door. Within large bureaucracies, agile responses are often lacking. Currently, a significant portion of crisis-related funding passes through funding mechanisms that have the infrastructure and

capacity to handle emergency funds transfers, like the Dignity for All consortium. Such work could be complemented by governments setting aside funding pots designed for emergencies, from which funds can be retrieved and distributed nimbly and with minimal bureaucratic hurdles.

Governments that fund LGBTI civil society should also consider incorporating a safety net into programmatic funding for civil society organizations. A best practice is to provide a 5% to 10% top-up on any LGBTI programmatic funds, to be put towards emergency funding. This allows civil society organizations to have quick access to funding in response to violence, mass arrests or other crises. If the emergency funds are not used, they can be folded back into the grant and reallocated for other longer-time-horizon work.

Civil society groups need the ability to change some program activities quickly with a low management burden from donors. Rapid response funding, of which the USAID-funded Human Rights Support Mechanism provides one example, should have a minimal administrative burden, and reporting and oversight requirements should take into account the constraints under which activists are working.¹⁷

17 Freedom House, "HRSM Program Interventions," <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/human-rights-support-mechanism-program/hrsm>

In times of crisis, diplomats and development practitioners can direct activists towards emergency assistance funds, such as Freedom House’s “Dignity for All; LGBTI Assistance Program,”¹⁸ or Civil Rights Defenders’ “Emergency Fund.”¹⁹ These funding streams provide emergency assistance and rapid response grants to human rights defenders under attack.

While scaling up certain activities is crucial during crisis, activists also may need the leeway to scale down. In contexts in which anti-LGBTI crackdowns can be anticipated, grant agreements should contain caveats allowing for the cancellation of activities due to security threats.

The Sweden-based Civil Rights Defenders Emergency Fund provides human rights activists security assistance and funds other emergency interventions. The Fund supports numerous LGBTI activists globally with legal aid and, at times, temporary relocation.

Crisis Diplomacy

Certain egregious human rights abuses may call for public condemnation. Public condemnation is rarely sufficient on its own; it must be part of a thought-through strategy aimed at achieving change. At times, public condemnation of abuses can help to deter further abuses by sending a clear message that the targeting of LGBTI people will not go unnoticed. Public diplomacy around anti-LGBTI crises can also result in in-country activists feeling supported, giving them some buffer to continue their own crucial advocacy work.

Effective diplomatic actions during highly tense environments can also include “closed-

door” or “silent” diplomacy. This refers to the diplomatic practice of engaging with the target government away from the press and public eye, especially on politically sensitive issues. Foreign leaders may privately condemn a government’s role in fomenting or failing to address anti-LGBTI discrimination and violence, and may offer economic or political incentives for governments to change course. Closed-door diplomacy is at times the most productive diplomatic tactic for engagement. During such efforts, diplomats may need to refrain from referencing negotiations with the target government in public speeches, meetings, or social media messaging. Consequently, diplomats are often criticized by local or international advocates who may perceive them as inactive. It is crucial to maintain some communication with advocates to assure them that action is being taken, even if it cannot be publicized, and to convey to them the concern that public statements of condemnation might derail strategic diplomatic efforts.

When LGBTI people are arrested, if in-country activists indicate that it will not provoke backlash in the form of further abuses, diplomats can attend court hearings to support victims of arbitrary arrest and signal that the international community is watching. When repressive laws are passed or debated, embassies can fund or carry out technical analysis of the law, providing civil society with arguments in favor of reform. Diplomats can identify and support opinion leaders – ranging from senior religious figures to former heads of state to pop culture icons – who may be able to influence the government or members of the public and help rein in the anti-LGBTI crackdown.

The crisis response toolkit is extensive. It is important to engage with local civil society to determine the best course of action in each individual situation and context.

¹⁸ “Dignity for All Dignity for All; LGBTI Assistance Program.” Freedom House.

<https://freedomhouse.org/programs/LGBTI-assistance>

¹⁹ Civil Rights Defenders Emergency Fund.

<https://crd.org/emergency-fund/>

AID CONDITIONALITY

At times, especially in moments of crisis, donor governments have threatened countries with cutting foreign assistance in response to state-sanctioned persecution of LGBTI people.²⁰ Most stakeholders interviewed for this report recommended *not* conditioning foreign assistance on respect for the human rights of LGBTI people. This diplomatic practice is deeply contested in LGBTI advocacy communities. Foreign assistance includes life-saving support for numerous people and communities. Conditioning such crucial support on respect for LGBTI people can lead to a backlash against the very communities that sanctions aim to protect, especially if it appears that LGBTI people are being prioritized over other national interests.

Many countries are heavily dependent upon foreign assistance; for example, approximately 25 percent of Uganda's GDP comes from foreign aid.²¹ International assistance may fund food programs, schools, the agricultural sector, health services and national infrastructure.²² Cutting aid may lead to scapegoating LGBTI people for the cuts in aid, leading to even higher levels of LGBTI-phobia. Furthermore, LGBTI people themselves may be impacted by cuts in foreign assistance. Many stakeholders thus echo guidance developed by the Amsterdam Network of international LGBTI rights NGOs that "the reduction or elimination of foreign assistance in the name of LGBTI people should never target lifesaving funding for human development and human rights."²³

In extreme cases and as a last resort, advocates have considered *targeted* aid conditionality. Governments may for example, temporarily suspend foreign funding in to a particular sector, making clear that aid disbursements will resume when specific changes are implemented. For example, in response to the passage of the 2014 Anti-Homosexuality Act in Uganda, the U.S. government cut funding to the police and the Ministry of Health because there was a clear risk that the funding could have been used to undermine rights. It also canceled a military aviation exercise in Uganda, a symbolic cut that did not carry the risk of causing harm to vulnerable Ugandans.²⁴

In some circumstances, governments may choose to bypass government agencies and instead direct foreign funds towards UN agencies, civil society organizations, and other service delivery partners that engage in direct implementation, maintaining critical support to aid beneficiaries. Bypassing government is only possible with regard to types of aid that do not require vast government infrastructure to reach their targets. Great care must be taken via appropriate in-country consultation to ensure that the justification for redirecting funds in no way leads to worsening the situation, creating risks for LGBTI people. An additional challenge is posed by the fact that governments have increasingly passed legislation that makes direct funding to civil society or other non-government entities more difficult, including anti-terrorism laws, anti-money laundering laws, and morality laws. Donor governments should identify creative approaches to get funds into the right hands, and should also challenge the repressive legislation that makes it so difficult to do so.

An alternative or complement to aid conditionality is to implement targeted sanctions, such as visa bans, on individuals who bear particular responsibility for human rights violations against LGBTI people.

20 "Countries That Ban Homosexuality Risk Losing Aid, Warns David Cameron", *The Guardian*. October 30, 2011. <https://www.theguardian.com/politics/2011/oct/30/ban-homosexuality-lose-aid-cameron?newsfeed=true>

21 Havard Bergo, "Has Foreign Aid Led to Economic Growth in Uganda?," *Global Risk Insights*, May 18, 2015, <https://globalriskinsights.com/2015/05/has-foreign-aid-led-to-economic-growth-in-uganda/>

22 Deborah Kintu, *The Ugandan Morality Crusade: The Brutal Campaign against Homosexuality and Pornography under Yoweri Museveni* (McFarland, 2017).

23 The Amsterdam Network Guiding Principles. Revised March 2021. <https://www.scribd.com/document/297759956/Amsterdam-Network-Guiding-Principles-Version-1-1>

24 The White House, "Further U.S. Efforts to Protect Human Rights in Uganda," June 19, 2014, <https://obamawhitehouse.archives.gov/blog/2014/06/19/further-us-efforts-protect-human-rights-uganda>.

Recap: Key Diplomatic Tools in Crisis Moments

- **Demarche foreign leaders**, together with representative like-minded governments, to demonstrate unified concern.
- **Conduct high-level visits to the country** to raise concern, or raise the issue at high-level meetings in capital.
- **Issue a statement of condemnation** indicating the specific ways in which the development violates rights and causes harm. Where possible, couch such public condemnations in general language around human rights, development, and non-discrimination, rather than singling out “LGBTI rights.”
- **Engage in silent diplomacy**, using levers of influence including economic incentives.
- **Send diplomats to observe trials** of people being prosecuted for consensual same-sex conduct, gender nonconformity, and related offenses, or for pro-LGBTI speech or assembly. Where needed, fund legal representation.
- **Conduct prison visits and document treatment of detainees.** When doing so, pay attention to prison conditions across the board, so that critiques of ill-treatment of LGBTI detainees are not interpreted as favoritism in a situation in which all detainees may face abuses.
- **Consider supporting bail funds** to help get LGBTI detainees out of pre-trial detention, where they almost inevitably face the risk of violence.
- **Provide security assistance to activists.** Prior to any crisis, set aside flexible emergency funds as part of LGBTI programmatic funding so that such funds are readily available.
- **Where needed, direct activists to other forms of emergency funding.**
- **Fund shelters for emergency housing for LGBTI people** and ensure that any humanitarian and development initiatives providing shelter are LGBTI-inclusive.
- **Fund basic needs, such as food and medicine**, for those who have lost their means of earning an income due to the crisis.
- **Enable access to medical and mental health services** that are LGBTI-friendly and gender-sensitive.
- **Provide safe meeting spaces within embassy grounds and development agencies.**
- **Document, record, and assist in data collection of hate crimes and human rights abuses.**
- **Be prepared to provide safe haven outside the country** for activists and other LGBTI people who encounter extreme risk as a result of the crisis.
- **In extreme cases, temporarily suspend specific buckets of foreign funding**, with clear benchmarks as to what criteria must be met for funding to resume.

As outlined in the Amsterdam Network Principles, crisis response work needs to be considered within the context of historical developments and a long-term strategy of social change.²⁵ While crisis response often gains the world’s attention, these moments are fleeting and need to be coupled with assiduous efforts to seize windows of opportunity as well as sustained support to promote movement building and advance structural change.

²⁵ The Amsterdam Network Guiding Principles. Revised March 2021. <https://www.scribd.com/document/297759956/Amsterdam-Network-Guiding-Principles-Version-1-1>

Windows of Opportunity

Openings for progress on LGBTI equality tend to receive less political attention and financial resources than moments of crisis. Diplomacy is often reactive, not proactive. When the political situation for LGBTI people starts to improve or there is positive in-country political momentum, diplomatic efforts need to be poised to respond accordingly.

Some examples of windows of opportunity may be:

- **Election of a reform-minded head of state or party.** Diplomats can cultivate positive working relationships with new progressive leaders and encourage legal and policy changes aimed at LGBTI inclusion.
- **Appointment of any high-level official who may be an ally.** Diplomats and employees of development agencies should look for cues as to whether any new minister of health, education, gender, or justice might be willing to support reforms; the same goes for other officials including police chiefs, directors of public prosecutions, NGO registrars, heads of film or culture boards, and others.
- **Legal or constitutional reform.** Revision of a penal code or a sexual offenses law may create an opportunity for a depoliticized process of decriminalization of same-sex conduct or gender diversity, as part of a holistic package of reforms. Constitutional reform creates opportunities to urge recognition of fundamental rights, such as non-discrimination on the grounds of sexual orientation and gender identity, and the replacement of exclusionary language on subjects such as marriage and the family with more inclusionary language. Diplomats

and employees of development agencies should also closely follow other legal reform: revisions to laws governing non-governmental organizations or civil registries, as well as revisions to labor codes and education laws, all present opportunities to advance inclusion and non-discrimination.

- **Strategic litigation efforts.** Strategic litigation to challenge laws that criminalize same-sex conduct or gender nonconformity, test non-discrimination provisions or for any other reason, regardless whether done proactively to target laws or in response to recent developments, presents great opportunities for change. When activists decide to pursue strategic litigation, diplomats and development agencies should identify ways to support them, including financially.
- **Government hosting of a major international event.** From Commonwealth meetings to sporting events, major international events create opportunities to work closely in partnership with civil society to advance LGBTI inclusion. Governments typically want to showcase their achievements when hosting such events, including with regard to democracy and human rights, and may be open to negotiation around laws or policies that overtly discriminate.
- **Opening of media space.** At times, governments will lift restrictions on independent media, or internet access. Diplomats and development partners may be able to seize these opportunities to provide funding and technical assistance for LGBTI civil society groups that wish to operate their own media or websites or develop public communication strategies.



US Ambassador to Mexico, Roberta Jacobson (second from left), takes part in the Pride Parade in Mexico City, on June 25, 2016. Thousands of people took to the streets in the Mexican capital to participate in the parade. (Photo: Ronaldo Schemidt/AFP via Getty Images)

Considerations Regarding Funding During Windows of Opportunity

As in crisis response moments, quick, nimble funding is needed to seize these political opportunities and adapt to evolving environments. For example, if legislative reform is on the table, CSOs need to be able to mobilize quickly to advance an inclusion agenda. Yet, many stakeholders lament the lack of flexible funding, naming burdensome procedures, administration, and heavy reporting requirements to foreign capitals. In order to not let windows of opportunity swing shut, donor governments should make grants available with a medium-term funding duration, i.e. 3-12 months, to address these opportunities.²⁶ As in moments

²⁶ For examples of short-term, 3-12 month funding, see: "Human Rights Support Mechanism" Freedom House. <https://freedomhouse.org/programs/emergency-assistance-and-the-matic-programs/human-rights-support-mechanism-program>

of crisis, donor governments should be prepared to work with informal networks and non-registered NGOs.

Additional Diplomacy Tools for Moments of Opportunity

Foreign governments can adopt additional strategies beyond movement support to seize windows of opportunity. They can engage publicly in the policy debate, where politically appropriate. Additionally, typically through closed-door diplomacy, they can offer specific political and economic incentives to garner support for progressive change.

During windows of opportunity diplomats and development practitioners should prioritize reaching out to high-ranking officials who may be reform-minded, including newly appointed

officials, and can work with them to develop a sense of a shared pursuit of greater LGBTI equality. They can support exchanges between parliamentarians, cabinet officials and other political leaders likely to support reform – for instance, legal gender recognition, a comprehensive sexuality education curriculum, a ban on forced anal examinations – in order to enable information sharing on best practices.

As in moments of crisis, it is critical to liaise with other members of the diplomatic community, including those from a diversity of regions, to develop joint strategies and share best practices.

Recap: Ways of Supporting LGBTI Movements During Windows of Opportunity

- **Resource LGBTI movements** to engage in the legal or constitutional reform process or strategic litigation.
- **Follow media openings**, and fund and support LGBTI movements' engagement in the mainstream or social media space.
- **Host and support strategy meetings** for LGBTI advocates.
- **Hold public events at embassies or development agency offices for LGBTI advocates** and potential allies in mainstream civil society, the legal community, the media, or government, allowing them opportunities to exchange ideas on ways forward in a safe space.
- **Establish a bucket of short-term funding** to support movement organizing in response to positive political trends.
- **During multilateral fora** on topics such as trade, development, security, health, gender, and human rights, **ensure the participation of LGBTI advocates**, the development of LGBTI-inclusive outcome documents, and the provision of space to discuss LGBTI issues.

RECAP

Long-Term Commitment to Systemic Reform

The movement towards LGBTI equality is a long-term effort that spans generations, borders and regions, and requires significant investment in alliance-building. However, long-term sustainability is a challenge for many LGBTI organizations.

Sustained Financial Support

Many LGBTI civil society organizations have no sources of funding other than international donor support. Funding is often fleeting, arriving mid-crisis and ending thereafter. Even non-emergency donor funding is often short-term, despite the fact that preliminary aspects of programming, such as risk assessment and identification of participants, can take many months; a one-year program may spend half of its year on startup. While donors tend to be hesitant to fund beyond four-to-five year increments as a result of election cycles and political pressure to show rapid results, stakeholders across all sectors emphatically assert the importance of long-term funding as essential for in-country civil society to work towards sustainable progress on LGBTI equality.

Much funding for LGBTI civil society organizations is project-specific, creating a constant revolving door of staff, activities, and even organizational mission and sense of purpose. To contribute to sustained movement building, it is crucial that donor governments fund not only short and long-term programs, but also general operating costs, such as office space and internet access, and that they consider unrestricted funding to fledgling organizations.

Supporting Capacity Development

While donors should aim to provide long-term support to LGBTI civil society organizations wherever possible, one measure of success of donor programming is whether the organization can continue to function after donor funding ends. As such, capacity development of LGBTI movements is a crucial element of long-term support for LGBTI equality.

Forms of capacity development that can contribute to the long-term viability of in-country LGBTI organizations include the following:

- Assist in strategic long-term planning and creation of organizational goals and objectives.
- Provide training in proposal writing and methods for groups to apply and secure short- and long-term international funding.
- Build community capacity on safety and security, including secure communications.
- Support intra-community mentoring efforts in which more experienced organizations mentor partners with lower capacity on topics like organizational infrastructure and financial compliance.
- Fund and support coalition building, encouraging the development of an ethos according to which even if groups are at times in competition for funding, they all benefit from a united, effective movement.

- Fund training and studies on movement messaging, allowing activists to workshop what type of messaging and framing works in their community and region.
- Fund and support legal registration for CSOs and NGOs.
- Connect local and national groups with regional and international advocacy efforts.

Development Cooperation in Challenging Contexts

Through its “Strengthening Governance and Civil Society Programme” (GCSP) co-funded by the German Federal Ministry for Economic Cooperation and Development (BMZ) and the European Union (EU), GIZ has trained almost 500 police officers in Uganda on LGBT inclusion. The project helped strengthen networks between civil society organizations and the police, such that even in a criminalizing context, police reach out to LGBT rights organizations, such as the Human Rights Awareness and Promotion Forum (HRAPF), when dealing with arrests or other difficult situations involving LGBT individuals.²⁷

Additional Diplomatic and Development Tools in Pursuit of Systemic Change

Diplomats and development partners have ample opportunities to contribute to sustained reform through in-country activities and external interventions. The ultimate goal of LGBTI diplomacy and development cooperation is to influence

²⁷ GIZ, “Promising Practice. The human rights-based approach (HRBA) in German development cooperation: Strengthening non-discrimination for LGBT in Uganda,” May 2019, https://www.institut-fuer-menschenrechte.de/fileadmin/user_upload/Publikationen/EZ_Promising_Practices/prom-practices_strengthening_non-discrimination_for_LGBT_in_Uganda.pdf.

long term structural change for the equality, inclusion, and fulfillment of human rights for LGBTI people. Diplomats and development practitioners need to work across borders and siloes to build long term partnerships towards these goals. Some suggestions include:

Support Human Rights Documentation

Foreign governments committed to supporting long-term structural change should fund work to train people to methodically document abuses of the human rights of LGBTI people and produce evidence-based reporting. This documentation can be used to support political advocacy, to change hearts and minds by demonstrating the human consequences of inequality, and to provide evidence in cases of strategic litigation. Development cooperation agencies that primarily work with governments can support national human rights institutions and ombuds offices in carrying out documentation.

Provide Both Targeted and Mainstreamed Support for LGBTI Youth

LGBTI youth are a particularly vulnerable group, subject to violence and discrimination at school and at home that can render them homeless or impact their earning potential throughout their lives.²⁸ Diplomats and development practitioners should support access to LGBTI-inclusive comprehensive sexuality education in schools, as a strategy to mitigate bullying and educate young people about diverse identities and sexual health and rights. They should support ministries of education in establishing anti-bullying and non-discrimination policies. They should also support programs aimed at providing shelter, job training, and economic empowerment activities for LGBTI youth who are facing family rejection and social exclusion. Development

28 German Federal Government. March 2021. "LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation" <https://www.aus-waertiges-amt.de/blob/2445310/7a532b519e092ed-6117535b78209162e/210226-inklusionskonzept-pdf-data.pdf>

practitioners should ensure that every funded activity related to education or youth is LGBTI-inclusive.

Support LGBTI-Inclusive Economic Empowerment

LGBTI people of all ages face economic vulnerability as a result of discrimination and exclusion. All donor-funded economic empowerment programs for marginalized groups should be LGBTI-inclusive; programs for women should be inclusive of trans women and nonbinary people; and in addition to programs aimed at the general population, donors may consider LGBTI specific economic empowerment programs focused on sectors in which LGBTI people can work safely and in supportive environments.

Contribute to Alliance Building and Intersectionality

For long-term work, foreign leaders need to garner not just LGBTI civil society partners, but also civil society allies, such as organizations working on governance, human rights, gender equality, children's rights, and health, as well as potential reform-oriented government partners. Quasigovernmental entities, such as national human rights institutions (NHRIs) and ombuds offices, can be good partners to facilitate dialogue with and put pressure on authorities. Foreign governments should mainstream discussion of human rights abuses related to sexual orientation, gender identity, gender expression and sex characteristics as part of broader discussion of topics such as sustainable development, gender equality, public security, corruption, and good governance.

Engage the Health Sector to Protect LGBTI People's Health and Rights

As a result of global recognition that the HIV pandemic could not be adequately addressed without engaging key populations such as men

who have sex with men and transgender women, the health sector has become an entry point for engaging government officials on the rights of LGBTI people. However, LGBTI-inclusive health interventions should be understood much more broadly. For instance, in countries that have some degree of openness to LGBTI issues, donor partners can work within the health sector to develop curricula to sensitize medical staff on a range of health issues that may impact LGBTI people. These may include topics such as appropriate health care for people with variations in sex characteristics; gender transition; sexual and reproductive health; fertility options and family planning; LGBTI-inclusive responses to gender-based violence; mental health, and more. In more repressive countries, support in addressing LGBTI health issues may be more appropriately directed to civil society. Donors can also support civil society in establishing referral processes for LGBTI-friendly hospitals, medical practitioners, and staff, paying particular attention to where transgender people can safely seek medical services.

Bolster Justice and Security Sector Efforts at LGBTI-Inclusivity

Donor-supported rule of law programming often includes training of lawyers, judges, or paralegals on domestic and international human rights law. Donors should ensure such programs are inclusive of legal protections as they pertain to LGBTI people.

In countries in which it is relatively safe for victims to report their sexual orientation, gender identity or intersex status, governments may need financial and technical support in creating secure databases to track bias-motivated crimes. Security sector programming should include training on monitoring, documenting, and reporting cases of anti-LGBTI violence, disaggregated by gender, sexual orientation, and other relevant identities.

The security sectors in most countries (including donor countries) need to address systemic violence within their own ranks towards LGBTI people. Long-term rule of law assistance can fund police training and advocacy for safeguards that will improve police responsiveness to LGBTI people when they are victims of crime, diminishing secondary victimization, and reduce human rights violations when LGBTI people are arrested and detained. Diplomats and development practitioners should play a role in socializing international principles regarding LGBTI persons deprived of liberty.²⁹

Engaging the Media

The media is a critical venue for working to change public perceptions and understanding, promote positive messaging, and improve LGBTI visibility. Sustained media engagement supported by donors and diplomats can include: support for civil society in generating guidance for in-country media associations regarding ethical standards for reporting on LGBTI issues; training for journalists, editors and producers on LGBTI-inclusion and responsible journalism; support for research and advocacy on negative stereotyping in the media, including the use of degrading terminology; and development of databases of LGBTI-friendly media personnel who can report in a fair and neutral manner and be called upon to respond proactively to smear campaigns.

Supporting LGBTI Celebration and Commemoration Days

Global, regional and national LGBTI movements have coalesced around several key dates or time periods of celebration and commemoration, and diplomats and development partners should provide both moral and financial support to such initiatives.

²⁹ Penal Reform International/Association for the Prevention of Torture, LGBTI persons deprived of their liberty: a framework for preventive monitoring, second edition, 2015, <https://www.penalreform.org/resource/lgbti-persons-deprived-liberty-framework-preventive-monitoring/>



Activists in Kampala, Uganda hold candles as they take part in a vigil for Transgender Day of Remembrance, November 23, 2019. They pay tribute to victims of hate crimes in Uganda, and all over the world. (Photo: Sumy SADRUNI / AFP via Getty Images)

Significant dates include, but are not limited to:

- **Pride:** Annual Pride events which often take on local names such as Equality Festivals, Diversity Days and others, take place in over 100 countries around the world, and throughout the year. The origins of Pride date back to June 1969 when a police raid of the Stonewall Inn led to rioting by patrons and their allies, led in particular by trans women of color. A year later, the first Pride march was held, demanding recognition of the rights of people of diverse genders and sexualities.
- **The International Day Against Homophobia, Biphobia, Intersexphobia and Transphobia:** IDAHOBIT – also known as IDAHOT or IDAHO, depending on the choice of identities included in the acronym – is marked around the world on May 17 to draw attention to the continuing violations of the rights of LGBTI people.

- **International Transgender Day of Remembrance:** TDOR is observed annually on November 20 as a day to memorialize those who have been murdered as a result of transphobia.
- **International Transgender Day of Visibility:** An annual event occurring on March 31 dedicated to celebrating transgender people and raising awareness of discrimination faced by transgender people worldwide.
- **Intersex Awareness Day:** An internationally observed awareness day each October 26, designed to highlight human rights issues faced by intersex people.

Diplomats and development partners can support these commemorations by funding civil society events and hosting receptions. Diplomats can also use their networks to help in-country organizers by facilitating contacts behind the scenes with state authorities such as the police. When public events take place, the physical presence of diplomats often supports the safety of community members present.



PROTECTING PRIDE

Per diplomatic agreements, authorities are required to provide security for foreign diplomats. When foreign dignitaries march in Pride, police are required to protect the diplomatic representatives; thus, Pride participants also are physically protected. This approach was used by Swedish, German, and EU leaders when taking part in early Pride events in Poland and the Baltic States.³⁰ In other cases, activists may want to foreign dignitaries to be less visible, so to avoid the charge of “foreign imposition.” This was the case in Bosnia and Herzegovina, when organizers of the 2019 Pride asked supportive EU parliamentarians and US Embassy officials not to appear near the front.³¹

30 Ayoub, Phillip M. 2013. “Cooperative transnationalism in contemporary Europe: Europeanization and political opportunities for LGBT mobilization in the European Union”. *European Political Science Review* 5 (2): 279–310. <https://www.cambridge.org/core/journals/european-political-science-review/article/cooperative-transnationalism-in-contemporary-europe-europeanization-and-political-opportunities-for-lgbt-mobilization-in-the-european-union/973AB-842086B9721ECC7C2BD9BB4C44C>, pp. 301-302.

31 Ayoub, Phillip M. Page, Douglas & Whitt, Sam. 2021. “Pride amid Prejudice: The Influence of LGBT Rights Activism in a Socially Conservative Society”. *American Political Science Review* 115 (2): 467–485. doi:10.1017/S0003055420001082

Employees of embassies and consulates in Poland, including the USA and Great Britain, seen with a huge banner during Krakow Equality March, attended by over 5,000 people. The annual demonstration calls for an end to all forms of discrimination, including on the grounds of sexual orientation, gender identity, ethnicity, age, ability, religion and wealth. (Photo: Alex Bona/SOPA Images/LightRocket via Getty Images)

Diplomatic missions have at times undertaken symbolic efforts to support events like Pride, for instance by flying rainbow flags from embassies. In some contexts, this support can nourish movements and send a strong signal to governments that diversity is something to celebrate. In other contexts, particular where there is no vocal national movement, it can backfire, furthering perceptions that LGBTI equality is an imported foreign agenda. All efforts should be undertaken in consultation with in-country activists to determine what will amplify, not hinder, their work.

Annual Pride events should not be the only time for public engagement on the human rights of LGBTI people from embassies, and posts should work to integrate inclusion in year-round public programming where it is safe to do so.

UN LGBTI Core Group High Level Meeting.
“Ending hate speech against LGBTI people
in social and traditional media,” September
24, 2019, UN Headquarters, NY. (Photo: Brad
Hamilton Photography)



Institutionalizing the Rights of LGBTI People in Foreign Policy and Development Cooperation

The human rights of LGBTI people should be included into broader human rights frameworks and pillars of protecting minority rights, as well trade and security, as part of holistic political engagement.

Governments seeking to promote global LGBTI equality need to utilize a variety of their levers of influence. This means engaging in dialogue outside of the traditional human rights mechanisms, and raising LGBTI rights within Ministries of Defense, Labor, Health, Education, Trade, Communications, and other institutions. Even when governments support LGBTI-inclusive foreign policy and development cooperation in principle, there may be internal battles between stakeholders regarding if and when to raise human rights abuses or seek dialogue on inclusion with foreign leaders. LGBTI rights may remain isolated from broader foreign policy and development deliberations. They may be seen as politically controversial. The more successful a Ministry of Foreign Affairs or Development Cooperation can depoliticize this work and institutionalize LGBTI inclusion across its mandates, the less likely it is that this work will be threatened by political trends in the future.

Strategies include:

- Build multi-party support in parliament to facilitate assignment of foreign affairs and development funding to promotion of the human rights of LGBTI people.
- Work to include annual reporting requirements across sectors from every post.
- Ensure a balance between dedicated funding of projects and programs focused on LGBTI equality, and mainstreaming of LGBTI inclusion in other forms of foreign assistance and development cooperation so as to not silo the issue and ensure a holistic approach and not silo the issue. Ensure that development projects include a gender analysis that does not only look

at the situation of women, but also the situation of LGBTI people.

- Where benefits such as military cooperation, trade partnerships, or accession to a regional bloc are predicated on human rights indicators, ensure that these indicators specifically include respect for the rights of LGBTI people.

Under the Biden Administration, all US embassies and USAID missions are newly required to report annually on their ongoing LGBTI human rights activities. They are mandated to engage in this work, document, their efforts, and regularly report on their actions to the White House and US Congress. Requiring regular reporting is an effective way to institutionalize LGBTI diplomacy in a large bureaucracy. It can also help to hold leaders accountable to put embassy resources – both human and financial – towards this work.

Stakeholders interviewed for this report stressed the importance of appointing an ambassador, special envoy, or specific representative as the focal point for LGBTI human rights within an MFA or development agency. Such a representative and their staff become the institutional focal point of leadership and work to formulate a coordinated central policy from within a government.³² They communicate to posts on best practices and potential toolkits for action in each country or region. The staff participate in interagency meetings to ensure LGBTI considerations are present in broader foreign policy and development cooperation engagements. Officers in these roles can provide policy briefs, talking points on the situation of LGBTI people, and

³² “Briefing by Special Envoy for the Human Rights of LGBT Persons Randy Berry,” U.S. Department of State Office of the Spokesperson, April 20, 2016, <https://2009-2017.state.gov/r/pa/prs/ps/2016/04/256425.htm>



Demonstrators march through Sarajevo with Pride flags, banners and signs in celebration of the second Pride to be held in the Bosnian capital in the midst of the Covid-19 pandemic in August 2021. (Photo: Tom Barlow-Brown/SOPA Images/LightRocket via Getty Images)

meeting agenda items in trip materials for traveling dignitaries. They can help prepare foreign policy leaders to field difficult questions during tense diplomatic dialogues, such questions regarding LGBTI rights as a perceived Western construct.³³ As concern for LGBTI people’s rights tends to be susceptible to changing political leadership, it can be strategic to hire a long-term civil servant to lead in this regard.

Competent staffing is also imperative within an embassy or development agency. In some countries, national hires working at an embassy or development agency on issues such as human rights or gender may not be comfortable or competent on LGBTI issues. Hiring specific personnel who are sensitive to these issues may help the institution and programming become more open.

³³ For examples of diplomatic responses to commonly asked questions, see Government of the United Kingdom. 2010. “An FCO Programme for Promoting the Human Rights of LGBT people”. <https://www.gov.uk/government/publications/an-fco-programme-for-promoting-the-human-rights-of-lgbt-people>, Annex 2, page 12.

French President Emmanuel Macron greets Executive Director of UN Women Phumzile Mlambo-Ngcuka (right), Liberia's President George Weah (second from left) and his spouse Clar Weah (left) prior to the opening session of the Generation Equality Forum, a global gathering for gender equality convened by UN Women and co-hosted by the governments of Mexico and France in partnership with youth and civil society, in Paris on June 30, 2021. The Global Acceleration Plan that emerged from the forum recognizes that to end gender inequality, stakeholders must combat discrimination based on sexual orientation and gender identity. (Photo: Ludovic Marin/AFP via Getty Images)



Bilateral, Multilateral, and Public-Private Partnership Approaches

Each country context requires a tailored, culturally specific approach.

Embassy staff and employees of development agencies in-country, in direct consultation with in-country advocates, should often take the lead on devising a country strategic plan to advance LGBTI equality. These strategies assess the potential of bilateral, multilateral, and global funding and diplomatic efforts.

At times, it is most effective to engage foreign leaders in bilateral dialogue. Historical links and donor country influence should be utilized in bilateral discussions. Bilateral engagements may work to incorporate LGBTI rights standards into trade talks or security agreements. However, these dialogues need to seek guidance from in-country advocates on how not to perpetuate harmful power dynamics between nations.

At other times, multilateral engagement will be most effective: governments speaking in a unified voice can emphasize the egregiousness of a violation of LGBTI people's rights, and can demonstrate that such rights are part and parcel of the international framework. While some collaboration takes place at the embassy level, ministries of foreign affairs and development cooperation that seek to include LGBTI rights in their mandates can also engage in multilateral efforts such as the UN LGBTI Core Group and the Equal Rights Coalition.

Foreign governments need to work cross-regionally to avoid the perception of LGBTI rights as an imposition by Western countries or by a regional powerhouse. North-South collaborations can be productive on many fronts in this regard, and have become the model for the UN LGBTI Core Group (currently co-chaired by Argentina and the Netherlands) and the Equal Rights Coalition (currently co-chaired by the United Kingdom and Argentina). In many campaigns, including for the establishment of the UN Independent Expert on sexual orientation and gender identity, the governments of Uruguay, South Africa, Nepal and other non-Western governments have been influential leaders for change in their regions and across the globe.



Monica Shahi (right), a Nepali transgender woman from Kailali district, receives her new passport at the offices of the passport department in Kathmandu on August 10, 2015. Shahi received Nepal's first passport with a third gender marker under a law that no longer required people to be identified as female or male in their travel documents. (Photo: Prakash Mathema/AFP via Getty Images)

It is important for Global North countries to seek advice on best practices from the Global South. At the UN General Assembly in 2021, international LGBTI advocates recommended that US and other Western diplomats seek recommendations from diplomats from Nepal and other South Asian nations on how their countries changed passports to allow a third gender marker, providing options beyond a rigid binary of “female” and “male.”³⁴

Policies related to promoting the human rights of LGBTI people through foreign assistance and diplomacy have been formulated in the EU.³⁵ Abuses of the human rights of LGBTI people are addressed within the bloc, as well. For example, in the European Commission has started legal proceedings against both Poland and Hungary for recent violations of the rights of LGBTI people in so-called “LGBT-ideology free zones” in Poland and new legislation in Hungary restricting freedom of speech on LGBTI topics.³⁶

Engagement through the UN system and other multilateral bodies is critical to socializing the concept of LGBTI people’s rights as universal human rights. Possible actions include the following:

³⁵ See “Working for the Rights of Lesbian, Gay, Bisexual, Trans and Intersex People in the European Parliament,” European Parliament’s LGBTI Intergroup, accessed December 19, 2019, lgbti-ep.eu.

³⁶ European Commission, Press Releases, “EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTI people”, July 15, 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668

³⁴ Plucinska Joanna. Time Magazine. August 11, 2015. “Nepal Is the Latest Country to Acknowledge Transgender Citizens on Its Passports,” <https://time.com/3992104/nepal-passport-third-gender-transgender/>

- Use the Universal Periodic Review mechanism to raise human rights abuses impacting LGBTI people and propose recommendations.
- Raise issues of human rights violations impacting LGBTI people with UN special procedures.
- Lead discussions that address LGBTI people's rights in multilateral fora such as the Organization of American States, the African Union, ASEAN, the EU, the OSCE and the Council of Europe, and at side meetings of the UN General Assembly and Human Rights Council.

Engagement with the UPR and Treaty Bodies

Foreign governments should systematically ensure that LGBTI people's human rights are raised during the Universal Periodic Review at the Human Rights Council, as well as treaty body reviews. UPR recommendations, to be effective in contributing to change, must be SMART (Specific, Measurable, Achievable, Relevant, and Time-Bound). Too often, recommendations are vague and unachievable ("take steps to end violence and discrimination on the grounds of sexual violence and gender identity"), where even acceptance of the recommendation by a government under review, while it has symbolic value, carries little potential for holding the target government accountable. In other cases, they contain multiple recommendations wrapped into one ("decriminalize all forms of consensual same-sex conduct and end the abusive practice of forced anal exams"), leading to a failure—the target government "noting," or rejecting, the recommendation—when there could have been a victory on one of the recommendations in question.

Global coordination can streamline funding to LGBTI civil society groups and reduce burdensome reporting requirements. The largest global funding mechanism across the donor landscape for LGBTI civil society is called the Global Equality Fund (GEF). Launched in 2011, the fund is managed by the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor (DRL) in partnership with co-donors including governments, corporations and non-governmental organizations.³⁷

Finally, a great deal of diplomacy engages the business community. Public-private partnerships are a critical way to tap into the power of the private sector and advance equality in the workplace. For example, the US government's public-private partnership fund, the LGBTI Global Development Partnership (LGBTI-GDP) trains LGBTI civil society organizations around the globe in advocacy, peaceful participation in political processes, human rights reporting and documentation, and business development.³⁸ Business leaders across regions have established organizations and coordinated efforts to elevate LGBTI equality globally.³⁹

37 US Department of State, "Global Equality Fund." 2021. Global Equity Fund partners include: Argentina, Australia, Canada, Chile, Croatia, Denmark, Finland, France, Germany, Iceland, Italy, Montenegro, the Netherlands, Norway, Sweden, Uruguay, the Arcus Foundation, the John D. Evans Foundation, FRI: the Norwegian Organization for Sexual and Gender Diversity, the MAC AIDS Fund, Deloitte LLP, Royal Bank of Canada, Hilton, Bloomberg L.P., Marriott International, the Thomson Reuters Foundation, the Human Rights Campaign, and Out Leadership.

38 "LGBTI Programs: The LGBTI Global Development Partnership," USAID, https://www.usaid.gov/sites/default/files/documents/2496/LGBTI_Global_Development_Partnership_Fact_Sheet_Final_160622.pdf.

39 See for example: Open For Business <https://open-for-business.org/> and Out Leadership <https://outleadership.com/>

Further Considerations: Intersectionality, Allyship and Colonialism

Intersectional Identities

LGBTI-inclusive diplomacy and development cooperation should always be informed by the intersectional nature of LGBTI identities. Intersectional approaches take seriously the fact that individuals hold multiple identities and that they are impacted by multiple and interacting inequalities, producing unique experiences of discrimination. Such approaches also acknowledge the structural conditions that may elevate some members of a group while excluding and minimizing others.

LGBTI people, like all marginalized communities, are impacted by various and unequal systems of power and oppression. Foreign policy frameworks need to recognize that LGBTI communities are not monolithic and are impacted by power asymmetries. Various factors, including race, ethnicity, religion, class, gender, ability, and language, can impact coordination and movement building in a society. LGBTI organizations are often located in the capital, and the needs of rural LGBTI communities are often overlooked due to limited contact with foreign embassies. Similarly, activists at trans-nationally-connected civil society organizations often have language capabilities that activists at more grassroots organizations may lack as a result of inequities in education. These dynamics can lead to inequitable funding opportunities: donors habitually engage with better resourced and higher-profile actors. Some interlocutors become “usual suspects” with many foreign embassies and are often the first contacted for potential funding.

Gender also contributes to power hierarchies within LGBTI organizing. In many locations, gay men dominate the leadership and public advocacy of the movement,⁴⁰ which can lead to the sidelining of

40 Phillip M Ayoub, *Intersectional and Transnational Coalitions during Times of Crisis: The European LGBTI Movement*, *Social Politics: International Studies in Gender, State & Society*, Volume 26, Issue 1, Spring 2019, Pages 1-29, <https://doi.org/10.1093/sp/jxy007>



human rights issues affecting lesbian, trans, or intersex people. More generally, the decades-long invisibility of transgender and intersex causes in most movements in support of sexual and gender diversity is mirrored in their relatively smaller presence in development and foreign policy work.

Embassy officials and development practitioners should conduct targeted outreach to women-, trans-, and intersex-led organizations and should actively seek to elevate voices of activists from underrepresented communities. While building relationships with in-country organizations, donor partners need to be aware of how intersectional identities can impact advocacy priorities and, at times, play a role in fissures among civil society groups. Foreign leaders need to try to establish equitable partnerships and be vigilant about inclusive approaches to funding, coordination and project implementation. Many

Demonstrators hold a rainbow flag while at a commemoration of the International Day for the Eradication of Poverty in Nairobi, on January 17, 2020. The march included calls for action on land and climate issues as well as LGBTQ inclusion. (Photo: Tony Karumba/AFP via Getty Images)

stakeholders noted their hope that often overlooked issues of concern to transgender and intersex communities would become more central in foreign policy and development work in the next decade. This is especially relevant given the growing “anti-gender” and “traditional values” rhetoric on the world stage which has zeroed in on transgender people’s rights as a target and attempted to pit trans movements against feminist movements.

Supporting Allyship and “Mainstreaming” of LGBTI People’s Rights

Violations of the human rights of LGBTI people rarely exist in a vacuum. Drawing on the intersectional approach to support for LGBTI movements discussed above, and the movement among several governments to create explicitly feminist foreign policies, diplomats and development practitioners should identify opportunities to support synergies between groups experiencing marginalization or oppression.

In settings in which LGBTI people are targeted for harassment and abuses, many other groups likely also face violations related to entrenched inequality, poor governance and inadequate respect for the rule of law:

- Women of all genders and sexual orientations may face policing of their bodies and sexuality.
- People with disabilities, ethnic and religious minorities, and other marginalized groups may suffer from the absence of comprehensive non-discrimination laws, or the failure to enforce such laws.
- Lawyers, journalists, judges, other activists, progressive politicians, and union leaders may be victims of attempts to silence dissent, in contexts in which vocal support for LGBTI people’s rights is also criminalized or stigmatized. Authorities often crack down on a host of organizations seeking to improve respect for rights, rule of law and good governance.

Diplomats and development partners can support allyship by encouraging, and funding, synergies between different movements that seek to uphold respect for human rights. They should not only seek to identify allies that can

support LGBTI movements, but should also support LGBTI people and organizations in being present as allies for other social justice movements, ranging from environmental advocacy to anti-corruption campaigning.

Anti-Colonial Frameworks

Countries embarking on the work of LGBTI rights promotion in diplomacy and development, especially those in the Global North, must be sensitive to colonial histories.

Global North countries bear responsibility for grave violations of human rights in the Global South, including genocide. In the view of many civil society activists in the Global South, Global North countries continue to benefit from economic polarization and underdevelopment. The legacy of colonialism and ongoing global imbalance of power pose challenges to governments’ abilities to act credibly and convincingly on human rights, including the rights of LGBTI people.

Anti-LGBTI actors, in various parts of the world, but most vocally in Africa, typically frame LGBTI movements as a form of neo-colonialism.⁴¹ In fact, colonialism is to blame for the diffusion of institutionalized homophobia, for instance through the dispersion of colonial laws criminalizing same-sex relations laws in dozens of countries during the colonial period.⁴² Yet the charge that LGBTI issues are a Western import resonates precisely because global relations remain unequal and marked by abuses of power. Countries that hold significant geopolitical power have an obligation to use that power to address human rights abuses, including but not limited to those impacting LGBTI people.

41 Currier, Ashley. *Out in Africa: LGBT Organizing In Namibia and South Africa*. Minneapolis, MN: University of Minnesota Press, 2012.

42 Human Rights Watch, *This Alien Legacy. The Origins of “Sodomy” Laws in British Colonialism*. December 17, 2008, <https://www.hrw.org/report/2008/12/17/alien-legacy/origins-sodomy-laws-british-colonialism>

When the same countries perpetrate abuses, such as war crimes; benefit from abuses, such as illegal resource extraction; or demonstrate inadequate attention to a broad array of rights, including social and economic rights, charges of hypocrisy are likely to stick. It is therefore in the interest of foreign ministries seeking to support human rights of LGBTI people globally that their countries maintain a clean human rights record in all regards.

Unearthing indigenous histories of sexual and gender diversity can help to quell a common charge among opponents of LGBTI people's rights that sexual and gender diversity is a "foreign imposition." Awareness of rooted histories of sexuality and gender also provide clues for context specific approaches. In countries where a recognition of third genders long predates colonialism, discussion of "LGBTI" people's rights may not resonate, whereas more culturally appropriate terminology may open doors to dialogue with governments.

Stakeholders also note that being aware of one's colonial history means diplomats from the Global North, especially from former colonial powers, must demonstrate humility in this work. That can mean stepping back from public leadership and supporting South-South exchanges. It can mean self-reflection: some government officials are reluctant to acknowledge their countries' own still-limited national LGBTI right records, missing opportunities for honest bilateral dialogue about how to accomplish change in challenging political contexts. Humility in advancing recognition of the human rights of LGBTI people can also mean avoiding the media spotlight and "savior

UN LGBTI Core Group Event held at the United Nations on December 6, 2018. From left to right: Ecuador - H.E. Ms. Helena del Carmen Yáñez Loza; Argentina - Mr. Alejandro Guillermo Verdier; Netherlands - H.E. Mrs. Lise Gregoire Van Haaren; Canada - H.E. Ms. Louise Blais. (Photo: Brad Hamilton Photography)



narratives,” instead opting for more humble, thankless behind-the-scenes work quietly contributing to movement building, amplifying a diverse chorus of global LGBTI voices, and recognizing that while international support is critical, meaningful change to bring about equality for LGBTI people will primarily come from within.

A dancer performs during the opening ceremony of first South Asia Lesbian, Gay, Bisexual and Transgender (LGBT) Sports Festival in Kathmandu, October 12, 2012. The three-day long event was organized by the Blue Diamond Society (BDS), a LGBT rights group, to promote LGBTIQ equality through sports. (Reuters/Navesh Chitrakar)



Participants of “Ending hate speech against LGBTI people in social and traditional media,” September 24, 2019, UN Headquarters, NY. (Photo: Brad Hamilton Photography)



Appendix: Monitoring, Evaluation, and Learning (MEL) Plan

Monitoring, evaluation, and learning (MEL) is an essential component to the design and implementation of any policy or program.

A MEL plan is used to assess the impact of the policy or program; inform decisions on if and how strategies and activities should be adjusted; foster accountability; and tell the story or journey of the policy or program. There is no one standard definition for monitoring, evaluation, and learning, but for the purpose of this guide:

- **Monitoring** serves as the internal tracking and learning tool for policymakers and program managers to understand the progress of the policy or program.
- **Evaluation** is the tool for documenting the observable changes, from the short-term to the long-term outcomes that result from the policy or program.
- **Learning** is the systematic use of data for continuous improvement and the collective interpretation of new information.

Monitoring, evaluation, and learning are important in all project implementation, but given how relatively recent diplomatic and development-sector efforts to advance the rights of LGBTI people are, MEL plays a particularly crucial role in identifying effective strategies and approaches.

Guiding Principles for Designing a MEL Plan

There isn't a one-size-fits-all approach when designing a MEL plan for policies and programs promoting LGBTI equality, but some good practices can be applied to help ensure that the MEL plan is robust. Below we have described a set of guiding principles to help you think through what you need in the MEL plan and included a checklist, set of illustrative indicators, and relevant resources. This is by no means exhaustive and is meant to provide a starting point.

- **Involve key stakeholders and key members of the LGBTI community throughout the MEL plan development and implementation process.** Given the sensitivity of the subject matter, including LGBTI civil society representatives will ensure that the MEL plan is designed with a do no harm approach. LGBTI organizations can advise on privacy and security concerns of LGBTI individuals and can also help obtain the necessary buy-in from the community for data collection.
- **Start with a theory of change (TOC), logic model, or strategic framework to help frame the MEL plan.** TOC and logic models are tools used for demonstrating “if-then” relationships and explaining how and why a set of activities tied to a project or policy are expected to lead to early, intermediate, and long-term outcomes over a specified period.
- **Design a MEL plan that can evolve with the policy and program.** Some MEL plans do not incorporate the flexibility and adaptation needed with LGBTI programs and policies. Because there is a lot of uncertainty in this field, the MEL plan should be seen as a living document that can evolve and adapt along with the programs, especially as new research and evidence becomes available.
- **Consider more than just quantitative indicators.** While MEL indicators for many projects are primarily quantitative, qualitative indicators that are able to capture the complexity of policies and programs have grown in popularity. Indicators can be divided into a number of different categories. Most relevant here are **outcome indicators**, which assess the changes that result from the policy or intervention and can be measured at the individual level along dimensions such as achievements related to health, education, economic well-being, safety, and political and civic participation. They can also measure changes at the systemic level, including the relationship and dynamics between different actors (e.g., civil society, government, LGBTI communities).
- **Build in time to reflect, learn, and improve from the data and results.** Evidence-based, strategic learning is an important component of program management. It focuses on addressing critical knowledge gaps which may have impeded informed design and implementation decisions.
- **Ensure that the privacy and security of LGBTI individuals is protected when they provide data.** Confidentiality and security concerns need to be adequately addressed in the MEL plan. It should include detailed processes for how the Do No Harm principles and other ethical considerations, especially relating to data security, will be applied.

Challenges Related to MEL of LGBTI Policies and Programs

Effective MEL implementation of LGBTI policies and programs faces a number of unique challenges. First, as noted by the World Bank and United Nations Development Program (UNDP), there has been relatively little systematic research on the lives of LGBTI people, particularly in developing countries, and in turn, limited available data about LGBTI communities. Without more data about LGBTI people, it can be challenging to pinpoint the most pressing problems LGBTI people face in a particular county or region, design programs that address those problems, and document progress in this area. UNDP's (2016) Discussion Paper: *Measuring LGBTI Inclusion, Increasing Access to Data and Building the Evidence Base*, provides a good overview of the reasons behind the dearth of research on LGBTI people and the key challenges (e.g., how to define LGBTI people across different countries and cultural contexts, designing studies that can provide generalizable data about LGBTI people) in building a strong body of research in this area.

Second, programs that promote LGBTI inclusion do not operate in a vacuum. External factors (e.g., government clampdowns on the rights of LGBTI people) can influence the effectiveness of a program, both positively and negatively. These contributing factors need to be taken into account in the MEL plan. In addition, lasting progress is often incremental, and tangible results (e.g., the passage of a law or witnessing systemic change) may be hard to capture.

Third, LGBTI people face discrimination, stigma, and violence, which place them at heightened risk. In some countries, LGBTI people are labelled as inherently ill or as criminals, and data collected about them could put them in harm's way. As such, special consideration is also needed related to data collection, data transmission and storage, and confidentiality and security of data.

For example, personally identifying information that could be hacked or stolen in countries that criminalize LGBTI people can put individuals in grave danger.

Additional care also needs to be considered with data analysis and the reporting and dissemination of findings. It is possible to misconstrue findings and further stigmatize LGBTI people.

LGBTI Inclusion Indicators

At least two recent initiatives aim to develop metrics that can capture LGBTI inclusion and the effectiveness of LGBTI policies and programs. Both were developed through comprehensive, participatory consultative processes with key LGBTI experts.

The World Bank, UNDP, and the Office of the High Commissioner for Human Rights (OHCHR) created the LGBTI Inclusion Index to measure the extent to which LGBTI individuals have access to opportunities and to understand the degree to which they experience stigma, violence, and discrimination. The LGBTI Inclusion Index includes 49 indicators across five dimensions: education, political and civic participation, economic well-being, health, and personal security and violence.⁴³ A separate set of indicators was developed for the Global Equality Fund (GEF) to measure its Strategic Framework, focused on four themes: social inclusion, access to justice, empowered LGBTI movements and freedom from violence. 26 indicators measure progress along those four cross-cutting areas.⁴⁴ These indicators can help donors and development practitioners determine what type of change they want their programs to help affect, and how they will measure the effectiveness of their programs in achieving change.

43 UNDP, "LGBTI Index," <https://www.undp.org/publications/lgbti-index>

44 U.S. Department of State, "Global Equality Fund," <https://www.state.gov/global-equality-fund/>



The launch of Openly was celebrated on September 25th, 2018 with a panel discussion moderated by Nicole Young of 60 Minutes. Speakers included Lyosha Goshkov, the Co-President of RUSA LGBT, Kasha Nabagesera, Executive Director of Freedom & Roam Uganda, Landon Wilson, a transgender Navy Veteran, Amir Ashour, the Founder and Executive Director of IraQueer, and Maria Fontenelle, of the Eastern Caribbean Alliance for Diversity and Equality. Photo courtesy of Thomson Reuters Foundation.

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Acronyms

Term	Definition
CSO	Civil Society Organization
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
MEL	Monitoring, Evaluation, and Learning
MFA	Ministry of Foreign Affairs
NGO	Non-governmental Organization
OHCHR	United Nations Office of High Commissioner for Human Rights
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics
UNDP	United Nations Development Programme



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