



# GUIDE TO INCLUSION OF LGBTI PEOPLE IN DEVELOPMENT AND FOREIGN POLICY

## SUMMARY



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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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This report was produced with support from Germany's Federal Ministry for Economic Cooperation and Development (BMZ)

*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)*

**Violence and discrimination toward LGBTI people are pervasive in every region of the globe, but have only recently captured sustained attention from foreign affairs and development cooperation institutions. OutRight Action International, a global advocacy organization that advances LGBTI equality and strengthens LGBTI movement-building around the world, produced a 45-page *Guide to Inclusion of LGBTI People in Development and Foreign Policy* to provide effective approaches for diplomats and development officers promoting the rights of LGBTI people. This summary highlights key points from the inclusion guide.**

## Overarching Frameworks

### Grounding in International Law and Development

The advancement of the rights of LGBTI people abroad should be grounded in widely agreed-upon principles of international law and development. There is no specific treaty or convention on LGBTI people's rights. The **Yogyakarta Principles** and the **Yogyakarta Principles Plus 10 (YP+10)** are essential tools for policymakers that outline how international human rights law applies in relation to sexual orientation, gender identity, gender expression and sex characteristics.

LGBTI-inclusive policy should also draw on 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), LGBTI inclusion is critical to realizing member states' pledge that "no one will be left behind."

### 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, but should 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.

The guide recommends steps to assess the impact a program or intervention might have on LGBTI people's security and well-being. This may include assessing the safety of meeting locations, the security of program participant names and digital communications, the risks of branding of materials with development cooperation agencies' names or logos, publicity around the event, and possible LGBTI-phobia of on-the-ground staff. Where overt promotion of the rights of LGBTI people can be dangerous, it proposes broader human rights programming to advance inclusion—for instance, human rights training for lawyers or activities to advance media freedom or gender equality—with deep intentionality regarding such programs' intended outcomes for LGBTI equality.

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

## Intersectionality and Allyship

Approach to advancing the rights of LGBTI people should be informed by theories of power and cognizant of the value of allyship. LGBTI-inclusive policy should be disaggregated – considering the diverse needs of lesbians, gay men, bisexual people, transgender people, and intersex people as distinct groups while also part of a larger collective—so that some identity groups are not left behind. It should be intersectional— informed by the multiple and intersecting forms of marginalization to which LGBTI individuals may be subjected on the basis of a range of identities, including race, ethnicity, religion, ability, and socioeconomic class—in order to create a framework for prioritizing the most marginalized and for building alliances across movements.

# LGBTI Inclusion: Crisis, Opportunity, Sustainability

The guide recommends interventions to advance LGBTI inclusion in three different contexts: crisis response moments, windows of opportunity, and as part of long-term sustained engagement.

A large portion of contemporary LGBTI diplomatic work takes place in **moments of 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. The guide discusses benefits and drawbacks to public statements and quiet diplomacy during a crisis. It suggests additional tools to consider in times of crisis, including support for bail funds and emergency housing, enabling access to LGBTI-friendly medical and mental health services, and supporting the documentation of abuses.

The guide recommends crisis-responsive grantmaking. One best practice is to provide a 5% to 10% top-up on any LGBTI programmatic funds, to be put towards emergency funding. Governments should also set aside their own funding pots for emergencies, from which funds can be retrieved and distributed with minimal bureaucratic hurdles.

**Windows of opportunity** that produce potential for positive change might include election of a reform-minded head of state; appointment of a high-level official who may be an ally; legislative or constitutional or legislative reform (including reform of penal codes, laws on sexual offenses, labor codes, education laws, or laws governing non-governmental organizations or civil registries); or hosting of a major international event, during which governments are motivated to showcase their achievements and remedy their shortcomings with regard to democracy and human rights. When there is positive in-country momentum, diplomatic efforts need to be poised to respond accordingly, including through new forms of direct government engagement or support to civil society.

Only a handful of governments globally have maintained **sustained financial and political commitment to LGBTI equality** over the last decade. Especially in light of a growing backlash in the guise of “anti-gender” and “anti-LGBTI propaganda” movements, LGBTI rights movements critically need durable support. To contribute to sustained movement-building, the guide recommends that donor governments fund general operating costs as well as programs, consider unrestricted funding to fledgling organizations, and invest deeply in capacity development.

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

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 be seen as politically controversial, isolated from broader foreign policy and development deliberations.

The more successfully 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 future political trends. Strategies include build multi-party support in parliament to facilitate assignment of foreign affairs and development funding to global LGBTI human rights; instituting annual reporting requirements from every post; ensuring the mainstreaming of LGBTI inclusion in other forms of foreign assistance and development cooperation, so as to not silo the issue; and ensure that development projects include a gender analysis that examines not only the situation of women, but also the situation of LGBTI people.

## Conclusion

Having an explicit LGBTI policy and development mandate can begin to address concerns about the ad hoc nature of many current interventions, formally solidifying LGBTI inclusion as an important foreign policy and development 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.

The ultimate goal of LGBTI diplomacy and development cooperation is to influence 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 partnerships towards these goals.

# 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.

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.



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)



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