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Preface

1. Edge Effect is a specialist LGBTIQ+ humanitarian and development organisation, based in Australia, and a provider of services to DFAT on LGBTIQ+ inclusion in the aid program. This submission is a summary of issues and Edge Effect is available to provide further input to the development of Australia's new international development policy.
2. While LGBTIQ+ (or variations of this acronym) remains the most frequently used way of naming this set of issues, there are a wide range of people in the Pacific, Southeast Asia and beyond who use cultural or other terms to name themselves. These terms are not necessarily aligned with any of the LGBTIQ categories and assuming that the + acts to include all other people is potentially disrespectful. For these are other reasons, Edge Effect often uses human rights language, such as people with diverse SOGIESC (sexual orientation, gender identity and expression and sex characteristics). This too is not always appropriate, as the clear division between sexual orientation and gender identity, for example, is not apparent in all cultures. The lesson to draw from this is not to get caught up in language debates; instead welcome the immense diversity of sexuality, gender and sex characteristics amongst the people of the world, and take steps to avoid normative assumptions that underpin discrimination and exclusion.
3. Over the last fifteen years, beginning with the Yogyakarta Principles and continuing with resolutions of the Human Rights Council including the appointment of an independent expert on SOGI, the global human rights system has recognised sexual orientation and gender identity as characteristics of rights holders.¹ The work of the Human Rights Council, especially that of the Independent Expert, has provided ample basis for rights-based development programs to address the rights of people with diverse SOGIESC, and for the humanitarian system to also address the needs of people with diverse SOGIESC in crises.
4. For the global commitment to 'leave no-one behind' and to reach the "most marginalised" to be genuine, development actors must recognise and address the many forms of discrimination, violence and exclusion experienced by people with diverse SOGIESC. These forms have direct impact on the social and economic development opportunities for people with diverse SOGIESC. For example, Edge Effect research on topics including access to social protection² and on the experiences of low-wage migrant workers in Southeast Asia³ highlight the additional challenges faced by people with diverse SOGIESC. Similar evidence is provided through a growing range of reports globally. These include reports by the SOGI Independent Expert that highlighted "education, health, housing, economic well-being, political

¹ While sex characteristics are not part of the Human Rights Council resolutions, substantial work has been undertaken by states and activists (including those working within the Australian organisation IHRA) to recognise sex characteristics on its own basis.

² Edge Effect (2021) *We Don't Do A Lot For Them Specifically* (report for DFAT). Available at:

https://www.edgeeffect.org/wp-content/uploads/2021/08/WDDALFTS_FullReport_Web.pdf

³ ILO (2022) *A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia* (Report by Edge Effect). Available at:

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_854686.pdf

participation, and personal security and freedom from violence”⁴ as areas in which people with diverse SOGIESC are marginalised, and that argued that diverse SOGIESC inclusive data collection and management “are essential to the efforts of States to comply with their obligations and to the evaluation of progress towards major development objectives, such as the Sustainable Development Goals”.⁵ The development challenges faced by people with diverse SOGIESC also undermine their safety and access to services in disasters, conflict, pandemics and other humanitarian crises.

5. The development of Australia's new international development policy in 2022-2023 provides a timely opportunity to develop a systematic approach to the inclusion of people with diverse SOGIESC. Australia has been an active supporter of diverse SOGIESC inclusion in multilateral human rights fora, including through its membership of the Equal Rights Coalition and as a member of the Group of Friends. However, this activity has not translated to diverse SOGIESC inclusion as a significant feature of Australia's own development and humanitarian aid programs.
6. Despite the lack of policy or priority on diverse SOGIESC inclusion, individual DFAT programs provide isolated but significant examples of diverse SOGIESC inclusion. This work has often resulted from the work of individual champions. This existing work can provide encouragement that a more systematic approach and higher levels of investment will deliver genuine development outcomes and humanitarian relief for some of the most marginalised people. Examples include:
 - Edge Effect's work as the SOGI adviser to the GHD-managed DFAT Water for Women fund resulted in a substantially higher profile for diverse SOGIESC issues within that program, encouraged country-level implementing partners to explore LGBTIQ+ inclusion, and contributed to new and follow-up initiatives within the second phase of the Fund.
 - DFAT funding of the 2018 Pride in the Humanitarian System consultation began a process that led to a pivotal report on diverse SOGIESC inclusion in the humanitarian and DRR systems⁶, and ultimately to a specific session on LGBTIQ+ inclusion at the 2022 APMCDRR. That conference also included people with diverse SOGIESC within the final statement, contributing to the regularising of LGBTIQ+ issues in disaster risk reduction.
 - Work funded by DFAT led to a reverse partner appraisal tool in which LGBTIQ+ CSOs undertake due diligence of humanitarian and development aid organisations to ensure that those organisations have undertaken internal processes required for effective, safe and equitable engagement with LGBTIQ+ people in programs. Starting in 2023 this tool will be operationalised in a USAID-funded project in multiple humanitarian contexts.
 - Other programs such as DFAT's women's leadership programs in the Pacific.

⁴ OHCHR (2019) *Report on socio-cultural and economic inclusion of LGBT people*. (A/74/181) Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/220/72/PDF/N1922072.pdf?OpenElement>

⁵ OHCHR (2019) *Report on data collection and management*. (A/HRC/41/45). Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/138/27/PDF/G1913827.pdf?OpenElement>

⁶ Edge Effect 2020 *The Only Way Is Up* (report for UN Women). Accessible at: https://www.edgeeffect.org/wp-content/uploads/2021/03/TheOnlyWayIsUp_Web.pdf

What key trends or challenges will shape Australia's engagement in our region and globally over the next five to 10 years? What risks and opportunities does this present for Australia's development assistance?

7. The terms of reference for the new international development policy note that in relation to COVID-19 “Disadvantaged and marginalised groups – including people with disabilities, Indigenous peoples, and people of diverse sexual orientation and gender identity – have been disproportionately affected by the pandemic's health, economic and social impacts”. While this is true, it is the tip of the iceberg. Challenges experienced by people with diverse SOGIESC during COVID-19 included reliance on informal sector jobs, low-rates of savings and financial capability, limited access to cash payments and social protection, reliance on over-crowded housing, discrimination when accessing medical services and water points, and being blamed for spreading the virus. These are all symptoms of a much deeper malaise that can be addressed through development assistance alongside initiatives on civil and political rights. More than 40% of countries in the Pacific and Southeast Asia continue to criminalise consensual same-sex activity. Of countries that are current recipients of Australian aid in these regions, just one (Fiji) offers constitutional protection against discrimination on the grounds of sexual orientation or gender identity. Even in countries where consensual same-sex activity is legal, there are frequently other legal barriers, such as no reasonable process for changing gender markers on identity documents, and there is often over-policing of people with diverse SOGIESC using a range of other laws. Beyond law, societal and institutional discrimination and exclusion can have devastating impact on the lives of people with diverse SOGIESC and their opportunity for social and economic development. Families, local communities, faith communities, schools, workplaces, health facilities, public services, and many other contexts are all places where people with diverse SOGIESC face discrimination and exclusion. While there is widespread qualitative evidence of these experiences, the lack of data collection about people with diverse SOGIESC means that much of this discrimination and exclusion is invisible in national data and global reporting against the SDGs.

What development capabilities will Australia need to respond to these challenges?

8. Australia's needs a systematic approach for addressing the rights, needs and strengths of people with diverse SOGIESC, including:
 - First, Australia's development and humanitarian aid program should be guided by specific policy commitments on diverse SOGIESC inclusion. The absence of a dedicated 'LGBTIQ+' policy or program guidance has contributed to the *ad hoc* and fragmented nature of diverse SOGIESC inclusion initiatives across the Australian aid program. Dedicated policy or program guidance would create new expectations within DFAT and amongst implementing partners. It could provide a framework for designing and implementing diverse SOGIESC inclusive projects, one that focuses on underlying norms that underpin discrimination, violence and exclusion including heteronormativity, cisnormativity, gender binarism and endosexism. It could also establish indicators and targets for diverse SOGIESC inclusion, and support development of more effective risk analysis and mitigation in contexts where diverse SOGIESC inclusion raises do no harm concerns.
 - Second, to the extent that LGBTIQ+ issues are addressed through “social inclusion”, specific effort is needed to ensure that the discrete drivers, dynamic and consequences of discrimination are addressed across the aid program. Social inclusion framing should not result in further invisibilising

of SOGIESC. Neither are commitments to 'intersectionality' a panacea: understanding how diversity of SOGIESC combines with other forms of marginalisation first requires an understanding of diversity of SOGIESC. Additionally, within acronyms such as LGBTIQ+ there are a wide range of different experiences, and programming to include people with diverse SOGIESC needs to recognise and respond to those differences rather than treating them as a homogenous group.

- Third, while LGBTIQ+ issues are sometimes addressed within the context of gender programming, this needs to go much further than adding LGBTIQ+ and stirring. To be inclusive of LGBTIQ+ people gender programming needs to avoid heteronormative, cisnormative and binary assumptions. It needs to recognise the existence of trans and variously gender diverse people, and also needs to recognise that the gendered experiences of lesbian and bisexual women, of gay and bisexual men, of people with other sexualities and of people with diverse sex characteristics are different in important ways.
- Fourth, DFAT needs to develop capacity within teams addressing all kinds of aid topics. The discrimination and marginalisation experienced by people with diverse SOGIESC means that the design, implementation and evaluation of all programs including education, employment and training, social protection, agriculture, health, gender, WASH, climate justice, DRR, humanitarian (amongst others) all needs to be assessed through a diverse SOGIESC lens.
- Fifth, DFAT needs dedicated staffing to pursue a cohesive approach to diverse SOGIESC inclusion, strengthening existing capacity in the Gender Equality, Disability and Social Inclusion Branch. These staff could assist other program units to address the absence of LGBTIQ+ inclusion in most other sectoral or thematic DFAT aid policies, and to assist learning across DFAT and from program-to-program.
- Sixth, real increases in LGBTIQ+ inclusion in aid outcomes will require funding. Dedicated funding for LGBTIQ+ inclusion is also needed to avoid creating destructive competition between marginalised groups for limited funds. This needs to be accompanied by direction to include people with diverse SOGIESC in the mainstream program delivery.

How can Australia best utilise its national strengths to enhance the impact of our development program and address multidimensional vulnerabilities?

9. Recent decades have seen Australia take significant steps domestically to reduce discrimination, violence and exclusion experienced by LGBTIQ+ people. This work is far from complete, and there are ongoing attempts by some groups to undermine hard-won progress. The Sustainable Development Goals and obligations under treaties such as the Convention on the Elimination of all Forms of Discrimination Against Women apply to all countries, including Australia. In taking a whole-of-government approach to the aid program, the government could provide its DFAT with more authority to require other parts of government to provide information for Australian reporting for the SDG Voluntary National Review process. Australia could also follow the lead of the United States and appoint a LGBTIQ+ envoy to range across the work of government, including the aid program, amplifying impact through better coordination. However Australian development assistance should not make the mistake of assuming that the priorities of people with diverse SOGIESC in other countries are the same as those in Australia, or that the trajectory of change will be the same in other countries as it has been in Australia. Close

engagement with diverse SOGIESC CSOs and communities is needed to ensure that culturally-appropriate, safe and relevant initiatives are funded.

How should the new policy reflect the Government's commitments to build stronger and more meaningful partnerships in our region, founded on mutual trust and respect and shared values of fairness and equality?

10. Efforts by DFAT to address the rights, needs and strengths of people with diverse SOGIESC needs to engage with the reality of state-based and societal discrimination and exclusion. When Australia provides aid on a state-to-state basis the recipient state may be actively hostile toward people with diverse SOGIESC or passively uninterested in taking meaningful steps to support their participation in society or their social and economic development. In the case of states actively hostile DFAT may have limited leverage to influence state policy and practice; however, knowing this to be the case, DFAT could choose to explore all possible ways to support people and organisations in those countries to advocate for change and to survive discrimination and exclusion until change happens. In the case of states that are passively uninterested DFAT could take more direct steps to encourage those states to do more.

E) What lessons from Australia's past development efforts should inform the policy? What is Australia seen to be doing comparatively well?

11. As noted in the Preface, there are isolated examples of diverse SOGIESC inclusion within Australia's past development efforts. The challenge is to move from a fragmented to a coordinated approach.

F) How should the performance and delivery systems be designed to promote transparency and accountability, as well as effectiveness and learning in Australia's development assistance?

12. Accountability and learning is much more likely to result from a systematic approach to diverse SOGIESC inclusion with Australia's aid program, rather than the isolated initiatives to date. Making inroads into diverse SOGIESC inclusion is not a job for DFAT as an isolated entity. Alongside increased DFAT capacity described above, DFAT will need to engage with LGBTIQ+ CSOs and other ally organisations in countries where aid programs are implemented. This will require core support for those organisations to effectively represent communities of people with diverse SOGIESC and for those organisations to strengthen capacity to engage with development and humanitarian actors. DFAT will also need Australian managing contractors, non-government organisations and other implementing partners to build diverse SOGIESC organisational capability.

Monitoring, evaluation and learning systems also need to collect, manage and utilise meaningful data that supports improved design and implementation for diverse SOGIESC inclusion. This could include high-level questions that track a) the extent to which implementers of Australian aid programs undertake situational analysis to understand factors which may help or hinder inclusion of people with diverse SOGIESC in programs, and b) the extent to which those implementers take steps to address what they learn through that analysis and c) the extent to which improve their capacity to include people with diverse SOGIESC in different contexts.

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