

Advancing SOGIESC Rights Abroad: Opportunities for Inclusive International Assistance

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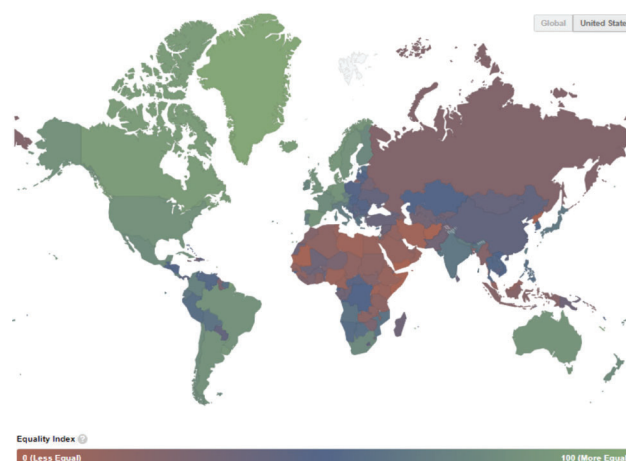
Issue

As SOGIESC (sexual orientation, gender identity and expression, sex characteristics) minorities are marginalized around the world, Canada has an opportunity to play a global leadership role in protecting SOGIESC rights by developing its own intersectional, anti-colonial SOGIESC-inclusive international assistance programming in close collaboration with civil society organizations.

Background

Around the world, people are discriminated against on the grounds of their sexual orientation, gender identity and expression, and sex characteristics. In Canada and other Western countries, these individuals may be referred to as Two-Spirit, lesbian, gay, bisexual, transgender, queer, intersex or asexual (2SLGBTQIA+); however, these terms are not universal. The SOGIESC term is considered best practice because it can be applied across languages and cultures, to people with fluid identities and to those who do not fall into the 2SLGBTQIA+ categories (UN Women 2021). In addition, SOGIESC people are diverse, and experience discrimination differently and unequally.

Figure 1: LGBT Equality Around the World



Source: Equaldex (2023)

SOGIESC minorities face discrimination and a lack of legal protection globally, particularly in countries that receive international assistance. For example, consensual same-sex acts are criminalized in 62 countries and punishable by death in 11 (International Lesbian, Gay, Bisexual, Trans and Intersex Association 2023). Many SOGIESC minorities are subjected to violence and face barriers to employment, health, education, and family (UN Human Rights Council [UNHRC] 2011). The Lesbian Gay Bisexual Transgender (LGBT) Equality Index [Figure 1] displays the level of equality in countries based on legal and social indicators. The map ranges from green (more equal) to brown (less equal), with countries in the

Americas and Europe tending to be more equal than those in Africa, Asia and the Middle East.

Discrimination against SOGIESC minorities is the result of enduring colonial legacies as well as societal, religious and gender norms. Homophobia and transphobia are rooted in Euro-Christian ideas of morality and gender roles, as well as anti-SOGIESC attitudes and laws exported by European powers abroad as a part of their colonial “civilizing” missions (Human Rights Watch 2008). The COVID-19 pandemic and global rise in far-right populism have exacerbated these attitudes and increased threats to the lives of SOGIESC minorities globally.

Although progress has been made in protecting SOGIESC rights in the past 30 years, in recent years there has been a rise in anti-SOGIESC laws and attitudes around the world. Most recently, Uganda has passed one of the world’s most restrictive anti-SOGIESC laws. Signed in March 2023, the law criminalizes same sex relations, punishable by either life imprisonment or the death penalty, and outlaws any activism on SOGIESC rights or issues (Nyeko 2023). Current trends on SOGIESC discrimination are alarming and deserve renewed and urgent attention.

SOGIESC Rights in the Global Context

Currently, there is no binding international human rights convention that protects the rights of SOGIESC minority communities. However, there have been substantial efforts to protect and promote SOGIESC rights by the United Nations, the International Commission of Jurists and various civil society organizations (CSOs). The basic human rights of SOGIESC people are protected under international law, including the Universal Declaration of Human Rights, as well as under regional instruments, such as The Inter-American Convention against All Forms of Discrimination and Intolerance (International Labour Organization 2019). In 2016, the UN created the Independent Expert on Sexual Orientation and Gender Identity to identify and address SOGIESC human rights violations (UNHRC 2016). The International Commission of Jurists (2007; 2017) created the Yogyakarta Principles and the Yogyakarta Principles Plus 10 to address the specific human rights needs of the SOGIESC minority community; however, they are non-binding.

CSOs play an essential role in promoting SOGIESC rights, documenting rights violations and supporting SOGIESC minority communities globally. Canadian CSOs, such as Dignity Network Canada, raise awareness and resources for SOGIESC issues, and partner with CSOs abroad to support vulnerable communities. Local CSOs around the world, such as Sexual Minorities Uganda, provide direct, essential support to SOGIESC minority communities.

Canada’s Commitment to SOGIESC Rights

Canada is a leader in domestic SOGIESC rights, with a strong track record of legal protection and social acceptance of its 2SLGBTQIA+ population (University of California, Los Angeles 2021). In August 2022, Women and Gender Equality (WAGE) Canada released the first Federal 2SLGBTQIA+ Action Plan to advance the rights and social, economic and health outcomes for 2SLGBTQIA+ Canadians (WAGE 2022b).

The Government of Canada (GoC) has also pledged to promote SOGIESC rights abroad through bilateral engagements, partnerships with civil society organizations, and international assistance programming (GoC 2022). In 2009, Canada acknowledged and affirmed the Yogyakarta Principles as guiding principles for protecting SOGIESC rights (GoC 2013). Canada has an opportunity to play a leadership role in protecting and promoting SOGIESC rights around the world.

The Changing Development Landscape

Foreign policy has increasingly become a tool to promote human rights, and more countries are adopting human rights-conscious international assistance (IA) programming. One example is Feminist Foreign Policy (FFP), which promotes the rights of women and girls abroad, and has been adopted by eight countries to date (UN Women 2022). Canada is currently developing its own FFP and FFP White Paper in collaboration with Canadian CSOs; however, the policy has yet to be released (Amnesty International 2021; Thompson, Ahmed and Khokhar 2021).

Canada follows a human-rights conscious approach through its Feminist International Assistance Policy (FIAP). Introduced in 2017, FIAP recognizes that gender equality and human rights are an important part of reducing global poverty and targets IA to key issues such as climate action and inclusive governance (GoC 2017). To develop and monitor its IA programming, Canada uses a Gender-Based Analysis Plus (GBA+) framework, which assesses how diverse groups such as women and different ethnic communities are impacted by Canadian policies (WAGE 2022a).

In addition to FIAP, Canada has engaged in some SOGIESC-inclusive IA programming through a series of initiatives. Following a commitment made at the 2018 Equal Rights Coalition, Global Affairs Canada (GAC) announced CDN\$30 million in dedicated funding over five years, followed by CDN\$10 million per year to improve SOGIESC rights and outcomes abroad (GAC 2019). This commitment was reaffirmed in 2022 with an additional CDN\$9 million in funding for three SOGIESC projects in the Global South (GAC 2022a). Canada provides this funding through the Act Together for Inclusion Fund (ACTIF), which is coordinated by Dignity Network Canada (GAC 2023).

Challenges in SOGIESC-inclusive Development

FIAP explicitly focuses on gender equality for women and girls, and only mentions SOGIESC in passing; as such, the policy lacks consideration of the unique issues and needs of the SOGIESC minority community (Aylward and Brown 2020). The policy upholds the gender binary between men and women, marginalizing gender-diverse individuals. In its current form, the FIAP is not intersectional — that is, it does not recognize the full spectrum of human diversity and unique experiences that come from intersecting identities like race, gender and sexual orientation.

While Canada has funded SOGIESC-specific development programs, the overall volume has been limited. Canada's 2022 commitment of CDN\$9 million is a fraction of the overall CDN\$8.1 billion Canada spent on IA in 2021 and is far outpaced by the CDN\$377 million spent on gender equality and women's empowerment in 2021 (GAC 2022b). Canada's SOGIESC IA has also been disproportionately directed towards women, with only eight percent of funding allocated towards transgender

communities and one percent toward intersex communities (Global Philanthropy Project 2022).

Prior to 2019, Canadian funding for SOGIESC issues abroad had been largely ad hoc (Aylward and Brown 2020). Canada now channels its SOGIESC IA funding through calls for proposals, the FIAP and the ACTIF. Canada lacks a specific international SOGIESC office or special representative, which would help to coordinate, promote and monitor these SOGIESC initiatives.

GBA+ is also limited in its application to SOGIESC rights. The framework was developed to assess the rights and outcomes of 2SLGBTQIA+ individuals in Canada rather than abroad. The identities and experiences of SOGIESC minority communities around the world are diverse and may not align with Canadian frameworks. Canada must be cautious in applying Western frameworks abroad.

Development assistance has been used as a tool for imperialism by imposing assumed “universal” ideas of progress on the Global South (Achilleos-Sarll 2018). Even progressive IA programming such as FFP can perpetuate imperial relations and marginalization, particularly if the “target” population is not included in its design and development (Thompson, Ahmed and Khokhar 2021).

Innovative Approaches to SOGIESC-inclusive Development

Several countries, including the United States and Germany, have adopted a SOGIESC-inclusive approach to IA programming, from which Canada can glean best practices.

The United States has:

- Appointed a US Special Envoy to Advance the Human Rights of LGBTQIA+ Persons (US Department of State 2021).
- Developed detailed manuals on SOGIESC rights and country-specific reports of the local SOGIESC rights environment to train U.S. workers in that country (United States Agency for International Development 2018).

Germany has:

- Mainstreamed LGBTI issues in its Foreign Policy and development cooperation (Federal Ministry for Economic Cooperation and Development 2021).

- Centered the local context and experiences of SOGIESC minority communities, including the recognition of colonial histories (ibid.).

Opportunities for Canadian Leadership

Given Canada's strong SOGIESC protection and human rights-conscious IA programming, Canada can play a global leadership role in developing and implementing a SOGIESC-inclusive IA policy. Canada has previously co-chaired the Equal Rights Coalition to promote SOGIESC rights globally and has worked with CSOs such as Dignity Network Canada and Rainbow Railroad to coordinate SOGIESC rights funding and provide protection for SOGIESC refugees through the Rainbow Refugee Assistance Program (RRAP) (GAC 2017; 2022a; Immigration, Refugees and Citizenship Canada [IRCC] 2019). An opportunity exists for Canada to strengthen these partnerships both domestically and abroad.

Scholars have critiqued Canada's FIAP for focusing on traditional gender equality at the expense of transformative policy, while a SOGIESC-inclusive FFP aims "to disrupt colonial, racist, patriarchal and male-dominated power structures" (Thompson, Ahmed and Khokhar 2021, 26). As a first step, Canada can mainstream SOGIESC rights and issues into the FIAP. This approach must go beyond the gender binary and recognize that SOGIESC minorities face unique marginalization due to their intersecting identities and thus require distinct support. As the FFP White Paper is still being developed, Canada has an opportunity to mainstream SOGIESC issues into its FFP.

Canadian programming must also recognize and mitigate any imperial relations that arise from development assistance by taking an anti-colonial, bottom-up approach to development. This approach includes cautioning against assumed universal frameworks and ideas, having local stakeholders play an active role in designing what the goals and processes of IA programming are, and tailoring IA to the local context and history (Ndlovu and Makoni 2014). Canada should strengthen its partnerships with CSOs abroad, deepen its understanding of local experiences and needs, and work alongside local stakeholders in designing and implementing IA programming.

Recommendations

Create a special representative to advance the human rights of SOGIESC minority communities abroad to coordinate, promote and monitor Canada's SOGIESC international initiatives. The representative should create a federal office to advance international SOGIESC rights and a pilot project in partnership with CSOs like Rainbow Railroad, building off existing expertise and networks abroad. Creating a special representative recognizes that the needs of SOGIESC minorities globally are distinct from that of Canada's 2SLGBTQIA+ population. (Timeline 12–18 months).

Increase and diversify programming for SOGIESC rights initiatives through the Act Together for Inclusion Fund and in partnership with Dignity Network. Canada has contributed CDN\$16.7 million in funding to ACTIF, representing a small fraction of Canada's IA (GAC 2023). Canada should increase this funding to ensure that SOGIESC initiatives receive substantial, flexible and sustained funding. Canada should ensure that this funding reaches the most marginalized SOGIESC communities by conducting an intersectional evaluation of funding outcomes. (Timeline 1–18 months).

Finalize Canada's FFP and work with WAGE Canada and CSOs abroad to adapt the GBA+ to an international context. Canada should continue and finalize its work with the FFP Working Group to expand SOGIESC-rights in other government initiatives. Canada should develop and pilot an international GBA+ framework and ensure that its structure is developed in partnership with local stakeholders to reflect the needs, identities and experiences of SOGIESC minorities abroad. (Timeline 12–18 months).

Collaborate with GAC desk officers to develop reports on the SOGIESC context in each country of assistance to strengthen understanding and knowledge-sharing of local experiences and needs. Country-specific manuals and reports will ensure that Canadian IA staff are trained for and sensitive to local SOGIESC contexts and indicate key issues to GAC for future programming. These reports should be developed in partnership with local SOGIESC minorities, CSOs and staff. (Timeline 18–24 months).

Coordinate with Rainbow Railroad and IRCC to

expand and promote the RRAP. In many countries, SOGIESC minorities and CSOs are persecuted, leaving refugee resettlement one of the few viable options. As anti-SOGIESC laws are being passed around the world, Canada should further promote the RRAP abroad and expand its target for RAPP refugees to provide protection for a greater number of SOGIESC refugees. (Timeline three to six months).

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