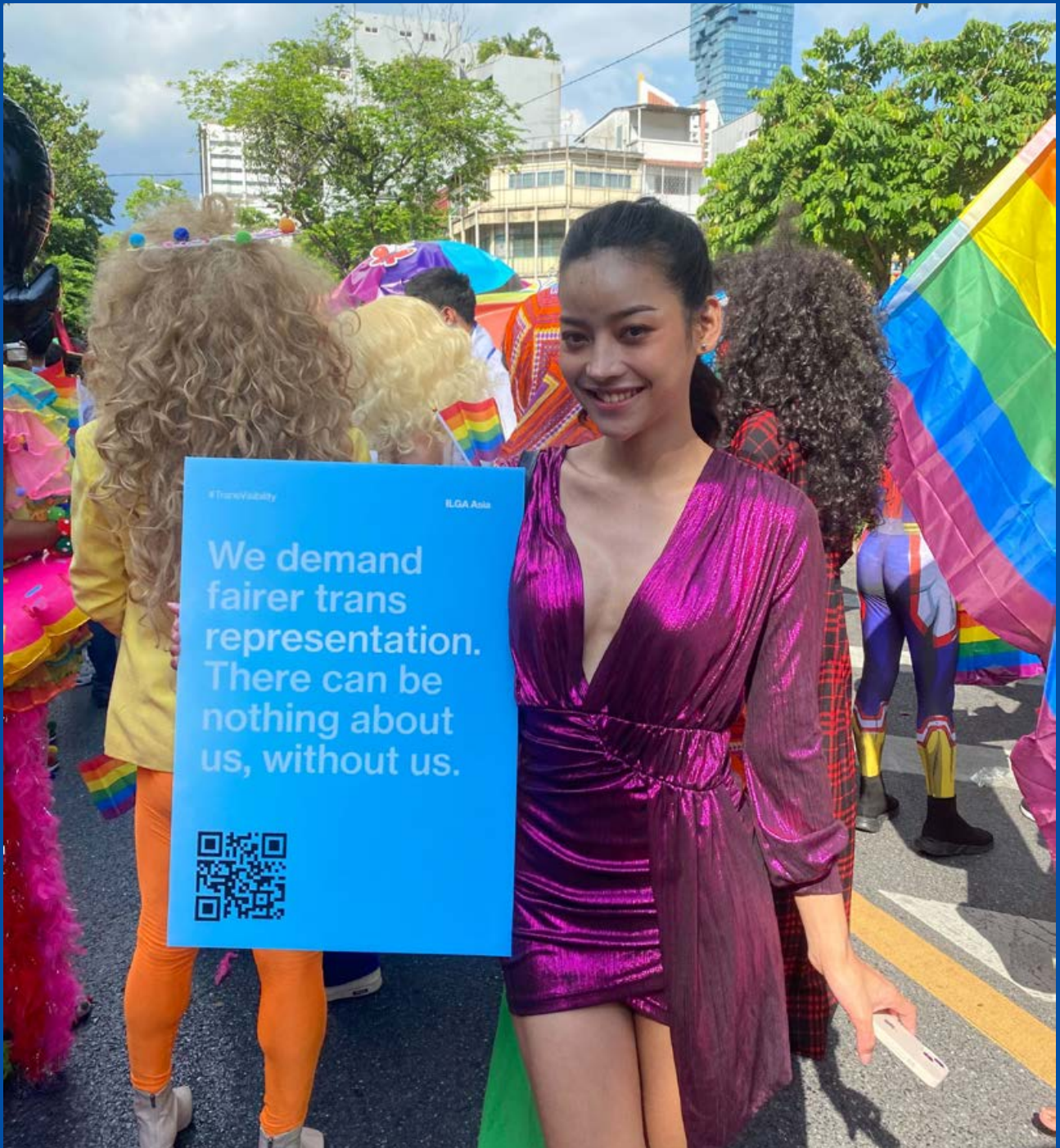




Partnering with Pride

The case for Australian
action on equality in our region





Thousands journey through the Thai capital during Bangkok Pride 2022, the first march of its kind in almost 16 years. Source: ILGA Asia

Acknowledgements

This report was authored by David Scamell (Global Philanthropy Project) and Tom Tanhcareun (Equality Australia consultant).

The authors extend their thanks to the reviewers of the report: Ajita Banerjee (ILGA Asia), Anna Brown (Equality Australia), Hiker Chiu (Intersex Asia), Marina Gonzales Flores (Global Philanthropy Project), Matthew Hart (Global Philanthropy Project), Ghassan Khassisieh (Equality Australia), Henry Koh (ILGA Asia), Ezra Nepon (Global Philanthropy Project), Midnight Poonkasetwattana (APCOM), Ryan Silverio (ASEAN SOGIE Caucus), Khine Su Win (ILGA Asia) and Nhuun Yodmuang (Asia-Pacific Transgender Network) and Isikeli Vulavou (PSGDN).

Contents

2	Terminology
3	Acronyms
3	About
4	Executive Summary
6	Recommendations
10	SOGIESC inclusion in the Asia-Pacific
10	People with diverse SOGIESC experience disproportionate rates of poverty and exclusion
12	People with diverse SOGIESC are leading change across the region
13	Diplomatic and development opportunities for Australia
13	Australia's human rights commitments
14	Australia is well positioned to become a global leader on SOGIESC issues
14	Australia has the opportunity to demonstrate a locally led, partnership-based approach to engaging with governments on SOGIESC issues
16	How other donor governments are prioritising SOGIESC issues
19	How the Australian Government can support sustainable and inclusive development for people with diverse SOGIESC
19	Principles
20	Recommendations
20	1. Establish targeted funding of at least \$15m annually for SOGIESC civil society in Asia and the Pacific
22	2. Develop a strategy to guide Australia's development and diplomacy approach to SOGIESC equality
23	3. Ensure adequate leadership and resourcing to deliver a successful SOGIESC agenda
24	Next steps
24	1. Establish an advisory structure
24	2. Research and consultation
26	Annexes
28	Endnotes

Terminology

This report primarily uses the acronym SOGIESC (sexual orientation, gender identity and sexual characteristics) in recognition of the fact that in the Asia-Pacific communities with diverse SOGIESC do not always map neatly onto the identities used in Global North countries.

The focus of this report is on people whose SOGIESC diverge from normative assumptions.

Other acronyms, such as LGBTQIA+ or sexual and gender minorities (SGM) are also used for clarity, such as when referring to the policies and practices of organisations that use these acronyms.

Acronyms

APCOM	APCOM Foundation
APTN	Asia-Pacific Transgender Network
ASEAN	Association of South-East Asian Nations
ASC	ASEAN SOGIE Caucus
CSO	Civil Society Organisation
DFAT	Department of Foreign Affairs and Trade
DIVA	Diverse Voices for Action for Equality
DRR	Disaster Risk Reduction
GEF	Global Equality Fund
GPP	Global Philanthropy Project
IE SOGI	Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity
LGBT/LGBTI/ LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and others
M&E	Monitoring and Evaluation
MFAT	Ministry of Foreign Affairs and Trade
NGO	Non-government organisation
PNG	Papua New Guinea
PSGDN	Pacific Sexual and Gender Diversity Network
Sida	Swedish International Development Agency
SDG	Sustainable Development Goals
SOGIESC	Sexual orientation, gender identity and expression and sex characteristics
TCEN	Commonwealth Equality Network
UNDP	United Nations Development Programme
USAID	US Agency for International Development

About

About APCOM

APCOM is a leading Asia Pacific non-profit organisation working with community-based organisations across 35 countries in the region since 2007 on education and innovation, advocacy and research, and community engagement and empowerment. We highlight and prioritise issues that affect the lives of people regarding their sexual orientation, gender identity, expression and sex characteristics.

About ASEAN SOGIE Caucus

ASEAN SOGIE Caucus (ASC) is a regional human rights organisation that is mandated to advocate for the inclusion of SOGIESC in the policies and programs of domestic, regional and global human rights mechanisms. ASC undertakes research, capacity-building and mainstreaming of SOGIESC in the work of civil society organisations in Southeast Asia. ASC provides technical support for local and unregistered LGBTQIA+ organisations in Southeast Asia. Since 2021 the organisation has a special consultative status with the ECOSOC.

About the Asia-Pacific Transgender Network

Formed in 2009, the Asia Pacific Transgender Network (APTN) is a regional trans-led network that is working towards the advancement of the rights of trans and gender diverse people in Asia and the Pacific through the generation of research and evidence, legal, policy and programmatic advocacy, and public campaigning. The APTN engages with a range of partners, globally and across Asia and the Pacific, to support, organise and advocate for comprehensive healthcare and the protection of legal, social rights for trans and gender diverse people.

About Equality Australia

Equality Australia is a national LGBTIQ+ organisation working to ensure equality for LGBTIQ+ people and their families. Bringing together legal, policy and communications expertise, along with thousands of supporters, Equality Australia works to address discrimination and disadvantage experienced by LGBTIQ+ people.

About GPP

Global Philanthropy Project is a collaboration of 22 leading funders working to expand access to resources for LGBTI communities, particularly in the Global South and East. As the first international cohort of LGBTI funders, GPP is internationally recognised as the primary thought leader and go-to partner for donor coordination around global LGBTI work.

About ILGA Asia

ILGA Asia represents more than 190 member organisations across East Asia, South Asia, Southeast Asia and West Asia. Our vision is a world where Asia is a safe place for all, where everyone lives in freedom and equality, properly informed in the nature of SOGIESC rights. All people should have access to justice and a respect for diversity, regardless of age, race, ethnicity, nationality, belief, language, class, caste, health and other statuses.

About Intersex Asia

Intersex Asia is an autonomous regional network of intersex-led organisations and individuals from Asian countries that work to support, educate and advocate for the rights and lives of intersex individuals and raise awareness on human rights violations and discrimination faced by intersex communities.

About the Pacific Sexual and Gender Diversity Network

The Pacific Sexual and Gender Diversity Network (PSGDN) is the regional network of LGBTIQI organisations and individuals in the Pacific. Established in 2007, the focus of PSGDN has in recent years been on growing the movement across the Pacific region and advocating for dedicated resources to progress the priorities of its members. PSGDN provides technical support to Pacific Islanders of Diverse SOGIESC+ (PIDSOGIESC+) and other relevant groups to advocate and educate other community members in the Pacific including government, parents of LGBTI people, teachers and faith leaders about the LGBTI community and related issues. PSGDN provides a mechanism for the exchange of information and technical expertise between and amongst its members. PSGDN acts as a regional forum providing its members with a collective voice to pursue its goals in regional and global settings.

Executive Summary

This report makes the case for Australia to step up as a leader in the inclusion of people with diverse sexual orientations, gender identities and sex characteristics (SOGIESC) in its foreign policy and development cooperation.

The need for change

People with diverse SOGIESC often experience socioeconomic inequalities fundamentally driven by social stigma and institutionalised discrimination related to their SOGIESC status. Consensual same-sex sexual relations among adults remain illegal in around half of Australia's development program's priority countries, including seven Pacific Island nations. Across Asia and the Pacific, there are few countries with SOGIESC anti-discrimination protections, a lack of prohibition of non-consensual medical interventions on intersex people, restrictions on the ability to update gender markers in identity documentation such as passports and birth certificates, and criminalisation of cross-dressing and sex work.

Despite these challenges, the potential for change is clear, including through international partners. Many countries in the region are making progress through locally led advocacy and partnership between civil society and government and while international partners have supported this progress, Asia and the Pacific still receive some of the world's lowest levels of funding for SOGIESC civil society.

Opportunities for Australia

Australia has an opportunity to engage in this area through a partnership-based approach that recognises the central role of local leadership in bringing about change. This would align closely with the Australian Government's broader approach to engagement in the Asia Pacific. In a space often perceived as difficult, it would set Australia apart as a constructive and progressive partner.

Australia also has the opportunity to further demonstrate its commitment to values of human rights and equality within a multilateral framework. Australia's previous success in gender equality and disability inclusion demonstrates the strong potential of values-based engagement for Australia's international reputation and credentials. The level of funding proposed in this report (\$15m annually) would place Australia among the top bilateral donors on SOGIESC equality in dollar terms. As Australia's engagement in the Global Equality Fund (GEF) already shows, this role would also have dividends for bilateral engagement with like-minded governments such as the USA.

Finally, there is an opportunity for Australia to strengthen its development effectiveness. SOGIESC issues are a conspicuous gap among Australia's otherwise strong approach to social inclusion in its overseas development assistance. People with diverse SOGIESC are among the most marginalised and must be included in development efforts to truly realise the principle of no one left behind.

Lessons from other donors

The USA has a comprehensive, whole-of-government approach — guided by a Presidential Memorandum — which provides a coherent framework and signals a strong administration-wide commitment to global LGBTI rights.

The Netherlands is the largest funder of global LGBTI issues (more than US\$51m in 2019-20). As the policy basis for this funding, the equal rights of LGBTI persons are one of four priority human rights issues for the Netherlands' foreign policy.

The Canadian LGBTQ2I International Assistance Program is guided by Canada's Feminist International Assistance Policy and consists of multiple tranches delivered by a number of departments within Global Affairs Canada. The tranches include support for Canadian LGBTQ2I organisations to work with developing country partners, support through Canada's geographic programs for local and regional equality organisations in developing countries, and support for global level policy, advocacy and research.

In Asia, a \$2.2m grant was announced in August 2022 as the first instalment under Canada's geographic funding tranche. The funding will support APCOM to support LGBTI organisations and networks in Cambodia, Laos, Indonesia, the Philippines and Thailand. In the Pacific, New Zealand and the Netherlands have committed to funding the Pacific Sexual and Gender Diversity Network (PSGDN) with funding to both strengthen the network itself and regrant to its members in eight Pacific countries.

Australia has the opportunity to build on the strengths of this work. A key theme in this work is a focus on strengthening civil society and its support mechanisms.



South Korea Pride returns to the streets of Seoul in 2022 after a two-year break with thousands marching in support of LGBTQ rights. Source: ILGA Asia

Recommendations

Australia's engagement should be guided by the following principles:

Nothing about us without us

Adopting a civil society led approach to engaging on SOGIESC issues, which centres the voices, expertise and priorities of local diverse SOGIESC communities and their allies. A civil society led approach is consistent with Australia's approach to engaging in Asia and the Pacific. It is the approach taken by leading donors in the SOGIESC space. And it is consistent with Australia's approach in other aspects of inclusion, such as disability.

Embracing diversity

There are two key dimensions of diversity to consider. First, that the SOGIESC community brings together a range of intersecting identities and experiences, ensuring all members of the community are reached. Second, that the identities within the Asia-Pacific SOGIESC community vary across cultures and do not necessarily map neatly onto the identities prevalent in Australia's SOGIESC community.

Do no harm but avoid inaction

While risks must be carefully and strongly managed, there is also a risk that fear of doing harm will lead to inaction. A key risk mitigation strategy is to centre the agency and leadership of people with diverse SOGIESC, who are in the best position to judge risk. The more they are able to lead policy and program decisions that affect them, the more effective will be any risk management strategies.



LGBTQI groups encourage people to speak out against discrimination at Thailand Pride Festival 2022. Source: APCOM

We recommend that the Australian Government:

1 Establish targeted funding of at least \$15m annually for SOGIESC civil society in Asia and the Pacific

This amount would be sufficient to provide a meaningful level of funding to SOGIESC civil society in most of Australia's aid partner countries in the region, while also allowing for complementary activities like technical assistance and intermediary fund strengthening. The funding should include multiyear core funding and technical assistance for SOGIESC civil society in Southeast Asia and the Pacific, with the guiding strategy, policy and design to be led by civil society representatives from the region. It should include a focus on addressing legal and social stigma and discrimination, as the two key drivers of inequality for people with diverse SOGIESC. The funding should establish and strengthen the region's intermediary funds, noting that these are a proven mechanism for successfully funding SOGIESC civil society elsewhere in the world.

The funding should comprise the following initiatives:

- > Dedicated funding programs supporting local, national and regional SOGIESC civil society in Asia and the Pacific;
- > Partnerships with regional SOGIESC networks in Asia and the Pacific;
- > Partnerships with Australian civil society organisations to advance Australia's work on SOGIESC issues in Asia and the Pacific; and
- > Supporting global partnerships that advance sustainable and inclusive development for people of diverse SOGIESC.

2 Develop a strategy that guides Australia's approach to engagement on SOGIESC issues, including multilateral and bilateral diplomacy and development and humanitarian assistance

The strategy would provide the policy basis for Australia's funding and guidance for Australia's diplomatic engagement on SOGIESC issues. The strategy would also enable consistency in Australia's external messaging on this issue and signal the Australian Government's commitment, not just externally but also internally. The scope of the strategy would include:

- > Australia's bilateral and multilateral diplomacy;
- > Australia's development and humanitarian assistance — including a twin track approach comprising both specific funding (as outlined above) and mainstreaming across the Australian aid program to ensure people with diverse SOGIESC can benefit equally from Australian aid; and
- > DFAT's international organisational capabilities.

3 Ensure adequate leadership and resourcing to deliver a successful SOGIESC agenda

Delivering on the above recommendations will require DFAT to invest in its capabilities in relation to:

- > External engagement — the Australian Government will require a sufficiently senior representative to engage with civil society and foreign governments, especially the growing number of dedicated LGBTQ+ rights ambassadors and special envoys. DFAT will also need to participate in regional and international LGBTI meetings and engage with private funders and international CSOs.
- > Internal leadership — within DFAT, senior leadership is required to ensure the organisation is equipped and aware of the proposed focus on SOGIESC issues. This will require not only technical capabilities but an internal cultural change, as it has for gender equality.
- > Program management — adequate staffing must be allocated to enable development and implementation of the strategy, ensure coordination of the funding tranches proposed above, act as a central point of expertise for staff in Canberra and overseas, and support senior staff.

Next steps

1 Establish an advisory structure

The Australian Government should establish an external advisory panel on SOGIESC equality to guide this work, comprising representatives of diverse SOGIESC communities across the region (including key Australian CSOs) and members with technical expertise in SOGIESC rights, inclusion and civil society strengthening, such as the Global Philanthropy Project. This would enable DFAT's work to be informed and monitored by SOGIESC civil society representatives, particularly those from the region. It would also be able to provide technical oversight and facilitate consultation where needed.

2 Research and consultation

DFAT should conduct analysis and consultation to inform both its strategy and the design of the funding mechanism, including:

- > Initial consultations with SOGIESC civil society and allies in the region (starting with the regional networks outlined above, as well as Australian CSOs such as Equality Australia, AFAO, Edge Effect and Intersex Human Rights Australia) to identify key actors and issues and understand where the opportunities and challenges lie;
- > Understanding the capacity of existing potential intermediary funders in Asia and the Pacific to deliver an Australian aid-funded initiative by engaging with existing processes to assess intermediary capacity in Asia and the Pacific;
- > Identifying appropriate delivery models for the proposed funding mechanism;

- > Identifying lessons learned from the experience of other donors (USA, Netherlands, Canada, NZ, Norway, Sweden), especially those funding SOGIESC inclusion in Asia and the Pacific, as well as key multilateral institutions working in the regions (UNDP, UNAIDS, UN Women, ILO, UNFPA, World Bank and Asian Development Bank); and
- > Mapping existing capabilities of Australian aid partners to mainstream SOGIESC diversity.



Raising awareness of the human rights issues affecting Asian LGBTIQ+ communities at the ILGA Asia Conference, Ho Chi Minh City, 2022 Source: ILGA Asia

SOGIESC Inclusion in the Asia-Pacific

People with diverse SOGIESC experience disproportionate rates of poverty and exclusion

According to the World Bank, people with diverse SOGIESC experience higher levels of unemployment, lack of access to adequate housing, health and financial services, and lower education outcomes as a result of stigma and discrimination.¹ The cost of exclusion extends beyond the individual and community level and has implications for economic development. Research by the UCLA School of Law estimates that LGBT exclusion might be costing the Indonesian economy up to 1.4% of the gross domestic product each year.²

The core principle of the 2030 Agenda for Sustainable Development is that no one should be left behind. Although the international community increasingly recognises that this includes people with diverse SOGIESC, the SDGs themselves are silent on the challenges faced by people with diverse SOGIESC. This silence reflects the extent of marginalisation experienced by these communities and means disaggregated data is generally not collected. Additionally, data collection efforts are hampered by stigma — many people with diverse SOGIESC will not disclose their identities to data collectors. Yet, despite these challenges, the evidence is growing.

People with diverse SOGIESC are impacted more by disasters, and excluded from relief

Stigma and discrimination also mean people with diverse SOGIESC experience lower levels of resilience to disaster and emergencies, including the COVID-19 pandemic and climate-induced hazards. People with diverse SOGIESC face barriers to participating in preparedness activities, accessing relief and successful recovery.³ A 2021 UN Women report found that in Cox's Bazar, Vanuatu and Mindanao, humanitarian and DRR systems themselves often do not recognise or respond to SOGIESC exclusion.⁴ Growing evidence suggests that climate change — a central focus for Australia's development agenda in the Pacific — has a disproportionate impact on people with diverse SOGIESC.

In 2016, the Pride in the Humanitarian System, a regional consultation meeting supported by the Australian Government, generated key recommendations to ensure inclusion of SOGIESC in all responses to humanitarian crises. Some of the recommendations include meaningful engagement and expertise sharing with SOGIESC groups, removal of gender binary frameworks in plans and design of programs, systematic gathering of SOGIESC inclusive data, and prevention of SOGIESC-based violence in the context of emergencies.⁵

The disproportionate impacts of the COVID-19 pandemic on people with diverse SOGIESC have been well documented

These impacts include exacerbation of pre-existing socioeconomic inequalities as people with diverse SOGIESC are more likely to experience poverty and homelessness or be employed in the informal sector.⁶ Impacts also arise from pandemic response measures, which have exacerbated prevailing stigma, discrimination and violence — for example when lockdowns have forced people with diverse SOGIESC into unsafe service systems. In some cases, people with diverse SOGIESC have even been blamed for the pandemic. People with diverse SOGIESC reported that during the pandemic they received support from local community organisations but rarely from the government.⁷



Development challenges are fundamentally driven by social stigma and institutionalised discrimination

The main drivers of exclusion for people with diverse SOGIESC are legal and social discrimination and stigma. Consensual same-sex relations among adults remain illegal in half of the priority countries for Australia’s development program, including seven out of the 10 Pacific countries.⁸

As well as the widespread criminalisation of consensual same-sex sexual relations in the region, other common forms of legal discrimination against people with diverse SOGIESC include the absence of anti-discrimination protections; lack of prohibition of non-consensual medical interventions on intersex people; restrictions on the ability to update gender markers in identity documentation such as passports and birth certificates; and criminalisation of cross-dressing and sex work. According to the Franklin and Marshall Global Barometer on Gay Rights, 20 out of the 29 priority countries for Australia’s development program received the lowest classification (persecuting) for state- and societal-level protection or persecution of sexual orientation minorities.⁹

Even where laws and regulations are inclusive, people with diverse SOGIESC continue to face widespread social stigma in the form of violence, discrimination and harassment.¹⁰ For example, in Fiji, a report by Diverse Voices for Action (DIVA) for Equality on the experiences of lesbian and bisexual women, trans men and gender non-conforming people found that:

- > 35% of people surveyed had experienced mental and emotional abuse;
- > 8% of people surveyed had been sexually assaulted by a family member;
- > 44% of people surveyed who experienced sexual assault said they would never tell anyone except close friends or their partner about it; and
- > more than 80% had been forced to leave their home.¹¹

The IE SOGI identified that discrimination and exclusion occur at all levels, including family, community, faith spaces, schools, workspaces, services and public spaces.¹²

Opening day of the ILGA Asia Queer Arts Festival 2022, featuring queer art and culture from across the Asian region. Source: ILGA Asia

SOGIESC Inclusion in the Asia-Pacific

People with diverse SOGIESC are leading change across the region

People with diverse SOGIESC have always been part of societies across Asia and the Pacific

The pre-colonial history of Southeast Asia includes numerous examples of traditions and practices of sexuality and gender diversity that held important ritual and religious significance, some of which continue in contemporary communities today such as the Waria in Indonesia, Kathoey in Thailand, Laos and Cambodia and Bakla in the Philippines.¹³ In many parts of the Pacific, there is a deep history of identities that exist beyond the male and female binary, including Fa'afafine and Fa'atama in Samoa, Vakasalewalewa and Brastos/Viaviatagane in Fiji, and Palopa in Papua New Guinea.

People who are born with sex characteristics (gonads, chromosomes or genital) that differ from typical binary notions of male or female bodies (commonly referred to as intersex people) have always existed as part of the naturally occurring diversity in human biology. In recent decades communities and networks of people who are intersex have emerged, including in Asia and the Pacific.

The false idea that diverse sexuality and gender identities are a Western import or based on western values runs contrary to the historical reality that it was European (particularly British) colonialism that imported criminalisation and strict, binary social regulation of sexual and gender identity across the two regions.

Civil society in Asia and the Pacific are leading the push for social inclusion

There is a significant and growing movement of organisations in Asia and the Pacific that are working to advance the rights of and improve outcomes for SOGIESC communities, however they lack the full resources they need.

Organisations include:

- > ILGA Asia, a regional LGBTIQ network working for the empowerment of SOGIESC communities, organisations and individuals in Asia, has more than 100 member organisations from 39 countries across the continent;
- > The Pacific Sexual and Gender Diversity Network (PSGDN) works with members from 15 Pacific countries;
- > The Asia Pacific Transgender Network (APTN) works with partner organisations in 26 countries across the South Asia, Southeast Asia and the Pacific;
- > Intersex Asia, a regional network of intersex-led organizations and intersex individuals from Asian countries;
- > ASEAN SOGIE Caucus, which plays an active role in broader regional and intersectional human rights advocacy in Southeast Asia, and has provided technical support for more than 30 LGBTQIA+ organisations; and
- > APCOM, a regional organisation focused on improving the health, rights and well being of SOGIESC people across Asia and the Pacific.

Asia and the Pacific are among the most under-resourced regions for funding on LGBTI issues. In 2019-2020, LGBTI funding awarded in Asia and the Pacific totalled \$40.9m, down by more than \$4m compared to 2017-2018.¹⁴ No donor government currently has a specific LGBTI funding strategy across the two regions.

It is important to note that SOGIESC civil society does not work in isolation. People with diverse SOGIESC are supported in their efforts by a broad spectrum of allies, including faith leaders in the Pacific.¹⁵ A 2021 Pacific Women brief identified support from numerous faith leaders, including engagement on the issue by the PNG Catholic Cardinal. In Fiji, one member affiliate of the PSGDN had co-developed an Action Plan with the Fiji Council of Churches to explore how they can work collaboratively to address the many issues faced by LGBTIQ people in Fiji.

Diplomatic and development opportunities for Australia

Engaging on SOGIESC equality is an opportunity for Australia to progress towards its diplomatic and development goals

At a global level, Australia has long championed a rules-based multilateral order, including on issues such as human rights and democracy. As part of a broader human rights agenda, engagement on SOGIESC issues is core business for Australia. Australia's diplomatic efforts on disability inclusion and gender equality have shown that Australia stands to gain from engaging on issues of human rights and inclusion.

In particular, Australia has been instrumental in the significant advances in disability rights globally, and in establishing new spaces for dialogue and cooperation such as the Global Disability Summit and Global Action on Disability.

Australia has also provided protection to potentially thousands of people escaping persecution on the basis of their SOGIESC status. Countries in Asia and the Pacific, such as India, Malaysia, Mongolia, Fiji, Nepal and Bangladesh, are among the most common countries of origin for people seeking asylum in Australia based on SOGIESC status.¹⁶

Australia's human rights commitments

International human rights law requires nation states to respect, protect and fulfil the rights of all people, including those with diverse SOGIESC. The United Nations Office of the High Commissioner for Human Rights report *Born Free and Equal* summarises the sources and scope of the legal obligations of States in relation to people with diverse SOGIESC. The report emphasises that "lesbian, gay, bisexual, trans and intersex (LGBTI) people are just as entitled to protection, respect and fulfilment of their human rights as everyone else, including protection from discrimination, violence and torture".¹⁷

The sources of state obligations with respect to SOGIESC rights derive from both human rights treaties and customary international law.¹⁸ Numerous UN human rights bodies have contributed a significant and growing body of jurisprudence.¹⁹ An additional key guiding framework is the Yogyakarta Principles (including the additional Yogyakarta Principles plus 10 which encompass sex characteristics), which were developed by a group of human rights experts to interpret how international human rights law apply with respect to diverse SOGIESC.

These obligations also extend to the promotion of the rights of people with diverse SOGIESC in international cooperation. The Charter of the United Nations creates a shared responsibility in the international community to support and facilitate national efforts for the realisation of all human rights. The Universal Declaration of Human Rights (art. 22), the International Covenant on Economic Social and Cultural Rights (art. 2) and the Convention on the Rights of the Child (arts. 4, 17, 23, 24 and 28) also contain references to international cooperation in the context of economic, social and cultural rights.

Australia has demonstrated a strong commitment to championing the rights of people with diverse SOGIESC, particularly in the multilateral system. Australia helped establish the Equal Rights Coalition, is a member of the UN LGBTI Core Group and was part of launching the Group of Friends of the Mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. LGBTI rights were one of the ten pillars and priorities Australia focused on during its term as a member of the Human Rights Council (2018-20). During the 3rd cycle of the UPR from 2017-2021, Australia issued SOGIESC recommendations to the following Southeast Asian countries: Philippines, Brunei Darussalam, Cambodia, Indonesia, and Myanmar.

Diplomatic and development opportunities for Australia

Australia is well positioned to become a global leader on SOGIESC issues

While Australia's international development program is recognised as leading on gender equality and disability inclusion, it is yet to join other peers in systematically addressing the marginalisation and disadvantage faced by people of diverse SOGIESC as part of a comprehensive approach to inclusive development. In 2019 and 2020, Australia awarded A\$700,000 through a limited number of grants for LGBTI work outside of Australia, which equates to 0.01% of net ODA in those two years. This was significantly less than peer donors like the Netherlands (A\$74.4m), Sweden (A\$33.7m) and Canada (A\$25.4m).²⁰

There are some instances where Australian aid has engaged on SOGIESC issues. Along with work done by other bilateral donors, these form part of the foundation that Australia can build on. These include:

- > **Global Equality Fund (GEF)** — Australia provided limited funding to the GEF, which resources people with diverse SOGIESC to advance and protect their human rights;
- > **Kaleidoscope Trust/the Commonwealth Equality Network** — Australia has provided funding to the Kaleidoscope Trust, the co-founder and coordinator of the Commonwealth Equality Network (TCEN), which was directed to supporting the advocacy capacity of TCEN members in the Indo-Pacific;
- > **Policy research** — DFAT has commissioned numerous analytical pieces on SOGIESC equality, including the inclusion of people with diverse SOGIESC in social protection and the intersection between disability inclusion and SOGIESC equality.^{21,22}

> **Bilateral engagement in Vietnam** —

The Australia in Vietnam Equality Strategy 2022-27 includes a commitment to supporting reform on LGBTI rights in Australia's bilateral engagement, through both the development program and advocacy actions such as annual dialogue with LGBTI groups.

> **Water for Women** —

Australia's flagship regional water, sanitation and hygiene program, the fund has sought to include people with diverse SOGIESC in around a third of its country programs, resulting in a body of evidence summarised at a regional learning event.²³

> **Humanitarian Partnership**

Agreements — As part of Oxfam's Pacific humanitarian capacity building project, Oxfam in Fiji identified SOGIESC inclusion as a gap in TC Winston and commissioned a research project to address it, documented in the report *Down By The River*;²⁴ and

> **PNPM Peduli** — Australia was a partner in PNPM Peduli (2014-20), a social inclusion program managed by the World Bank that included activities targeted to Indonesia's diverse SOGIESC communities.

Australia can demonstrate a locally led, partnership-based approach to engaging with regional governments on SOGIESC issues

Australia has the opportunity to engage on SOGIESC issues in a way that is strategically guided by Asian and Pacific priorities and approaches. The legal, political and social context for SOGIESC issues varies considerably across Asia and the Pacific. Some governments in the region maintain the criminalisation of same-sex relations and other forms of persecutory laws and policies on sexuality and gender identity. However there has been significant progress by Australia's bilateral partners towards recognising the rights of people with diverse SOGIESC in recent years.

This progress is driven by local advocacy and partnership between government and civil society, often supported by international partners. Local diverse SOGIESC communities and their allies are leading increasing momentum towards SOGIESC equality. For example, in the Pacific this often means centring strategies for change on engaging at the community and interpersonal level. People with diverse SOGIESC are often people of faith and their advocacy includes dialogue with faith leaders, many of whom have demonstrated openness to engagement.

By facilitating these locally led efforts, Australia can demonstrate a constructive approach to partnership. This demonstrates that there is space for change, especially when it is locally led. Examples of progress include:

- > Six Pacific Island countries decriminalising same-sex sexual acts since 2005 and the Vietnamese government outlining guidelines for the equal treatment of LGBT people in healthcare settings, including banning the use of conversion therapy;



- > Singapore last year repealing a section of its criminal code criminalising adult consensual sex between men (although it also amended the constitution to strengthen the existing definition of marriage as between a man and a woman);
- > Two recent UN General Assembly Resolutions affirming the obligations of all states to address discrimination, including on the basis of sexual orientation and gender identity. These indicate that a greater number of countries in the region support SOGIESC issues than not. Among the 29 priority countries for Australia's development program, 18 voted in favour of the 2020 UNGA Resolution on Extrajudicial, Summary or Arbitrary Executions;²⁵
- > Pacific Ministers for Women adopting the Pacific Platform for Action on Gender Equality and Women's Human Rights 2018-2030, recognising that "gender equality means that women and men of all ages, in all their diversity, have equal rights in all areas of life", which includes among other things, "the right to express their gender identity" and the "right to choose their partner".²⁶ The platform also highlights the need for a multi-sectoral response to violence against women by governments, civil society and donors to provide "consideration of the needs of vulnerable groups, such as the lesbian, bisexual, gay and transgender community";²⁷ and

- > The ASEAN Regional Plan of Action on the Elimination of Violence Against Children being adopted by high-level representatives from member states in 2015. The plan of action identified "children from the lesbian, gay, transgender or transexual community" as among the vulnerable groups of children together with children with disabilities, indigenous children, and children living in emergencies. The plan calls for a multi-disciplinary, child rights-based, and gender sensitive approach to protect children from all forms of physical, mental, and sexual violence.

Trans human rights defenders and community-based organisations from South East Asia gather for the first sub-regional convening in Bangkok 2022. Source: APTN

How other donor governments are prioritising SOGIESC issues

There is an established ecosystem of donor governments, private philanthropy and intermediary funding mechanisms working globally and in the Asia Pacific that Australia can engage and partner with

Global Philanthropy Project's report analysing lessons learned from government funding for SOGIESC civil society in the Global South and East concludes that efforts are most likely to succeed when there is:²⁸

- > High level political commitment by the government funder;
- > An overarching policy to coordinate the funder's support;
- > At least one senior-level champion within government;
- > An LGBTI-inclusive staff policy in all stakeholder organisations;
- > Ownership by local SOGIESC groups, particularly the ability to influence both the policy framework and the design of projects;
- > Understanding among stakeholders of the power relations at play among them
- > Context sensitivity and awareness;
- > Flexible funding;
- > A reasonable set of M&E and reporting requirements; and
- > Intermediaries with established relationships with SOGIESC civil society, grant-making skills, organisational capacity and strong relationship management capacity.



LGBTIQ+ human rights defenders, donor organisations, government representatives and civil society gather at the ILGA Asia Conference 2022. Source: ILGA Asia

Case Study 1

Comprehensive Whole of Government Strategy

The USA has adopted a comprehensive government approach to addressing SOGIESC issues in its diplomacy and development programs, guided by the 2021 [Presidential Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Persons Around the World](#). The memorandum directs all US government agencies and departments focused on foreign assistance to “promote and protect the human rights of lesbian, gay, bisexual and transgender persons everywhere”, and outlines specific initiatives including:

- > Strengthening existing US government efforts to combat the criminalisation of LGBTQI status and conduct by foreign governments;
- > Ensuring LGBTQI refugees and asylum seekers have equal access to protection and assistance, both in countries of first asylum and in the US;
- > Expanding US foreign aid, foreign assistance and development programs to advance human rights and non-discrimination;
- > Creating an interagency standing group, led by the US State Department, to enable rapid response to human rights abuses of LGBTQI persons abroad;

- > Building coalitions of like-minded countries and engaging international organisations on the human rights of LGBTQI persons; and
- > Rescinding inconsistent policies and requiring every department and agency to report annually on their progress in implementing the directives outlined in the memo.

The US leads two global multi-donor initiatives that advance its objective of using foreign assistance and development programming to promote and protect the human rights of LGBTQI persons around the world:

- > [The Global Equality Fund \(GEF\)](#), a multi-donor collaboration led by the US State Department. Several countries, including Australia, private foundations and corporate foundations contribute varying financial and in-kind support to the GEF, however the US is the principal funder. Congress appropriated US\$15m for the GEF in FY2022. Since it started, the GEF has conducted global open calls for civil society funding focusing on a range of different themes and sub-populations within the LGBTI community. The GEF has three types of support — small grants, emergency grants, and human rights programming — which enables it

to respond to varying needs of the global LGBTI movement, including emergency assistance and long-term capacity-building support.

- > [The Multi-Donor LGBTI Global Human Rights Initiative](#), a five-year (2019-2024) funding collaboration between USAID, Sida, Global Affairs Canada and the Wellspring Philanthropic Fund (GPP Member). USAID leads the initiative and is the largest contributor, with Congress appropriating US\$10m for the initiative and other LGBTI resources at USAID in FY2022. The Initiative focuses on four areas of funding:
 - > Research and data collection to inform policy;
 - > Social and behavior change communication efforts;
 - > Country-specific programming in nine priority countries, primarily resourced through regranteeing by the Astraea Lesbian Foundation for Justice; and
 - > Emergency response grants.

Case Study 2

Identifying LGBTI as a Priority Foreign Policy Issue

The Netherlands is the largest funder of global LGBTI issues, according to available data, providing more than US\$51million in funding in 2019-2020.²⁹ The equal rights of LGBTI persons was identified as one of four priority human rights issues for Netherlands foreign policy under the 2021-2025 coalition government agreement.

The Netherlands funds LGBTI issues globally through two main streams:

- > **Multi-year civil society partnerships:** The rights of LGBTI persons have been one of the priority issues for its CSO partnership funding program, with COC Netherlands and Hivos funded under the second round of the program. These five-year, multi-million Euro funding agreements are focused on both regranteeing to local LGBTI organisations in global south and east countries

as well as programmatic support to COC and Hivos that enables them to undertake capacity-building with their grantee partners. Part of these agreements include acting as advisor to the Netherlands Government on SOGIESC issues, as well as connecting the government to civil society activists. These agreements are administered centrally from the Hague. The funding that the Netherlands provides to COC Netherlands through this program includes regranteeing to LGBTI organisations in a number of Asian countries.

- > **Human Rights Fund:** The equal rights of LGBTI persons is one of seven priority issues for the Netherlands MFA’s Human Rights Fund, a global funding program that advances the Dutch Government’s priorities under its human rights policy.

Part of the total funding for the Human Rights Fund is allocated to Dutch embassies for projects that focus on addressing the human rights priorities in that country. Funding on LGBTI issues through the fund is split between resources administered centrally from the Hague and through many Dutch embassies across the world. Based on data submitted to the *2019–2020 Global Resources Report*, the Netherlands provided more LGBTI grants through their embassies than any other government donor. Over those two years, the Dutch government awarded 137 grants across each region of the world. Having equal rights for LGBTI persons as an explicit priority of the Human Rights Fund has facilitated a significant number of local LGBTI organisations and projects seeking support from the Dutch Embassy in their country.

Case Study 3

Multi-tranche, Cross-Agency Assistance Program

Canada's CA\$37million, [LGBTQ2 International Assistance Program](#) is guided by the human rights principles of Canada's Feminist International Assistance Policy and is divided into the following tranches:

- > **Canadian Partnerships:** Support for Canadian LGBTQ2 and intersex organisations in their efforts to collaborate with partners in developing countries (originally CA\$10m, though since expanded to CA\$17m);
- > **Geographic Programs:** Support for local and regional organisations and equality movements in developing countries (CA\$15m); and
- > **Global Partnerships:** Support for global partnerships and multilateral initiatives that contribute to policy, advocacy and research efforts to advance global LGBTI issues (CA\$5m).

A number of departments within Global Affairs Canada are responsible for implementing the LGBTQ2I International Assistance Program. The Canadian Partnerships tranche is managed through the Partnerships for Development Innovation Branch and the Geographic Programs tranche is divided between a number of geographic branches. The program, as well as management of the Global Partnerships funds, is coordinated by the Economic Development division within the Global Issues and Development Branch. Staff within this division are also responsible for engaging with other actors within the global field, including peer donor governments, civil society and philanthropy.

Case Study 4

Increasing Donor Support in the Asia Pacific Through Regional Intermediaries

In August last year, Canada announced its first funding agreement under the Geographic Programs tranche, providing APCOM with a [CA\\$2.2m grant focused on improving the management and sustainability of LGBTI organisations and networks advancing gender equality and empowerment of women and girls in five Asian countries](#) (Cambodia, Laos, Indonesia, Thailand and the Philippines). The grant includes a component for core support regranting to 15 LGBTI-led organisations, as well as technical assistance provided by APCOM.

[New Zealand, along with The Netherlands, recently announced partnerships with the Pacific Sexual and Gender Diversity Network \(PSGDN\) in order to promote the equal rights of people with diverse SOGIESC in the Pacific.](#) The New Zealand Government committed to providing PSGDN with NZ\$1m over three years, which includes funding for PSGDN's core costs as well as resources for PSGDN to regrant to their members in eight Pacific countries. As part of this partnership, the NZ Ministry of Foreign Affairs and Trade has worked with PSGDN to strengthen their internal organisational policies and systems so that they meet the funding requirements.

Intermediary funds

In the global landscape for SOGIESC funding, intermediary organisations play a key role receiving funds from donor governments, multilateral agencies and private foundations and regranting those resources to grassroots organisations. Intermediaries tend to be either public foundations or NGOs.³⁰ Alongside regranting, intermediaries also:

- > Provide additional financial and non-financial support to grantees, including capacity building and assistance with compliance; and
- > Strengthen the enabling environment through activities like research, tool development and advocacy.

Working through intermediaries brings a range of benefits including deep expertise, participatory approaches to grantmaking, greater agility and reducing reporting burdens for grantees.³¹ These benefits enable risk management, better reach and greater impact.³²

In the Asia-Pacific, as of 2019-20, 39% of funding for SOGIESC issues was delivered via intermediaries, compared to 41% in 2017-18 and 37% in 2013-14.³³

How the Australian Government can support sustainable and inclusive development for people with diverse SOGIESC

Principles

Nothing about us without us

The most effective way for Australia to demonstrate its commitment to sustainable and inclusive development for SOGIESC communities is by partnering with and supporting SOGIESC civil society in Asia and the Pacific. This includes strengthening existing mechanisms for supporting civil society as outlined in the recommendations. A civil society-led approach is important for several reasons:

- > Centring the voices, expertise, and priorities of local diverse SOGIESC communities and their allies is consistent with Australia's emphasis on Asian and Pacific priorities and partnerships;
- > It is aligned with the approach taken in other areas of inclusive development such as gender equality and disability inclusion, where Australia invests significant, vital resources in civil society organisations and networks in Asia and the Pacific;
- > It is the approach taken by the leading donor governments prioritising SOGIESC issues in their foreign policy and development programs; and

- > It is a key means of mitigating safety risks, as people with diverse SOGIESC themselves are best placed to understand what actions are safe to take in their contexts, and the risk that Australia is seen as imposing a "Western values agenda" by prioritising local voices and locally led changes.

Embracing diversity

Australia's work on diverse SOGIESC must recognise two key dimensions of diversity. First, the diverse SOGIESC community brings together people with a wide range of intersecting identities and experiences. As noted in the [Water for Women report](#), it can be easier to work with some diverse SOGIESC identities than others so effort must be made to ensure all the communities under the SOGIESC banner are reached, and to address the power imbalance between identity groups. Second, the identities in diverse SOGIESC communities in Asia and the Pacific vary across cultures and do not necessarily map neatly onto the identities prevalent in Australia's LGBTQI communities.

Doing no harm, but avoiding inaction

The Water for Women report noted that the Fund's core principle of "do no harm" can lead to fear and ultimately inaction on this issue. Risks can be mitigated to help strike an effective balance between doing no harm and acting to advance diverse SOGIESC inclusion. A key example of risk mitigation is working with SOGIESC civil society. People with diverse SOGIESC themselves are in the best position to judge risk. The more they are able to lead policy and program decisions that affect them, the more effective will be any risk management strategies. In practice this means engaging CSOs from the beginning of the program cycle, including analytical processes like human rights assessments, needs assessments and risk assessments. It also means establishing grievance mechanisms during and after implementation.



Pacific delegates on the steps outside ILGA World 2019 in Wellington. Source: FAIVA Inc

Recommendations

1 Establish targeted funding of at least \$15m annually for SOGIESC civil society in Asia and the Pacific

The two regions of particular focus for Australia's development program — Southeast Asia and the Pacific — are two of the most under-resourced in terms of funding for SOGIESC civil society. A significant scale up of resources by Australia, as a leading donor in both regions, is needed to address the challenges facing people of diverse SOGIESC and support the opportunities for advancing sustainable and inclusive development in line with the Australian Government's values. A combined annual SOGIESC funding program of \$15m, with a particular focus on supporting civil society in Asia and Pacific would increase funding in both regions by up to 75% based on 2019-2020 funding levels, making Australia the largest funder in both regions and one of the top five funders globally on SOGIESC issues. This amount would be sufficient to provide a meaningful level of funding to SOGIESC civil society in most of Australia's aid partner countries in the region, while also allowing for complementary activities like technical assistance and intermediary fund strengthening.

Key strategic elements

Australia's success as an advocate for gender equality and disability inclusion has been underpinned by its provision of dedicated funding to these areas. Building on that experience, specific funding for SOGIESC issues should:

- > **Comprise multiyear core funding and technical assistance for SOGIESC civil society in the region.** As other donor governments that prioritise SOGIESC issues in their foreign policy have identified, support for civil society is a crucial strategy for addressing the human rights and development challenges facing people of diverse SOGIESC. Multiyear core funding enables civil society to set its own priorities and ultimately enhances sustainability, particularly with technical assistance for organisational strengthening and capacity building.
- > **Be led by civil society representatives from the region.** Previous analysis has shown that funding for SOGIESC civil society is most effective when civil society itself has the opportunity to influence the design and strategy underpinning funding.
- > **Establish and strengthen regional and locally led intermediary funding mechanisms in the region.** Most civil society organisations working at the local and national level on SOGIESC issues in Asia and the Pacific will not have the internal capacity to directly manage funding from donor government agencies such as DFAT. It is for this reason that peer agencies such as Global Affairs Canada and the NZ MFAT (as outlined above) have partnered with organisations working at the regional level to support their capacity to regrant to local and national CSOs in Southeast Asia and the Pacific respectively. Regional and local expert organisations do exist and need to be further supported to sustain their work in the long term.
- > Include a focus on addressing legal and social stigma and discrimination. As outlined above, these two mutually reinforcing drivers of exclusion for people with diverse SOGIESC underpin the significant socioeconomic inequalities faced by these communities.

Proposed programs

Recognising that the specifics of Australia's future funding on SOGIESC issues would emerge through a strategy development process (as discussed below), the annual \$15m funding could follow the example of the other donor governments outlined above and be focused on several key initiatives:

Two dedicated funding programs supporting SOGIESC civil society in Southeast Asia and the Pacific that are included within the work of the Office of Southeast Asia and Office of the Pacific respectively.

These annual funding programs could focus on supporting and strengthening SOGIESC civil society by partnering with organisations in both regions that have the capacity to directly grant to CSOs working at the local and national level. As outlined above, other donor governments have entered into partnerships with SOGIESC-led regional organisations focused on improving the capacity and sustainability of local civil society to promote the human rights of, and work towards economic empowerment for, people of diverse SOGIESC. Through dedicated SOGIESC civil society funding programs in Southeast Asia and the Pacific, Australia could work with other donor governments to strengthen and increase the resources provided through the APCOM and PSGDN partnerships.

The level of support needed from the Australian government would require more than just these existing intermediary partnerships in both regions. The dedicated funding programs supporting SOGIESC civil society in Southeast Asia and the Pacific could also partner with other existing funding intermediaries in the region, including feminist funds with whom DFAT already has existing relationships with through its gender equality or social inclusion funding streams. Similarly, DFAT could work with SOGIESC-led funding intermediaries that have a proven track record of funding local and national civil society organisations in Southeast Asia and the Pacific regions, to include within these funding programs.

Partnering with regional SOGIESC networks in Asia and the Pacific. Civil society networks and organisations working at the regional level play an important role in promoting and protecting the rights and wellbeing of people of diverse SOGIESC in Asia and the Pacific. Regional networks do this by conducting research, undertaking advocacy with regional institutions such as ADB, ASEAN, Pacific Islands Forum, the SPC and SAARC, and multilateral institutions, and convening civil society in both regions. Providing ongoing core funding to these networks would strengthen their ability to elevate locally-driven approaches to inclusive development for people with diverse SOGIESC.

Partnering with Australian civil society organisations to advance Australia's work on SOGIESC issues in Asia and the Pacific. Each of the leading donor governments on global SOGIESC human rights and inclusive development work with their domestic LGBTI and other civil society organisations to ensure that their foreign policy, including development assistance, is responsive to the needs of the global movement. As Canada has done to support its LGBTQ2I International Assistance Program, Australia could support and resource the establishment of a network of Australian CSOs that would provide a dedicated voice for LGBTI sector engagement with the Australian Government on foreign policy, development assistance and humanitarian programs impacting on LGBTI people.

Supporting global partnerships that advance sustainable and inclusive development for people with diverse SOGIESC. As Canada has done, Australia should include a tranche within a SOGIESC funding program focused on global partnerships, recognising the role that research, advocacy and policy work at the international level can play in supporting change at the local, national and regional levels. For example, DFAT's support of the Global Equality Fund, UNDP's Being LGBTI in Asia and The Commonwealth Equality Network are all examples of the type of projects that play an important role in supporting change at the local and national level. In addition, Australia could build on its support for Edge Effect in developing research and policy guidance on SOGIESC-inclusive humanitarian practice, by taking a leadership role in further resourcing research, policy and advocacy to make the international humanitarian system more inclusive of the needs of people of diverse SOGIESC.



ILGA Asia Conference 2022. Source: ILGA Asia

Recommendations

2 Develop a strategy to guide Australia's development and diplomacy approach to SOGIESC equality

The Australian Government should develop a strategy to guide SOGIESC inclusion in foreign policy and development. A launch in the first half of 2024 would be appropriate, recognising that development of this strategy would require further research, consultation and design (as outlined below).

The key purpose of the strategy would be to provide the policy basis for Australia's dedicated funding in this area, and guidance for how Australia engages diplomatically on SOGIESC issues, taking into account Australian values as well as the geopolitical contexts in which the country operates.

This logic is supported by Australia's prior experience in disability, where the sustained availability of funding was a key enabler of Australia's advocacy successes. The strategy would also serve to:

- > Provide coherence to Australia's external messaging on this issue — an important role given the nuance required to engage constructively
- > Signal Australia's commitment, not just external but also internally — an area where the equivalent strategies on gender and disability have been instrumental.

Scope of the strategy

Australia's bilateral and multilateral diplomacy

While Australia has an established stance on SOGIESC issues in multilateral fora, the strategy would provide Australia's overseas posts with the mandate and guidance on how to engage on this issue as appropriate to their context.

Australia's development and humanitarian assistance

It is important for Australia to adopt a twin track approach to SOGIESC inclusion in its aid program. SOGIESC-specific funding to civil society (as outlined above) is essential given the limited resourcing and space available to civil society in the region. Without more support to civil society, effective mainstreaming cannot happen.

DFAT now has a wealth of experience in mainstreaming gender and disability inclusion, which it can draw on to effectively mainstream SOGIESC inclusion. Including people with diverse SOGIESC in Australia's aid programming in sectors like education and health — which already have a track record of addressing marginalisation and exclusion — has the potential to make a substantial difference to those communities.

Key steps towards effective mainstreaming could include:

- > **Mainstreaming into DFAT's aid management systems** — integrating SOGIESC inclusion into DFAT's systems and processes for policy and planning; design and procurement; implementation and performance management; and review and evaluation.
- > **Influencing and supporting development partners** — signalling Australia's commitment on this issue to DFAT's development partners and ensuring partners have adequate access to technical advice on mainstreaming SOGIESC inclusion effectively and safely.

> Developing the evidence base —

while there is a substantial and established body of practice in mainstreaming gender equality (and to some extent disability inclusion) in Australian aid investments, it will take time to develop an equivalent body of evidence for SOGIESC inclusion. Targeted efforts to capture relevant lessons from programming would accelerate this process.

> Building the supply of technical expertise —

as noted below, technical advice is a key enabler of mainstreaming. It will take time and specific, focused work to build the supply of technical expertise needed to support DFAT's aid investments to mainstream SOGIESC inclusion.

> Developing a mechanism for tracking funding levels —

DFAT's internal markers for gender and disability inclusion have yielded a helpful dataset for monitoring and analysing the extent of mainstreaming across the Australian aid program, including identifying lagging sectors and countries.

DFAT's internal organisational capabilities

The experience of other donors demonstrates that internal capabilities are an important enabler of external success.³⁴ While DFAT has a strong LGBTI staff network and delivered an LGBTI Workplace Strategy from 2018 to 2021, organisational capabilities also include sufficient resourcing. DFAT's strategy needs to include a commitment to adequately resourcing this work internally, as well as ensuring that DFAT officers have access to the technical expertise they need to deliver effectively — whether internal or external.

3 Ensure adequate leadership and resourcing to deliver a successful SOGIESC agenda

Delivering on the agenda set out here will require DFAT to invest in its capabilities in relation to:

- > **External engagement** — the Australian Government will require a sufficiently senior representative to engage with civil society and foreign governments, especially the growing number of dedicated LGBTIQ+ rights ambassadors and special envoys. DFAT will also need to participate in regional and international LGBTI meetings and engage with private funders and international CSOs.
- > **Internal leadership** — within DFAT, senior leadership is required to ensure the organisation is equipped and aware of the proposed focus on SOGIESC issues. This will require not only technical capabilities but an internal cultural change, as it has for gender equality.

- > **Program management** — adequate staffing must be allocated to enable development and implementation of the strategy, ensure coordination of the funding tranches proposed above, act as a central point of expertise for staff in Canberra and overseas, and support senior staff.

This is an ambitious agenda and DFAT will need to carefully consider an adequate resourcing profile. While the ambit of the Ambassador for Human Rights, announced in December 2022, includes advancing rights for LGBTIQ+ individuals, the role differs from other governments' approaches in that it is not solely focused on SOGIESC issues. Having an ambassador or special envoy dedicated to SOGIESC issues has influenced the extent to which these roles have served as a locus for energy and momentum in other governments.

Beyond the role of the Ambassador, adequately resourcing this work would, at a minimum, include an expansion of the number of full-time positions currently dedicated to this area as well as investing in building the supply of technical expertise (including, as described above, by strengthening regional and locally led expertise). Importantly, this resourcing should include expertise and systems for monitoring and evaluation of the program, tracking of SOGIESC funding by DFAT and continued capacity to submit bi-annually to the *Global Resources Report*. By way of comparison, when Australia first initiated its efforts on disability inclusion, the work was supported by a dedicated team. Yet SOGIESC issues are far less progressed globally now than disability was at that time.



Taiwan celebrates equality and diversity in central Taipei in east Asia's largest Pride march, 2022. Source: ILGA Asia

Next steps

1 Establish an advisory structure

The key next step for the Australian Government is to establish an external advisory panel on SOGIESC equality.

Purpose and scope

- > **The main purpose of the panel is to ensure that DFAT's policy direction is genuinely informed and guided by SOGIESC civil society representatives, particularly those from the region.**

This is consistent with the central role of civil society outlined above. It is also an opportunity for Australia to learn from the experience of other donors, which suggests that funding for SOGIESC equality is more likely to succeed when SOGIESC civil society can influence or co-design the policy and strategy that guides the funding.

- > **There are existing precedents for this approach.** For example, the new Pacific Women Lead program is overseen by a board led by and principally comprised of Pacific women. In the disability space, DFAT has a longstanding partnership approach with the Pacific Disability Forum and previously convened an advisory panel to guide Australia's disability inclusion strategy.
- > The panel would also be able to provide technical oversight and facilitate consultation where needed. **These functions are particularly important at this early stage, where DFAT is still building its internal capabilities.**

Composition

- > The advisory panel should comprise representatives of diverse SOGIESC communities across the region (including key Australian CSOs).
- > It should also include members with technical expertise in SOGIESC rights, inclusion and civil society strengthening, such as the Global Philanthropy Project.

2 Research and consultation

DFAT will need to conduct analysis and consultation to inform both its strategy and the design of the funding mechanism, including:

- > Initial consultations with SOGIESC civil society and allies in the region (starting with the regional networks outlined above, as well as Australian CSOs such as Equality Australia, AFAO, Edge Effect and Intersex Human Rights Australia) to identify key actors and issues and understand where the opportunities and challenges lie;
- > Understanding the capacity of existing potential intermediary funders in Asia and the Pacific to deliver an Australian aid-funded initiative, by engaging with existing processes to assess intermediary capacity in Asia and the Pacific;
- > Identifying appropriate delivery models for the proposed funding mechanism;
- > Identifying lessons learned from the experience of other donors (USA, Netherlands, Canada, NZ, Norway, Sweden), especially those funding SOGIESC inclusion in Asia and the Pacific, as well as key multilateral institutions working in the regions (UNDP, ILO, UNAIDS, UN Women, UNFPA, World Bank and Asian Development Bank); and
- > Mapping existing capabilities of Australian aid partners to mainstream SOGIESC diversity.³⁵



Thailand Pride Festival, 2022. Source: APCOM

Annexes

Annex 1 — Pacific Priority Countries for Australia's International Development Program

Country	Consensual Same-sex sexual relations legal (ILGA 2019)	F&M Global Barometer Gay Rights (2019) (100%)	F&M Global Barometer Trans Rights (2019) (100%)	LGBTI grants in 2019-2020, by country focus (US\$)	A/RES/76/176 (2021 UNGA Elections Resolution with SOGI language)	A/RES/75/189 (2020 UNGA Resolution on Extrajudicial Killings with SOGI language)
Papua New Guinea	No	22	24	\$12,750	Co-sponsor	In favour
Solomon Islands	No	15	19	\$0		N/A
Vanuatu	Yes	58	50	\$31,813	Co-sponsor	In favour
Fiji	Yes	78	65	\$375,338		In favour
Samoa	No	35	50	\$0		In favour
Nauru	Yes	58	44	\$0		In favour
Kiribati	No	35	44	\$43,209		In favour
Tonga	No	26	24	\$66,118		Abstain
Tuvalu	No	15	13	\$0		In favour
Niue and Tokelau	Yes	N/A	N/A	\$0		N/A
Cook Islands	No	N/A	N/A	\$0		N/A
Micronesia	Yes	62	44	\$0	Co-sponsor	In favour
Palau	Yes	65	63	\$0	Co-sponsor	In favour
Marshall Islands	Yes	58	44	\$0	Co-sponsor	In favour

Annex 2 — Asia Priority Countries for Australia's International Development Program

Country	Consensual Same-sex sexual relations legal (ILGA 2019)	F&M Global Barometer Gay Rights (2019) (100%)	F&M Global Barometer Trans Rights (2019) (100%)	LGBTI grants in 2019-2020, by country focus (US\$)	A/RES/76/176 (2021 UNGA Elections Resolution with SOGI language)	A/RES/75/189 (2020 UNGA Resolution on Extrajudicial Killings with SOGI language)
Indonesia	Yes	19	18	\$1,439,629	Against	Abstain
Timor-Leste	Yes	63	59	\$43,403	Co-sponsor	In favour
Philippines	Yes	59	35	\$710,554	Co-sponsor	In favour
Vietnam	Yes	67	59	\$2,044,981		Abstain
Cambodia	Yes	56	47	\$211,081		In favour
Myanmar	No	22	29	\$1,481,647		Abstain
Laos	Yes	48	35	\$77,573		Abstain
Mongolia	Yes	74	59	\$109,500		In favour
Afghanistan	No	7	18	\$5,000		N/A
Bangladesh	No	11	24	\$1,131,560	Against	Abstain
Sri Lanka	No	30	41	\$657,171		In favour
Nepal	Yes	70	77	\$374,635		In favour
Bhutan	No	30	41	\$57,866		In favour
Maldives	No	7	24	\$0		In favour
Pakistan	No	7	47	\$536,221	Against	Abstain

Endnotes

1. World Bank. (2018). *Sexual Orientation and Gender Identity* (webpage). <http://www.worldbank.org/en/topic/sexual-orientation-and-gender-identity>
2. Badgett, M., Hasenbush, A. and Luhur, W. (2017). *LGBT Exclusion in Indonesia and Its Economic Effects*. [online] Los Angeles: The Williams Institute.
3. Dwyer, E. (2021). *The Only Way is Up: Monitoring and Encouraging Diverse SOGIESC Inclusion in the Humanitarian and DRR Sectors*. [online] Bangkok: UN Women Regional Office for Asia and the Pacific.
4. Dwyer, E. (2021). *The Only Way is Up: Monitoring and Encouraging Diverse SOGIESC Inclusion in the Humanitarian and DRR Sectors*. [online] Bangkok: UN Women Regional Office for Asia and the Pacific.
5. Devikara, D., Dotter, E., Dwyer, E. and Holtsberg, M. (2016). *Pride in the Humanitarian System: Consultation Report*. [online] UN Women.
6. Madrigal-Borloz, V. (2020). *Violence and discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic*. [online] United Nations.
7. Singh, S. (2022). *Trans Resilience Report: Stories of Hope, Pain and Survival from the Trans Movement During the COVID-19 Pandemic*. [online] Asia-Pacific Transgender Network.
8. Cook Islands, Kiribati, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu.
9. Franklin & Marshall Global Barometers. (n.d.). "About". Franklin & Marshall College. <https://www.fandmglobalbarometers.org/about-the-project/>
10. Cortez, C., Arzinos, J. and De la Medina Soto, C. (2021). *Equality of Opportunity for Sexual and Gender Minorities*. Washington, DC: World Bank.
11. Diverse Voices and Action (DIVA) For Equality. (2019). *Unjust, Unequal, Unstoppable: Fiji Lesbians, Bisexual Women, Transmen and Gender Non Conforming People Tipping The Scales Towards Justice*. Fiji: Diverse Voices and Action (DIVA) For Equality.
12. Madrigal-Borloz, V. (2018). *Report on Legal Recognition of Gender Identity and Depathologization*. [online] United Nations.
13. Langlois, A. (2022). *Sexuality and Diversity Rights in Southeast Asia*. Cambridge, pp 9.
14. Global Philanthropy Project. (2022). *2019-2020 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender and Intersex Communities*. pp. 28-29. N.B. Reported figures are in US\$. Figures used in this brief have been converted to AUS\$ using exchange rate as December 31, 2020.
15. Pacific Women Shaping Pacific Development. (2020). *Thematic Brief: Ending discrimination on the basis of sexuality, gender identity and expression*. [online] Pacific Women Shaping Pacific Development.
16. Ghassan Kasssieh (2019) *From Lives of Fear to Lives of Freedom: 10 Years On*, Paper presented at the Queer Displacements conference, ANU, Canberra, 13-15 November 2019.
17. Office of the United Nations High Commissioner for Human Rights (OHCHR). (2019). *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*. [online] OHCHR, pp. vii
18. Office of the United Nations High Commissioner for Human Rights (OHCHR). (2019). *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*. [online] OHCHR, pp. 2
19. ILGA World (2021, November 8). "Treaty Bodies' Jurisprudence on SOGIESC issues". <https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC>
20. Global Philanthropy Project. (2022). *2019-2020 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender and Intersex Communities*, pp. 35.
21. Edge Effect. (2021). *We Don't Do A Lot For Them Specifically: A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond*. [online] Department of Foreign Affairs and Trade.
22. Alexander, K., Blyth, J. and Woolf, L. (2020). *Out of the Margins: an intersectional analysis of disability and diverse sexual orientation, gender identity, expression and sex characteristics in humanitarian and development contexts*. [online] Edge Effect.
23. Edge Effect. (2019). *Stepping Up: Ensuring sexual and gender minorities are not left behind*. (online) Water For Women.
24. Dwyer, E. and Woolf, L. (2018). *Down by the River: addressing the rights, needs and strengths of Fijian sexual and gender minorities in disaster risk reduction and humanitarian response*. (online) Oxfam Australia.
25. United Nations General Assembly. (2020). *Extrajudicial, summary or arbitrary executions*. A/RES/75/189.
26. Pacific Community. (2017). *Pacific Platform for Action on Gender Equality and Women's Human Rights 2018-2030*, pp. 5.
27. Pacific Community. (2017). *Pacific Platform for Action on Gender Equality and Women's Human Rights 2018-2030*, pp. 9.
28. Cook, B. and Vieira, B. (2016). *The Road to Successful Partnerships: how governments in the Global North can effectively partner with intermediary organizations to support LGBTI communities in the Global South and East*. (online) Global Philanthropy Project.
29. Global Philanthropy Project. (2022). *2019-2020 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender and Intersex Communities*, pp. 35.
30. Global Philanthropy Project. (2021). *Diving Deeper: Under the surface of LGBTI Intermediary funding data*, pp.4
31. Global Philanthropy Project. (2021). *Diving Deeper: Under the surface of LGBTI Intermediary funding data*, pp.3
32. Cook, B. and Vieira, B. (2016). *The Road to Successful Partnerships: how governments in the Global North can effectively partner with intermediary organizations to support LGBTI communities in the Global South and East*. (online) Global Philanthropy Project.
33. Global Philanthropy Project. (2021). *Diving Deeper: Under the surface of LGBTI Intermediary funding data*, pp.7
34. Rainer, E. (2021). OutRight Action International. *Guide to Inclusion of LGBTI People in Development and Foreign Policy*, pp. 28
35. Existing and past programming examples include work by CARE, Oxfam and Plan, including under ANCP; Water for Women; PNPM Peduli; Australia Assists; Humanitarian Policy Division-commissioned work on data collection; and CARE's Marginalised Urban Women Program



Pacific delegates sharing ideas and preparing for future challenges at APTN training workshop in Bali, 2018. Source: FAIVA Inc

