



SUBMISSION TO THE NEW INTERNATIONAL DEVELOPMENT POLICY REVIEW

EQUALITY AUSTRALIA AND GLOBAL PHILANTHROPY PROJECT

NOVEMBER 2022

WE NEED YOUR VOICE. [EQUALITYAUSTRALIA.ORG.AU](https://equalityaustralia.org.au)

ABOUT EQUALITY AUSTRALIA AND THE GLOBAL PHILANTHROPY PROJECT

Equality Australia is a national LGBTIQ+ organisation dedicated to achieving equality for LGBTIQ+ people.

Born out of the successful campaign for marriage equality, and established with support from the Human Rights Law Centre, Equality Australia brings together legal, policy and communications expertise, along with thousands of supporters, to address discrimination, disadvantage and distress experienced by LGBTIQ+ people.

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.

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We acknowledge that our offices are on the land of the Kulin Nation and the land of the Eora Nation and we pay our respects to their traditional owners.

SUBMISSION TO THE NEW INTERNATIONAL DEVELOPMENT POLICY REVIEW

The Australian Government has an opportunity to address a significant gap in its approach to supporting sustainable and inclusive development in its new international development policy. Over the past decade, most of Australia's peers have shown leadership in addressing the marginalisation and disadvantage faced by people of diverse sexual orientations, gender identities and expressions, and sex characteristics¹ through their international development assistance programs. While Australia has demonstrated its commitment to SOGIESC issues through multilateral fora such as the Human Rights Council, it has yet to develop a comprehensive strategy and approach in its international development assistance program.

Equality Australia and the Global Philanthropy Project are pleased to provide the following submission that:

- demonstrates how SOGIESC issues are a key development issue in Australia's region and globally;
- highlights how Australia's leading practice on gender equality and disability inclusive development should be replicated in incorporating SOGIESC inclusion in the new international development policy;
- provides recommendations for how sustainable and inclusive development for people of diverse SOGIESC can be included as a priority within Australia's international development assistance program; and
- details what internal and external capabilities are needed to achieve this.

1. WHAT KEY TRENDS OR CHALLENGES WILL SHAPE AUSTRALIA'S ENGAGEMENT IN OUR REGION AND GLOBALLY OVER THE NEXT FIVE TO 10 YEARS?

Australia has long championed a rules-based multilateral order at a global level, including on issues like human rights and democracy. 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. While Australia's international development program is recognised as leading on gender equality and disability inclusion, it is yet to join other peers in addressing the marginalisation and disadvantage faced by people of diverse SOGIESC as part of a comprehensive approach to inclusive development.

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. While the silence around SOGIESC exclusion means little data has been collected, the evidence is growing. Data collection efforts are hampered by stigma: many people with diverse SOGIESC will not disclose their identities to data collectors.

People with diverse SOGIESC experience disproportionate rates of poverty and exclusion. According to the World Bank, as a result of stigma and discrimination, people with diverse SOGIESC experience higher levels of unemployment, lack of access to adequate housing, health and financial services, and lower education outcomes.² Growing evidence suggests that these inequalities are heightened by climate change - a central issue in the Pacific - which disproportionately affects people with diverse SOGIESC.³ The cost of exclusion extends beyond the

¹ This submission uses the terminology of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in recognition that not all people whose sexual orientation, gender identity or sex characteristics differ from culturally mainstream categories, identify as lesbian, gay, bisexual, transgender or intersex (LGBTI). This is particularly the case in parts of Asia and Pacific, where distinct local identities related to diverse sexual orientation and/or gender identity exist.

² World Bank. (2018). *Sexual Orientation and Gender Identity* (webpage). <http://www.worldbank.org/en/topic/sexual-orientation-and-gender-identity>.

³ Dwyer, E. and Woolf, L. (2018). *Down By The River*. [online] Melbourne: Oxfam Australia.

individual and community level, having implications for economic development. Research by the UCLA School of Law estimated that LGBT exclusion might be costing the Indonesian economy up to 1.4% of the gross domestic product each year.⁴

These 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. Same-sex relations remain illegal in half of the priority countries for Australia’s development program, including seven out of the 10 Pacific countries.⁵ Alongside 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 and restrictions on the ability to update gender markers in identity documentation such as passports and birth certificates. According to the Franklin and Marshall Global Barometer on Gay Rights,⁶ 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.

2. HOW SHOULD THE NEW POLICY REFLECT THE GOVERNMENT'S COMMITMENTS TO BUILD STRONGER AND MORE MEANINGFUL PARTNERSHIPS IN OUR REGION, FOUNDED ON MUTUAL TRUST AND RESPECT AND SHARED VALUES OF FAIRNESS AND EQUALITY?

In the region, 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 consensual same-sex relations and other forms of discriminatory laws and policies on sexuality, gender identity and sex characteristics. However, recent years have been characterised in many cases by significant progress by Australia’s bilateral partners towards recognising the rights of people with diverse SOGIESC.

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 centering strategies for change in 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.

In keeping with the approach taken by the new Australian government of being guided by Asian and Pacific priorities and partnerships, the most effective way for Australia to demonstrate its commitment to sustainable and inclusive development for SOGIESC communities is by partnering with and supporting civil society in Asia and the Pacific.

Centering the voices, expertise and priorities of local diverse SOGIESC communities and their allies mitigates the risk that Australia is seen as imposing a “Western values agenda” in the region. 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. Finally, it is the approach taken by the leading donor governments prioritising SOGIESC issues in their foreign policy and development programs.

⁴ Badgett, M., Hasenbush, A. and Luhur, W. (2017). *LGBT Exclusion in Indonesia and Its Economic Effects*. [online] Los Angeles: The Williams Institute.

⁵ Cook Islands, Kiribati, Papua New Guinea, Samoa, Solomon Islands, Tonga and Tuvalu.

⁶ The Franklin & Marshall Global Barometers, consisting of the F&M Global Barometer of Gay Rights and the Global Barometer of Transgender Rights, measure state- and societal-level protection or persecution of sexual orientation and gender identity (SOGI) minorities worldwide. <https://www.fandmglobalbarometers.org/about-the-project/>.

In 2019 and 2020, Australia awarded \$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 (\$74.4m), Sweden (\$33.7m) and Canada (\$25.4m).⁷

3. WHAT LESSONS FROM AUSTRALIA'S PAST DEVELOPMENT EFFORTS SHOULD INFORM THE POLICY? WHAT IS AUSTRALIA SEEN TO BE DOING COMPARATIVELY WELL?

Working in partnership with civil society organisations on important issues such as gender equality and disability inclusion are features of Australia's development program that should be replicated in the new international development policy. Programs such as Women Together and Pacific Women Lead demonstrate that DFAT recognises the critical role that civil society organisations play in advancing development outcomes and is prepared to invest and trust in locally-led approaches to solving complex social issues involving marginalised populations. This practice is even more critical for Australia to adopt in addressing the needs of people of diverse SOGIESC in the new international development policy. At a minimum, Australia's engagement should be guided by the following principles:

Nothing about us without us. Centering 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 mitigates the risk that Australia is seen as imposing a "western values agenda" in the region.

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 particular diverse SOGIESC identities than others - so effort must be made to ensure all the communities under the SOGIESC banner are reached. Second, the identities comprising the SOGIESC community vary across cultures and do not necessarily map neatly onto the identities prevalent in Australia's LGBTQIA+ communities.

Navigating "do no harm". 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.

4. WHAT DEVELOPMENT CAPABILITIES WILL AUSTRALIA NEED TO RESPOND TO THESE CHALLENGES?

Equality Australia and GPP recommend the following initiatives being adopted by DFAT to ensure that sustainable and inclusive development for people of diverse SOGIESC is included as a priority within Australia's international development assistance program:

- **Establish targeted funding of at least \$15m annually** for SOGIESC civil society in Asia and the Pacific, comprised of the following initiatives:
 - Dedicated funding programs supporting local and national SOGIESC civil society in Southeast Asia and the Pacific
 - Partner with regional SOGIESC networks in Asia and the Pacific
 - Partner with Australian civil society organisations to advance Australia's work on SOGIESC issues in Asia and the Pacific.
 - Support global partnerships that advance sustainable and inclusive development for people of diverse SOGIESC.

⁷ Global Philanthropy Project. (2022). *2019-2020 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender and Intersex Communities*. pg 35.

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

The development of these initiatives should be guided by an **external advisory panel** on SOGIESC equality, tasked with ensuring that DFAT's policy direction is genuinely informed and guided by SOGIESC civil society representatives, particularly those from the region. 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. The advisory panel should comprise representatives of diverse SOGIESC communities across the region (including key Australian CSOs such as Equality Australia). It should also include members with technical expertise in SOGIESC rights, inclusion and civil society strengthening, such as the Global Philanthropy Project.

DFAT will also 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 to identify key actors and issues, the capacity of existing potential intermediary funders in Asia and the Pacific to deliver an Australian aid-funded initiative, and identify appropriate delivery models for the proposed funding mechanism. Further, this process should be informed by 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.

Finally, it will be critical for DFAT to **adequately resource this work**, including by establishing dedicated full-time positions within the department to lead on the development and implementation of the strategy, ensure coordination of the funding tranches proposed above, and act as a central point of expertise for staff based in Canberra and in embassies and high commissions. In addition, dedicated resources should be allocated for DFAT to participate in regional and international LGBTI meetings, which will enable them to have a greater understanding and connection to the global context, and connect with peer donor governments, private funders and international CSOs. DFAT also needs to ensure that it is building the supply of technical expertise - whether internal or external. That supply has been instrumental to DFAT's success in both gender equality and disability inclusion.