

FEDERAL LGBTQ2S ACTION PLAN SUBMISSION

International Policy Component



**DIGNITY
NETWORK
CANADA**

**RÉSEAU
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NOTE

These recommendations are grounded in Dignity Network Canada's 2019-2023 19 Recommendations developed by our members and signed by 30 Canadian CSOs and 20 international CSOs. In February 2021, they were refined by DNC's Advocacy and Government Relations Working Group and then reviewed by DNC's Board of Directors and Global Advisory Board in March-May 2021.

On May 20th, 2021, a delegation of Dignity Network Canada members provided a summary of these recommendations to representatives of the LGBTQ2 Secretariat, Global Affairs Canada and IRCC at a consultation regarding the international section of the LGBTQ2 Action Plan.

NOTE ABOUT LANGUAGE

Unless referring to a specific name or program, this document uses the term "2S/LGBTIQ" when referring to Canadian domestic issues.

This document uses LGBTIQ or SOGIESC, which are more internationally recognized acronyms for our identities and issues when referring to international issues.

Issue and Solution 1: Special Envoy or Ambassador on SOGIESC Issues Internationally

Issue: As Canada has increased support for the human rights of LGBTIQ people globally in recent years, a leadership position to champion and guide these efforts is needed. Between 2016 and 2019, this role was, in part, fulfilled by the Special Advisor to the Prime Minister on LGBTQ2 Issues, who had both domestic and international-facing responsibilities. Currently, there is a lack of attention afforded to these issues internationally as the new Minister of Diversity, Inclusion and Youth has a primarily domestic-facing responsibility in terms of 2S/LGBTIQ issues. Canada is less visible on the international stage regarding LGBTIQ human rights. There has also been insufficient coordination across parts of government on international SOGIESC issues in foreign policy and programs. Programs and policies advancing international human rights for LGBTIQ people have been slow to move forward due to the lack of coherence and coordination across different policies and programs related to gender equality and SOGIESC issues in foreign affairs.

Solution: We recommend that the Government of Canada work closely with civil society to develop a new high-level LGBTIQ leadership position (i.e. a special advisor, ambassador, or envoy) to lead SOGIESC issues at Global Affairs Canada and promote LGBTIQ equality and human rights internationally. This person should have experience in SOGIESC international issues and have strong credibility in civil society. This person should be responsible for championing and overseeing the implementation of all Canada's international SOGIESC engagement, ideally under a framework or plan that is visible to both government and civil society stakeholders. This high-level position would help to reinforce collaboration between civil society and government, not only in the different parts of GAC and Canadian missions around the world but also in other parts of the Canadian government involved in international issues and human rights. The position must have a dedicated office and resources to do their work effectively. This role could be similar to that of Canada's Ambassador for Women, Peace and Security. The two offices could work closely to ensure an intersectional approach to gender, peace and security issues. The UK just appointed a Special Envoy for LGBTI issues in May 2021, and the Biden Administration in the US is likely to re-appoint its Special Envoy in the coming months. Therefore, the high-level Canadian position would have direct counterparts in other countries and be part of a small but growing network of countries working to ensure that LGBTIQ human rights are respected and advanced globally.

Issue and Solution 2: Overarching International SOGIESC Policy Plan

Issue: Across Global Affairs Canada, including at the mission level, the government is taking steps to support LGBTIQ human rights. However, this is not broadly consistent and lacks an overall policy direction or plan. There are silos across Global Affairs Canada on SOGIESC issues and sometimes a lack of communication between various divisions or units working on interconnected matters. To effectively advance international human rights, many of Canada's foreign affairs areas should integrate a SOGIESC element. These include diplomacy, development and humanitarian assistance, gender equality policy, economic development, international trade, consular affairs, and migration and refugee policy. For example, as civil society partners, we have noticed an inconsistency in how Canadian embassies approach SOGIESC issues. Dedication or involvement in these issues should not be dependent on a supportive ambassador or embassy employee. All Canadian missions should have guidance on how to advance SOGIESC issues in their work, and this should be an expectation of Canadian foreign policy that is tracked and evaluated.

Solution: We recommend that Canada develop a clear policy direction and overarching strategy for advancing SOGIESC human rights across all areas of our international engagement. This would include Global Affairs Canada and other parts of the government with international facing portfolios, as well as Canadian missions. This policy and strategy should be nested within Canada's new Feminist Foreign Policy and intersect with the Women, Peace and Security Action Plan. The policy should be grounded in clear principles and guidelines, with outlined activities and goals. This kind of policy is becoming good practice among several Canadian allies. Germany is the most recent country to adopt an integrated LGBTIQ inclusion policy for foreign affairs and development cooperation. See Germany's new [LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation](#). Both the UK and the USA are expected to announce similar plans over the coming year. There is, therefore, an excellent opportunity for Canada to coordinate with like-minded countries on similar initiatives in the coming years. It is important that such a plan engage various units across the organization and other ministries with international-facing work. A plan should also have a solid connection to LGBTIQ civil society in Canada and abroad. The new GAC-CSO Standing Table on SOGIESC issues could be an ideal venue for ongoing discussions to support the advancement of this policy and plan.

Issue and Solution 2: Overarching International SOGIESC Policy Plan (continued)

While there will be work to do across various parts of GAC and other departments on the details of this plan, here are just a few suggestions of what to include:

- Continued guidance to missions on The Voices at Risk guidelines and supporting human rights defenders. The guidelines are a tool for both missions and GAC head offices in Ottawa to support the promotion of LGBTIQ human rights and their defenders.
- Enhanced reporting at the mission level back to headquarters on their progress in supporting LGBTIQ human rights. Reporting could be tied to performance management mechanisms.
- Policy-specific guidance on engaging with governments in quiet diplomacy related to LGBTIQ issues and support for local LGBTIQ civil society groups.
- Clearer guidance on consular services and issues in countries where LGBTIQ rights are criminalized. These include things like performing same-sex marriages in Canadian embassies or supporting Canadian minors sent overseas to undergo conversion therapy.
- Guidance on supporting LGBTIQ movements and organizations outside of the capital where Canadian embassies are located, such as in rural areas or neighbouring countries within the purview of the embassy.
- Identification of LGBTIQ human rights focal point individuals in Canadian embassies or within groups of Canadian embassies who could be liaisons with civil society, other like-minded embassies, as well as national or regional organizations working on LGBTIQ human rights. As Canada is supposed to have a focal point person in each mission for Voices at Risk Guidelines, this person could perform both roles in some embassies.

Issue and Solution 3: Dedicated and specific internal staff resources on SOGIESC issues across Global Affairs Canada

Issue: The number of GAC staff supporting work on SOGIESC-related human rights and inclusive development has increased only minimally since 2015, despite an increasing commitment and involvement in these issues globally. Teams responsible for SOGIESC-related initiatives or policies often have other responsibilities and sometimes are doing this work off the side of their desks. In an organization of over 12,000 employees, we have not been able to identify any staff explicitly dedicated to advancing or coordinating SOGIESC policies and issues. The result has been delays for months, or years, on certain initiatives and programs. It also means that GAC may lack the internal capacity and knowledge to adequately address specific issues that arise on SOGIESC issues.

Solution: We recommend increasing the number of staff responsible for SOGIESC issues within GAC. Actions could include designating specific SOGIESC policy staff in the Gender Equality Bureau and/or a staff person dedicated entirely to SOGIESC-related issues at GAC to assist in both internal and external cross-ministerial collaboration on SOGIESC work. At the mission level, this could include designated LGBTIQ-related focal point staff in different regions. There could also be a designated LGBTIQ coordinator for various international assistance programs. There should also be more recruitment of staff who identify as LGBTIQ2, especially people who are trans, non-binary, intersex, Two-Spirit and people of colour who can support work on advancing these issues from an intersectional approach. Hiring LGBTIQ2 staff will increase internal knowledge of some of the complexities and nuances around SOGIESC foreign policy issues and advance credibility in various international fora and civil society spaces. There are various models for this in other countries. The US and the Netherlands have identified dedicated LGBTIQ program staff in their Ministries of Foreign Affairs or international development agencies, such as USAID. The increase in personnel dedicated to SOGIESC issues will enable a smoother implementation of new programs and integration of SOGIESC issues across all areas of GAC in the coming years.

Issue and solution 4: Creating an international assistance framework for SOGIESC issues across GAC funding programs in partnership with civil society and international partners.

Issue: Canada has made necessary first steps over the past several years to support SOGIESC issues and human rights for LGBTIQ communities globally. However, these efforts are impeded by the lack of a comprehensive framework across GAC's various funding programs related to these issues, including humanitarian aid, peace and security programs, gender equality programs, economic development assistance, and multilateral funding programs. The siloing of government departments raises the concern that Canada's funding will not have the desired impact on the advancement of global LGBTIQ human rights. A disconnected approach runs the risk of excluding meaningful participation from organizations in the Global South and underfunding various communities, including lesbian, trans, intersex, Indigenous, and francophone organizations and projects.

Solution: We recommend developing a new framework for Canadian international SOGIESC-related funding that integrates and links all various components across GAC (including but not limited to the new funding windows), and that could explore cross-cutting issues such as innovation in SOGIESC funding (for example, funding non-registered organizations, participatory, feminist grantmaking models, emergency response funding, and funding LGBTIQ human rights work in non-ODA countries). Such a framework could also identify how programs are targeting various groups such as trans, intersex, LBT women, and francophone communities. The framework would be a link to a broader foreign policy plan outlined in the first issue area in this submission.

A new funding framework would acknowledge the ever-changing reality of grassroots LGBTIQ organizations and communities working in precarious legal, political and social environments. This could be done by (1) providing core, predictable, and flexible funding through existing mechanisms (both Canadian and those in the Global South) to grassroots LGBTIQ organizations and (2) integrating policies and guidelines to make funding agreements more flexible and responsive (e.g. activities that need to change, salary allocations that need to shift, security funding, etc.).

Some of the issues to be explored would include support for non-registered organizations, how human rights approaches fit within international development frameworks, and the intersection between gender equality programs and SOGIESC issues. We would like more dialogue on sex work and the link to GAC's Sexual Exploitation and Abuse policy. A framework could also be linked to broader multilateral efforts around donor coordination and impact with like-minded donor countries in the ERC and in partnership with mechanisms such as the Global Philanthropy Project, which monitors and researches government and philanthropic funding advancing LGBTIQ equality and human rights.

Issue and solution 5: Set a higher target for Canadian international assistance funding in support of SOGIESC development issues, humanitarian aid, and human rights.

Issue: People with diverse sexual orientation, gender identity and expression and sex characteristics continue to face widespread criminalization, discrimination, and violence across the globe. The vulnerabilities many experience have only been exacerbated by the health and broader humanitarian impacts of COVID-19. Most of the organizations and networks leading the push for LGBTIQ human rights and improved development outcomes are severely underfunded and, at the same time, face increasingly well-resourced opponents of human rights for LGBTIQ people. According to research from the Global Philanthropy Project, between 2013-2017 the global anti-gender movement received three times the level of funding of LGBTIQ movements worldwide. While Canada is committed to a Feminist International Assistance Policy, its current funding for SOGIESC issues globally falls well below peer donor countries. Before 2018, the only Canadian international aid designated to LGBTIQ communities was through the CFLI embassy fund and the amount was less than \$1M a year. By 2018, this amount had increased to approximately \$3M. In early 2019, Global Affairs Canada committed \$6M a year for five years to a new set of initiatives called the Canadian International Assistance Program for LGBTQ2I Persons and Communities. While these are significant first steps towards broader inclusion in Canadian international assistance, it is still a very small percentage of Canadian aid and a lower percentage than other leading ERC countries such as the Netherlands (0.36%), Sweden (0.40%), Finland (0.18%) and Norway (0.16%).

Solution: Achieving Canada's goal of gender equality worldwide, including through the advancement of LGBTIQ human rights and improved development outcomes, means scaling up resources for LGBTIQ movements within our international assistance programs. We recommend that as part of the new federal LGBTQ2 Action Plan, GAC set a higher overall target for SOGIESC-related global funding of at least 0.35% of Canadian yearly aid, roughly \$20M. This higher commitment would bring Canada more in line with other like-minded countries that are advancing human rights for LGBTIQ people. Canada has the opportunity to make a significant and long-lasting impact in certain parts of the world where LGBTIQ grassroots movements and human rights defenders are currently struggling to advance basic human rights. A relatively small increase in funding will have a significant impact on the global movement in many regions. Combined with a more robust and comprehensive SOGIESC foreign policy plan and funding framework within our broader FIAP and FFP, this has the potential to significantly advance LGBTIQ human rights and socio-economic development in many parts of the world.

In addition to your previous response, and reflecting on existing Government of Canada policies and programs, please identify any policies and programs that your organization would like to see improved to better meet the needs of LGBTQ2 people in Canada. In your response, please explain why and how they should be amended.

Comprehensive training across GAC on SOGIESC Issues

Training on SOGIESC issues is happening in some contexts across GAC, including in some embassies. However, there are gaps across the system. While public servants have access to GBA+ training, additional specialized training on SOGIESC issues and how to engage with LGBTIQ civil society is needed. Going forward, we recommend that GAC staff—from Ambassadors to Locally Engaged Staff—all have appropriate training on SOGIESC policy issues related to their work and how to support LGBTIQ-related human rights in their specific contexts. The mission-based training should include and engage with local LGBTIQ organizations and activists. Training by local organizations allows for a nuanced understanding of the situation which can also facilitate quiet diplomacy.

Increase SOGIESC issues within CFLI and expand emergency response funding

Since 2009, The Canada Fund for Local Initiatives (CFLI) has been a key part of Canada's engagement with and support for local SOGIESC issues and LGBTIQ human rights in many countries and regions. CFLI is also an important mechanism to support LGBTIQ human rights groups in countries that are not eligible for ODA-aid. However, while LGBTIQ issues used to be a priority for this fund, this is no longer the case.

We would like to see GAC continue to enhance CFLI's support for LGBTIQ human rights groups and integrate the lessons learned from CFLI across other funding programs as they are developed. CFLI should be analyzed and enhanced as one important tool to support the advancement of human rights for LGBTIQ people, in consultation with LGBTIQ civil society organizations who have benefited from this program.

We recognize that CFLI has its limits. There is a need for mechanisms to support unregistered LGBTIQ organizations and LGBTIQ human rights defenders (which include individuals, organizations, and movements) facing criminalization, harassment, violence, and other threats. These human rights defenders require easily accessible rapid response emergency funding to best support their needs. The need for rapid response funding was raised by civil society two years ago when the Voices at Risk guidelines for supporting human rights defenders were updated. This need has only been heightened as the shrinking space for civil society globally has disproportionately impacted LGBTIQ human rights defenders.

Work closely with civil society in the new Community of Practice on SOGIESC issues in development assistance and include learning from a diversity of programs

The creation of the new Canadian International Assistance Program for LGBTQ2I Persons and Communities in 2019 was an important programmatic development for Canadian international assistance. The development of a Community of Practice is an important part of this program. We recommend that this new Community of Practice involve learning across civil society, international partners, and staff at GAC working on the programs. The Community of Practice should connect with and involve other GAC funding programs supporting SOGIESC issues (e.g. PSOPs, SRHR programs, The Equality Fund, CFLI, etc.)

We also want the Community of Practice established in writing with clear Terms of Reference. It is also important to note that while civil society was initially consulted two years ago, there should be a regular check-in on the development and progress of these initiatives.

GAC should involve and collaborate with Canadian 2S/LGBTIQ civil society through the new Community of Practice to help inform the development of further initiatives and programs, including multilateral funding allocations related to SOGIESC issues and human rights. The Community of Practice should involve a diversity of civil society organizations, including increased involvement of francophone organizations and organizations working with a broad diversity of sexual orientations, gender identities and expressions, and sex characteristics, including LBQ women, trans, intersex, and Two-Spirit communities.

In addition to your previous responses, please identify any new policies and programs that the Government of Canada should consider implementing in order to meet the needs of LGBTQ2 people in Canada. In your response, please explain why they should be considered and how they should be implemented

Integrate SOGIESC issues into Canada's Feminist Foreign Policy and the National Action Plan on Women, Peace and Security

Canada is developing a new Feminist Foreign Policy Plan and there will be a revised/renewed National Action Plan on Women, Peace and Security (NAP on WPS). Any international component of a federal LGBTQ2 Action Plan must be interconnected with these plans and visible to the staff implementing and monitoring progress on those plans. The Feminist Foreign Policy and NAP on WPS should be gender-inclusive and integrate SOGIESC throughout.

Last fall, Global Affairs Canada launched the development of a policy paper outlining its Feminist Foreign Policy. Civil society expects this plan to fully integrate SOGIESC issues throughout. Canada's National Action Plan on Women, Peace and Security covers the period from 2017-2022. To date, this plan has been focused on women and girls, but discussions have begun about the need to make the Women, Peace and Security agenda more inclusive of gender diversity. We hope that the next NAP on WPS will be fully inclusive of SOGIESC issues. In the interim, we hope that Canada will take steps to move out of the gender binary and begin including SOGIESC issues as part of their broader work on WPS. SOGIESC issues should be integrated throughout GAC. However, it is important to ensure that integration does not push mainstream SOGIESC issues into invisibility.

Develop a plan to integrate Canada's support for LGBTIQ human rights into GAC's public engagement efforts

As GAC further develops its new public engagement strategy, theory of change and framework, we recommend that SOGIESC issues and Canada's support of global LGBTIQ human rights be better integrated into this strategy. In collaboration with the growing community of Canadian civil society organizations involved in international SOGIESC issues through Dignity Network Canada, GAC can use the strategy to highlight SOGIESC issues and Canada's increased support for international LGBTIQ human rights. Many Canadians do not know the important work that Canada, our embassies, and our civil society organizations are doing globally to support human rights for LGBTIQ communities and there is a significant public engagement opportunity in the years ahead. A public engagement strategy related to SOGIESC issues should, of course, take into account issues of security, safety and 'do no harm' principles.

Ensure the inclusion of LGBTIQ people and communities in Canadian humanitarian aid programs

To date, as far as we know, LGBTIQ people and communities have not been included in Canadian humanitarian aid programs. In some regions and countries, LGBTIQ people and communities are left behind and face particular challenges accessing aid. Canada should establish a clear commitment in policy to fair access to humanitarian aid for people regardless of SOGIESC.

Ensure non-discrimination practices across all Canadian international development assistance programs

Canada should ensure that all international assistance initiatives funded by Canada align with the principles of the Canadian Charter of Rights and Freedoms and comply with principles underscored in the Feminist International Assistance Policy. In particular, it should ensure that ODA recipient organizations do not work against the human rights of LGBTIQ people. USAID has conducted a similar assessment of all US international aid to ensure all funded organizations are adhering to non-discrimination policies that are inclusive of SOGIESC.

Please provide any further comments that your organization would like to have considered as part of the development of the LGBTQ2 Action Plan. Feel free to elaborate on any of the previous questions or share any additional thoughts.

The Rainbow Coalition for Refuge is a partner coalition to Dignity Network Canada. Canada's role in advancing LGBTIQ rights internationally must also intersect with ensuring refuge for LGBTIQ persons at risk. All of our recommendations above consider the needs of LGBTIQ refugees and displaced persons. Moreover, we strongly endorse the recommendations related to refugee policy from our colleagues in the Rainbow Coalition for Refuge and stand in solidarity with them as a necessary component in the Federal Action Plan.

Specifically, we would like to re-emphasize key components of the Coalition's submission:

1. Uphold the right to seek refuge and recognize that refugee travel is essential. Adhere to international obligations and protect the human rights of survivors of SOGIESC persecution.
1. Establish that areas of refugee protection, resettlement and settlement are capable of delivering services that are safe and responsive to Sexual Orientation, Gender Identity, Expression, and Sex Characteristics (SOGIESC). This also means dedicated LGBTIQ staff at IRCC (similar to our request for dedicated staff at GAC.)
1. Develop projects that promote the protection of LGBTIQ persons in countries of first asylum, that also allow routes for resettlement.
1. Work with civil society to develop a crisis response plan, which includes the relocation of human rights defenders and internally displaced persons (IDPs).

The right to uphold asylum ought to be explicitly mentioned in the LGBTQ2 Action Plan, which means;

1. Making a commitment in writing to work with civil society to respond to the needs of LGBTIQ persons globally, and strengthening/increasing pathways to safety in Canada
2. Making a commitment to work with civil society both in Canada and abroad to strengthen the human rights of LGBTIQ persons who are internally displaced and awaiting resettlement in conditions that are hostile to LGBTIQ persons
3. Upholding the right to asylum, which means a) working to clear the covid-19 backlog and b) resettling LGBTIQ refugees as soon as possible.

Dignity Network Canada stands in solidarity with the Coalition that both GAC and IRCC need a more proactive crisis response plan to deal with internally displaced persons and respond to emergency situations. At minimum there need to be coordination and point persons between agencies that we can alert to crisis situations, working together to determine the criteria for case selection. This also means explicitly mentioning LGBTIQ people and working on a pathway to include LGBTIQ persons in the refugee stream for humanitarian works, journalists and human rights defenders.

Finally, on the right to claim asylum, we believe that the Safe Third Country Agreement disproportionately impacts LGBTIQ refugees. Current practices of returning people to the US fail to protect survivors of SOGIESC persecution and places LGBTIQ individuals at risk of prolonged segregated confinement and abuse in the US detention system or refoulement to countries of persecution. From a bilateral perspective, this agreement threatens to taint Canada's role as a leader on refugee protection and LGBTIQ rights. The agreement should be repealed and if not repealed, officially not implemented in practice. Canada's LGBTQ2 Action Plan must address its role in removing all barriers to the right to claim asylum.

Please also see Dignity Network Canada's Recommendations for 2019-2023: <http://www.dignityinitiative.ca/wp-content/uploads/Dignity-Newtork-Recomendations-2019-EN-FR-ii.pdf>. These 19 recommendations were submitted to the Government of Canada in 2019 and continue to reflect Dignity Network Canada's position. This submission updates and builds upon the 19 previous recommendations.



SIGNATORY ORGANIZATIONS

1. AGIR: Action LGBTQ+ avec les immigrantEs et réfugiéEs
2. Alliance for South Asian AIDS Prevention (ASAAP)
3. ARC International
4. Asian Community AIDS Services (ACAS)
5. Canadian Centre for Gender and Sexual Diversity (CCGSD)
6. Canadian Partnership for Women and Children's Health (CanWaCH)
7. Capital Pride
8. CGLCC - Canada's LGBT+ Chamber of Commerce
9. Egale Canada
10. Égides - L'Alliance internationale francophone pour l'égalité et les diversités
11. Enchanté Network
12. Equitas - International Centre for Human Rights Education
13. Fondation Émergence
14. Fondation Massimadi
15. Halifax Pride Society
16. International Railroad for Queer Refugees
17. Inter Pares
18. LGBT+ Family Coalition
19. MacEwan Centre for Sexual and Gender Diversity
20. Metropolitan Community Church Toronto
21. Morgane Oger Foundation
22. Ontario Council of Agencies Serving Immigrants (OCASI)
23. Oxfam Canada
24. Oxfam Québec
25. Pride at Work Canada/Fierté au travail Canada
26. Pride Toronto
27. QueerTech
28. Rainbow Coalition for Refuge
29. Rainbow Faith and Freedom
30. Rainbow Railroad
31. Rainbow Refugee Society
32. Rainbow Resource Centre
33. Stephen Lewis Foundation
34. The Equality Fund
35. The United Church of Canada
36. Vancouver Pride Society
37. Women Transforming Cities International Society