

**ADVANCING DIGNITY: ASSESSING
CANADA'S GLOBAL ACTION ON
HUMAN RIGHTS FOR LGBTI PEOPLE**



**ADVANCING LGBTI
HUMAN RIGHTS GLOBALLY**

Acknowledgments

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Preface: About the Dignity Initiative



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This report is one of three documents written by the Dignity Initiative, a working group of Canadian civil society organizations and individuals interested in supporting the human rights of lesbian, gay, bisexual, trans and intersex (LGBTI) communities around the world.

The first document, completed in mid-2015, was a [Call to Action](#), (see Annex) outlining how the Canadian government should enhance its support for the human rights of LGBTI people around the globe. The Call to Action sets out 22 recommendations in the following four areas:

- Supporting LGBTI activists and human rights defenders
- Funding organizations around the world and in Canada who advance the human rights of LGBTI people
- Using diplomatic influence to signal a commitment to the human rights of LGBTI people, including with respect to international development
- Supporting refugees and facilitating asylum in Canada for LGBTI people fleeing persecution

The [Call to Action](#) has been endorsed by more than 130 civil society organizations across Canada. It was shared with the major federal political parties during the 2015 Canadian federal election, with a request for endorsement and implementation of the recommendations. Following the election, it was

shared with all Members of Parliament and submitted to the Minister of Foreign Affairs, the Minister of International Development and La Francophonie and the Minister of Immigration, Refugees and Citizenship. The Call to Action remains the centrepiece of ongoing advocacy with a view to securing action on the recommendations contained therein.

This report – the Dignity Initiative’s second project – is a supplement to that Call to Action. It is a resource to assist with the implementation of those recommendations.

An additional report, *Solidarity for Dignity: Insights for Canadian Organizations Working Globally to Support the Human Rights of LGBTI People* is being released alongside this report. *Solidarity for Dignity* outlines best practices regarding how Canadian civil society organizations could be (and in many cases, are already) supporting global human rights movements for LGBTI people.

We hope that this document will be a useful tool for civil society and government in Canada and abroad to understand the ways in which countries can become active in global solidarity work in support of the rights of LGBTI people.

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Steven Ross, Fierté Montréal Pride
Val Kalende, Researcher (Toronto)

“JÓNÍNA AND I WERE VERY HAPPY TO HEAR OF CANADA’S DIGNITY INITIATIVE. IF THIS PLAN IS PUT INTO ACTION IT WILL MARK A NEW ERA FOR LGBTI INDIVIDUALS AROUND THE GLOBE. THUS, CANADA’S INITIATIVE IS AN IMMENSELY IMPORTANT STEP TOWARDS CREATING A BETTER AND MORE EQUAL WORLD.”

–JÓHANNA SIGURÐARDÓTTIR, FORMER PRIME MINISTER OF ICELAND



1. Executive Summary

This report draws attention to the many ways in which Canada can join a growing number of countries in integrating the human rights of LGBTI people into foreign policy and refugee policy. Drawing on examples from countries like France, the Netherlands, Norway, Sweden, the United Kingdom and the United States, as well as from the European Union, this report demonstrates the range of best practices that other countries have adopted in the interest of supporting the human rights of LGBTI people globally. We also highlight the preliminary yet important work that Canada has engaged in towards advancing the human rights of LGBTI people globally.

This report comes to the following conclusions:

- The human rights of LGBTI people have become an increasingly urgent and visible area of work. Canada has clear legal and ethical obligations to engage on these issues.

- Efforts to advance the human rights of LGBTI people can backfire. Speaking out without engaging with local activists or understanding the local context must be avoided.
- Instead, and in accordance with the Dignity Initiative's Call to Action, efforts to advance the rights of LGBTI people globally should focus on the following four areas:
 - * Supporting LGBTI activists and human rights defenders
 - * Funding organizations around the world and in Canada who advance the human rights of LGBTI people
 - * Using diplomatic influence to signal a commitment to human rights of LGBTI people, including with respect to international development
 - * Supporting refugees and facilitating asylum in Canada for LGBTI people fleeing persecution

- While Canada has taken some initial steps in each of these four categories, further work is needed and lessons can be learned from the leadership of other countries in each of these areas.

Because this report relies primarily on publicly available information, it means that there may be particular countries whose leadership in advancing the human rights of LGBTI people is not adequately acknowledged or recognized. As such, this report should be viewed as a preliminary overview of some best practices in advancing the human rights of LGBTI people, and not as an exhaustive comparative evaluation of different countries' performances in this area of human rights advocacy/policy.

2. About the report

WHAT IS THIS REPORT'S PURPOSE?

This report highlights how a number of countries, including Canada, can and do use foreign policy and refugee policy to promote equality on the basis of sexual orientation, gender identity, gender expression, and intersex status.

WHAT METHODS WERE USED?

The findings from this report were collected via an extensive review of publicly available documentation on the foreign policies and refugee policies of multiple countries. Our research team reviewed hundreds of press releases, discussion papers, reports, interviews, news articles, and website material in English, French, and Dutch that discussed countries' positions and strategies for advancing the human rights of LGBTI people globally. These findings were also supplemented with consultations with a range of experts on the human rights of LGBTI people, many of whom are acknowledged at the beginning of this report.

In light of this report's reliance on publicly available data, this report does not necessarily capture the full extent of the commitment and strategies for advancing the

human rights of LGBTI people among the countries studied. It is certainly the case that in some instances countries will have taken additional steps that are not necessarily publicized – often for sound reasons – to support the rights of LGBTI people internationally. Hence, while our findings are unable to fully reflect the work that many countries engage in to advance the human rights of LGBTI people, our findings do present an overview of what countries publicly report to be doing in this area.

WHAT IS THIS REPORT'S REGIONAL SCOPE?

Many of the suggestions and strategies outlined in the Call to Action, which formed the backbone of this report, speak to the varied roles that countries like Canada tend to play on the global stage. Consequently, this report focuses predominantly on the actions of countries such as France, the Netherlands, Norway, Sweden, the United Kingdom, and the United States. We also highlight the leadership of the European Union.

However, this should not be misconstrued as suggesting that these countries are the most significant or the only countries

working to advance the human rights of LGBTI people globally. On a regional and international basis, countries such as Argentina, Brazil, Chile, Colombia, Uruguay, and South Africa continue to play important leadership roles in advancing the human rights of LGBTI people, particularly at the UN and OAS. Effective responses to advancing the human rights of LGBTI people must acknowledge the importance of partnership with, and respect afforded to, countries around the world in their own efforts to advance the human rights of LGBTI people.

3. Introduction

THE NEED FOR ACTION

Never before have the human rights of LGBTI people received as much respect at a global level than they do today. Consensual same-sex activity between adults in private is not criminalized in 116 UN member states.¹ As of May 2015, discrimination in employment (and often other settings) based on sexual orientation is now prohibited in over 60 countries, and same-sex relationship rights are legally recognized in approximately 30 countries.² Since 2011 alone, 10 countries have introduced reforms to make it easier for transgender persons to obtain legal recognition of their gender identity, and, as of May 2015, 14 countries have instituted or strengthened anti-discrimination or anti-hate crime laws that extend protection on grounds of sexual orientation and/or gender identity.³

A number of countries in the Global South have also demonstrated strong domestic leadership in advancing the human rights of LGBTI people. South Africa was the first country in the world to explicitly protect against discrimination on the basis of sexual orientation in its constitution.⁴ Argentina's legislation on gender identity has been heralded as one of the most progres-



CELINA JAITLEY, BOLLYWOOD ACTRESS AND ADVOCATE FOR THE UNITED NATION'S FREE AND EQUAL CAMPAIGN WITH CHARLES RADCLIFFE, CHIEF OF GLOBAL DEVELOPMENT ISSUES AND INTERGOVERNMENTAL AFFAIRS FOR THE UNITED NATIONS AT THE TORONTO PRIDE PARADE. CREDIT: PRIDE TORONTO

sive pieces of trans legislation in the world;⁵ and countries such as Bangladesh, India, Pakistan, and Nepal have all legally acknowledged an additional, third gender category.⁶ In Latin America and the Caribbean, representatives from over 28 countries and three territories recently adopted a road map addressing the needs of refugees that includes specific protocols for LGBTI refugees.⁷ The human rights of LGBTI people have increasingly been recognized within the UN and other international forums. This includes the human rights of intersex people, which have increasingly attracted attention in recent years. In 2013, the UN Special Rappor-

teur on torture specifically noted the abuse of involuntary medical procedures on intersex children,⁸ and in 2014 the UN Human Rights Council included its first ever side event on the topic.⁹ In 2015, the Council of Europe's Commissioner for Human Rights issued a report on the rights of intersex people,¹⁰ the World Health Organization (WHO) included intersex rights in an important report on sexual health and rights,¹¹ and the governments of Chile and Malta made history by issuing instructions to cease medical interventions to "normalise" intersex children based on World Health Organization (WHO) recommendations.¹²

And in 2016, one of the major UN human rights expert committees released ground-breaking guidance on government's obligations regarding protecting and promoting sexual and reproductive health and rights, including the rights of intersex people.¹³

And yet, while the human rights of LGBTI people have been advanced in a wide diversity of contexts, substantive challenges remain. Rising rates of violence and hostility often follow newly adopted reforms, and many of the most welcoming legal contexts still retain some discriminatory legislation. Over one-third of UN member states continue to criminalize consensual same-sex sexual acts,¹⁴ legal or legislative provisions in support of transgender identities and rights remain elusive in the vast majority of countries, and the rights of intersex people are still only rarely acknowledged. A growing number of national governments appear to leverage homophobia and transphobia as a tool for discrediting opposition and diverting the public's attention from other contentious government actions.¹⁵ Several countries (Algeria, Lithuania, Nigeria, and Russia) have introduced "anti-homosexuality propaganda laws," and eleven other countries recently initiated conversations about implementing similar legislation – though, thankfully, many of these efforts appear to have stalled for the

moment.¹⁶ Further, legislation that authorizes discrimination against LGBTI individuals has emerged in several jurisdictions of the United States in the wake of the 2015 Supreme Court decision on same-sex marriage.¹⁷

Such legislative changes and speech acts on the part of politicians, along with unfavourable public opinion in many contexts, have translated into a wide range of serious human rights violations for individuals based on their real or perceived sexual orientation, gender identity, gender expression, and/or intersex status. The UN Human Rights Council has noted a range of human rights violations targeting LGBTI individuals, including murder, torture, arbitrary detention, denial of rights to assembly and expression, and discrimination in health care, education, employment, and housing.¹⁸

The Inter-American Commission on Human Rights reported over 590 hate-related killings of LGBT persons in Organizations of American States (OAS) member countries between January 2013 and March 2014.¹⁹ Trans persons are at particularly high risk of violence and murder; the Trans Murder Monitoring project reported 1,612 trans people were murdered in 62 countries between 2008 and 2014; an equivalent to one killing every other day.²⁰ Statistics on discrimination and

violence against intersex people are almost non-existent and the human rights situation of intersex individuals has only recently started to attract visibility even within LGBTI circles.²¹ In the words of one intersex activist, "intersex has arrived, but the hard work lies ahead."²²

Finally, it should be noted that factors like gender, race, ethnic origin, disability, age, migration status, class, caste, employment precariousness, sex work, HIV status, use of prohibited drugs, and incarceration can render LGBTI individuals particularly at risk of violence, discrimination, illness, and incarceration. For example, a meta-analysis of research on HIV infection in 15 countries found that transgender women were 49 times more likely to be living with HIV,²³ which often results in even greater levels of marginalization.

“THE IMPORTANT POINT TO EMPHASIZE ... IS THAT IT IS NOT HOMOSEXUALITY THAT WAS EXPORTED TO AFRICA FROM EUROPE BUT RATHER LEGALIZED HOMOPHOBIA THAT WAS EXPORTED IN THE FORM OF WESTERN CODIFIED AND RELIGIOUS LAWS.”^{23B}

—SYLVIA TAMALE, UGANDAN FEMINIST LAWYER & SCHOLAR

THE RESEARCH PROJECT ENVISIONING GLOBAL LGBT HUMAN RIGHTS BROUGHT TOGETHER ACTIVISTS WHO WERE RESISTING ANTI-LGBTI COLONIAL-ERA LEGISLATION ACROSS EIGHT COMMONWEALTH COUNTRIES. CREDIT: ENVISIONING.



COLONIALISM, POWER INEQUALITIES, AND CONTEMPORARY LGBTI ADVOCACY

While LGBTI advocates, predominantly from Western countries, have condemned the criminalization and persecution of LGBTI people in the “Global South,” human rights advocacy also requires an understanding of the historical context. This includes recognizing that colonialism has played a substantial role in spreading intolerance against LGBTI people and in imposing certain cultural practices in many parts of the world. For example, more than half of the world’s laws criminalizing

“sodomy” or “buggery” are vestiges of British colonial legislation.²⁴ Today, some religious leaders and organizations from the Global North continue to play an active role in propagating hatred toward LGBTI people in the Global South through missions, speeches, and through lobbying government officials.²⁵ Consequently, even as all governments and political leaders must be held accountable for promoting anti-LGBTI sentiments and for promoting or defending anti-LGBTI laws, advocacy work on the human rights of LGBTI people globally must be mindful of the harmful, ongoing legacies in many set-

tings that have their historical origins in the Global North. Similarly, it is important to recall that the domestic recognition and protection of the human rights of LGBTI people is a relatively recent development even in many of the countries that have committed themselves to defending such rights internationally. On many fronts, including on the rights of transgender and intersex people, there is much work to be done even to secure human rights on paper, let alone as a lived reality in most countries of the Global North.

CANADA'S ROLE IN ADVANCING THE RIGHTS OF LGBTI PEOPLE GLOBALLY

In 2009, the Government of Canada affirmed before the UN Human Rights Council that its understanding of human rights should integrate and acknowledge the Yogyakarta Principles, which affirm that “all persons, regardless of sexual orientation or gender identity, are entitled to the full enjoyment of all human rights.”²⁶ Hence, Canada’s broad commitment to advancing human rights necessarily includes efforts to promote and protect the human rights of LGBTI persons internationally.

Importantly, the Government of Canada has taken important steps to integrate the human rights of LGBTI people into its foreign policy, as will be documented

below. However, increased efforts are required for Canada to be recognized as an international leader supporting the rights of LGBTI people. Canadian organizations engaged in this work remain under-resourced, relying almost entirely on foreign or private funding. Whereas some organizations were able to access Canadian government resources in the past, those funds have been inaccessible or non-existent in recent years. There is much scope for Canada to exert greater influence in regional and multilateral forums that advance the human rights of LGBTI people internationally, including the Organization of American States, UN Human Rights bodies in New York and Geneva, the Commonwealth, and the Organisation Internationale de la Francophonie. In 2013, the McLeod Group released a report outlining how Canada could better advance the rights of LGBTI people globally.²⁸ This Dignity Initiative report complements the McLeod Group’s

earlier report by highlighting recent advances in Canada’s foreign policy and by demonstrating how several strategies can position Canada as a stronger global player in the advancement of the human rights of LGBTI people. The McLeod Group’s earlier report noted that Canadian civil society organizations have been “noticeably silent, if not dormant, where LGBT issues are concerned.”²⁷ With this report, we hope to break this silence and to chart a new path for advocacy and collaboration in advancing these human rights.

Canada is well positioned to play a strong leadership role in advancing the human rights of LGBTI people globally. Canadian civil society organizations are globally recognized for their leadership in strengthening and protecting the human rights of LGBTI people at a domestic and global level. Organizations such as Egale Canada, Equitas, Oxfam Canada and the Canadian HIV/AIDS Legal Network have collaborated with human rights defenders on various LGBTI rights projects across

THE YOGYAKARTA PRINCIPLES

Developed in 2006 by civil society experts from around the world, the Yogyakarta Principles outline how international human rights law standards apply to human rights violations faced by LGBTI people. Since 2006, the Yogyakarta Principles have become a widely accepted reference for interpreting the human rights of LGBTI people.

Africa, Asia, Europe, the Caribbean and Latin America. ARC International and Action Canada for Sexual Health and Rights have been recognized for their leadership in advancing LGBTI concerns at the UN and have provided LGBTI organizations around the world with a broad

range of resources, training, and support. Moreover, as a multicultural country with many vibrant diaspora populations, Canada is home to a number of LGBTI activists from around the world, many of whom continue to play leadership roles in advancing the human rights of LGBTI people in

their countries of origin. Finally, Canada has rich connections with La Francophonie and with the francophone world, offering a niche opportunity to influence the advancement of the human rights of LGBTI people in these countries.



LEGAL NETWORK SENIOR POLICY ANALYST, CANADIAN HIV/AIDS LEGAL NETWORK AND CARIBBEAN LGBTI ACTIVIST, MAURICE TOMLINSON.

“IN MUCH OF THE GLOBAL SOUTH, EXTREME FUNDAMENTALIST VIEWS ESPOUSED BY POWERFUL RELIGIOUS AND POPULIST LEADERS MAKE IT VERY DIFFICULT TO ACHIEVE LGBTI EQUALITY. THESE VIEWS CAN ONLY BE COUNTERED BY CAREFULLY CONTRASTING THE HARMS OF EXCLUSION AGAINST THE TREMENDOUS ECONOMIC AND SOCIETAL BENEFITS OF DIVERSITY. CANADA’S STILL ON-GOING CHALLENGES WITH SECURING HUMAN RIGHTS FOR LGBTI CITIZENS MEANS THAT IT CAN SHARE MANY VALUABLE LESSONS WITH COUNTRIES THAT ARE WRESTLING WITH HOW TO RESPECT THEIR INTERNATIONAL OBLIGATIONS TOWARDS LGBTI PEOPLE.”

– MAURICE TOMLINSON, SENIOR POLICY ANALYST, CANADIAN HIV/AIDS LEGAL NETWORK

4. A Call for Action: Best Practices in Advancing the Human Rights of LGBTI People Globally

This section of the report outlines four priority areas in which Canada can commit to advancing the human rights of LGBTI people globally:

Supporting LGBTI activists and human rights defenders in countries where such rights are denied or violated. This includes actively participating in regional and global initiatives that work to amplify the voices of LGBTI activists around the world.

Funding organizations around the world and in Canada working to defend and promote human rights, including the human rights of LGBTI people.

Using diplomatic influence to clearly and publicly define a commitment to the human rights of LGBTI people in broader foreign policy, including with respect to international development.

Supporting refugees and facilitating asylum in Canada for LGBTI people fleeing persecution because of their sexual orientation, gender identity, gender expression, or intersex status in

the case of both refugees applying from within Canada and those seeking assistance from abroad.

Each of these four areas corresponds to a priority area identified in the Dignity Initiative's [Call to Action](#) (see Annex) For each of these areas, we provide an outline of a) why work in this area is important, b) what action Canada has taken to date and c) what good practices can be gleaned from our research regarding other countries' initiatives.

4.1 SUPPORTING LGBTI ACTIVISTS AND HUMAN RIGHTS DEFENDERS IN COUNTRIES WHERE SUCH RIGHTS ARE DENIED OR VIOLATED, AND ACTIVELY PARTICIPATING IN REGIONAL AND GLOBAL INITIATIVES THAT WORK TO AMPLIFY THE VOICES OF LGBTI ACTIVISTS AROUND THE WORLD.

Why it matters:

Strategies to support the human rights of LGBTI people may work well in one context and might backfire dramatically in another. Because of how much LGBTI political landscapes vary across

countries and regions, it is critical to ensure that any foreign country's response to human rights violations abroad is informed by consultations with local activists and human rights defenders.

This was made clear in the aftermath of UK Prime Minister David Cameron's proposal to introduce donor sanctions on countries with repressive LGBTI legislation in 2011. In response, a coalition of African social justice activists asserted that these actions "tend... to exacerbate the environment of intolerance in which political leadership scapegoat LGBTI people for donor sanctions in an attempt to retain and reinforce national sovereignty."³¹

Effective strategies to support the human rights of LGBTI people depend on insights and feedback from local human rights defenders. Yet, all too often, foreign countries' work in support of the human rights of LGBTI people has not reflected local activists' insights. This is summarized well by Kenita Placide, Executive Director of the Eastern Caribbean Alliance for Diversity



Kenita Placide, Executive Director of Eastern Caribbean Alliance for Diversity and Equality
Credit: Bonham Centre

and Equality and Representative on ILGA's Women's Secretariat, who stated, "Global North advocates should continue to engage in conversation, consult and hold strategy meetings with Global South activists to understand the realities on the ground. They need to help design proper campaigns and to facilitate funding that allows impact as they encourage advancement in economical and cultural areas."³²

Hence, it is critical that countries foster ongoing relationships with a diversity of LGBTI activists. This should include interactions with diplomatic staff and participation in policy consultations, meetings, and/or conferences in which activists' advice is heard and in-

forms foreign countries' diplomatic engagement.

Where Canada stands:

While certain diplomatic posts have shown great leadership and effectiveness in addressing LGBTI issues in collaboration with local activists, a more robust, comprehensive and far-reaching strategy is required in order to ensure that all Canadian Embassies and High Commissions have the mandates, resources and monitoring mechanisms required to effectively support and amplify the insights of local human rights defenders and LGBTI activists.

Consultation with local activists: A number of Canadian Em-

bassies and High Commissions consult regularly with local LGBTI activists – even providing venues for activists to hold meetings in countries where LGBTI people's freedom of assembly is violated. Such efforts represent the best of Canadian diplomacy. However, these consultations do not take place in all posts, and further effort is required to ensure that all Canadian High Commissions and Embassies are prepared and motivated to forge these connections.

Policy and guidance on reaching out to local activists: In the absence of an official policy highlighting the importance of supporting/hearing from local LGBTI activists, Canadian Em-

bassies and High Commissions' performance in supporting LGBTI human rights defenders has been ad hoc. As a recent publication by Egale Canada has noted, additional work and support from the government is needed to ensure that Canadian embassies are consistently and respectfully consulting and collaborating with local activists:

[D]espite the best efforts of many diplomats, our Embassies and High Commissions often lack the resources and tools to develop robust LGBT human rights promotion strategies and guidelines. In some cases, frontline embassy staff are unfamiliar with the legal and social environment facing LGBT persons at their posting – or worse, are homophobic.³³

Regional and global initiatives:

As explained further below (section 4.3), in the past few years, the Canadian Government has not been well represented at regional and global initiatives in which LGBTI activists' insights are shared. Crucially, the current Canadian Government has announced a renewed commitment to multilateralism, which has translated, among other things, into a commitment of approximately USD 12 million to the Office of the UN High Commissioner for Human Rights.³⁴

The Government of Canada has also confirmed its participation in the 2016 Global LGBTI Human Rights Conference of like-minded states and international civil society organizations (although, at this writing, it appeared that no senior staff with the authority to make financial commitments to support such work would be present).

Solidarity: In conjunction with other countries such as the Netherlands, the United Kingdom, and the United States (see below), Canada's diplomatic representatives have participated in Pride events and activities in a number of countries as a way of showing their support for and solidarity with local activists.

Good practices from other countries:

Initiatives taken by other governments should serve as examples to the Government of Canada of how to adopt further measures to advance the human rights of LGBTI people globally.

Consultation with local activists: Many countries have created mechanisms to ensure that LGBTI activists' voices are heard and considered in crafting relevant diplomatic strategies. Across Europe, a number of countries have supported the integration of local voices through initiatives ranging

from round tables and expert meetings to conferences and seminars focused on furthering the human rights of LGBTI people.³⁵ The U.S. State Department has also demonstrated a commitment to amplifying the voices of LGBTI activists through several conferences and meetings with global LGBTI activists.³⁶



Policy: A number of countries have provided strategic guidance to their diplomatic staff to highlight the importance of working with local activists to ascertain the most effective ways to help advance the rights of LGBTI people. For example, the US Agency for International Development (USAID) has developed an LGBT Vision that acknowledges the importance of "[a]ctively promoting the involvement in and ownership of development activities by an array of local stakeholders, including LGBT individuals and LGBT CSOs [civil society organi-

zations].³⁷ The 2008 UK Foreign & Commonwealth Office toolkit on how to “promote the human rights of LGBT people” encourages staff at UK diplomatic missions to engage with civil society actors regarding the human rights of LGBTI people at a local level and further notes that LGBTI activists should be “included among human rights defenders concerning whom the UK will lobby and will engage the support of other governments.”³⁸ Similarly, EU guidelines on LGBTI advocacy state that the EU’s approach to advancing the human rights of LGBTI people should be informed by “consult[ing] and tak[ing] into account the views of the LGBTI community in the countries concerned.”³⁹

Regional and global initiatives:

As discussed below (section 4.3), the majority of countries that address the human rights of LGB-

TI people in their foreign policy have relied extensively on multi-lateral and regional engagement. For example, in April 2013, Norway and South Africa co-hosted an international conference on Human Rights, Sexual Orientation and Gender Identity in Oslo, which brought together 200 participants from all regions to gather support for the rights of LGBTI people at the Human Rights Council.⁴⁰ Collaboration through such forums can result in more efficient and effective strategies for advancing the human rights of LGBTI people.

Solidarity: British, Dutch, and U.S. diplomats, among others, are actively encouraged to participate in locally relevant Pride events and in other cultural LGBTI events to demonstrate publicly their support for, and solidarity with, local communities.⁴¹

4.2 FUNDING ORGANIZATIONS AROUND THE WORLD AND IN CANADA WORKING TO DEFEND AND PROMOTE HUMAN RIGHTS, INCLUDING THE RIGHTS OF LGBTI PEOPLE.

Why it matters:

Consistent, adequate funding is required to support local LGBTI activists and organizations in developing effective projects, increasing their organizational effectiveness, and contributing to a stronger domestic civil society.

Funding must include, but also go beyond, creating LGBTI-specific project funding. Flexible funding is required in order to support movement building and alliance building. Core funding can be vital to ensuring the sustainability and long-term impact of activists’ work in support of the human rights of LGBTI people.



RICKY NATHANSON

”FUNDING IS A CRUCIAL COMPONENT OF THE WORK DONE BY ACTIVISTS. PASSION, DETERMINATION AND COURAGE ARE CRUCIAL IN OUR FIGHT, BUT WITHOUT MONEY NOTHING CAN BE ACHIEVED. DONORS SHOULD LOOK BEYOND FINANCING ONLY PROJECT ACTIVITIES, BUT ALSO LOOK AT ASSISTING WITH CORE FUNDING, WITHOUT WHICH ORGANIZATIONS CANNOT EXIST. ACTIVISTS CANNOT SURVIVE ON PASSION ALONE.” – RICKY NATHANSON, AFRICAN TRANS* FORUM, MEMBER OF THE ALL AFRICA TRANS COMMITTEE AND FOUNDER OF TRANS RESEARCH, EDUCATION, ADVOCACY, AND TRAINING (TREAT)

Further, as the McLeod Group's 2013 report noted, it is essential to mainstream LGBTI issues across donor countries' international development programming and foreign policy. For example, LGBTI people are often at disproportionate risk of gender-based violence, HIV, homelessness, human trafficking, and poverty; as a result, programming related to these areas should integrate an LGBTI lens in order to ensure that such programming reaches some of the most marginalized populations.⁴²

Where Canada stands:

Financial assistance: Writing in 2012, the St. Lucian LGBT activist (then based in Toronto), Akim Larcher noted that Canada has yet to emerge as "a leader on LGBT human rights issues. Unlike countries such as the Netherlands, France, Spain, Germany, Sweden, Norway, the US, and the UK, who to one extent or another fund LGBT civil society groups, the Canadian International Development Agency [now a branch within Global Affairs Canada], by contrast, places gay rights in the "closet" and makes sexuality invisible throughout its programs and projects."⁴³

Since this time, we have seen some moderate improvements in Canada's funding of LGBTI human rights organizations through the diplomatic budget of what

is now Global Affairs Canada. In 2014, available data suggests that Canadian diplomatic missions abroad provided at least 40 organizations in over 30 countries with a total of \$886,000 to support the human rights of LGBTI people through the Canada Fund for Local Initiatives,⁴⁴ a \$14-million pot of funding designed to assist local non-profit organizations in designing small projects related to democratic governance, human rights, and rule of law. Canadian diplomatic missions in countries such as Burma/Myanmar, Estonia, Latvia, Malaysia, South Africa and Vietnam have used these funds to help advance the human rights of LGBTI people. Evidently, there are also instances in which local Embassies and High Commissions have supported LGBTI organizations but have not disclosed this publicly on account of the associated political risks.

A compelling example of the impact of such funding can be seen in Vietnam, where the Embassy of Canada sponsored a USD 24,000 project entitled "LGBT rights are human rights: Building capacity to sustain the movement for LGBT human rights at the national and local levels." The project enabled the ICS Centre (a Vietnamese LGBT organization) to expand its outreach work to an additional 15 provinces through an online campaign, a Diversity Festival, and the dissemination of research about LGBT issues in

Vietnam.⁴⁵ In addition to these outputs, according to ICS Project Manager Nguyen Hai Yen, "the project played an important role in keeping the momentum and solidarity within the LGBT community to advocate for the Civil Code revision relating to the rights of transgender people. In December 2015, the National Assembly of Vietnam passed the Amended Civil Code, which will take effect from January 1st, 2017. The law allows transgender individuals to have SRS [sex reassignment surgery] in Vietnam and change their gender marker on legal identification after the surgery."⁴⁶ The Embassy of Canada also funded Nguyen Hai Yen's participation in the WorldPride Human Rights Conference in Canada in 2014, enabling her to connect and share strategies with other activists from around the world.⁴⁷

Mainstreaming LGBTI issues within development funding:

While Global Affairs Canada's funding for LGBTI programming through the Canada Fund for Local Initiatives is noteworthy, much work remains to be done. At present, there is no evidence to suggest that Canada's international development funding (which is distinct from the diplomatic funds made available to and through Canada's High Commissions and Embassies) has been expanded to explicitly include the human rights of LGBTI people. Instead, funding appears



LOGO FOR THE CANADIAN-GOVERNMENT SPONSORED PROJECT "EMBRACING LGBT RIGHTS" IN VIETNAM. CREDIT: ICS CENTRE (WWW.FACEBOOK.COM/ICSVN)

to be limited to the flexible but short-term, one-off funds made available through the Canada Fund for Local Initiatives. As a result, the Government of Canada has been unable to fund activists and organizations in implementing the multi-year programs that are required for lasting change to take place. Further, global LGBTI programming on the part of Canadian NGOs, such as ARC International's work at the UN, the Canadian HIV/AIDS Legal Network's work in the Caribbean, Egale Canada's work in Montenegro, Equitas' work in Haiti, and Oxfam Canada's work in Pakistan, Zimbabwe, and South Africa, has been largely funded by foreign governments and private donors with little or no support from the Canadian government.

The omission of LGBTI issues within Canada's international development funding has also meant that Canada's development programming is unlikely to be inclu-

sive of LGBTI populations. Hence, while substantive evidence suggests that LGBTI individuals are likely to be affected by phenomena like gender-based violence or HIV,⁴⁸ there is little evidence to suggest that Canada's development portfolios in these areas have taken adequate steps to ensure that these programs are mainstreamed to become accessible to LGBTI communities around the world.

Overseas development assistance: Further, Canada's overall commitment to international development has reached alarmingly low levels in recent years. In 2015, Canada's official development assistance rested at less than 0.28% of overall GDP – far below the UN target of 0.7% originally proposed by former Canadian Prime Minister Lester B. Pearson in 1969 and repeatedly re-endorsed at the highest level at development and international aid conferences.⁴⁹ While Canada had previously been recognized as a relatively

generous development donor, in 2014 Canada's percentage contribution of GDP to overseas development assistance placed the country 16th among the OECD's 28 donor countries for whom data was available.⁵⁰ Canada's funding for international democracy, governance, and human rights programming fell by 28 per cent between 2008/2009 and 2013/2014 alone.⁵¹ The current Government of Canada has pledged a commitment to boost overseas development assistance; however, Canadian Prime Minister Justin Trudeau has also recently expressed concerns that the UN target of 0.7% may be "too ambitious."⁵²

Anti-discrimination provisions:

Finally, there is some evidence to suggest that direct public funding and the subsidization of Canadian charitable organizations may have supported Canadian civil society organizations and foreign organizations that have attempted to advocate for intolerance, hatred, and discrimination toward LGBTI people by lobbying foreign govern-



THE JUDGES' CHOICE FOR BEST PHOTOGRAPH IN A COMPETITION THAT ICS COORDINATED WITH THE SUPPORT OF THE CANADIAN GOVERNMENT. ICS CENTRE (WWW.FACEBOOK.COM/ICSVN)

ments to adopt anti-LGBTI laws.⁵³ Further research and transparency is required in order to ensure that funding does not inadvertently support organizations actively working to undermine the human rights of LGBTI people.

Good practices from other countries:

Financial assistance: A number of countries have emerged as innovative and collaborative funders of global human rights programming for LGBTI people. For example, within recent years, at least two funds have been developed to advance the human rights of LGBTI people globally: the “Fund for Human Rights, Sexual Orientation, and Gender Identity,” led by France, and, most notably, the “Global Equality Fund” – a collaboration of various governments, foundations, and corporations managed by the U.S. Department of State. Both of these funds bring together public and private actors to support local initiatives that advance the human rights of LGBTI people. Additionally, in 2013, USAID built the LGBT Global Development Partnership with approximately 30 resource partners (including NGOs, governments and corporations). This USD 16 million, four-year public-private partnership spans 15 countries and supports work to advance human rights as well as LGBTI entrepreneurship.⁵⁴ Additionally, several projects aimed at defending the rights of LGBTI people have been supported by the EU through the European Instrument for Democracy and Human Rights (EIDHR)

and through the European External Action Service.⁵⁵

While comprehensive data is not available for all countries, there are examples from several countries that illustrate that substantive funding has been dedicated to the advancement of human rights and development for LGBTI communities. In 2010, the Swedish International Development Agency (SIDA) committed USD 5,068,800 to LGBTI programming internationally and the Norwegian Ministry of Foreign Affairs committed USD 2,123,200.⁵⁶ From July 2012–December 2013, USAID and several Swedish organizations invested USD 11 million in programming to support the work of local LGBT organizations abroad,⁵⁷ and Sweden has pledged an additional USD 11,000,000 to support the Global Development Partnership in 2015 and 2016.⁵⁸ Since 2010, the Netherlands has funded over 50 projects focused on the human rights of LGBTI people via the Dutch NGO Hivos alone.⁵⁹

Below is a small sampling of the breadth and depth of projects related to LGBTI rights that donor countries have sponsored in recent years:

- “Being LGBT in Asia – Phase 2,” focused on strengthening LGBTI civil society in China, Indonesia, the Philippines and Thailand (joint contributions by the Embassy of Sweden in Bangkok, USAID, and UNDP: USD 8,000,000)⁶⁰
- “Improving LGBT rights in South Asia through strengthening CSOs” [Civil Society Organizations] (contribution by Swedish International Development Agency – USD 2,428,600)⁶¹
- Promoting and Protecting Human Rights of Sexual Minorities in Pakistan, Zimbabwe, and South Africa (project coordinated by Oxfam Canada, contribution by the Ministry of Foreign Affairs of the Netherlands: USD 2,401,100)⁶²
- Core funding support for the Turkish NGO Kaos (contribution by the Swedish International Development Agency – USD 1,585,100)⁶³
- Consolidating the Movement for the Human Rights of LGBTI people and the Fight Against Homophobia in Haiti (project coordinated by Equitas, contribution by the European Union: USD 863,700)⁶⁴

- “Strengthening Defense and Enforcement of Human Rights of Colombia’s LGBT Community” (contribution by the European Union: USD 848,600)⁶⁵
- “Non-State Actors and Local Authorities in Development” (designed to promote gender and sexual diversity in China; contribution by the European Union: USD 773,600)⁶⁶
- “Ji-Sort: LGBT Capacity Development Programme for East Africa: Kenya, Uganda, Tanzania, Burundi and Rwanda” (contribution by Ministry of Foreign Affairs of the Netherlands: USD 180,720)⁶⁷
- “Supporting LBT Human Rights in Central America” (contribution by Ministry of Foreign Affairs of the Netherlands: USD 203,300)⁶⁸
- “Advancing the Human Rights of Trans People” (global project; contribution by Ministry of Foreign Affairs of the Netherlands: USD 113,000)⁶⁹
- “Strengthening the Collectives of Sex Workers and Sexual Minorities in Karnataka”(contribution by Ministry of Foreign Affairs of the Netherlands: USD 67,800)⁷⁰

Mainstreaming LGBTI issues within development funding:

These funding commitments are also complemented by policies and research that acknowledge how and why the human rights of LGBTI people should be mainstreamed into international development assistance. For example, the Swedish International Development Cooperation Agency has been at the forefront of mainstreaming LGBTI issues in their aid sector, as can be seen in their 2007-2009 Action Plan on Sexual Orientation and Gender Identity.⁷¹ The Swedish model is also noteworthy insofar as the human rights of LGBTI people have been integrated into a broader framework of sexual and reproductive health and rights.⁷² USAID has released an LGBT Vision, which demonstrates a strong awareness of how LGBT human rights intersect with other development priorities. During 2013-2014, the UK Department for International Development (DfID) worked with civil society agencies to share practices on how LGBT rights can be protected through poverty reduction programming; in February of 2016, DfID released its official approach on integrating the human rights of LGBTI people into its development programming.⁷³ DfID has also funded the Institute for Development Studies’ research and toolkits regarding the intersections between poverty, sexual orientation, and gender identity.⁷⁴

Anti-discrimination provisions:

Additionally, several countries have taken explicit measures to ensure that government funding is not used to promote intolerance and discrimination against LGBTI people. For example, Norway’s embassy guidelines state that Norwegian foreign missions should “refrain from supporting organizations that promote attitudes or activities that are hostile to LGBT people,”⁷⁵ and USAID has recommended that recipients of USAID development contracts should not discriminate.⁷⁶ More significantly, the EU explicitly prohibits discrimination on the basis of sexual orientation or gender identity in their Socially Responsible Public Procurement guidelines.⁷⁷

4.3 USING CANADA’S DIPLOMATIC INFLUENCE TO CLEARLY AND PUBLICLY DEFINE A COMMITMENT TO THE HUMAN RIGHTS OF LGBTI PEOPLE IN CANADA’S BROADER FOREIGN POLICY, INCLUDING WITH RESPECT TO INTERNATIONAL DEVELOPMENT

Why it matters:

Publicly and behind the scenes, international diplomacy can support governments, organizations, and communities in advancing the human rights of LGBTI people. In 2009, Rwanda chose not to enact a law criminalizing consensual same-sex relations, in part because of the international community’s criticism of the proposal.⁷⁸ During that same year, the Nicaraguan government col-

laborated with Norway and the United States in developing the position of “Sexual Diversity Ombudsman,” responsible for monitoring and upholding the human rights of LGBTI individuals.⁷⁹ These initiatives demonstrate just how influential and effective multiple forms of diplomacy can be, while also highlighting several principles (such as partnership and the need for discretion in some instances) that can help increase the effectiveness of diplomatic efforts.

Where Canada stands:

Bilateral diplomatic

engagement: During the last few years of the Harper government’s time in office, government officials did speak out against laws criminalizing LGBTI people, including by condemning Uganda’s new anti-homosexuality law (ultimately adopted in 2014, although later invalidated on procedural grounds by the courts) and Russia’s new federal law in 2013 against “promotion of non-traditional sexual relations” (commonly referred to as the law against so-called homosexual propaganda).⁸⁰ However, there is no evidence to suggest that these actions were taken on the basis of consultation with local activists. Further, in the case of Minister Baird’s criticism of Uganda, it appears that these diplomatic efforts backfired: following Minister Baird’s criticism of Uganda’s horrific “Kill the Gays”

bill during an Inter-Parliamentary Union meeting in 2012, Ugandan parliamentary speaker, Rebecca Kadaga, replied that “If homosexuality is a value for the people of Canada, they should not seek to force Uganda to embrace it;” she also pledged to try and pass the bill before December as a “Christmas gift” to Ugandans. In response, she was met with a thunderous welcome from several hundred supporters at Uganda’s Entebbe airport upon her return.⁸¹ While public criticisms may be an effective diplomatic tool to use in some particular circumstances, this anecdote suggests that “loud” diplomacy can also sometimes backfire despite good intentions. Such actions should in all cases be scrutinized for risks and consequences, and local LGBTI communities’ insights should always be weighed into decision-making on such issues.

Given the delicate and contested nature of LGBTI organizing in many contexts, some of Canada’s diplomatic engagement on the human rights of LGBTI people is inevitably and rightfully conducted with discretion. Some Embassy and High Commission staff have demonstrated an exceptionally nuanced understanding of how to most effectively support the human rights of LGBTI people, and these efforts are less well known precisely because they fail to make headlines.



Training: However, we did not find any evidence to suggest that High Commissions and Embassies are consistently provided with adequate training, resources, or support in their efforts to integrate the human rights of LGBTI people into their diplomatic work. While training on the human rights of LGBTI people is included in an advanced human rights training course, there is no evidence to suggest that these trainings have reached a substantive number of Global Affairs Canada staff. Global Affairs Canada does have one official with a portfolio focused on LGBTI issues. This is noteworthy, but is also not sufficient to adequately support the range of work required within Global Affairs Canada to support the human rights of LGBTI people. A group of policy advisors is needed to ensure that Canadian missions are provided with up-to-date information and to enable the Government of Canada to

effectively engage with the range of international organizations and human rights bodies in which the human rights of LGBTI people are being discussed.⁸²

Multilateral diplomatic

engagement: The Government of Canada has raised concerns regarding the human rights of LGBTI people in various international forums, including the Organization for Security and Cooperation in Europe⁸³ and meetings of the Commonwealth, where the Harper government denounced the criminalization of consensual same-sex sexual relations within many Commonwealth countries.⁸⁴ However, the Harper government's widely discussed disengagement from various other multilateral forums, such as the UN, weakened its influence in multilateral diplomacy, as was perhaps best evidenced by Canada's failure to win its bid for a seat in the UN Security Council in 2010.⁸⁵ Moreover, the previous Conservative government's prioritization of trade policy over other mechanisms of diplomatic influence, such as official development assistance, may have also served to hamper its ability to effectively advance the human rights of LGBTI people.⁸⁶ Canada has made recommendations pertaining to the human rights of LGBTI people during the UN Human Rights Council's Universal Periodic Reviews. However,

Canada has yet to join key LGBTI global rights initiatives, such as the UN LGBT Core Group and the Fund for Global Equality.⁸⁷

Recent efforts on the part of the current government suggest that Canada is determined to re-emerge as a well-respected multilateral player committed to human rights. For example, the speech by the Foreign Affairs Minister at the UN Human Rights Council in early 2016 reiterated Canada's commitment to multilateralism and human rights, including the human rights of LGBTI people.⁸⁸

Good practices from other countries:

Training: Many countries that advance the human rights of LGBTI people within their foreign policy have strengthened their capacity to do this work well by providing training to diplomats, development workers and other staff. For example, the EU, Norway, the United Kingdom, and the United States have each developed detailed manuals on the human rights of LGBTI people and, as in the case of the Netherlands and Sweden, training programs on the effective advancement of LGBTI people's human rights.⁸⁹ The United States has also developed training related to the human rights of LGBTI people for USAID staff; as of 2014, over a thousand staff members had

been trained and made aware of USAID's new LGBTI policy.⁹⁰

Many of these countries have underscored the importance of considering the full range of possible diplomatic responses to LGBTI human rights violations. They have also highlighted that punitive actions like donor sanctions or official condemnations may prove effective in some contexts, but that alternative strategies may often be deemed more suitable on the part of local activists. Alternatives to punitive action can include supporting human rights defenders and their allies directly (with funding and, when strategic, with public demonstrations of support), holding private bilateral meetings with heads of state and/or government and diplomatic staff regarding violations of LGBTI people's human rights, and attending the trials of LGBTI individuals who have been incarcerated.⁹¹

Learning: Several countries have also demonstrated significant leadership in documenting and advancing a learning agenda in order to better inform foreign policy in relation to the human rights of LGBTI people. In 2011, the United States' Bureau of African Affairs compiled a comprehensive review of every country's LGBT context in order to guide US diplomats' work across the continent.⁹² The European Union

Agency for Fundamental Rights (FRA) has commissioned excellent research that examines discrimination against LGBTI persons across the European Union,⁹³ and the British Department for International Development (DFID) has funded research with the Institute for Development Studies regarding ways to achieve LGBT equality globally.⁹⁴

Multilateral engagement: A number of countries have collaborated to advance the human rights of LGBTI people through intergovernmental forums such as the United Nations, the European Union, and the Commonwealth. Within the UN in New York, a cross-regional group known as the LGBT Core Group has emerged as a forum to address LGBTI matters at the global level. At present, the LGBT Core Group includes Argentina, Australia, Brazil, Chile, Colombia, Croatia, El Salvador, France, Israel, Japan, Montenegro, The Netherlands, New Zealand, Norway, Uruguay, the United Kingdom, and the United States, as well as the European Union, the Office of the High Commissioner for Human Rights, Human Rights Watch, and the OutRight Action International (formerly the International Gay and Lesbian Human Rights Commission).⁹⁵ Following significant efforts by civil society, member states of the UN Human

Rights Council have played an important role in advancing LGBTI people's human rights through initiatives such as the adoption of the first UN resolution on human rights violations based on sexual orientation and gender identity in 2011,⁹⁶ followed by another landmark resolution in 2014.⁹⁷ Additionally, over 45 UN member states have utilized the UN Human Right Council's Universal Periodic Reviews of member states as a platform through which to engage other states in dialogue on the human rights of LGBTI people; several countries (as well as NGOs) have also supported local LGBTI activists in raising their concerns via these channels.⁹⁸ In the European Union, member states have also integrated reporting on the human rights of LGBTI people into Annual Progress Reports for countries being considered as candidates for EU membership. Regionally, countries such as Argentina, Colombia, and the United States have raised issues of LGBTI people's human rights through their involvement within regional bodies such as the Organization of American States (OAS), the Inter-American Commission on Human Rights, and the Pan-American Health Organization.⁹⁹

The EU Parliament has passed a series of resolutions on the human rights of LGBTI people, in-

cluding one calling for the revocation of laws criminalizing LGBTI persons within the EU.¹⁰⁰ Since 2008, the OAS General Assembly has adopted an annual resolution on sexual orientation and gender identity, which has condemned acts of violence and human rights violations and has called on states to prevent and investigate these acts.¹⁰¹ Within the Commonwealth, support for the human rights of LGBTI people has been acknowledged through a number of speeches¹⁰² and through the new 2013 Commonwealth Charter, which commits the Commonwealth to "equality and respect for all without discrimination on any grounds" (although it does not explicitly refer to sexual orientation, gender identity or expression, or intersex status).¹⁰³

Finally, in 2014 the African Commission on Human and Peoples' Rights adopted a "Resolution on the Protection Against Violence and Other Human Rights Violations Against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity," which condemned the increasing incidence of violence and other human rights violations and called on countries to prohibit and punish such violence, as well as to ensure proper investigations and the prosecution of perpetrators.¹⁰⁴

Engagement with civil society:

A number of countries have invested in building relationships with civil society organizations focused on advancing LGBTI people's human rights. For example, the UK Department for International Development is a registered member with the International Gay, Lesbian, Bisexual, Trans and Intersex Association.¹⁰⁵ The US State Department has collaborated closely with the civil society organization, the Council for Global Equality, in coordinating events and exchanging policy ideas. Similarly, Norway collaborates with the National Association for Lesbians, Gays, Bisexuals, and Transgender People (LLH) and the Netherlands works closely with the LGBT organisation COC Nederland, among other civil society actors.¹⁰⁶ At the EU level, civil society organizations are now formally included in preparations for and debriefing of the Human Rights Dialogues that the EU holds with over thirty non-EU countries.¹⁰⁷

Cross-departmental collaboration:

Finally, several governments have taken measures to foster internal cross-departmental collaboration on advancing the human rights of LGBTI people. For example, President Obama's December 2011 Presidential Memorandum on LGBTI human rights called for a cross-agency,

whole-of-government approach to addressing the human rights of LGBTI people globally,¹⁰⁸ and Secretary Clinton's 2010 Quadrennial Diplomacy and Development Review explicitly sought to promote greater collaboration between USAID and the U.S. State Department with respect to the human rights of LGBTI people.¹⁰⁹

4.4 SUPPORTING REFUGEES AND FACILITATING ASYLUM IN CANADA FOR LGBTI PEOPLE FLEEING PERSECUTION*Why it matters:*

Canada has international and constitutional obligations to support refugees and to facilitate asylum for LGBTI people.¹¹⁰ In light of the substantive scale of human rights violations that LGBTI people face globally, many are forced to flee their countries of origin. When they do so, these LGBTI refugees often face double marginalization: as forcibly displaced persons, they encounter the uncertainties and risks that refugees navigate in the process of seeking asylum. Moreover, as LGBTI individuals, these refugees face persecution and isolation among other refugees. Activists are often at particular risk at every stage of this process in light of these individuals' visibility and the threat of persecution and violence that this may entail.

Where Canada stands:

For many years, the Canadian government's stance towards LGBTI asylum seekers was lauded internationally as a model. In 1993, Canada became one of the first countries in the world to extend refugee protection on the basis of sexual orientation or gender identity.¹¹¹ Today, Canada is one of approximately 40 countries that, consistent with the UN High Commissioner for Refugees' guidelines, have granted asylum to individuals on the basis of persecution because of sexual orientation or gender identity.¹¹²

In 2011, the federal government partnered with the Rainbow Refugee Committee in Vancouver in pledging \$100,000 to develop a pilot project that supports LGBTI refugees; subsequently, the Rainbow Refugee Assistance Program was expanded with the support of Rainbow Railroad in Toronto and the Rainbow Refugee Association of Nova Scotia.¹¹³ With secured funding from the federal government slated to expire in 2017, these programs require longer-term financing in order to continue to provide effective services. Further, much more substantive funding is required in order to ensure that LGBTI refugees receive the quality of service and support that they need and deserve.

More broadly, Canada's leadership in LGBTI refugee policy has been eclipsed as other countries develop stronger supports/processes for LGBTI asylum-seekers and as recent changes to Canada's refugee regime hinder Canada's compliance with international standards. As will be detailed below, substantive changes are needed in order to ensure that Canada is adequately respecting the rights of LGBTI refugee claimants.

Barriers to arriving safely in

Canada: The Canadian government's resettlement programs include government-assisted refugees, privately sponsored refugees, and refugees sponsored through the Blended Visa-Office Referred (BVOR) program created in 2013, which combines partnership between the UN High Commissioner for Refugees (UNHCR), the Government of Canada, and private sponsors.¹¹⁴

Across these programs, LGBTI refugees are disadvantaged in a number of ways. For example,

the previous government's provisions that government-assisted refugees need to be referred by the UNHCR or a designated referral organization creates an additional hurdle for LGBTI refugee claimants since none of Canada's LGBTI refugee organizations have designated referral status.¹¹⁵ Similar provisions within the BVOR program decrease the chances of LGBTI refugees being placed on this list, since many LGBTI asylum-seekers may understandably feel hesitant to disclose their sexual orientation and/or gender identity to UNHCR officials in a third country.¹¹⁶ Canadian LGBTI refugee organizations are not consulted in developing these lists, which is unfortunate for at least two reasons. First, these organizations liaise regularly with LGBTI refugee claimants around the world and are well positioned to provide recommendations regarding eligible claimants. Secondly, when cases are referred to private sponsors under the BVOR program, very little information on the refugee is provided to the sponsorship agreement holder

and no information is provided regarding the verification of their claims of persecution based on their sexual orientation or gender identity. This makes it difficult for private sponsorship groups to assess the fit of the refugee for their group. Additionally, some private sponsorship groups have experienced situations where the refugee's gender identity or sexual orientation does not align with the information they were given about the refugee before agreeing to sponsorship.¹¹⁷

Processing wait times overseas also presents a substantial burden: having a Canadian visa processed at Canadian visa offices around the world generally entails a wait time of at least one year, and in many cases these wait times can take many years more.¹¹⁸ In the words of a recent report by Envisioning Global LGBT Human Rights, funded by the Social Sciences and Humanities Research Council (SSHRC), "[f]or LGBT asylum seekers, many of who may be in a country of refuge no safer than their country

"PREJUDICES DON'T DISAPPEAR WHEN ONE CROSSES THE BORDERS, THOSE WHO ARE PERSECUTED IN THEIR HOME COUNTRIES FOR BEING GAY ARE ALSO BEING TARGETED IN REFUGEE SHELTERS..."—(MICHAEL GLAS, FLIEDERLICH ASSOCIATION, IN CHARGE OF FIRST LGBT SHELTER IN GERMANY)

of origin and who may be under constant danger of their identity being exposed, 2 to 5 years may as well be an eternity.”¹¹⁹

Finally, the process to apply through Canada’s private sponsorship program takes years for refugees. Given that private sponsors are not able to sponsor someone within the asylum seeker’s original country, this can mean that refugees are forced to wait in dangerous third countries.¹²⁰ In the case of Syrian refugees, Canada’s ability to quickly resettle 25,000 refugees through combining private and government sponsorship has been lauded internationally as a model for other countries to adopt¹²¹; efforts should be made to expand the success of this program in order to expedite arrival into Canada of other vulnerable groups, such as LGBTI refugees.

Designated Countries of Origin: Critically, the 2012 introduction of legal restrictions in the case of persons fleeing from a Designated Country of Origin (DCO) has created a barrier to resettlement that is criticized for violating international guidelines. DCOs are nations that the Minister designates as being generally “safe.” However, countries that are deemed generally “safe” may not be safe for particular minority groups, including LGBTI indi-

viduals.¹²² Asylum-seekers from DCOs are not granted access to appeals through the Refugee Appeals Division and their claims are processed in a shorter time frame than those of asylum-seekers from non-DCO countries. While there is a need to ensure processing of asylum claims in a timely fashion once they are filed, such drastic curtailing of the time available for putting together a properly substantiated claim for asylum-seekers from supposedly “safe” countries on the DOC list must be revisited. In early 2016, the Minister of Immigration, Refugees and Citizenship noted concerns that the DCO list may be unconstitutional, which presents a welcome shift from the previous government’s stance. However, as of this writing in April 2016, no clear commitment to dismantling this list or reforming its procedure has been advanced.¹²³

Legal aid: For those refugee claimants that do arrive in Canada, their ability to access legal aid has been compromised by the shorter timeline in which they must submit their claim and, in some provinces, by changes to legal aid at a provincial level. For example, the Envisioning Report mentioned above documents how changes in 2012 to Legal Aid Ontario have undermined claimants’ ability to access legal counsel, which substantially reduces

their likelihood of submitting a successful claim.¹²⁴

Further, LGBTI refugee claimants face particular challenges related to “proving” one’s sexual orientation and/or gender identity, particularly given that many claimants had hidden their LGBTI identity in their country of origin for safety reasons. For some claimants, the categorization of sexual orientation, gender identity, and gender expression as “LGBTI” might be foreign, with the result that claimants are not knowledgeable about how to articulate their status. Bisexual asylum seekers and asylum seekers with children often face an even greater level of incredulity on account of stereotypical assumptions regarding how an LGBTI claimant “should” behave and identify.¹²⁵



CAPTION: SOME OF THE PARTNERS AND STAFF AFFILIATED WITH THE ENVISIONING PROJECT. CREDIT: ENVISIONING.

LGBTI sensitivity training: A growing body of Federal Court case law has chastised in-Canada decision makers for applying stereotypes and insensitivity to LGBTI claims; it can be presumed that such stereotypes would be even more widespread in overseas decisions in which claimants are not represented by counsel.¹²⁶ While Canadian asylum decision-makers do receive some LGBTI sensitivity training upon being appointed, Egale Canada, Envisioning Global LGBT Human Rights, and Rainbow Railroad have all articulated a need for more comprehensive and ongoing training.

Financial/practical support: In addition to the many obstacles LGBTI asylum-seekers face in navigating the claim process, these asylum-seekers also face woefully inadequate financial and practical supports. Difficulty in accessing safe housing is an extremely common challenge facing many LGBTI refugees or asylum-seekers¹²⁷ and has serious implications for these individuals' safety and mental health. Many LGBTI refugees and asylum-seekers feel unsafe in shelters and are unable to rely on family or community support networks for assistance in accessing housing or resources. These problems are compounded by the fact that reliable employment can be elusive for LGBTI refugees and asylum-seekers.

Civil society organizations that support LGBTI refugees are frequently underfunded and understaffed. Funding for integration and support services appears to be restricted to those whose claims are accepted, with the result that refugee claimants going through the process are particularly vulnerable and under-supported. Necessary social services like healthcare, mental health services, and counselling have never been adequately accessible, and have become even less so in recent years. The federal government's restoration (in part), in April 2016, of healthcare coverage for refugee and asylum-seekers to pre-2012 levels represents an important step towards re-aligning Canadian refugee policy with our constitution and with international standards.¹²⁸ However, much more work is needed to ensure that refugees and asylum seekers are adequately supported.

Engagement with civil society: In order for training and service provision to be conducted effectively, in-depth consultations with civil society organizations that work on LGBTI asylum claims is sorely needed.¹²⁹ Numerous such organizations exist in Canada, including (but not limited to) AGIR in Montreal, the Black Coalition for AIDS Prevention, Capital Rainbow Refuge, Egale Canada Human Rights Trust, the

Metropolitan Community Church of Toronto, Rainbow Railroad in Toronto, the Rainbow Refugee Association of Nova Scotia, the Rainbow Refugee Committee in Vancouver, Reaching Out Winnipeg, and The 519 (a Toronto community centre with extensive programming for the LGBTI community).

Good practices from other countries:

Bridging barriers for safe arrival: In recognition of the security risks faced by refugees and asylum seekers from vulnerable groups, several countries have instituted expedited visa processes to help ensure that these individuals can make their way to safety. In the United States, for example, a small number of refugees and asylum-seekers are able to bypass the UNHCR through direct referrals to the US Refugee Admissions Program by embassies or by designated non-governmental organizations. Additionally, a number of countries have introduced emergency interventions to ensure that individuals who may not qualify for asylum or as refugees are temporarily allowed to stay in a country in cases of a true emergency. For example, the Netherlands hosts a "Shelter City Initiative," in which human rights defenders can obtain three-month temporary shelter in one of six cities. Norway grants temporary residence permits on

humanitarian grounds, and EU guidelines encourage member states to issue emergency visas to human rights defenders at risk. Finally, the European Commission for Democracy and Human Rights and the U.S. State Department both offer emergency funding for human rights defenders; among other eligible expenses, these funds can be used to help offset travel costs if emergency relocation is necessary.¹³³

Designated Countries of Origin:

While Canada is not alone in its controversial decision to adopt a list of “designated countries of origin,” these measures have been widely criticized and implemented differently in different countries. For example, a recent report by Asylum Information Database found that 15 out of the 28 EU Member States apply a “safe country of origin” concept in their procedures, and seven EU Member States have made national legal provisions to this effect.¹³⁴ These provisions have been accompanied by significant criticism. For example, a report by COC Nederland and Vrije University Amsterdam criticized the Czech Republic, France, Germany, Malta, Slovakia, Spain, Switzerland, and the United Kingdom for issuing “safe country of origin” lists that included countries in which same-sex sexual acts are criminalized, with the result

that refugees and asylum-seekers fleeing legitimate fears of persecution based on real or perceived sexual orientation will be disadvantaged.¹³⁵ In Belgium and France, judicial authorities have called into question the designation of some countries as “safe” countries of origin. Further, the UNHCR has stressed that including the right to appeal a decision denying refugee status is vital to the integrity of any system in which some countries are categorically designated as “safe” – a provision that appears to be met by many countries, yet remains conspicuously absent in Canada’s current regime.¹³⁶

LGBTI sensitivity training:

Additionally, a number of countries have acknowledged that ignorance and stereotypes have impeded LGBTI asylum seekers and refugees’ claims, and have subsequently introduced or expanded sensitivity training for decision-makers. For example, the UK Home Office instituted mandatory training sessions on sexual orientation and gender identity issues; the increased awareness that resulted may have contributed to an increase in the number of successful LGBTI refugee claimants from 28 per cent in 2009 to 37 per cent in 2013.¹³⁷ The Swedish Federation for Lesbian, Gay, Bisexual, and Transgender Rights (RFSL) actively and

regularly provide staff members of the Swedish Migration Board with training on sexual orientation and gender identity.¹³⁸ The U.S. Bureau of Population, Refugees and Migration trains resettlement staff, program officers, and refugee coordinators on the challenges often faced by LGBT refugees,¹³⁹ in addition to providing LGBT-specific guidance in UNHCR policies and manuals for staff.¹⁴⁰ Finally, in response to a 2013 report by COC Netherlands about the poor treatment and discrimination faced by LGBTI refugees in the Netherlands, the government responded by setting up anti-discrimination sessions for government interviewers, as well as an anonymous complaint procedure at asylum centres.¹⁴¹

Engagement with civil society:

Another best practice related to the advancement of the human rights of LGBTI refugees and asylum-seekers involves in-depth collaboration with and the provision of support to civil society organizations, both in countries from which people seek to flee as well as domestically. As the previous paragraph illustrated, collaborations and dialogue with COC Netherlands and RFSL enabled the Netherlands and Sweden, respectively, to better advance decision-makers’ ability to make informed decisions

regarding asylum claims. The UK Government has stated its commitment to collaborating with the NGO Stonewall in order to refine its processing of SOGI-related asylum claims.¹⁴² The U.S. State Department has also emerged as a collaborator and funder of the Organization for Refuge, Asylum, and Migration (ORAM), which is in the process of developing a suite of resources “that enhance the quality and efficiency of decision-making and build protection capacity in SOGI asylum and refugee cases.”¹⁴³ Finally, the U.S. Office of Refugee Resettlement awarded funding to the Heartland Alliance to create the Rainbow Welcome Initiative, which supports the resettlement of LGBT refugees and asylum seekers.¹⁴⁴

5. Conclusion

A clearer and stronger Canadian voice is needed on supporting human rights globally, including the rights of LGBTI people. The 22 recommendations outlined in the Dignity Initiative’s [Call to Action](#) (see Annex) are aimed at strengthening Canada’s contributions to that global project, through collaboration between the Government of Canada and

civil society organizations, across Canada and around the world.

In recent years, many countries, including Canada, have taken unprecedented and greatly needed steps to advance the human rights of LGBTI people bilaterally, regionally, and through multilateral forums. Informed by the work of civil society and the approaches of other countries around the world, Canada can and should do more to demonstrate its international leadership in strengthening the human rights of LGBTI people. This report contributes to an ongoing dialogue about Canada’s role in supporting LGBTI people’s human rights globally and we look forward to further research and documentation of good practices in this increasingly important area of international human rights policy development.

We also note that most programming and policy work in support of the human rights of LGBTI people have focused predominantly on the rights of LGB individuals. Far more research, programming, and policy are required in order to ensure that human rights violations faced by trans individuals and intersex individuals, in particular, are afforded the attention

and concern that they deserve.

Canada is well positioned to advance the human rights of LGBTI people globally. Our country boasts civil society organizations that are active at the global level and are internationally recognized for their significant work in advancing the human rights of LGBTI people. Canada’s multiculturalism has facilitated networks between diaspora LGBT activists and communities around the world. Finally, Canada is a member of a number of relevant multilateral and international organizations through which the human rights of LGBTI individuals can be strengthened. These include the Commonwealth, La Francophonie, the OAS, and UN agencies, among others. Canada should build on its commitment to champion human rights globally by ensuring that LGBTI people’s human rights are an integral part of its foreign policy and actions at home and abroad.

“AS AN INTERNATIONAL TRANS ACTIVIST, I FOLLOW WHAT IS GOING ON IN CANADA AND I HOPE THAT CANADA WILL BE A PARTNER WITH US IN FIGHTING FOR TRANSGENDER RIGHTS AROUND THE WORLD.”

—KATH KHANGIPOON, THAI TRANSGENDER ALLIANCE

2016 queer lazaadi mumbai

february 6, 2016, 3:00pm onwards
august kranti maidan



CANADIAN MEMBERS OF THE SOUTH ASIAN
DIASPORA PARTICIPATING IN MUMBAI PRIDE

HOW CANADA CAN DEFEND AND PROMOTE HUMAN RIGHTS FOR LGBTI PEOPLE AROUND THE WORLD

Recent years have witnessed significant progress in many countries around the world in the realization of the fundamental human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, from securing decriminalization of our sexuality and protection against discrimination to achieving recognition for our relationships and families.

But even where important gains have been made on some fronts, the recognition and protection of rights remains uneven. Trans people remain particularly vulnerable, and often without adequate legal protection, while the rights of intersex people rarely receive much discussion at all. Meanwhile, gender-based violence remains a reality for many LGBTI women, including violence motivated by real or perceived sexual orientation, gender identity or gender expression. Factors such as class, race, ethnicity, (dis)ability, HIV status, migrant status, drug use, incarceration and sex work often exacerbate the vulnerability of LGBTI people to discrimination, violence and other human rights abuses.

Meanwhile, even as there is progress in some countries, there has been a backlash in other places against basic human rights for LGBTI people. These troubling developments are often part of a broader pattern of human rights abuses and of scapegoating particular communities and suppressing civil society freedoms for political purposes. All too often, these situations reflect a broader culture of corruption and impunity for those committing a wide range of human rights violations.

More than 80 countries or territories worldwide criminalize the expression, identity or existence of LGBTI people, with harsh penalties of years or life in

prison — or even death in a handful of settings. In some places, defending the human rights of LGBTI people is a crime. Political, religious and other community leaders have fomented hatred against LGBTI people, including calling for extermination and beheading. Some media outlets have actively encouraged prosecution, imprisonment and even murderous violence against LGBTI people. We have seen numerous instances of hate crimes and mob violence, including horrific assaults, torture and so-called “corrective rape” and murder of LGBTI people and of human rights defenders who have dared to speak out publicly about abuses.

The United Nations (UN) Secretary General, Secretary General, the UN High Commissioner for Human Rights and many world leaders have condemned such violations of basic human rights. They have called on countries to desist from such persecution, to decriminalize LGBTI people and to protect against violence and abuse. In international forums, Canada has fairly consistently been a solid supporter of universal human rights protection for LGBTI people. But such statements are not enough. Without a more concerted, ongoing response to legislated discrimination and public hate mongering, the message to political and religious leaders adopting and advocating such laws and violence is that they can continue to do so with impunity. The predictable result is the further spread of such persecution and more human rights abuses that destroy lives, families and communities, and that undermine respect for the human rights of all people, as well as impeding economic development and the full contribution of all members of society to their communities’ and countries’ well-being.



BACKGROUND TO THE DIGNITY INITIATIVE

In March 2014, motivated by a commitment to international solidarity against the backdrop of a rash of new laws and acts of violence targeting LGBTI people, dozens of civil society groups Canada-wide issued an open letter to the Minister of Foreign Affairs endorsing an initial plan of action for Canada to play an active and constructive role in supporting the global protection and realization of the fundamental human rights of LGBTI people. In June 2014, the international Human Rights Conference at WorldPride in Toronto brought together dozens of groups and hundreds of people from across Canada and around the world. It further highlighted the work that remains to be done in Canada to secure full human rights, as well as the struggle for basic human rights still faced by LGBTI people elsewhere around the globe.

To build on these efforts, in 2015 a working group of committed organizations and individuals came together to launch the Dignity Initiative, with the twin objectives of strengthening both international solidarity work by Canadian civil society groups and Canada’s foreign policy commitment to supporting the realization of human rights for LGBTI people internationally. The working group includes representatives of organizations from around Canada, and is committed, within the scope of its resources, to a country-wide, collaborative approach that involves and engages with groups in every province and territory in pursuit of these twin objectives.

The Dignity Initiative recognizes the universality of human rights and the importance of the intersection of various human rights. LGBTI people face a range of violations of their human rights, including the rights to: life; security of the person; privacy; freedoms of expression, association and peaceful assembly; freedom from discrimination; freedom from arbitrary search, arrest and detention; freedom from torture and other cruel, inhuman or degrading treatment; and the full range of social and economic rights such as housing, employment

and the highest attainable standard of health. An agenda to realize the fundamental dignity of the human person for LGBTI people reflects that LGBTI people need to be free not only from criminalization, violence and discrimination related to sexual orientation and gender identity or expression, but also to enjoy the full range of universal human rights that are the entitlement of all people. Such an agenda situates the realization of the human rights of LGBTI people within a broader agenda of sexual and reproductive health and rights,

gender and racial equality, ending poverty, and other fundamental rights and freedoms.

The Dignity Initiative was developed through a process of open participation and input from both Canadian and international human rights advocates. This initiative will be a resource to Canadian organizations in supporting LGBTI human rights advocacy internationally, and a guide to securing a future commitment and action by Canada in support of such rights globally.

CANADA'S ROLE IN EXPORTING HOMOPHOBIA

Sadly, there are Canadian organizations and individuals who have not only mobilized against the rights of LGBTI people in Canada, but have also promoted hatred beyond our borders, including encouraging the retention or adoption of anti-LGBTI laws in other countries. One way to act in solidarity with LGBTI people around the world is to expose and challenge these organizations and individuals in Canada.

ADDRESSING HUMAN RIGHTS HERE AT HOME

Strengthening Canada's support for human rights abroad for LGBTI people does not mean that the fight for human rights here at home is finished. Among other things, trans people must enjoy explicit protection against discrimination and hate crimes in Canadian law, adequate and non-discriminatory health services, and access to documents reflecting their identity properly. LGBTI youth still face harassment and abuse, and high levels of homelessness and poverty; they need safe services. So, too, do LGBTI seniors. Canada has some of the most egregious laws in the world unjustly criminalizing people living with HIV. Violence touches the lives of at least one quarter of women in Canada at some point, and some women - in particular, Indigenous women - face even higher rates. Racialized people face much higher rates of policing and police violence, and are disproportionately imprisoned. One of the world's most aggressive and expansive criminal law regimes puts sex workers at greater risk of harm. Asylum-seekers are denied essential health care. The struggle for human rights is universal; action abroad must be matched by action at home.

RECOMMENDATIONS TO THE CANADIAN FEDERAL GOVERNMENT

We call upon the Government of Canada to act, individually and in concert with other like-minded governments, to defend the fundamental human rights of LGBTI people around the world. In particular, we call upon Canada to take the following actions, widely supported by Canadian civil society and reflecting appeals from LGBTI advocates around the world facing hostility, criminalization, violence and discrimination:

REACH OUT to LGBTI activists and human rights defenders in countries where such rights are denied or violated, and actively participate in regional and global initiatives that work to amplify the voices of LGBTI activists around the world.

1. Speak out publicly in support of governments that take positive actions to support human rights for LGBTI people. Follow the advice of local LGBTI activists regarding whether, when and how to speak out publicly and/or privately against the adoption of anti-LGBTI laws and against violence or other hate crimes targeting LGBTI people. Recognizing that there may not always be local groups to work with, it is important to connect with regional organizations, international NGOs already involved in that country, and the diplomatic missions of countries familiar with the area.

2. Work with respected jurists and faith leaders, as well as other human rights defenders and community leaders, both in Canada and in countries where LGBTI people face criminalization, discrimination and violence, to support a wide and diverse array of voices speaking up for the human rights of LGBTI people. Canada should be sensitive to the concern that sometimes speaking out publicly can cause more harm than good.

3. Intervene when human rights defenders are detained, including by having diplomatic personnel raise objections and monitor trials of human rights defenders and others targeted under anti-LGBTI laws. When deemed appropriate by local LGBTI advocates, speak out publicly when LGBTI people or their allies are charged under discriminatory laws criminalizing them or their defense of human rights.

ENHANCE FUNDING to support organizations around the world and in Canada working to defend and promote human rights, including of LGBTI people.

4. Strengthen the capacity of both LGBTI and non-LGBTI human rights organizations to

defend basic human rights, including for LGBTI people. Provide support for building the capacity of lawyers, law enforcement personnel, national human rights institutions and judicial systems to respect and defend human rights, including the rights of LGBTI people. Examples include providing support for non-governmental organizations challenging discriminatory anti-LGBTI legislation in courts, or funding security and safety measures for human rights defenders facing threats of violence.

5. Beyond simply responding to urgent situations of attacks on human rights, provide financial support for LGBTI movement-building around the world, including core and program support to organizations working in areas such as health, community development, and engagement of religious leaders and institutions, so as to assist in mobilizing key constituencies speaking out in support of human rights for LGBTI people.

6. Ensure that official development assistance (ODA) does not go to non-governmental organizations that promote or support legislation criminalizing LGBTI people or that encourage hatred or violence against LGBTI people. Examine options for redirecting any such funding within a country, while taking care to preserve essential health and social services, so as to support service providers that are inclusive and address the needs of LGBTI people, and to support community advocacy efforts to protect the human rights of LGBTI people.

7. Mainstream LGBTI rights into development funding policies and processes, such that monitoring and evaluation mechanisms oblige organizations, where appropriate, to report on the extent to which projects have worked with LGBTI populations to protect and advance their well-being and rights.

8. Ensure that LGBTI rights are systematically integrated into other intersecting international development and human rights funding

programs, such as those to alleviate poverty, protect against discrimination, promote civil liberties, address gender-based violence, and/or promote health (i.e., including HIV prevention and care, and sexual and reproductive health more broadly).

USE DIPLOMACY to clearly and publicly define a commitment to the human rights of LGBTI people in Canada's broader foreign policy, including with respect to international development. Use all available diplomatic channels to advance and support human rights of LGBTI people around the world. It is important to acknowledge that one size does not fit all and diplomatic approaches will vary from region to region.

9. Use bilateral diplomatic engagement and dialogue with countries to pursue the repeal of anti-LGBTI laws and to discourage countries from adopting such legislation. Engage in a dialogue about the benefits realized from moving beyond such persecution and instead fostering more inclusive societies based on the principle that fundamental human rights are to be universally enjoyed. Canada should be mindful that our existing and future trade relationships should not affect our commitment to promoting human rights for LGBTI persons, regardless of country or region.

10. In countries where there have been significant violations of human rights of LGBTI people, or adoption of new anti-LGBTI laws, Canada should instruct its diplomatic representatives to consult with local human rights defenders on how best to engage governments in making the case for compliance with international and regional human rights standards. Informed by those discussions with local advocates, Canada's diplomatic representatives in country should consult with the Minister and senior staff regarding appropriate actions to take that can best support efforts to defend and promote human rights in that specific country context.

11. Provide tools and additional resources

to support the work of Canadian diplomats in advancing LGBTI rights as a clear foreign policy objective. Develop guidance, such as a manual, for use by Canadian embassies and high commissions in supporting local LGBTI human rights movements, including the allocation of support from the Canada Fund for Local Initiatives.

12. Introduce a federal task force bringing together the Global Affairs Canada (GAC) and other relevant departments to pursue and implement a coordinated strategy to advance the human rights of LGBTI people globally.

13. Enhance the human rights capacity of GAC, including through the provision of additional resources to human rights policy and legal divisions, to support a more comprehensive and consistent approach to the promotion of human rights, including those of LGBTI people.

14. Monitor comprehensively on the human rights situation for LGBTI people globally, including the state of legislation that criminalizes or otherwise persecutes LGBTI people.

15. Work with other like-minded countries to support LGBTI human rights and oppose anti-LGBTI measures or statements in international and regional forums. Join and support the existing LGBT Core Group at the United Nations on Ending Violence and Discrimination to coordinate efforts to support LGBTI human rights movements and defenders.

16. Support the work of UN and regional human rights mechanisms in documenting and addressing LGBTI human rights violations around the world. Such mechanisms can be used to hold states accountable for such violations and to build a body of internationally recognized norms protecting and promoting the universal human rights of LGBTI people, consistent with the Yogyakarta Principles (on the application of international human rights law in relation to sexual orientation and gender identity).

SUPPORT REFUGEES and facilitate asylum in Canada for LGBTI people fleeing persecution because of their sexual orientation or gender identity or expression, in the case of both those seeking asylum from within Canada and those seeking assistance abroad.

17. Expand and make permanent the government's Rainbow Refugee Assistance Program to support LGBTI refugees in need of protection.

18. Recognize the need for priority processing of LGBTI people who are "at risk" or in need of protection under the "Urgent Protection Program."

19. Reduce wait times for private sponsorship applications so that time from application to arrival is less than one year.

20. LGBTI refugee claimants in Canada, like all refugee claimants, should be eligible for basic and extended healthcare through the Interim

Federal Health Program, for which funding should be fully restored.

21. Broaden private sponsorship programs to include countries with high levels of LGBTI persecution.

22. Offer asylum to LGBTI human rights defenders and other LGBTI people who are unwillingly "outed" by media outlets or political leaders in countries where LGBTI people are criminalized, or where such outing is intended, or can reasonably be expected, to incite violence, criminal prosecution or other forms of persecution.

LIMITATIONS OF LANGUAGE

The Dignity Initiative recognizes the limitations of using the terms lesbian, gay, bisexual, transgender and intersex. There is a spectrum of gender identity and sexual diversity both in Canada and around the world, and there are many other words in various languages to describe this diversity, reflecting the culturally- and historically-specific ways in which sexual and gender identities are recognized and expressed. For example, in Canada, the term “two-spirited” is used by and within Indigenous communities, reflecting the history among some peoples of describing those who differed from gender norms and crossed gender boundaries as carrying both male and female spirits. We use LGBTI because it is widely understood in the Canadian context and in international settings, but acknowledge its limitations.

THE WAY FORWARD

Violence, criminalization and discrimination against LGBTI people require a comprehensive and consistent response from the Government of Canada. Canada has a valuable role to play in advancing the rights of LGBTI people. The Dignity Initiative is inspired by Canada’s existing efforts to protect and promote these rights. It is time for Canada to step up its efforts and take bold, strategic actions, in collaboration with local community advocates, to champion LGBTI rights at home and globally.

INFORMED BY GLOBAL VOICES

The Dignity Initiative believes that international solidarity efforts should be informed by engagement and discussion with local human rights defenders and LGBTI organizations leading

the struggle in their local context. Our recommendations have been created in consultation with such organizations and individuals working on human rights, and will continue to be informed by these perspectives.

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ENDORSED BY



The 519 (Toronto)
Abortion Rights Coalition of Canada
Action Canada for Sexual Health and Rights
Action Positive VIH/sida
Africans in Partnership Against AIDS
AIDS Action Now!
AIDS Committee of Durham Region
AIDS Coalition of Nova Scotia
AIDS Committee of Ottawa
AIDS Committee of Newfoundland and Labrador
AIDS Committee of Toronto
AIDS Committee of Windsor
AIDS Community Care Montreal (ACCM)
AIDS Vancouver Island
Alliance for South Asian AIDS Prevention (ASAAP)
ARC International (Halifax)
Arc-en-ciel d'Afrique (Montreal)
Asian Community AIDS Services
Barrie Pride
Black Coalition for AIDS Prevention
British Columbia Civil Liberties Association
British Columbia's Teachers' Federation (BCTF)
Buddies in Bad Times Theatre (Toronto)
Canadian AIDS Society
Canadian Anthropology Society
Canadian Association of Nurses in HIV/AIDS Care (CANAC)
Canadian Centre for Gender and Sexual Diversity
Canadian Gay and Lesbian Chamber of Commerce
Canadian Harm Reduction Network
Canadian HIV/AIDS Legal Clinic
Canadian Labour Congress
Canadian Lesbian and Gay Archives (CLGA)
Canadian Positive People Network
Canadian Public Health Association
Canadian Union of Public Employees (CUPE)
Canadian Treatment Action Council (CTAC)
Canadian Working Group on HIV and Rehabilitation
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Elder Abuse Prevention Muskoka
Elementary Teachers' Federation of Ontario
El-Tawid Juma Circle Unity Mosques
ENDHateLaws
Egale Canada Human Rights Trust Equitas
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GRIS-Montreal
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Hamilton Health Sciences
HIV & AIDS Legal Clinic Ontario (HALCO)
HIV/AIDS Regional Services (Kingsltn)
HIV/AIDS Resources and Community Health (Guelph)
Injured Worker's Consultants Community Legal Clinic (Toronto)
Interagency Coalition on AIDS and Development
Inspire Awards (Toronto)
Inspired Media (Toonto)
Institute for Sexual Minority Studies & Services (ISMSS) – University of Alberta
International Lesbian & Gay Association (ILGA) North America
Iranian Railroad for Queer Refugees (IRQR)
Ismaili Queers
John Humphrey Centre for Peace and Human Rights (Edmonton)

Kulanu Toronto
KyivPride Canada
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McLeod Group
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Metropolitan Community Church Toronto
Metropolitan United Church (Toronto)
Moose Jaw Pride
My House Rainbow Resources of York Region
Okanagan Pride Society
OPSEU Rainbow Alliance Arc-en-ciel
Ontario Humanist Society
Our City of Colours (Vancouver)
Out on the Shelf (Guelph)
Oxfam Canada
PFLAG Canada Durham Region
Positive Living BC
Positive Space Network (Halton Region)
Positive Women's Network (Vancouver)
POWER Ottawa
Pride Calgary
Pride Centre of Edmonton
Pride in Art Society (Vancouver)
Pride PEI
Pride Toronto
Pride Winnipeg Festival
Pride at Work Canada
ProudPolitics Canada
QMUNITY (Vancouver)
Queen West-Central Toronto Community Health Centre
Queer Ontario
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Rainbow Nursing Interest Group of RNAO
Rainbow Refugee Association of Nova Scotia
Rainbow Resource Centre (Manitoba)
Reaching Out Winnipeg
RÉZO, santé et mieux-être
Safe Alliance (Labrador)
Salaam: Queer Muslim Community
Saskatchewan HIV HVC Nursing Education Organization
Saskatchewan Public Health Association
Sherbourne Health Centre (Toronto)
Social Action for Equality (Toronto)
Socialist Action
South Etobicoke Legal Community Services
Sudbury Community Legal Clinic
Support and Housing Halton United Church of Canada
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United Church of Canada
United Food and Commercial Workers (UFCW) Canada
United Steelworkers
Vancouver AIDS Society
Vancouver Pride Society
Action positive VIH/sida
Women in Toronto Politics (WiTOpoli)
Women's Legal Education and Action Fund (LEAF)
Women's Legal Education and Action Fund (West Coast LEAF)
YouthCo (Vancouver)

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L. Dib and F. Olivier. (2013, February 10). [Anti-Gay Religious Group Gets Funding from Ottawa to Work in Uganda](#), The Star, February 10, 2013. Retrieved from
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Maurice Tomlinson, [“Canadian Tax-Funded Academic Boosts Tanzanian Homophobia,”](#) 76 Crimes, November 16, 2014.
In Jamaica, the Christian Canadian legal scholar Janet Epp Buckingham, traveled to Jamaica and made a presentation to the Jamaican parliament in order to help ensure that Jamaica’s 2011 Charter of Fundamental Rights and Freedoms excluded the rights for homosexuals.
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Dib and Olivier, Anti-Gay Religious Group
While religious organizations often play a vital role in humanitarian relief and development, additional research is needed in order to monitor and report on the transparency and accountability of such work.
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homosexuality. The UK will continue to make the case for both acceptance and integration of the LGBT community, and press Commonwealth states to recognise that the LGBT community deserve the same protection as all others.”
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¹¹¹ Nicole LaViolette, “[Sexual Orientation, Gender Identity, and the Refugee Determination Process in Canada](#),” Immigration and Refugee Board, May 2013, p. 15, accessed April 01, 2016.

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¹¹⁴ Envisioning, [Impact of Canada’s New Immigration](#), p. 25-26. It should be noted that three different forms of private sponsorship types exist: (1) Sponsorship Agreement Holders and their Constituent Groups – incorporated organizations with formal sponsorship agreements with Citizenship and Immigration Canada, (2) Groups of Five – groups of five or more Canadians who collectively support and sponsor a refugee living abroad, and (3) Community Sponsors – for-profit, not-for-profit, incorporated, and/or non-incorporated organizations based in the community in which refugees are expected to settle.

¹¹⁵ M. Battista, personal communication, February 03, 2016

¹¹⁶ *Ibid*, p. 27. It should be noted that even if UNHCR staff are trained and able to provide support for LGBTI refugee claimants, it can also be difficult for LGBTI asylum seekers to know who they can trust. In the case of the Syrian refugee crisis, some officials have worn rainbow or pink triangle pins as a discreet way to enable LGBTI refugees to feel more comfortable and safe (M. Battista, personal communication, February 02, 2016).

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