



OUTRIGHT
ACTION INTERNATIONAL

Submission- Guidelines for a Feminist Foreign Policy

OutRight Action International (OutRight) is happy to share this submission to inform the formulation of guidelines for a German Feminist Foreign Policy (FFP). OutRight applauds Germany's steps towards creating a FFP, and welcomes the opportunity to submit for your consideration principles for an LGBTIQ-inclusive policy.

OutRight works at global, regional, and national levels to eradicate the persecution, inequality and violence faced by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) people around the world. With staff in over 10 countries and headquarters in New York, OutRight builds capacity of LGBTIQ movements, documents human rights violations, advocates for inclusion and equality, and holds leaders accountable for protecting the rights of LGBTIQ people everywhere. OutRight was founded in 1990 and has recognized consultative status at the United Nations.

To ensure Germany's FFP is fully inclusive of all people, OutRight believes Germany must consider the needs of LGBTIQ people in its forthcoming FFP. Germany should ensure the language of the FFP specifically refers to the LGBTIQ community; prioritize doing no harm while continuously engaging with the advancement LGBTIQ rights, and focus on cooperation with diverse LGBTIQ Civil Society Organizations (CSOs). Several of the points in this submission are in OutRight's publication "[Guide to inclusion of LGBTI people in development and foreign policy](#)", a more detailed document, but main points are shared in here.

I. A FFP should be fully inclusive of LGBTIQ people.

A FFP framework steps away from the traditional foreign policy focus on military force towards a conception of security from the viewpoint of those who are most marginalized.¹ LGBTIQ people are discriminated against on the basis of their sexual orientation, gender identity and expression, and sexual characteristics in every country around the globe.² Discrimination against LGBTIQ peoples is exacerbated by other forms of prejudice and violence, including on the basis of ethnicity, age, religion, disability, or social status.³

¹ *Feminist Foreign Policy*, CENTER FOR FEMINIST FOREIGN POLICY (CFFP) <https://centreforfeministforeignpolicy.org/feminist-foreign-policy>.

² German Federal Government, *LGBTI Inclusion Strategy* at ¶1.1, <https://www.auswaertiges-amt.de/blob/2445310/7a532b519e092ed6117535b78209162e/210226-inklusionskonzept-pdf-data.pdf> (hereinafter "LGBTI Inclusion Strategy").

³ *Id.* at ¶1.3.

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Human Rights for LGBTIQ People Everywhere

Therefore, centering the most vulnerable in a FPP requires an intersectional feminist perspective which explicitly promotes and protects LGBTIQ rights. Diplomacy and development that is inclusive of people of diverse sexual orientations, gender identities and expressions, and sex characteristics should take as its starting point several fundamental groundings: in international law, in ethics, and in movement priorities.

A FPP should be rooted in the Yogyakarta Principles, a set of principles developed by international legal experts on the application of existing international human rights law in relation to sexual orientation and gender identity,⁴ and the Yogyakarta Principles Plus Ten (YP+10), which draws from emerging standards regarding state obligations vis-a-vis sexual orientation and gender identity as well as “the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.”⁵ The principles provide a human rights law framework to address common violations impacting LGBTIQ people. The Yogyakarta Principles do not set forth “new” or “special” rights. They derive from the application of major international treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Culture Rights, and the Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment. A FPP should support LGBTIQ people worldwide in the attainment of these rights.

Engagement should also take cues from major international agreements such as the United Nations 2030 Agenda for Sustainable Development. Although sexual orientation, gender identity, gender expression and sex characteristics are not explicitly mentioned in the Sustainable Development Goals, inclusion of LGBTIQ populations is critical to realizing member states’ pledge that “no one will be left behind.”⁶

A FPP must understand “gender” expansively, as inclusive of non-binary peoples, if it is to afford protections for all people. Inclusion of LGBTIQ communities is particularly important against the backdrop of the growing anti-gender movement, which seeks to restrict the rights of all women and LGBTIQ peoples and narrowly define “gender” as binary.⁷ Further, LGBTIQ people should be considered a part of Germany’s broad rights-based agenda in its FPP, rather than a special population in only some interventions.⁸ Data collection, funding, and implementation must be planned with an intersection lens which is inclusive of all populations, including LGBTIQ communities. An LGBTIQ-inclusive FPP that is intersectional, considering the multiple and intersecting forms of marginalization and discrimination to which LGBTIQ individuals may be subjected to based on a range of identities, creates a framework for prioritizing the most marginalized

⁴ “The Yogyakarta Principles”, <https://yogyakartaprinciples.org/>

⁵ “The Yogyakarta Principles +10” , <https://yogyakartaprinciples.org/principles-en/yp10/>

⁶ United Nations, Department of Economic and Social Affairs, “Transforming our world: the 2030 Agenda for Sustainable Development,” <https://sdgs.un.org/2030agenda>, Introduction.

⁷ *Make Foreign Policy Feminist: A Feminist Foreign Policy Manifesto for Germany*, CFFP at pp. 6, 14, <https://centreforfeministforeignpolicy.org/make-foreign-policy-feminist-a-feminist-foreign-policy-for-germany>.

⁸ See Lyric Thompson, Spohmay Ahmed & Tanya Khokhar, *Defining Feminist Foreign Policy: A 2021 Update*, ICRW at p. 3 (noting that Sweden’s FPP, while groundbreaking in many ways, did not adequately incorporate LGBTIQ identities and needs into its policy).

and for building alliances across movements. Fully including LGBTIQ peoples in Germany's FPP is an important part of forming a global order which allows everyone to live to their fullest potential, which benefits society as a whole.

Germany has already made great strides towards LGBTIQ inclusion in its domestic and international commitments. Germany should also take a stance as a co-chair of the Equal Rights Coalition and a member of the Global Equality Fund and the UN LGBTI Core Group. As recognized in Germany's LGBTI Inclusion Strategy, the German Federal Government strives to play "a trailblazing role in ensuring that the human rights of LGBTI people are upheld, protected and guaranteed."⁹ To this end, the Federal Government has rightly committed to mainstreaming LGBTI issues within the institutions of German foreign policy and official development cooperation.¹⁰ Germany's FPP framework is a natural extension of its commitment to LGBTIQ inclusion in foreign policy.

II. A FPP should do no harm, but do something.

A fundamental commitment within any LGBTIQ-inclusive FPP should be to do no harm, but to do something. Diplomats and development practitioners should ensure that interventions do not put LGBTIQ people at risk, for instance by directly exposing individual activists or participants in a program to hostile government officials, or by contributing to a public backlash. At the same time, aversion to risk should never be used as a justification to do nothing.

To put the "do no harm" principle into practice, prior to commencing programmatic work, diplomats and development partners should assess the impact a program or intervention might have on the security and well-being of LGBTIQ people and movements.

This may include assessing:

- the safety of meeting locations
- the security of program participant names and material
- the digital security of communications for participants
- risks of branding of materials
- any publicity around the event
- possible LGBTIQ-phobia of on the ground staff

The potential harm to LGBTIQ communities needs to be regularly assessed against the benefits of public diplomacy. At the same time, it is crucial to recognize that every intervention carries some risk, and that the challenge is to proactively manage risk rather than to use risk as a justification to remain inactive. Abiding by the do no harm principle does not mean 'do nothing.' Germany's FPP should strike a balance between doing no harm, and continuous engagement in the advancement of LGBTIQ rights.

⁹ LGBTI Inclusion Strategy at ¶2.2(2).

¹⁰ *Id.* at ¶2.3(2).

III. A FPP should have a specific focus on cooperation with grassroots LGBTIQ Civil Society Organizations (CSOs) and human rights defenders.

Applying a feminist lens to foreign policy requires examining harms done by the current global system and creating goals to transform harmful practices. Understanding experiences of violence and implementing policy solutions to improve upon current practices requires intensive consultation with those experiencing harm, and groups already working to change the status quo. The experiences of diverse LGBTIQ groups and human rights defenders, including those working in the global South, must inform Germany's FPP if that policy is to be effective and transformative.

CSOs are the experts of their lived realities and the services which they offer. As experts, CSOs should be a specific focus of a FPP, and LGBTIQ CSOs should be included in priority consultations. Diverse LGBTIQ CSOs, including those from the global south, must be centered in decision-making, and should be engaged in the design and implementation of activities which they will be directly affected by: "nothing about us, without us." However, although CSOs have on-the-ground expertise, the space for civil society has been shrinking around the world.¹¹ Women's and LGBTIQ rights defenders have faced particularly severe exclusion due to gender-based violence, social exclusion, and harassment.¹² Germany's FPP should attend to this alarming trend by focusing on CSO participation.

Germany acknowledged the central importance of CSOs in its LGBTI Inclusion Strategy, noting that the goal of the Strategy was to "create structures to effectively support LGBTI human rights activities carried out by civil society in this area by giving special consideration to specific vulnerabilities and multiple discrimination."¹³ As key partners in Germany's commitment to human rights, continued engagement with, and support for, LGBTIQ activists, CSOs, and human rights defenders is crucial for a successful FPP.

Key recommendations:

- Using an intersectional framework, mainstream LGBTIQ inclusion across Germany's FPP. Specifically incorporate LGBTIQ communities in data collection, funding, design, and implementation.
- Center the "do no harm" principle in program development and assessment, prioritizing the safety and well-being of LGBTIQ people and movements, while continuing to engage in the advancement of LGBTIQ rights.
- Follow the principle of "nothing about us, without us" and incorporate diverse LGBTIQ CSOs into policy discussions to generate development initiatives and priorities in their communities. Engage civil society advocates in the design,

¹¹ CONCORD Sweden, *The Civil Society Declaration for a Feminist Foreign Policy* (2018) <https://concord.se/wp-content/uploads/2018/05/eng-sammanf-fem-deklaration-2018.pdf>.

¹² *Id.*

¹³ LGBTI Inclusion Strategy at p. 2.

implementation, and evaluation of activities. Support and strengthen CSOs with long-term, sustainable funding, including core funding, and political support.