

FULL REPORT

“WE DON’T DO A LOT FOR THEM SPECIFICALLY”

A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond.



ACKNOWLEDGMENTS

Edge Effect thanks everyone who contributed to this report, including:

- The country research teams in Indonesia (Anna Arifin, Edge Effect and Edison Butar Butar, Crisis Response Mechanism), Bangladesh (Shale Ahmad, Bandhu Social Welfare Society) and Fiji (Lavetanalagi Seru and Isikeli Vulavou, Rainbow Pride Foundation). Thanks also to Ridho Herewila (IMOF) and Joya Sikder (Somporker Noya Setu).
- People with diverse SOGIESC, civil society representatives, and humanitarian and development sector representatives who agreed to be interviewed for this report.
- Staff at the Australian Department of Foreign Affairs and Trade, especially Felicity O'Brien (Social Protection) and DFAT staff interviewed and consulted for the report.

Funding and Disclaimer

This is an Australian aid initiative implemented by Edge Effect on behalf of the Australian Government.

This publication has been funded by the Australian Government through the Department of Foreign Affairs and Trade. The views expressed in this publication are the author's alone and are not necessarily the views of the Australian Government.

Suggested Citation

Edge Effect (2021) "We Don't Do A Lot For Them Specifically": A scoping report on gaps and opportunities for improving diverse SOGIESC inclusion in cash transfer and social protection programs, during the COVID-19 crisis and beyond. Edge Effect report for the Australian Department of Foreign Affairs and Trade.

Edge Effect

Edge Effect is a specialist diverse SOGIESC humanitarian and development organization. Our mission is to ensure that people with diverse SOGIESC (aka LGBTIQ+ people) can access their economic, social and cultural rights, and do so with safety and dignity. please visit us at www.edgeeffect.org, or use the online resources at www.42d.org. Please direct correspondence to emilydwyer@edgeeffect.org.

Note on language

This report uses the phrasing 'people with diverse Sexual Orientations, Gender Identities and Expressions, and Sex Characteristics' (SOGIESC) in preference to 'LGBTIQ+ people'. All people have SOGIESC; diverse SOGIESC refers to SOGIESC that exist outside of heteronormative, cisnormative, gender binary and endosexist assumptions.

Diverse SOGIESC includes people whose lives do not fall into the categories of lesbian, bisexual, gay, transgender, intersex or queer, including cultural non-binary people such as hijra, waria, bakla, fa'afafine, people who use non-English terms that convey distinct experiences of gender and sexuality, and people who may view their diversity as practice rather than identity. Preferred phrasing may vary between countries where DRR programs are implemented and between humanitarian settings. In some cases, LGBTIQ+ or SOGIESC or other framing may raise protection issues. For example, those acronyms are sometimes used by opponents of diverse SOGIESC inclusion to imply foreign imposition of global human rights standards. In such contexts alternative phrasing may include gender and sexual diversity, or gender and sexual minorities. In some contexts, local organizations may advise DRR and humanitarian actors to refer to gender diversity only, if gender diversity is less likely to trigger protection issues than sexual diversity. The best practice is to adopt the phrasing recommended by local diverse SOGIESC CSOs and communities of people with diverse SOGIESC.

Translations of all phrasing and glossary terms to languages other than English languages should be done with great care. Informal terms that are pejorative may be used by some translators, especially if they are unfamiliar with diversity of SOGIESC. Also, some languages may not have distinct and comparable words for specific English language terms used in this report. For example in some languages the same word may be used for sex and gender. Terms in other languages may also reflect nuances that are not conveyed through use of English-language terms. Seek advice from local diverse SOGIESC organizations on language which is accurate and respectful, and consider engaging translators from those CSOs.



CONTENTS

Acknowledgments	2
Glossary	4
Acronyms	5
Executive Summary	6
Part 1 Introduction and Frameworks	10
Part 2 Global Policy And Practice	19
<i>Spotlight DFAT's Social Protection And CBA Policies</i>	22
Part 3 Case Studies	23
• Case Study Bangladesh	25
• Case Study Fiji	30
• Case Study Indonesia	34
<i>Spotlight Positive Examples From Further Afield</i>	38
Part 4 Discussion	40
Part 5 Findings & Recommendations	45
Annex Endnotes	56
Annex References	56

GLOSSARY

Assigned (female or male) at birth	The sex recorded at birth (eg on a birth certificate), which does not necessarily align with that person’s gender (eg a trans man is assigned female at birth, but is a man).
Authentication	The process of verifying a person’s identity
Biometric Authentication	Use of human physical or behavioural characteristics for authentication purposes (such as facial recognition, fingerprint, voice print, iris recognition etc)
Bisexual	A person who is emotionally, romantically or sexually attracted to people from two or more genders.
Chosen family	A group of people with diverse SOGIESC (often rejected by birth families) who live together as a family.
Cisgender	A person whose gender matches with their sex assigned at birth.
Cisnormativity	The assumption that all people are cisgender women or men, which is often inscribed in law, institutions and social practices.
Complementary Programming	Programming (eg livelihoods support) alongside cash-based assistance that support a recipient of cash-based assistance to advance their lives.
(also known as Cash Plus)	
Conditional Transfer	Cash-based assistance that is provided on the basis that the recipient takes part in specified activities, for example, training or work.
Diverse SOGIESC	Sexual orientations, gender identities, gender expressions and sex characteristics that are (at least for now) non-normative in some contexts, for example, those of LGBTIQ+ people.
Endosexism	The assumption that all people’s physical sex characteristics align with the medical or societal expectations of male or female bodies (see intersex and sex characteristics).
Financial Capability	The internal capacity to act in one’s best financial interest, given socioeconomic environmental conditions, encompassing knowledge, attitudes, skills, and behaviors.
Gay	A man whose primary emotional, romantic or sexual attraction is to other men. It is also used by people of other genders to describe their same-sex sexual orientation.
Gender	The ensemble of feminine, masculine or neutral characteristics connected with an individual, which may relate to their sex-assigned at birth, to their deeply felt internal sense of themselves, or to learned social differences that though deeply rooted are changeable and vary across and within cultures.
Gender Expression	The external presentation of gender identity, expressed in many ways, including through clothing, haircut, voice, bodily movements and the ways one interacts with others.
Gender Identity	Each person’s deeply felt internal and individual experiences of gender which may or may not correspond with their sex assigned at birth.
Gender Binary and Binarism	The assumption that all people identify as one of two genders, women or men, which is often inscribed in law, institutions and social practices.
Gender Diverse	A person whose gender does not fit within the binary or other normative expectations of gender identity or gender expression, including notions that gender is fixed or that someone has to have a gender. Terms such as non-binary and gender-queer express nuances of gender diversity, and agender people reject the need to identify as any gender.
Heteronormativity	The assumption that all people are or should be heterosexual in their sexual orientation, which is often inscribed in law, institutions and social practices.
Heterosexual	A person whose is romantically and sexually attracted to people from the opposite gender, in a system in which assumes that there are only two genders.
Hijra	In South Asia, people assigned male at birth who live as women or understand themselves to be women, often under the cultural code <i>hijragiri</i> . Transgender people in the same cultures may not observe those codes.
Hijragiri	The cultural practice of living with and under the protection of a guru (mother figure), usually undertaking work as singing, dancing, begging or sex work, on behalf of the guru.
Indirect Discrimination	Discrimination that occurs when there is a rule or requirement that is the same for everyone but unfairly affects people who have a protected characteristic.
Intersex	A person born with physical sex characteristics that do not align with medical definitions or societal expectations of male or female bodies.
Know Your Customer	Identifying information banks are required (by regulators) to collect about new customers.
Kothi	In South Asia, people <i>assigned male at birth</i> and who usually identify as men and form relationships with men, but whose gender expression aligns with norms of femininity.



Lesbian	A woman whose primary emotional, romantic or sexual attraction is to other women.
Minimum Expenditure Basket	An assessment of household needs (seasonally adjusted) and cost of meeting those needs.
Multipurpose Cash	Unrestricted cash transfers to cover the Minimum Expenditure Basket and other extraordinary costs.
Queer	A person with diverse gender or sexuality that does not fit into the LGBT boxes. It is a reclaimed term, but remains offensive for many gay men, as it was used a slur.
Restricted Transfer	A monetary transfer that can only be used to purchase a limited set of items.
Sex Characteristics	Genetic, hormonal, and anatomical characteristics used by the medical system (and informed by social norms) to classify the sex of bodies.
Sexual Orientation	A person's capacity for profound emotional, romantic, or sexual attraction to individuals or people of a different gender, the same gender, or more than one gender (see YP+10).
Transgender	People whose gender does not align with their sex assigned at birth.
Transpuan	A Bahasa Indonesia term preferred by some trans women, combining the word trans and a respectful Bahasa Indonesia term for a woman.
Trans man	A transgender person assigned female at birth, but who is a man.
Trans woman	A transgender person assigned male at birth, but who is a woman.
Unconditional Transfer	Cash-based assistance provided without any requirements to take part in specified activities or similar obligations in order to be a recipient.
Unrestricted Transfer	Cash-based assistance where the recipient has full freedom to determine purchases.
Vakasalewalewa	A Fijian term for cultural non-binary/gender diverse people within Fiji society.
Waria	An Indonesian term for non-binary/gender diverse or trans women (see also transpuan).

ACRONYMS

ALNAP	Active Learning Network for Accountability and Performance
CBA	Cash Based Assistance
CBI	Cash Based Interventions
CDAC Network	Communicating with Disaster Affected Communities Network
CSO	Civil Society Organization
DFAT	Commonwealth Government of Australia Department of Foreign Affairs and Trade
ERC	Equal Rights Coalition
KYC	Know Your Customer
IASC	Inter-Agency Standing Committee
IE SOGI	The United Nations Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, also known as the Independent Expert on Sexual Orientation and Gender Identity
NGO/INGO	Non-Governmental Organisation / International Non-Governmental Organisation
NSSS	Government of Bangladesh National Social Security Strategy
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer plus (+) other identities (eg pansexual)
MEB	Minimum Expenditure Basket
SDG(s)	Sustainable Development Goal(s)
SOGIESC	Sexual Orientation, Gender Identity and/or Expression, and Sex Characteristics. All people have SOGIESC, diverse SOGIESC refers to non-normative forms, eg LGBTIQ+ people.
UNDP	United Nations Development Program
UNHCR	United Nations High Commission for Refugees
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

The devastating social and economic consequences of the COVID-19 pandemic have led national government and aid sector organisations to place social protection mechanisms front and centre in their responses. These responses have included access to mainstream contributory and tax-funded mechanisms, bespoke tax-funded COVID-19 cash-based and in-kind support programs, and aid-sector programs to supplement government programs or to fill specific gaps. Such donor-funded aid sector programs have drawn on humanitarian sector expertise gained through the growing role of cash-based assistance in crisis response over the last decade. While some of these government and aid sector programs have sought to reach the greatest number of people as quickly as possible, there is also a strong narrative of ensuring that COVID-19 social protection programs reach those whose needs are greatest. This scoping study explores whether those mainstream or targeted programs have met the needs of people with diverse sexual orientations, gender identities and expressions, and sex characteristics (SOGIESC, aka LGBTIQ+ people).

Specifically, it provides an initial overview of the:

- Social protection needs of people with diverse SOGIESC in the context of COVID-19.
- Extent to which COVID-19 focused social protection initiatives – especially those with cash components - have recognized and addressed those needs. This includes some consideration of broader social protection programs and preliminary research in Bangladesh, Indonesia and Fiji.
- Steps available to address gaps in COVID-19 responses immediately, and longer-term actions needed to address systemic exclusion in social protection schemes, especially those with cash components.

This report adopts the Australian Department of Foreign Affairs and Trade (DFAT) conception of social protection as having “three core functions:

1. Protection of the poor from the worst impacts of poverty.
2. Prevention against income shocks and drops in well-being.
3. Promotion of opportunities and livelihoods.”

Many people with diverse SOGIESC had pressing social protection needs prior to the COVID-19 crisis, borne of multi-layered discrimination and systemic marginalization within families, communities, schools, service providers and societies. Same-sex between consenting adults remain criminalised in almost 70 countries, but just as profound is the lack of anti-discrimination provisions and enabling laws and policy to support people with diverse SOGIESC to live their lives with dignity, safety and pathways to economic and social well-being. These factors often lead people with diverse SOGIESC to be reliant on informal work and at risk of poverty, to be more vulnerable to income shocks, and poorly placed to take advantage of alternative livelihood opportunities. However many development frameworks, policies and programs do not recognise or address these issues. As discussed in the Introduction, the Sustainable Development Goals do not address diverse SOGIESC inclusion specifically. This relegates the issues to the category of unspecified vulnerable people and limits incentive or pressure to collect data, design programs or deliver development results that are inclusive of people with diverse SOGIESC.

A growing evidence-base also demonstrates that these challenges extend into crisis contexts. People with diverse SOGIESC may experience trouble accessing relevant crisis support, may self-exclude from official aid provision due to safety concerns, and experience new discrimination such as being blamed for the onset of disasters as collective divine punishment or for the transmission of a virus such as COVID-19. These challenges accessing crisis relief and recovery support can further lock-in pre-emergency marginalisation. However the humanitarian sector is yet to include people with diverse SOGIESC in the bulk of its frameworks, policies, tools and programs.

The COVID-19 crisis, sadly, demonstrates the consequences of structural and habitual exclusion of people with diverse SOGIESC from development and humanitarian action. There is reliable evidence that the COVID-19 crisis has exacerbated needs of people with diverse SOGIESC across the health, economic and social realms (Edge Effect, 2020; Outright, 2020; UN, 2020). For example, discrimination in education and employment often leads people with diverse SOGIESC to work within informal sectors that have been deeply impacted by COVID-19. These same conditions often

lead to a lack of savings, meaning that loss of income has an immediate impact. Societal discrimination may also lead to exclusion from informal safety nets - such as those provided by birth families and local community structures – that are available to support other community members. Consequently, COVID-19 can immediately impact access to basic necessities such as food and shelter, as people ration meals or default on rent payments. Losing access to housing may contribute to social isolation and psychosocial distress, or contribute to increased risk of violence as people with diverse SOGIESC turn to informal housing or return to potentially dangerous family contexts. People with diverse SOGIESC who live in informal housing may not have access to piped water and may face community discrimination at public water points - limiting opportunities to follow public health messaging. When people with diverse SOGIESC get sick they may be unwilling to attend medical facilities, given past experiences of discrimination. This is just a small sample of issues that face people with diverse SOGIESC during the COVID-19 crisis.

The case studies in Part 2 of this report explore such challenges in the country contexts of Bangladesh, Fiji and Indonesia. They also provide insights, especially for government officials and staff of non-government organisations responsible for cash-based assistance programs. These insights include challenges registering into systems, community engagement strategies and the role of diverse SOGIESC CSOs as intermediaries, the accessibility of delivery systems that rely on mobile phone access or bank accounts, the relevance and safety of conditional programs that require training or work, support for unrestricted programs and voluntary complementary programming, , amongst others. Many of these issues, informed by the case studies, are taken in Part 4 Discussion.

Evidence collected for the case studies suggests that social protection and cash programs established as a response to the COVID-19 crisis have not recognized or addressed such needs. Globally, of 3112 policy measures recorded in the UNDP and UN Women **COVID-19 Global Gender Response Tracker** (as of March 2021) just eight mention diversity of SOGIESC including some existing programs not specifically targeting new COVID-19 needs. Global social protection and cash-based assistance policy and practice guidance reviewed in Part 2 of this study rarely acknowledges or addresses diversity of SOGIESC. The exceptions tend to be passing mentions, unlikely to generate activity amongst development or humanitarian actors that are unfamiliar

with diverse SOGIESC issues and communities. While the July 2020 **Global Humanitarian Response Plan** (OCHA 2020: 45) noted that :

[D]iscrimination can elevate the risks for LGBTIQ+ people from COVID-19. The pandemic has disconnected them from their networks following the closure of health and community centres that provided safe and supportive spaces. It has required many LGBTIQ+ people to stay home for extended periods of time, including non-accepting with family members, which exposes increased risk of family stigmatizing or abuse.

A review of humanitarian sector tracking data and program opportunities conducted by the Global Philanthropy project concluded that (GPP 2020:23):

[T]he exclusion of LGBTI communities as a vulnerable or at-risk population within COVID-19 response plans and public statements suggests that humanitarian resources pledged by the world's largest donors are not systematically or directly targeting the needs of LGBTI communities.

At country level there was little evidence that ongoing state social protection programs or COVID-19 specific programs are capable of addressing the needs of people with diverse SOGIESC, whether due to omissions in assessments, registration, policy, resourcing or implementation. While some governments are hostile to people with diverse SOGIESC, and some government programs are premised in pathologising ways, indirect discrimination is more often at work. As noted by a senior government official in Uruguay:

When public policy, especially social protection policy is not explicitly engineered to cover a social group such as LGBT people, most of the time, they end up excluding people.

It is well known that people with diverse SOGIESC rely extensively on informal networks and CSOs that have emerged within their communities. This has been reinforced during the COVID-19 crisis, and highlighted in the May 2020 **Statement by human rights experts on the International Day against Homophobia, Transphobia and Biphobia:**

Civil society organizations, which operated under duress before the pandemic, have been frantically working to fill in the gaps left by States: organizing the collection and



distribution of food and water, hygienic materials and masks; activating communication, solidarity and social protection networks; and supporting each other.

The three country case studies provide examples of how diverse SOGIESC CSOs are undertaking data collection, providing cash, food and shelter, and psycho-social support within their communities. However that work is often undertaken with little or no donor support, by CSOs that are under severe financial stress due to increased community demand and the challenges of operating during COVID-19.

Good practice for the design of social protection and cash-based assistance programs takes into account less-formal and informal systems, respecting the agency of marginalised people and cultural systems. However in the case of people with diverse SOGIESC, lack of inclusion in government and non-government social protection programs puts those less-formal and informal systems under stress.

In 2011 the United Nations Human Rights Council recognized sexual orientation and gender identity as protected characteristics of rights holders. In 2020, a group of more than 40 states acknowledged the discrimination and violence experienced by people with diverse sex characteristics. It is now up to states and non-government actors to step up. People with diverse SOGIESC should no longer be ignored or discriminated against, directly or indirectly. Nor does the existence of community strengths reduce the obligation of states and non-government organisations to positively address the rights and needs of people with diverse SOGIESC.

Some governments have not supported those calls, and some may take issue with the underlying assumption of this report: that people with diverse SOGIESC should have equal opportunities and that specific measures may be needed to address historical and structural inequalities. It is probably true for some countries, that changes to diverse SOGIESC inclusion in social protection may occur only after changes in societal attitudes, or in the views of policy makers or de-criminalisation and other legislative reforms. Some may argue that people with diverse SOGIESC need to wait for incremental change, and indeed that critiquing non-inclusive government programs will do little to curry favour. This report is open about the need for transformative change: pragmatism without ambition is a barren road.

While the landscape of diverse SOGIESC inclusion is often bleak, there are oases in the desert that show

change is possible. Further afield from Asia and the Pacific, Uruguay's reform of social protection and cash-based assistance to be more transgender inclusive offers pointers for other states, non-government organisations and civil society advocates. In the words of former government official:

This was the first time the state approached this community with another face. The only two faces of the state that trans women saw were the police and the ministry of health because of the control of infectious diseases and HIV. This was the first time we approached you not to sanction you or examine you, but to recognise you've been neglected of all human rights, that we're now doing something to change. It was really so important.

Also in Latin America, an INGO cash-based assistance program in Ecuador is working with diverse SOGIESC CSOs and providing complementary programming alongside cash-based assistance. The recognition and inclusion of cultural gender non-binary groups in some social protection mechanisms in Bangladesh is a start, though it sits at odds with exclusion and stigma experienced by other people with diverse SOGIESC in that country. The Fiji case study includes the positive example of sex workers, including people with diverse SOGIESC, addressed through an INGO cash-based assistance program and involvement of a diverse SOGIESC CSO in cash-based assistance coordination mechanisms. The Indonesia case study includes many stories of exclusion, but also examples of waria/transpuan inclusion in some programs. More broadly, some UN agencies and INGOs are dipping their toes in the water, undertaking consultations or initiating research projects. A smaller number waded deeper, realising that diverse SOGIESC inclusion requires an organisational and sectoral commitment to transformational change.

There is guidance available for government agencies or non-government organisations seeking to do more. Edge Effect's Diverse SOGIESC Continuum (see Part 1) is at the heart of a norms-based approach through which organisations can assess their existing level of diverse SOGIESC inclusion and explore ways of moving from unaware or inactive domains toward inclusive and transformative programming and organisational change. During the COVID-19 crisis the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI) released the six-point ASPIRE Guidelines (see also Part 1 below). These guidelines



provide a framework for states - and other actors - to work in ways that are diverse SOGIESC inclusive. Part 5 of this report offers eight key findings and ten steps (see below) that, if followed, would make a big difference. At the end of Part 5 there is also a much more detailed set of technical findings and recommendations for designers and implementers of cash based assistance programs. One caution: seeing these as a simple list of technical program fixes risks simplistic, tokenistic, and potentially unsafe programming. As noted above, the lack of inclusion of people with diverse SOGIESC in social protection and cash-based assistance programs is a microcosm of development and humanitarian policy and practice. Government agencies and development/humanitarian organizations that have limited experience engaging with people with diverse SOGIESC should address

these recommendations within a holistic approach that includes addressing gaps in their capacities and relationships. The norms-based Diverse SOGIESC Continuum and the ASPIRE Guidelines are both good places to start.

Major gaps exist in social protection support for people with diverse SOGIESC, including cash based assistance programs. As per the title of this report (a quote from an interview): *“We don’t do a lot for them specifically”*. The good news, is that governments, donors, UN agencies, INGOs and other organisations can change this. Indeed, the COVID-19 crisis provides an opportunity to model diverse SOGIESC inclusion within relief and recovery, to build awareness of diverse SOGIESC issues, to establish new partnerships, and to create new expectations for future programs.

Five Steps That Would Improve Diverse SOGIESC Inclusion ...

In social protection programs generally:

- ...➤ Governments adopt the ASPIRE Guidelines and governments providing bilateral support to the programs of other governments should encourage this.
- ...➤ Non-government actors adopt a norms-based approach and a benchmarking process such as Edge Effect’s diverse SOGIESC continuum.
- ...➤ Donors require diverse SOGIESC inclusion from implementing partners and fund those partners to undertake staff training, tools adaptation and other steps to transform themselves into organisations capable of addressing diverse SOGIESC rights, needs and strengths.
- ...➤ Support further research on diverse SOGIESC inclusion in aid programs, including ongoing impact of COVID-19 and intersections with other aid programs such as livelihoods and countering gender based violence programs.
- ...➤ Partner with and consistently support diverse SOGIESC CSOs for all of these steps.

In cash based assistance programs for COVID-19 and beyond:

- ...➤ Understand how indirect discrimination – such as absence in data, ostracisation from families, lack of identification documents or low mobile phone ownership – makes cash based assistance inaccessible or unsafe for many people with diverse SOGIESC.
- ...➤ Learn how the design of assessments, targeting, registration, delivery and other aspects of cash based assistance – and the addition of voluntary complementary programs including financial capability – can increase accessibility, safety and relevance.
- ...➤ Support diverse SOGIESC CSOs as they continue to fill gaps left by government and non-government cash assistance programs and in their role as trusted intermediaries with community members.
- ...➤ Include complementary programming such as financial capability and livelihoods support for people with diverse SOGIESC, alongside training and support for service providers to improve diverse SOGIESC inclusion.
- ...➤ Engage diverse SOGIESC CSOs and technical specialists to ensure innovations in cash assistance – such as digital systems – are safe, relevant and effective.



PART 1 | INTRODUCTION AND FRAMEWORKS

1.1 Diverse SOGIESC Inclusive or Elusive?

When the world promises that “no-one will be left behind” (United Nations 2015) in the implementation of the Sustainable Development Goals (SDGs), does that *really* mean everyone, including people with diverse SOGIESC?

Social protection features in the attainment of the SDGs, most directly in Goal 1 to ‘end poverty in all its forms everywhere’, but also in the goals seeking to end hunger, ensuring healthy lives and well-being, ensuring all can access education and learning, delivering gender equality, promoting decent work, reducing inequalities, amongst others. However none of the SDG goals, targets or indicators directly mention sexual orientation or gender identity or sex characteristics. For example target 1.3 to “Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable” is accompanied by the indicator: “proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable.” While people with diverse SOGIESC are amongst all of those listed groups, the absence of specific mention has consequences: the SDG system provides limited incentive or pressure for states to collect or report data on diverse SOGIESC inclusion, a situation exacerbated by the absence of diverse SOGIESC within the standard gender indicators used by the UN and those used by many governments worldwide. Although the generally inclusive language in many of the SDGs (for example, “for all”) allows people with diverse SOGIESC to be ‘read back in’ this puts pressure on this marginalised community to continually advocate for its inclusion.

Moving focus from the high-level framework of the SDGs to aid sector development practice does not reveal substantive progress toward diverse SOGIESC inclusion. Many programs implemented by UN agencies and INGOs fail to recognise or address diversity of SOGIESC in mainstream activities or within gender equality and social inclusion (GESI) components. Edge Effect’s experience of working with development organisations is that far too little has been done to train staff, to ensure tools are fit for purpose, to build

community partnerships or dedicate the resources required. Opportunities to pursue diverse SOGIESC inclusion through gender programming - for women and girls with diverse sexual orientations, for transgender and gender diverse people or for people of all genders - are often squandered. There are champions in some organisations, and there are exceptions where organisations have undertaken diverse SOGIESC inclusive work in specific programs. For example NGO implementing partners of the Australian Government Water for Women fund have undertaken participatory action research with gender diverse people or have employed gender diverse people in community engagement roles. However these remain as exceptions, within a sector which is yet to integrate diverse SOGIESC inclusion within its approach to rights-based development.

COVID-19 social protection and cash-based assistance programs cross boundaries between development and humanitarian sector activities. However inclusion of people with diverse SOGIESC in the humanitarian sector faces many of the same challenges as in the development sector. In its 2018 **State of the Humanitarian System** report ALNAP described the humanitarian system as “a system that is not good at understanding or addressing the specific vulnerabilities of different groups of people in different contexts” (ALNAP 2018: 31). ALNAP’s analysis continues: “Where differences within a population are addressed, this is often through predetermined activities for predetermined ‘vulnerable groups’. Assessments to identify the actual vulnerabilities of different groups of people within a specific context are still uncommon” (ALNAP 2018: 142). People with diverse SOGIESC are amongst those groups not routinely included.

As detailed in Edge Effect’s report for UN Women **The Only Way Is Up** (Edge Effect 2020), inclusion frameworks within the humanitarian sector provide little or no specific support for diverse SOGIESC inclusion. Needs assessments, funding calls, program design and implementation, and evaluations and ‘lessons learned’ often proceed as if people with diverse SOGIESC do not exist. There are genuine contexts where people with diverse SOGIESC are hard-to-reach and where do-no-harm considerations are profound. However organisations without policy guidance, tools adaptation, staff training or community partnerships

are likely to struggle to find ways of meeting the humanitarian imperative in safe, effective and dignified ways. So although principles of humanitarian action that “human suffering must be addressed wherever it is found ...” and that “humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions ...” (OCHA 2012:1) provide ample space to address the needs of people with diverse SOGIESC in crises, those needs frequently remain unrecognised and unaddressed. Part 2 of this report explores ways in which social protection and cash based assistance policy reflects these limitations.

Some governments have strenuously supported UN resolutions recognising sexual orientation and gender identity as characteristics that attract human rights protection. They have also supported the establishment, renewal and work of the mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI). For example, in supporting a 2018 report by the IE SOGI, the Australian Mission in Geneva stated that “fostering stigmatization and hatred that discourages self-identification, frustrates both human rights and economic development. As the 2030 Agenda recognizes, development must be inclusive to be sustainable” (DFAT 2018). However not all such states have policy statements on diverse SOGIESC inclusion for their aid programs, nor do all them treat diversity of SOGIESC as an issue for core funding within programs.

Other governments are less open to people with diverse SOGIESC. At the time of writing sixty-nine states maintain legislation that criminalises aspects of diverse SOGIESC lives. A larger number govern using policy frameworks that explicitly or implicitly exclude people with diverse SOGIESC. Within these contexts exclusion within social protection and cash based assistance programs may reflect these broader legal and policy positions, as discussed in the country case studies in Part 3 of this report. Change in these contexts may seem quite challenging. But while state and multilateral donors may have less leverage over bilateral government partners, some options are available. This may include understanding where gaps exist in government programs, constructive engagement with governments to encourage diverse SOGIESC inclusion, and hold space for diverse SOGIESC CSOs, for example supporting their participation in coordination mechanisms. Even within governments that contest the rights of people with diverse SOGIESC, staff views may not be homogenous.

Within the UN and INGO sector there is some emerging awareness and programming for people with diverse SOGIESC. However it is often in the form of fragmented activity, fragile in uptake and funding, and driven by individual champions rather than institutional commitment.

1.2 Diversity of SOGIESC, Poverty and COVID-19

The impact of the COVID-19 crisis on people with diverse SOGIESC needs to be understood in the context of pre-pandemic discrimination, exclusion and poverty. Poverty within diverse SOGIESC communities can result from intersecting and layered forms of discrimination and violence, as noted by the United Nations Independent Expert for Sexual Orientation and Gender Identity (OHCHR 2018: par57):

The combination of social prejudice and criminalization has the effect of marginalizing lesbian, gay, bisexual, trans and gender non-conforming persons and excluding them from essential services, including health, education, employment, housing ... and access to justice... The spiral of discrimination, marginalization and exclusion may start within the family, extend to the community and have a life-long effect on socioeconomic inclusion. Through this process, stigmatization and exclusion intersect with poverty to the extent that, in many countries, lesbian, gay, bisexual, trans and gender non-conforming persons are disproportionately affected by poverty, homelessness and food insecurity.

The extent of these challenges is very rarely revealed by needs assessments and other forms of data collection. Diversity of SOGIESC is often not included as a relevant factor, for reasons including lack of awareness, lack of data collection tools designed to safely engage with people with diverse SOGIESC, and discrimination entrenched in national political environments.

Some key factors contributing to poverty for people with diverse SOGIESC include:

- Discrimination and violence within families that lead people with diverse SOGIESC to leave home (or be kicked out), with resultant loss of networks and security.
- Discrimination and violence in schools, at the hands of teachers or fellow students, leading to lower achievement, early drop-out and mental ill-health.
- Discrimination when seeking employment, or harassment within workplaces, that leads people

with diverse SOGIESC to rely upon poorly paid or unreliable informal sector work, which in return creates difficulties building savings and other forms of economic security.

- Discrimination or harassment when engaging with government, private sector or civil society service providers.

Not all people with diverse SOGIESC experience poverty, nor do people with different diversity of SOGIESC experience poverty in the same ways. In many parts of Asia and the Pacific there is more social, economic and legal space for diversity of gender identity, than diversity of sexuality. Other social norms intersect with diverse SOGIESC lives, and add further complexity relevant to social protection. For example, women with diverse SOGIESC may experience the impact of conventional gender norms as well as the norms pertaining to diversity of SOGIESC. People with diverse SOGIESC who are also part of religious or linguistic or ethnic minorities, or are people with disabilities or who live in rural areas or grow up in less affluent areas may all experience discrimination in marginalization in different ways, and experience different levels of socioeconomic exclusion.



Hijra and transgender people receive aid packages from Somporker Noya Setu, in Dhaka, Bangladesh. Photo: supplied by Joya Sikder

Lack of access to formal social protection mechanisms and cash-bash assistance may compound factors contributing to poverty. When people with diverse SOGIESC experience poverty, when they experience income shocks, when they need livelihoods or other support, often formal social protection is not there to cushion the fall or rebound into the future. This is of course about more than money: discrimination, violence, and financial insecurity can lead to many other social and psychological challenges.

All of which was happening before the COVID-19 pandemic. The introduction to the IE SOGI's April 2020 **ASPIRE Guidelines on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity** quotes a statement by ninety-six United Nations and international human rights experts, that "COVID-19, and the measures taken to address it, exacerbate inequalities and discrimination" for people with diverse SOGIESC (OHCHR 2020a). The statement continues:

The existence of criminalization laws, for example, makes LGBT persons more vulnerable to police abuse and arbitrary arrest and detention in the context of movement restrictions and curfews. While contributing to the fight against the pandemic by staying at home, LGBT children, youths and elders are forced to endure prolonged exposure to unaccepting family members, which exacerbates rates of domestic violence and physical and emotional abuse, as well as damage to mental health. In many jurisdictions, LGBT persons, particularly those most impoverished or without proper documentation, rely overwhelmingly on informal economies made impossible by COVID-19 restrictions. The socio-economic consequences of the pandemic and the loss of income might also increase the vulnerabilities of LGBT persons to human trafficking and sexual exploitation. The reallocation of health resources has also created or exacerbated shortages of antiretrovirals for those living with HIV, while also impacting the ability of trans men and women to receive hormonal therapy or gender-affirming care. Gender-based curfew laws and policies have reportedly condemned gender-diverse persons to permanent seclusion while making trans individuals targets for humiliation and violence when going out.

While the impact of COVID-19 on people with diverse SOGIESC has largely been unaddressed in development

and humanitarian sector assessments, evidence has been gathered by diverse SOGIESC organisations.

Edge Effect's **Briefing Note: Impacts of COVID-19 on LGBTIQ+ people** (Edge Effect 2020: 3) noted that:

LGBTIQ+ people are at heightened immediate risk due to loss of livelihoods. Street-based and most informal types of livelihoods are seriously compromised, with significant effect for many individuals, particularly trans and 'third gender' communities. Access to food, accommodation and basic necessities have been significantly affected by loss of income, lockdowns and other restrictions on mobility and closures of workplaces and other establishments.

In India, an activist working with the hijra community in West Bengal estimated that of 10,000 members of the community, about 50 per cent rely on street-based work which has stopped on account of COVID-19 lockdowns. CSOs consulted for the Briefing Note reported that LGBTIQ+ people often do not have savings that could support them through this period, and that where people have loans or debts they will struggle further to repay, leading to further risks. As a CSO representative from Cambodia explained:

If businesses are closing down, suspending, commodities and food price increase, there's no jobs, no income, no money to pay for the rent ... we are suffering more than having COVID-19, because death is from the empty stomach and heavy debt.

Outright International's report **Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ People** reported that interviewees "voiced concerns regarding access to the same crisis-related benefits and food support that heterosexual individuals, couples and families may be eligible for in the wake of the pandemic" (Outright 2020:23). CSOs within the diverse SOGIESC community were also experiencing challenges filling the gaps left by formal protection systems, as described by a Sri Lankan activist (Outright 2020:25):

"The most affected seem to be the homeless and daily wage workers, such as sex workers. We were distributing provisions and groceries to cis and trans sex workers across the city. Unfortunately, since the government declared a curfew, we had to stop".

Another activist, from Kenya, explained that people who

live day-to-day, stopping work to isolate was not an option, putting them at greater risk (Outright 2020:28):

Most people live from hand-to-mouth and can't afford to stay indoors because this would mean they don't have any money or food. As much as people try to be cautious, there is a level of carelessness – not because they want to, but because they have to.

The country case studies in Part 3 - from Bangladesh, Fiji and Indonesia - provide further layers of lived experience. While there are many examples of exacerbated poverty and social exclusion, there are also many examples of individual and community strength in the face of challenges.

1.3 Frameworks for Diverse SOGIESC Inclusion

This focus on lived experience is essential. However within inclusion work in the development and humanitarian sectors there is a tendency to celebrate brave and marginalised people in ways that - inadvertently perhaps - essentialise and tokenise those experiences without leading to any actual change. So this scoping report consciously adjusts the spotlight to shine on the people, organisations or systems that are reproducing, normalising or legitimising that discrimination and exclusion. For the spotlight needs to focus on those who need to change. This includes donors and implementing agencies within the humanitarian and development sectors, as well as national governmental institutions, other authoritative groups such as faith organisations, and all manner of groups and individuals in communities.

1.3.1 Diverse SOGIESC Continuum

Turning the spotlight on perpetrators, enablers and bystanders can be achieved through a norms-based approach. Edge Effect's Diverse SOGIESC Continuum, a tool that sits at the heart of our work, (right) is an example of this approach. The challenge for humanitarian and development actors of all stripes is to assess how their current ways of working align with the continuum and how they amend their ways of working to move toward inclusive and transformative practice.

There are four inter-related norms that underpin discrimination and exclusion of people with diverse SOGIESC, each of which become inscribed in law, institutions and social practices:

- **Heteronormativity:** The assumption that all people are or should be heterosexual (as their sexual orientation). Heteronormativity underpins discrimination against or exclusion of people who are gay, lesbian, bisexual or other sexualities.
- **Cisnormativity:** The assumption that all people are cisgender (that their gender matches their sex assigned at birth). Cisnormativity underpins discrimination against or exclusion of transgender people.
- **Gender Binarism:** The assumption that all people identify as one of two genders, women or men. Gender Binarism underpins discrimination against or exclusion of people who are gender non-binary, and works in tandem with heteronormativity.
- **Endosexism:** The assumption that all people's physical sex characteristics align with the medical or societal expectations of male or female bodies. Endosexism underpins discrimination against or exclusion of people who are intersex.

These norms often remain embedded in the policies, priorities, frameworks, assessments, designs, tools and other aspects of humanitarian and development programs.

Hostile: Norms-based harm experienced by people with diverse SOGIESC is exacerbated by deliberate choices made by a development or humanitarian actor. A hostile requires the actor to be aware that their decisions are likely to create harm. While tragic, direct discrimination is apparent in the operations of some governments and even aid-sector organisations.

- **Unaware:** Norms-based harm experienced by people with diverse SOGIESC is reinforced by a development or humanitarian actor that is unaware of potential damage they are doing. Some governments and many aid sector organisations fall into this category, for example if they assume that programs include everyone and have not done work to understand how programs may exclude through indirect discrimination.
- **Aware (Inactive):** Norms-based harm experienced by people with diverse SOGIESC is reinforced by a development or humanitarian actor that is aware that people with diverse SOGIESC experience norms-based harm, but has not taken steps - such as assessments, tools-adaptation, staff training,

funds allocation or partnership development - that would mitigate those harms. Some governments and many aid sector organisations also fall into this category.

- **Inclusive:** Norms-based harm experienced by people with diverse SOGIESC is ameliorated by the manner in which a development or humanitarian actor operates programs. For example, this could include specific programs that are set up because the actor is aware that their mainstream or regular programs are not addressing the rights, needs and strengths of people with diverse SOGIESC.
- **Transformative:** Norms-based harm experienced by people with diverse SOGIESC is ameliorated and challenged by programs that normalise full participation of people with diverse SOGIESC.

Assigning a position of the diverse SOGIESC continuum is ideally a multi-dimensional process that takes into account various aspects of organisational operations and program management. Individual programs of a development or humanitarian actor may vary in position from others, or from the entity as a whole. What can be achieved in terms of inclusive and transformative programs may be constrained by the operating environment; while this does not change the position assigned on the continuum it is relevant for interpretation. In short, use of the continuum is a process that should be supported by appropriate technical guidance, community partnerships and organisational capacity. An example of this is the embedding of the diverse SOGIESC continuum into a recently released humanitarian sector evaluation tool, as part of the Edge Effect/UN Women project **The Only Way is Up**.

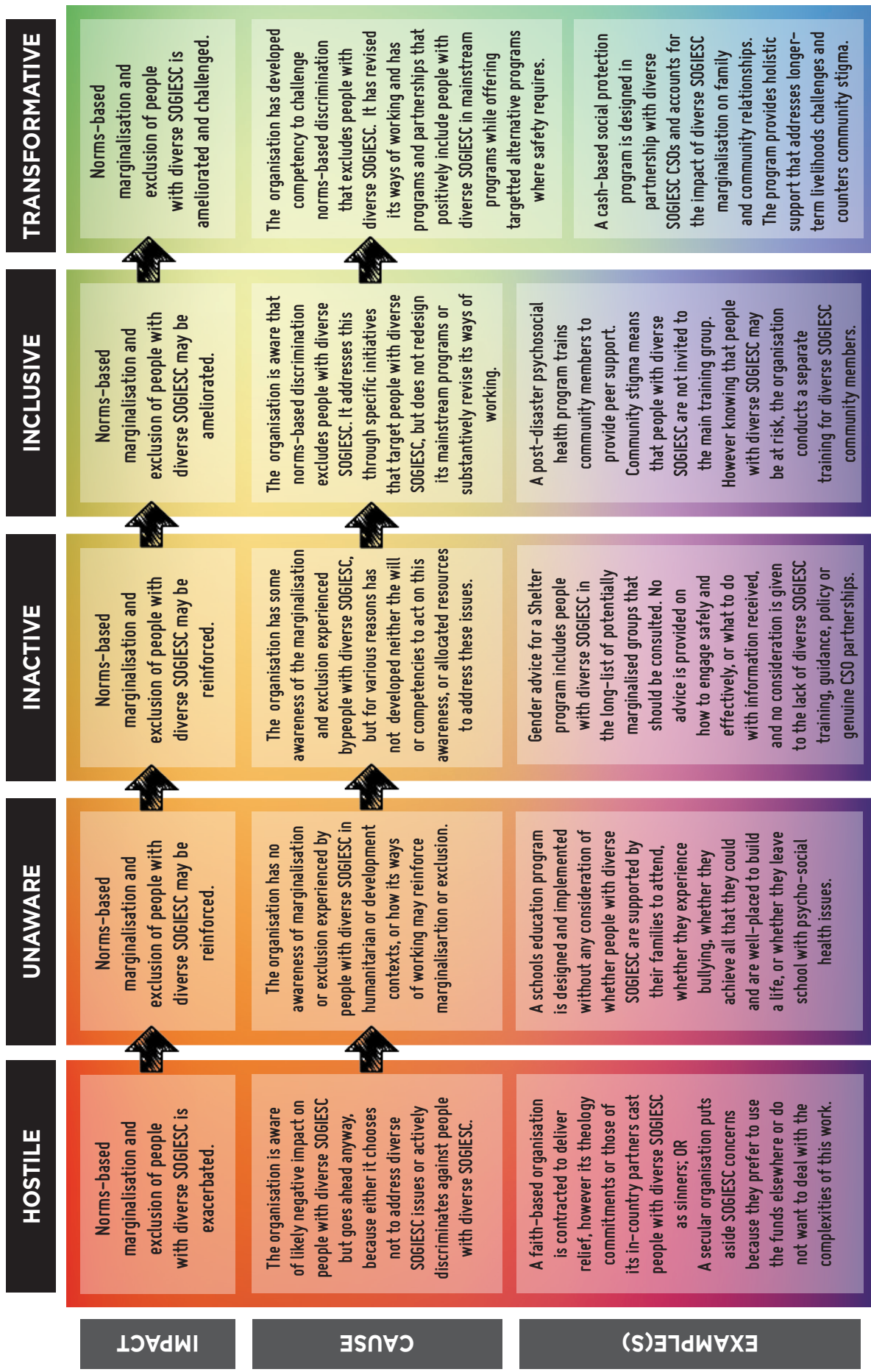
1.3.2 ASPIRE Guidelines

The IE SOGI's **ASPIRE Guidelines** is another framework, and is directly relevant for social protection and COVID-19 focused cash-based assistance. In a letter sent to States, the ASPIRE Guidelines are described as "practical guidelines to help States in effectively fulfilling their obligations to prevent and mitigate the impact of COVID-19 on LGBT persons ... based on six fundamental actions identified as good practices in designing, implementing and evaluating States' measures to combat the crisis in order to protect LGBT persons, communities and populations" (OHCHR 2020c).



42 DEGREES

DIVERSE SOGIESC CONTINUUM - PROGRAMS FOCUS



Please contact Edge Effect for further information on supprto for the use of the Diverse SOGIESC Continuum.

While designed for government usage, the six guidelines are just as relevant to the work of non-state actors including UN agencies and NGOs. The following annotated listing of the ASPIRE guidelines connects the central idea with social protection and cash based assistance.

A “Acknowledge that LGBT and gender diverse persons are everywhere (and that they are hard-hit by the pandemic).”

Of relevance to social protection, the Guidelines note multiple reasons for why people with diverse SOGIESC are hard hit, including disproportionate pre-pandemic poverty and reduced capacity to cope with income shocks, reliance on informal sector work, crowded housing, increased vulnerability to health issues if older and increased vulnerability to family discrimination and violence if younger, absence of social protection for asylum seekers and migrants, and impact on treatment programs for people with HIV/AIDS.

S “Support the work of LGBT civil society and human rights defenders (and learn from their significant achievements).”

The Guidelines highlight the role that diverse SOGIESC CSOs have played in filling gaps in government and aid sector social protection programs. Those CSOs have networks into their communities and established relationships of trust. They have undertaken data collection and service delivery during the COVID-19 crisis. However this work has rarely been funded by donors, and those CSOs are often already struggling as donors redirect project funds to COVID-19 projects. As discussed later in this report, CSOs are key interlocutors for social protection and cash-based assistance programs, but need to be treated and funded as long-term partners.

P “Protect LGBT persons from violence and discrimination in the pandemic context (and prosecute perpetrators).”

As will emerge from the case-studies in Part 3, well-designed cash based assistance and complementary programming can reduce violence that people with diverse SOGIESC may experience when accessing aid, when engaging with their families, and through supporting them to develop resilient lives.

I “Indirect discrimination is a real and significant risk (and stigmatization against LGBT persons must be prevented).”

Indirect discrimination is a recurring theme of this scoping study. It is explained in the Guidelines as occurring “when an otherwise neutral provision or practice puts a marginalized population at a disadvantage compared to others or impacts them in a way that is disproportional.” Analysis later in the report suggests that indirect discrimination is a major impediment for diverse SOGIESC inclusion in social protection and cash-based assistance programs. People with diverse SOGIESC often fall through the cracks of universal programs, for example if they are not on databases, if they do not benefit from household-based schemes due to intra-household discrimination, or if they do not hold identity cards required to open bank accounts or do not own phones to access mobile cash.

R “Representation of LGBT persons in the process of design, implementation and evaluation of COVID-19 specific measures is a must (and it needs to be meaningful).”

‘Nothing about us without us’ is more than a slogan: involving people with diverse SOGIESC is an essential driver of program safety and effectiveness, recognises their agency and dignity, and is consistent with community engagement and accountability to affected people principles. Working with diverse CSOs is the most reliable path to this engagement, noting that different CSOs may have networks within different parts of the diverse SOGIESC community. As for Guideline 2, this kind of CSO engagement needs to be accompanied by appropriate funding and recognition.

E “Evidence and data concerning the impact of COVID-19 on LGBT persons must be collected (and States must follow good practices).”

Improved awareness of the issues faced by people with diverse SOGIESC and greater visibility of their experiences within surveys and statistical data are important steps toward addressing their rights, needs and strengths (Edge Effect, 2021). A report by the IE SOGI for noted that the invisibility of people with diverse SOGIESC in data means that they become invisible in planning and decision-making; diverse SOGIESC inclusive data “forms part of the human rights obligations of States and has become an element of the

ASPIRE Guidelines

Guidelines on COVID-19 response free from violence and discrimination based on sexual orientation and gender identity

Acknowledge that LGBT and gender diverse persons are everywhere (and that they are hard-hit by the pandemic). Denying the existence of LGBT persons in any society is a violation of their human rights at all times, but it is particularly harmful in times of a pandemic, when understanding the different ways it impacts their lives is the key to effective and efficient responses.

Support the work of LGBT civil society and human rights defenders (and learn from their significant achievements). Civil society organizations are vital to fill in the gaps left by States. A complex system of early warning, sense of community, advocacy and follow-up has been forged over the last five decades. That system is an asset of profound value for the global community.

Protect LGBT persons from violence and discrimination in the pandemic context (and prosecute perpetrators). Pre-existing inequalities are exacerbated in humanitarian settings, putting those who are already most vulnerable at further risk. Government measures to combat the pandemic must be limited to the protection of public health and must not advance anti-LGBT agendas.

Indirect discrimination is a real and significant risk (and stigmatization against LGBT persons must be prevented). Indirect discrimination occurs when an otherwise neutral provision or practice puts a marginalized population at a disadvantage compared to others or impacts them in a way that is disproportional.

Representation of LGBT persons in the process of design, implementation and evaluation of COVID-19 specific measures is a must (and it needs to be meaningful). Policy-makers should not rely on intuitive thinking when designing responses that will impact the LGBT community. Only the effective involvement of concerned populations will create responses with increased positive impact.

Evidence and data concerning the impact of COVID-19 on LGBT persons must be collected (and States must follow good practices). Disaggregation of data is essential to understand how different populations are affected by the pandemic. States also need to ensure that victims of human rights violations perpetrated during the pandemic will have access to redress, including reparations.



Download the full version of the Guidelines at <https://bit.ly/2NaRqxm>

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The ASPIRE Guidelines.

human rights-based approach to data” (OHCHR 2019: par13).

However collecting, managing and using data about people with diverse SOGIESC can put people at risk. Some people with diverse SOGIESC are hard-to-find and may self-exclude, or heads of households or other local authorities might skip over those people when asked to provide data.

There is relatively little good guidance available for people undertaking evidence and data collection with people with diverse SOGIESC in international humanitarian and development contexts. The guidance that is available tends to have emerged from health or community service delivery in countries with relatively higher levels of acceptance or toleration for people with diverse SOGIESC. Such guidance may, or may not, be appropriate in all humanitarian and development

contexts. For this reason this report does not include a simple ‘how-to’ guide. However thoughtful guidance is available from the UCLA Williams Institute¹, and includes advice on designing data collection instruments, including question wording and ordering that:

- Encourages responses.
- Generates actionable data.
- Respects safety and dignity.

While more detailed guidance on data collection for humanitarian and development actors is needed, there will also always be a need a) to adapt that guidance for local context and b) for diverse SOGIESC data collection to part of a broader set of diverse SOGIESC inclusive ways of working within organisations. In the absence of that detailed guidance, the following box contains some rules of thumb from Edge Effect experience.

DATA COLLECTION

Some Rules of Thumb from Edge Effect experience:

- Don’t just add extra boxes and collect data for its own sake. Be clear about why data is being collected and how it will be stored and used.
- Avoid extractive processes. People with diverse SOGIESC have many reasons to be suspicious about the safety and utility of participating in data collection. If your organisation collects data about people with diverse SOGIESC, ensure that they are involved in decisions about how the data is used and for what purposes.
- Make diverse SOGIESC data collection part of a holistic change to the way your organisation engages on diverse SOGIESC issues. This includes training, tools adaptation, CSO partnering and funding. Seek technical assistance and see this as part of a benchmarking process such as Edge Effect’s Diverse SOGIESC Continuum.
- Work with local diverse SOGIESC CSOs to understand local identities or how people name themselves and how to collect data safely and effectively.
- Remember that some people with diverse SOGIESC face greater stigma than others, may be less-connected than others to diverse SOGIESC or other CSOs, and will be harder to reach through snowball sampling.
- Qualitative methods (e.g. storytelling) using well-trained peer researchers and appropriate psychosocial support, can provide insights that support design of diverse SOGIESC inclusive services. Counting people is often less important (and less safe) than understanding lived experiences.
- If service delivery requires collecting and storing data about people with diverse SOGIESC, robust consent and data management policy, training and monitoring is required, especially in contexts where criminalisation and societal stigma exist. Work with CSOs and technical specialists to develop these processes.
- If implementing digital systems or processes that require personal data, ensure that there is a robust data risk mitigation plan, and options for those who cannot share required data for safety reasons or because they lack identification documents.

PART 2 | GLOBAL POLICY AND PRACTICE

For this scoping study Edge Effect reviewed nine specific cash toolkits authored by twelve leading international humanitarian agencies², and found nothing that could be considered thorough guidance on inclusion of people with diverse SOGIESC across the project cycle. While some toolkits and supporting policy documents mention diversity of SOGIESC, and some highlight significant opportunities, this is insufficient. Most humanitarian and development organisations lack the operational experience to take such suggestions and turn them into programs. Nor should they be expected to do that with SOGIESC, when other areas of inclusion do have detailed policy and practice guidance resources.

Similarly, most reports on the economic impact of COVID-19 have little to offer on diversity of SOGIESC.

For example, the World Bank report **Protecting People And Economies: Integrated Policy Responses To COVID-19** (World Bank, 2020) emphasizes the need to prioritise the vulnerable as “economic response will need to address the exacerbation of pre-existing vulnerabilities and support those whose livelihoods are threatened. Negative impacts will be stronger for those without access to social protection.” (World Bank, 2020:10) The report consistently highlights vulnerable groups, and provides a breakdown of those groups as including: illiterate or disabled households, ethnic, religious or geographic minorities, informal sector workers, women and girls, households with young children, migrants, refugees and prison populations. But not people with diverse SOGIESC, at least not in name.

There is limited utility in pointing out lists that do not include diversity of SOGIESC. However the frequent omission of people with diverse SOGIESC as a named group is significant, especially in the context of historical development and humanitarian sector practice that has failed to address people with diverse SOGIESC.

Many other examples could have been cited here, including reports that focus on gender and social inclusion. For example a Canadian guidance note **Gender Equality Guide for COVID-19 Related Projects**³ that includes no guidance on diversity of gender or gendered experiences of diverse sexuality or sex characteristics. Or Oxfam’s **Shelter from the Storm: The global need for universal social protection in**

times of COVID-19, that, consistent with many other gender documents proposes that “if designed with a gender lens, social protection can make a substantial contribution to gender equality and the empowerment of women.” (Oxfam 2020:6). Which is undeniably of critical importance, but could easily be more inclusive of gender diversity. Such documents that do not mention people with diverse genders, transgender people, or the various gendered experiences of people who are not heterosexual perpetuate a unnecessary bifurcation between women’s rights and diverse SOGIESC rights, even if that is not the intention. Other documents, such as the Centre for Global Development’s report on **The Gendered Dimensions of Social Protection in the COVID-19 Context** make single passing references to ‘gender minorities’ and ‘non-traditional families’ but otherwise renders them invisible. While any hooks that may support future diverse SOGIESC work are welcome, isolated mentioned are also a lost opportunity.

A contributing factor to this state of affairs is the lack of research on social protection, cash programs and diversity of SOGIESC. There is very little research to support core design decisions, for example on targeting/selection or modality for cash-based assistance. Neither is there research to support how cash-based assistance intersects with issues such as GBV prevention for people with diverse SOGIESC. For example, a report by the Women’s Refugee Commission and the International Rescue Committee notes that “Among the research on women and girls ... LGBTI individuals, who face heightened risk of GBV and for whom cash can be a key element of prevention and response, are wholly unrepresented. In order to better understand and leverage cash for GBV outcomes, future research must be inclusive.”

So too is the absence of diverse SOGIESC in statistical frameworks used by governments and the development sector. The **United Nations Minimum Set of Gender Indicators** does not include any indicators that mention diversity of SOGIESC and all disaggregation is by binary sex. This was acknowledged by UN Women in 2018, when it stated that “no international standard for collecting and measuring gender identity data exists, meaning there is a consequent lack of data about those who are vulnerable to inequality and discrimination because they associate or identify beyond the binary female/male.” (UN Women 2018: 182) That state of

affairs contributes to frameworks such as the 2020 **Pacific Roadmap on Gender Statistics** that defines gender data as “statistics that capture the specific realities in the lives of women and men” (Pacific Community and UN Women 2020: 18), despite ample evidence of gender diversity in the Pacific. This absence in data has impacts beyond research and reporting; it hinders the design of cash based and other social protection assistance. As one key informant from the World Bank noted⁴:

One of the key answers is ‘what’s the population size?’ Which is why the primary focus is expanding the evidence base and being able to give better answers to those types of questions. For those working on targeting formulas - they might have a key interest in including those populations, if you can’t put a number against it, you can’t design the programmes.

A smaller, but growing, proportion of social protection and cash based assistance documents have started to explore aspects of diversity of SOGIESC, and it may be of more utility to explore these.

For example, the **Multi-agency Operational Guidance and Toolkit for Multipurpose Cash Grants** notes that “CBI can be more discreet than in-kind assistance, so certain individuals e.g. LGBTI individuals or women heads of household may be able to receive assistance with less visibility than in-kind”. It advises: “[e]ngage with individuals with different and specific needs and protection risks e.g. ... gender identity” and to “consider

... lesbian, gay, transgender or intersex households” alongside other non-normative households in gender, age and diversity analysis. However it does not provide substantive guidance on how to ‘engage’ with such individuals and what to do with any resulting insights, nor what it means to ‘consider’ non-normative households. This is one of a number of factors that limit the utility of documents that do get as far as mentioning diversity of SOGIESC, others include:

- Where LGBTIQ+ or a version of that acronym is added to lists of vulnerable groups, the rest of the document may reinforce norms that exclude people with diverse SOGIESC.
- Where a version of the acronym LGBTIQ+ is used, it is frequently set apart from women and girls programming, ignoring that lesbians, bisexual women, intersex women, trans women and other queer women are women, and could be addressed through women and girls programs.

Naming diversity of SOGIESC is a good first step, and may prompt development and humanitarian actors to do more to build competency, to exercise will, and to allocate funds. However as detailed in the 2021 Edge Effect report **The Only Way Is Up**, systems analysis of the humanitarian and development systems show numerous interacting barriers are making such progress toward diverse SOGIESC inclusion glacially slow. Such systemic barriers to progress were also reflected in interviews undertaken with cash and social protection experts for this scoping study:

What we’ve found is that there’s not a wide understanding ... that we need to programme differently for LGBTI people.

– UN agency representative

Internal barriers - homophobia. We don’t have clear visibility on this as a target ... It’s an issue of sensitisation within those organisations.

- Multilateral representative

We don’t do a lot for them specifically ... Our priorities are gender and inclusion more broadly, largely gender and disability.

– Donor representative

Within the Asia and Pacific region there are also examples of documents that provide more detailed consideration of the issues faced by people with diverse SOGIESC or that contain more specific action points. For example, the Asia and the Pacific Regional Risk Communication and Community Engagement (RCCE) Working Group **COVID-19: How to include marginalized and vulnerable people in risk communication and community engagement** provides a short but actionable list of recommendations. The Pacific Women Shaping Pacific Development **Thematic Brief | Gender and COVID-19 in the Pacific: Gendered impacts and recommendations for response** includes specific consideration of impact on people with diverse SOGIESC within one of its ten key messages. Further afield, the document **USAID's Gender And Covid-19 Guidance** highlights issues for people with diverse SOGIESC across thematic areas including GBV, food security, education and vaccine access, noting that people with diverse SOGIESC are amongst groups for whom structural inequalities amplify COVID-19 impact.

There are also positive examples of taking diverse SOGIESC inclusion one or more steps closer to inclusive and transformative practice for cash based assistance. One is the **UNHCR Cash Assistance and Gender guidance**, that:

- Suggests a cash program may address protection and gender equality objectives if it “Promotes self-reliance by assisting women and men entrepreneurs, including those facing multiple forms of discrimination (such as on the basis of disability, sexual orientation or gender identity), to begin, rebuild or expand their livelihoods capacity, thereby improving chances of recovery, independence and resilience.”
- Advises needs assessments should “assess the intersection of gender relations with multiple structural inequalities arising from” characteristics including sexual orientation and gender identity and prompts designers to ask “Do women with disabilities, or lesbian, bisexual or transgender women, face specific barriers?”
- Suggests program designers “recognise that targeting may stigmatize certain groups (for example: SGBV survivors; lesbian, gay, bisexual, transgender and intersex (LGBTI) persons), exposing these groups to further risks, and may not be appropriate.” However a “rights-based approach in the targeting process” should include

characteristics such as sexual orientation and gender identity “(as contextually appropriate and in a manner that does no harm) in an effort to reflect and respond appropriately to the specific needs identified.”

While diversity of SOGIESC is a major gaps in policy and practice guidance for social protection and cash based assistance, there is a silver lining. Key informant interviews suggest some awareness and sensitivity to this gap:

“Whichever way you package it, whoever is designing assistance for queer people needs a fundamental understanding of the protection risks they face, including those that could be introduced by cash.”

– UN agency representative

We absolutely want to be as inclusive as possible but when our partners don't have the competencies, referral partners can't do the work safely - we have to be exclusive because we've felt we can't proceed in a safe or ethical way. There has to be intentional preparatory work to set up partnerships and create programmes.”

– INGO representative

“It's about having that real understanding of what the specific needs are of that group in that context - try and extrapolate too much of what works in one context and trying to transplant it - we have to be aware of the dangers there.”

– cash sector representative

The challenge is to move from intention to action. Designing programs that meet specific needs, that address specific barriers to participation, that address risks associated with targeting and that build longer term livelihoods measures into programs, are all issues raised within the country case studies in Part 3 of this study. The Discussion (Part 4) and Findings and Recommendations (Part 5) provide clear paths forward.

SPOTLIGHT | DFAT's SOCIAL PROTECTION AND CBA POLICIES

The Australian Department of Foreign Affairs and Trade (DFAT) has developed specific COVID-19 social protection and cash-based assistance guidance, consistent with its **Strategy for Australia's aid investments in social protection** (DFAT 2015). Neither this strategy, nor recent COVID-19 guidance directly addresses inclusion of people with diverse SOGIESC. What could this mean for diverse SOGIESC inclusion?

DFAT notes that across the Indo-Pacific region countries “are at different stages along a trajectory towards developing social protection systems and there are large gaps in the coverage of vulnerable populations.” The 2015 strategy sets “three objectives: 1) improve social protection coverage in the Indo-Pacific, 2) improve the quality of social protection systems, and 3) enhance partner governments’ ability to make their own informed choices about social protection options” (DFAT 2015:2). DFAT’s overarching strategy is to work in partnership with other governments, to strengthen their social protection systems. However it also notes that there may be justifications for “some investment outside the government system if non-government agencies are able to reach target populations” (DFAT 2015:14).

The strategy of working through bilateral aid for partner governments raises specific issues. Some governments in the Indo-Pacific maintain laws and policies that are hostile toward people with diverse SOGIESC or offer assistance through pathologising frameworks that treat people with diverse SOGIESC as an illness or a problem to be solved. Working with partner governments may provide opportunities to encourage reform in broader laws and policies or social protection architecture. But in the short-term support for people with diverse SOGIESC is likely to be needed through non-government international agencies and civil society organisations. However in countries where stigma is sanctioned by government and society, non-government agencies are also often reluctant to rock the boat by overtly working with diverse SOGIESC communities or have do-no-harm concerns that restrict activities. In some contexts it is only diverse SOGIESC CSOs (or closely allied organisations) that have practical impact.

DFAT’s **COVID-19 response strategy Partnerships for recovery: Australia’s COVID-19 development response** notes that “the pandemic will exacerbate the inequalities and hardships faced by already vulnerable groups, particularly women and girls”, and that “our priorities will include a focus on the most vulnerable, including women and girls and people with disabilities

and those living in poverty.” While not included as a named target group, there is potential for work with people with diverse SOGIESC who a) are women and girls, which includes lesbian, bisexual, trans and queer women, b) people with diverse SOGIESC who are also people with disabilities, or c) people with diverse SOGIESC who are living in poverty. However this would require awareness of, and attention to, these issues by DFAT, NGO or partner government staff.

DFAT’s **COVID-19 Gender and Social Protection Guidance Note: Violence Against Women and Girls- and Gender-sensitive Social Protection programming** provides the most practical template for progressing diverse SOGIESC inclusion. Unfortunately, like many documents in the development and humanitarian sectors about ‘gender’, gender appears to mean cisgender and heterosexual women. The guidance note uses a binary approach to gender that does not provide space for non-binary people such as hijra (Bangladesh), waria (Indonesia) and vakasalewalewa (Fiji). Nor does it overtly include trans women or lesbian, bisexual and other queer women who may have different gendered experiences of the world because of their sexual orientation, gender identity and expression or sex characteristics, nor does it address issues experienced by men with diverse SOGIESC. Finally DFAT’s **Humanitarian Strategy Guidance Note on Cash Transfers** includes a series of qualities that good cash transport programs exhibit. While this guidance note also does not mention diversity of SOGIESC, many of the good practice ‘qualities’ it identifies are directly relevant for diverse SOGIESC inclusion in cash programs. Making use of this fact would, again, require awareness of, and attention to, these issues by DFAT, NGO or partner government staff.

That DFAT has funded this scoping study is a good indication that diversity of SOGIESC is a growing priority for Australia’s aid program. Hopefully, the evidence, discussions, findings and recommendations will prove useful for DFAT and its partners. Australia’s DFAT is by no means alone in facing the challenge of aligning its aid programs with its support for diversity of SOGIESC in human rights forums. The Civil Society Statement following the 2021 Equal Rights Coalition (ERC) meeting called on all state members of the ERC to ensure that all aid programs address the needs of people with diverse SOGIESC and that diverse SOGIESC CSOs are consistently funded to fulfill their essential role within a rights-based and strengths-based approach to ensuring no-one is left behind.

PART 3 | CASE STUDIES

The three country contexts of Bangladesh, Indonesia and Fiji reflect the Asia and Pacific focus of this report and the Australian Department of Foreign Affairs and Trade. The countries were chosen to provide geographical diversity within the Asia and Pacific region, along with some diversity of legal, political, economic and cultural context. All three countries have experienced significant health, economic and social impacts during the COVID-19 crisis.

The information supplied by people with diverse SOGIESC and CSOs about their economic struggles may bear resemblance to conditions faced by other people experiencing poverty during COVID-19. So why draw attention? Our suggestion is to read these case studies in the context of pre-COVID-19 marginalisation discussed in Part 1 of this report, and to bear in mind the additional challenges that people with diverse SOGIESC may have in gaining assistance because of attitudes toward their sexual orientation, gender identity or expression, or sex characteristics. The information in the case studies may also resemble experiences of other marginalised groups, who may also be struggling with the consequences of pre-emergency marginalisation and challenges accessing social protection support during COVID-19. Some governments have taken the approach of using more general poverty indicators to target COVID-19 relief,

continued next page

and have not sought to set up programs targeted at specific minority groups. The same governments often have very limited pre-COVID-19 programs targeting marginalised groups. The case studies and this report highlight some of the gaps that result from such approaches. The point of this is not to critique programs for failing to do something that they were not designed to do. Rather, it is to suggest that designs that do not take into account minority group issues are likely to lead to indirect discrimination. How far a government or other entities can go in addressing minority issues may be constrained for financial or other reasons. However whatever the reason, the reality of marginalised people's lives does not change.

As this is a scoping study, the extent of country case study data collection was limited to a small number of interviews and/or focus group discussions, secondary review of data collected by diverse SOGIESC CSO, and review of social protection and cash-based assistance policies and programs in those countries. The primary data was collected in late 2020 and early 2021, prior to the main COVID-19 outbreak in Fiji and prior to the emergence of the Delta virus.

Data collection was undertaken by national diverse SOGIESC CSOs in each country, each drawing upon their networks within communities of people with diverse SOGIESC. Government representatives were part of data collection in Bangladesh and Fiji, however this was not the case in Indonesia due to concerns regarding safe engagement with government officials. Existing needs assessments, other COVID-19 specific national data collection and more general national data on diverse SOGIESC inclusion in social protection was studied, however there are relatively few instances of meaningful attempts to include people with diverse SOGIESC. While more extensive country-based research is warranted, the data presented here provides a useful initial survey for highlighting priorities for needs assessment, program design, program implementation and program evaluation activities, as well as providing motivation for inclusion of people with diverse SOGIESC in research, policy and advocacy activities.

An informed consent process preceded interviews with people with diverse SOGIESC and other stakeholders. All information and quotations in this report are unattributed and identifying context has been removed, unless specific permission to attribute was received. These case studies contain many instances of discrimination but are not, uniformly, stories of woe. Community ties often run deep, and within these stories

are many examples of solidarity between people with diverse SOGIESC. CSOs within these communities and more informal networks have fund-raised, undertaken community engagement and distributed cash, food and other items, provided temporary shelter and shared psycho-social support. These informal and less formal social protection resources fill many gaps, including gaps that formal protection mechanisms may struggle to fill. The Discussion section (Part 5) addresses potential for formal sector over-reliance on these resources, in the absence of more inclusive formal sector services.

There are also voices still to be heard. Some people with diverse SOGIESC with harrowing experiences chose not to take part in interviews. Others do not associate with diverse SOGIESC community networks, for fear of any association potentially leaking to their family and friend. The experiences of intersex people often remain a gap in research - including parts of this report - and specific intersex inclusion was not apparent in any programs reviewed. Edge Effect thanks all research participants, especially people with diverse SOGIESC, along with the country research teams.



CASE STUDY | BANGLADESH

This case study is based on research undertaken by Bandhu Social Welfare Society, with additional research and interviews by Edge Effect staff.

People with diverse SOGIESC live with varying levels of discrimination, violence, harassment and exclusion in Bangladesh. Article 27 of Bangladesh's Constitution states that "the people of Bangladesh are equal in the eyes of the law" however Article 28 lists only "race, caste, religion, sex or place of birth" as specific protected characteristics. Bangladesh does not have specific anti-discrimination legislation nor is there enabling legislation to support aspects of diverse SOGIESC lives such as same-sex marriage or gender marker changes.

The harshest conditions are felt by people with diverse sexual orientations, with consensual same-sex relations between adult men criminalized under colonial era legislation, targeted policing using other laws, and extensive stigma in society and families. Social pressure to enter heterosexual marriages and have children lead people with diverse sexual orientations to enter into these arrangements, if only as a cover story. Many gay men, lesbians and other people with diverse sexual orientations live in deep-cover. As noted in DFAT's 2019 **Bangladesh Country Information Report**, intersecting social restrictions may especially hinder relationships, networking or organizing amongst lesbians and other cisgender women with diverse SOGIESC.

The situation for people with diverse gender identities and expressions is more complicated. In late 2013 the Government of Bangladesh legally recognized hijra, people who make up a gender non-binary cultural identity group that has long been part of Bangladesh society. Hijra are usually male-assigned-at-birth people whose gender expression is more closely aligned with that of women and who follow a cultural code – hijragiri – which often includes living communally under the guidance/protection of a guru and undertaking dancing, begging, sex work and other informal work. While recognized by Bangladesh society most hijra remain deeply marginalized and legal recognition has not led to significant social or economic change. The legal recognition of hijra was not accompanied by a definition of hijra, which has led to uncertainty and contributed to human rights violations perpetrated under a Ministry of Social Welfare program intended to support hijra livelihoods development. While language

in government documents sometimes slips between 'hijra' and 'transgender', transgender women (who do not follow hijragiri) tend not to see themselves as hijra but rather as transgender people in the global sense of transgender. However as noted by a participant in this research transgender women who "do not want to follow the tradition of Hijragiri, still people call them as Hijra and they are very stigmatized and discriminated. So many of them are just hide their gender identity." While some attention is given to hijra, this is less apparent for other diverse gender groups including *kothi* and particularly for transgender men who are largely invisible in Bangladesh. Some intersex people have historically been part of hijra communities, but this should not be an assumption for all intersex people. Intersex issues are often conflated with transgender and other issues globally. Bandhu Social Welfare Society has a program working with intersex people, who report being pressured against their will into the gender chosen by the family.

DFAT's 2019 assessment was that "self-identified LGBTI individuals (including non-hijra transgender individuals), or those perceived to be so, face a high risk of societal discrimination that may include physical violence", that "LGBTI individuals face a moderate risk of official discrimination in that they are unlikely to be able to access state protection in the event of discrimination, threats, or attacks against them" and that hijra "face a moderate risk of official discrimination in the form of bureaucratic uncertainty and a moderate risk of societal discrimination in that traditional values and gender roles continue to restrict their full participation in the workplace and community" (DFAT 2019: 37-38). This case study suggests that the moderate rating of risk for official discrimination against LGBTI individuals and hijra may under-estimate challenges faced.

Community Views

A May 2020 study by Bandhu sought information from 80 hijra transgender and hijra community members, drawn equally from the eight divisions in Bangladesh. Collectively they reported:

- A 95% reduction in daily income from BDT295

(USD3.50) to BDT14 (USD0.17), largely due to the impact of lockdown restrictions on income generation through dancing, begging, sex-work and other informal sector roles. This led 71% to borrow money in order to meet daily expenditures.

- 74% had received food aid (on average twice) by May 2020, but despite this 81% needed to reduce the size of their meals and 76% reported reducing the number of meals they took. In accessing food aid they also experienced discrimination: “When I stood in the line people were laughing at me”.
- 94% experienced mental anxiety about money and 68% experienced stress about accessing food.
- The top two priorities for aid were food (61%) and money (59%). While many had received food aid, they also reported that they received less than others, and suggested that the Government of Bangladesh send money directly via Bkash mobile finance accounts.

Bandhu reported that over the following nine months demand for financial assistance has largely replaced demand for food assistance, accompanied by enhanced opportunities for earning an income. However this comes with a condition rooted in extensive lived experience of harassment and exclusion: that the workplaces are sensitized and non-discriminatory.

A study by BRAC university noted that hijra had been blamed for spreading the virus, and that “some landlords asked them to leave their rented rooms, because there was a perception that they are

responsible for spreading the virus.” (BRAC 2020:5) This study found similar results to the Bandhu research, highlighting the economic impacts (no income, limited savings, rationing of food) and psychological impacts of not knowing how they would survive. While 16 of the 22 hijra interviewed for the study had received government support, they tended to have personal connections with authorities or dressed up as men to access support. Others were rejected:

I heard that the local political leader is collecting NID (National Identification) to make a list to provide support. We went there to submit our NID card, but unfortunately, seeing that we are hijras, they did not take our NID. Rather they drove us away. (BRAC 2020:5)

While some hijra reported that they had gone home to their legal families, to do so most had to pretend to be men and not hijra, a further source of distress. A small number reported that going home had helped re-establish family links, primarily with their mothers rather than other family members. Of greater importance was the close networks within the hijra community that function as a replacement for birth family: sharing resources, helping each other to get access to services and being a source of companionship. The report notes that “Access to a phone seems to play a critical role and is a lifeline for hijras to stay connected and was helping many alleviate their stress and emotional and mental anxieties.” (BRAC 2020:

CSOs including Bandhu and Somporker Noya Setu have provided much of the aid reaching hijra and other diverse SOGIESC communities.



A panel from a Bandhu public communication campaign.

Image: Bandhu

Joya Sikder, the founder of Somporker Noya Setu has been fundraising for the hijra and transgender communities, providing basic needs and advocating for more support. She says hijra communities have not received cash assistance during COVID-19, only food packages. According to Sikder the amount of food is limited, enough for one week out of every four. But cash is also needed:

If I am sick and need medicine, I need money. To pay house rent I need money. But they get no money, only food ... There is money crisis, food crisis, rent crisis. Hijra traditional professions are public professions. So in the lockdown they stop. Clients for sex workers do not come. Dancing when babies are born has stopped. In shops people tell hijra to go away.

Sikder says that trans women (distinct from hijra) and trans men have also been hit hard:

For trans men there is no acceptance in Bangladesh society. So they do not have jobs before the pandemic. Other transgender people have lost their jobs in the pandemic.

Sikder reported that the pre-pandemic programs run by the Social Welfare Ministry for marginalised groups have stopped. However even when those pre-pandemic payments were amounts were low. The old age allowance for hijras was BDT600/month (USD7/month), just 20% of the BDT3000/month (USD35/month) that Sikder estimates as the minimum amount required to survive. Even that higher figure is well below the USD1.90 poverty line in Bangladesh.

Many hijra and transgender people do not have bank accounts. Sikder estimated that only 20-25% have access to the Bkash mobile phone payment system because most do not have mobile phones. Directly handing out cash is the only way to reach the majority of hijra and transgender people who live in poverty.

Sikder agreed that financial training for hijra and transgender people would be helpful:

Financial training is a very good idea. Many transgender and hijra people have no idea about savings or banking.

However Sikder pointed out that financial training for transgender and hijra people only solves part of the

problem. Training is also needed for financial sector service providers, along with reform of structural barriers to financial inclusion:

Opening bank accounts needs ID, but many transgender and hijra people have no ID. They are feminine but their ID says male. They go to open an account and show their ID and the bank says no this is a fake.

Sometimes Sikder goes with hijra to banks to help them open accounts, but the managers say no. She says that the problem of identification needs to be solved.

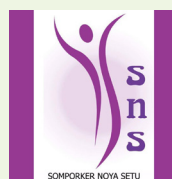
It is possible to open an account with a hijra certificate from the Social Welfare Ministry, but getting it is difficult. There is a medical exam. Most hijra, like trans women, have male bodies. But the Social Welfare Ministry idea of hijra is intersex people. So they cannot get certificates.

Not having ID cards is also causing problems for getting COVID-19 vaccination:

There is now a vaccine crisis. Transgender people go to the hospital, but vaccination is only for male and female, not transgender or other genders.

Sikder also expressed skepticism about some programs, including the recent announcement of tax breaks for companies that employ more than 100 'third gender' people⁸:

International media write about Bangladesh Government everyday support for transgender. But come to Bangladesh and visit the community and there is zero. Government, politicians and companies make declarations in Bangladesh about jobs and support for hijra, but just declarations, no implementation.



Joya Sikder is the founder of Somporker Noya Setu, a former INGO staff member and advocate for the rights of transgender and gender diverse people in Bangladesh.



Volunteers from Somporker Noya Setu preparing to distribute care packages for hijra and transgender people in Dhaka, Bangladesh (photo: Joya Sikder).

I lost my chickens and ducks because I was not able to buy food for them. Now, if I get some money to buy more than I can start again and earn on my own. Then I won't have to do my regular Hijragiri work.
- community participant

I used to work at a call center. I lost that job during the pandemic. I had no other way than going back to my parents' house. I have a lot of family members staying together. They never liked my life choices. They bullied me throughout my life. So, when I was not able to provide any financial support then their misbehaving increased so much.
- community participant

I used to work at a dentist's chamber because I behave like a girl. They fired me from there. I am educated and experienced yet I cannot find a job because of my sexual orientation. So, I want to do something on my own. Maybe a small shop. Which will help me to support my four-member family.
- community participant

Government Programs

Bangladesh's **National Social Security Strategy (NSSS)** provides social protection support under a wide range of programs, including programs targeting vulnerable groups. Amongst the programs listed is a 2012-established hijra-focused program supporting livelihoods development and improved living standards. The program, implemented by the Ministry of Social Welfare, is designed to provide scholarships and stipends to encourage young hijra to study, skills training for hijra over the age of 18, and an old age allowance. According to the most recent data on the Ministry of Social Welfare website the program grew from serving 485 hijra in 2012-2013, to 3349 in 2014-2015. The 2018 published **Action Plan: Implementation of National Social Security Strategy (NSSS) of Bangladesh (2016-2021)** notes that Ministry of Social Welfare programs for "socially excluded people such as tea garden workers, bede, transgender, ethnic minorities, acid burnt survivors, beggars, homeless people, etc" (Government of Bangladesh 2018:32) but states that they "are not sufficient in terms of number of beneficiaries and rate of benefits"(Government of Bangladesh 2018:32) and this program is among those that "need to be scaled

up" (Government of Bangladesh 2018:17). Ministry of Finance data suggests that the total number of beneficiaries for the "Transgender (Hijra), Bede and Disadvantaged Community programs" would rise from 60,000 in 2019-2020, to 86,000 in 2020-21, but with no increase in budget.⁵

It is clear from primary data and secondary data review that there is a mismatch between government accounts of hijra support under the NSSS and the experiences and expectations of hijra community members. The Ministry of Social Welfare program description for the Livelihoods Development Program suggests that there are 9285 hijra in Bangladesh (Ministry of Social Welfare survey data⁶), which contrasts with CSO estimates of between 50,000 and 100,000. There are reports from hijra of not having information about government programs, and also concerns about the longer-term effectiveness of government livelihoods programs in the context of workplace discrimination (BRAC 2020). The 2018 **Action Plan** notes that there is "hardly any formal M&E system for social security programmes at the present time" beyond percentage budget expenditure and proposes a results-based M&E system that monitors outputs by beneficiaries and evaluates outcomes of programs (Government of

Bangladesh 2018:23). An independent evaluation of the hijra-focused program by the Bangladesh Institute of Development Studies was scheduled for 2019-2020, but did not take place.⁷ During 2021 a tax incentive scheme was announced to encourage employment of hijras in the private sector, the finance minister noting that “Compared to others, the third gender community is lagging behind ... and left outside the mainstream society. Social inclusion can be ensured by involving active people of this community into production-oriented occupation” (Reuters 2021). The practical impact of this scheme -- in the absence of other measures -- is questioned by a civil society activist later in this case study.

The 31-point COVID-19 plan announced by Bangladesh’s Prime Minister Sheikh Hasina included the commitment that “Special attention will have to be given to the most disadvantaged people like agriculture workers, day labourers, rickshaw- and van-pullers, transport workers, beggars, street children, the women abandoned by their husbands, widows and ‘hijra’ community and providing relief to them will have to be ensured” (Daily Star 2020). Reflecting on earlier days of the COVID-19 crisis, Human Rights watch noted that while US\$1.2 million had been provided for support for the most vulnerable “aid has been relatively ad hoc and it’s unclear who will receive government-promised aid and how” (Human Rights Watch 2020).

The existence of hijra-focused programs does not indicate government openness to diverse SOGIESC or LGBTIQ+ people, as hijra are addressed primarily as a cultural group rather than a sub-group of people with diverse SOGIESC. There are no social welfare programs before or during the COVID-19 crisis that target people with diverse sexual orientations or transgender people who are not hijra. The conclusion from the FGD was that social protection programs for gay, lesbian and bisexual people in Bangladesh would require a change in government policy and decriminalisation.

Non-Government Programs

A comprehensive review of all COVID-19 international and national NGO programs was beyond the scope of this study. However parallel to government programs, the limited NGO programs that exist have tended to target hijra only, leaving transgender, gay, lesbian, bisexual and other people with diverse SOGIESC with limited support options. Several Bangladesh foundations support hijra, including the Bangladesh Hizra Welfare Foundation and Uttoran Foundation, and

have provided some assistance during COVID-19. FGD participants noted that lived experience of harassment and exclusion leads many people with diverse SOGIESC to hide their identities, and only make themselves known to trusted organisations that will treat them with respect. As a consequence, organisations that do not have regular engagement with people with diverse SOGIESC and that have not established that trust, are likely to struggle to engage with people with diverse SOGIESC in rapid-response programs.

Key considerations for international and national non-government organisations for COVID-19 and beyond include:

- Hijra and transgender people have expressed dissatisfaction with some NGO programs. Criticisms include that NGO programs for hijra and transgender people focus excessively on sexual health issues, while ignoring broader health and community needs. One report based on community research noted that:

Some hijra reported feeling exploited by NGOs, who use them as poster children for their media campaigns. One hijra reported that many NGOs only invite hijra for World AIDS Day events or for health rallies, but otherwise ignore them during the remainder of the year. (Aziz & Azhar 2020: 10)

- INGOs have the opportunity to include gender diverse (hijra and transgender) people in social protection programs, but have to actively choose to do that. A Senior Program Office from a major INGO noted during the FGD that:

I have experience working with community based organisation. But now I am working with an organisation which does not have any specific programmes for community. But I think that it depends on the person and organisation who design any program. If they want to they can include the gender diverse community among the beneficiaries.

- It is sometimes possible for hijra-focused programs to provide entry-points for engaging with other people with diverse SOGIESC, however this requires considerable care given stigma faced by gay, lesbian, bisexual and other people.



CASE STUDY | FIJI

This case study is based on research undertaken by Rainbow Pride Foundation, with additional research and interviews by Edge Effect staff.

Legal and Social Context

Fiji has undertaken law reform supportive of people with diverse SOGIESC, distinguishing it from many Pacific Island nations. In 2010, Fiji became the first Pacific Island nation to remove sodomy law from its criminal code. In 2013 Fiji adopted a Constitution that prohibits unfair discrimination on the basis of sexual orientation or gender identity and expression. However legislation does not exist that would allow transgender or non-binary people to correct their birth certificates and other identity documents, and reform to allow same-sex marriage has been firmly rejected by the government. While there has been some national policy change (for example in schools education) discrimination remains in government service provision, some societal attitudes, and some influential religious organizations. Stakeholder submissions to the 3rd cycle of the UPR noted that many domestic laws do not include people with diverse SOGIESC, that government data collection does not include people with diverse SOGIESC and “lesbian, gay, bisexual, transgender and intersex (LGBTI) activists were often criticized for introducing language on LGBTI in policy spaces. It also noted that LGBTI human rights defenders continued to face multiple levels of threats and sex harassment.” People with diverse SOGIESC tend to live freer lives in urban and peri-urban areas such as Suva-Nausori and Nadi-Lautoka, with lower levels of tolerance in rural areas and outlying islands.

COVID-19 Context

Until April 2019 Fiji’s COVID-19 cases was low and primarily associated with managed quarantine of returned travellers. While the health impact at that stage was relatively low, the social and economic impact of border closures was profound for an economy with a large tourism component and in which more than 60% of work occurs in the informal sector. However in mid-April 2021 Fiji entered a new phase of community transmission leading to almost 30,000 cases and more than 200 deaths by the end of July 2021. The primary data collection for this case study occurred before April, and while it reflects earlier context updates have been included, based on the ongoing work of Rainbow Pride Foundation (RPF).

There is limited research about the pre-pandemic economic conditions of people with diverse SOGIESC in Fiji, though in 2019 DIVA reported that “62% of Lesbian Bisexual and Trans (LBT) women and gender non-conforming people are unemployed and in precarious work” and anecdotally the tourism industry is an important source of work. DIVA’s research was included in the April 2020 report by the Government and Civil Society COVID-19 Response Gender Working Group **Gendered Impacts of COVID-19 on Women in Fiji** that states “COVID-19 exacerbates the current situation for women, girls, LGBTQI and others who are marginalised and vulnerable in Fiji” (COVID-19 Response Gender Working Group 2020: 6) People with diverse SOGIESC also reported “facing further discrimination when they are not income earners” (Multi-Agency 2021:13) during this crisis, which was also found during community research following 2016’s Tropical Cyclone Winston (Edge Effect 2018). Noting the potential for COVID-19 to exacerbate GBV, the report also includes DIVA’s 2019 finding that around 8 per cent of LBT women had been sexually abused by a family member. Despite a low number of cases Fiji has been under a curfew since 30 March 2020, which has been criticised by civil society groups for its severity. The multi-agency April 2021 report **Fiji Gender, Disability and Inclusion Analysis COVID-19, TC Yasa and TC Ana** notes that the restrictions have altered meeting places for people with diverse SOGIESC, especially as social venues remain closed.

Community Views

None of the participants in the diverse SOGIESC focus group discussion (FGD) had received funds through the Government of Fiji formal protection schemes. A range of barriers were noted in interviews. First, some community members lacked information about schemes that they could access, or assumed that they would not be eligible. Another barrier is that many of the government schemes target households, when people with diverse SOGIESC may be excluded from their families or may live in non-normative family/social structures or by themselves:

“... they are excluded from receiving social welfare support, because they don't meet the criteria, such as eligibility which looks at a household rather than an individual, and so for those who don't stay in the household and with no source of income, they are not able to be supported”.

FGD participants also shared that they are often ridiculed, stared at, stigmatized and discriminated in public spaces, at service providers' premises and in government offices because of their SOGIESC. As these experiences have been on-going for years, FGD members were strongly in favour of social protection programs run by CSO's and NGO's, rather than by government. Most had received some form of cash or non-food-item support from NGOs during recent cyclones and COVID-19. Some had accessed their National Provident Fund pension. Those who received cash report using it for:

- Meeting their basic needs including food, water,

shelter (including paying off deferred rent) and clothing.

- Supporting their families, including members of their extend families.
- Settling debts and accumulated interest that were taken as a result of having lost their jobs.
- Contributing into their families and “cool off” any resistance towards their diverse sexual and gender identities by their family members, thereby strengthening social kinship and relationships and allowed them to be part of household decision making.
- Starting new businesses.

It has also had the impact of reducing stress from not knowing where food or other necessities could be found, and has contributed to increased confidence about recovery. One recipient of cash through the Save



A market in Fiji.

Photo: Rainbow Pride Foundation/Lagi Seru

the Children program (see below) suggested that the payments had more transformational effect as well:

“From December to today, they are all contributing \$20 each for basic food, and it has been really helpful. One of the things that started was that everything is shared, there isn’t any drinking and we have seen that they have bonded really well. We have a mother and son, and so when the mum goes out, there are those who look after the baby, and some would buy baby diapers for the mum. We have seen strengthened relationships between the members.”

People with diverse SOGIESC members expressed a desire for cash to be accompanied by support for new livelihoods opportunities. Reasons include wanting to be seen to be contributing in order to avoid the perception of getting special treatment, and fear that work in sectors such as tourism was not sufficiently reliable for personal income and for making family contributions.

Government Programs

A number of social protection programs are managed by the Fijian Government, which have poverty reduction as a main focus as well as specific targeting of people with disabilities, children and pregnant mothers, and older people under a social pension scheme. There is no scheme that targets people with diverse SOGIESC, and there are no special measures to ensure that people with diverse SOGIESC have access to universal schemes. A large development actor with links to Fiji Government programs noted that data used for social protection

programs did not provide any specific information about diversity of SOGIESC, limiting the potential for programs to be tailored accordingly. While some efforts have been made to introduce tools with options for diverse SOGIESC data collection, the data has not become more inclusive. This could be the result of self-exclusion, but may also be a result of enumerator training and field application of the tools. State-run social protection programmes use banking services as a mode to distribute cash assistance and people with diverse SOGIESC may not have access to identification documentation or minimum balances required for account opening.

There is a strong policy emphasis on diversifying Fiji’s economy. Outsourced services (mainly IT-related; including data entry, customer services, telecommunication and online work) are being boosted, and have the potential to absorb large numbers of the urban unemployed, including women and people with disabilities (DFAT, 2020c). There are opportunities for people with diverse SOGIESC to be included in economic diversification programmes; as long as working environments offer safe spaces for LGBTIQ+ individuals.

Non-Government Programs

RPF reported that none of the CBA programs operational in Fiji included an assessment inclusive of people with diverse SOGIESC at the planning stage. The most inclusive program – that of Save the Children – introduced a diverse SOGIESC component during



implementation. This 4-month program was managed by Save the Children and funded through a private donor. The target groups included people with diverse SOGIESC, often those who also undertake sex work. Save the Children heard from queer sex workers that they get victimised by authorities frequently and so are unlikely to seek government assistance. Many lack identity documentation, are homeless and have no mobile phones.

The program has several means of community engagement, including receiving referrals from CSOs – such as RPF – who are then screened using tools that allow people to self-identify using their own terms. Cash distribution is via M-PAiSA mobile money, which requires less identification and is cheaper for recipients than the process of opening bank accounts. The program helped community members to access to SIM cards registered under correct names and a phone purchase was often an early use of the cash provided to participants. Save the Children noted that:

One of the people didn't have a birth certificate, the community loaned the person enough money to get a birth certificate so they could get a phone and the cash. That internal support network is really important. It really felt like a pseudo family.

Working within this group also had the benefit of using the existing networks amongst queer sex workers to reach additional potential participants. Having a phone also improved other aspects of their lives, including access to information, networking and safety. Amongst other benefits of cash payments, the participants were pleased that 'payday' could be a day they do not need to be on of the streets. Several members of this participant group were in the FGD and there were high levels of satisfaction. By working with the community and RPF as a community-based CSO, Save the Children's program was able to push boundaries that other social protection providers have struggled to achieve in Fiji.

]There remain some limitations: for example the target group of queer sex workers was relatively easy to find compared with people with diverse SOGIESC generally, and the duration of support was shorter than may be required for longer term impact. However it is clear that Save the Children learned much, and made valuable partnerships that may transfer to other programs.

Other NGOs reported less progress. One INGO's

program engages a range of religious organisations and faith communities, some of which do not accept people with diverse SOGIESC, especially those outside of urban areas. Working in this space requires a longer-term approach, rooted in emerging theologies of inclusion.

For another major INGO, which has a focus on humanitarian action in Fiji, cash based assistance has taken a blanket household/community approach. The staff member interviewed recognised their organizational strength in child protection, safeguarding and disability inclusion but not so much on SOGIESC inclusion, and one of the “... causes of frustration is that the organization doesn't seem to have shifted to the operationalization of the policy changes”. This INGO had response team members who were part of the diverse SOGIESC community, however they did not wish to “be identified as such and to be treated as a normal member ... and this was due to the fear of backlash from the communities that they were working in”.

Data collection tools for many organizations are not diverse SOGIESC inclusive, and often do not consider the intersectionalities and how these shape a person's lived experience. One INGO had shared that they were impressed “... when they conducted an assessment with one of their local partner organisations, that they had captured SOGIESC information”, and this was a learning moment for the INGO to consider revising its data collection tools, including “... looking at the whole program management cycles ... to integrate SOGIESC inclusion and at the same time influence their downstream partners [looking at partnerships]”. This is a reminder that downstream or local partners can be more progressive than international organisations, and can push their donors or development partners to adopt SOGIESC inclusive approaches to program management.

While inclusion of people with diverse SOGIESC remains nascent, there is growing awareness of the issues. In addition to the COVID-19 Response Gender Working Group report, the multi-agency April 2021 report **Fiji Gender, Disability and Inclusion Analysis COVID-19, TC Yasa and TC Ana** references people with diverse SOGIESC and calls for “design interventions that recognise the different ways in which disasters impact different groups in order to target activities to meet the specific needs of marginalised groups and reach the most vulnerable.” The challenge now is to make this happen for people with diverse SOGIESC in national and targeted programs.



CASE STUDY | INDONESIA

This case study is based on research undertaken by the Crisis Response Mechanism (CRM) supported by Edge Effect staff. CRM is a consortium comprised of Arus Pelangi, the Community Legal Aid Institute, Sanggar Swara and GWL-Ina and UNAIDS Indonesia.

Legal and Social Context

Fuelled by a rise of religious conservatism across politics and society, the human rights and security situation for people with diverse SOGIESC in Indonesia has significantly deteriorated over the last decade. While Indonesia does not criminalize same-sex relations, people with diverse SOGIESC can be targeted using a range of other laws, for example, pornography laws. Proposed changes to Indonesia's penal code would put people with diverse SOGIESC at further risk. There is an absence of enabling legislation, such as a process for gender marker changes. Strong societal views make other legal reforms - such as marriage equality - highly unlikely. People with diverse sexual orientations – for example gay and lesbian Indonesians – face particularly intense family and societal stigma. Traditionally there has been acceptance or toleration of diversity of gender identity for people assigned male at birth whose gender identity or expression is that of women – people known as waria. Like cultural gender non-binary groups in other parts of Asia and the Pacific, waria have had limited social space within which to lead lives, while still enduring significant discrimination. However even this space has shrunk in recent years, though this varies considerably between subnational areas.

The national LGBTIQ+ rights organization, Arus Pelangi, documented 172 cases of persecution between 2006 and 2017, with 100 cases occurring between 2016-2017 alone. Forms of persecution varied from murders, rape, corrective attempts, arbitrary arrests, detentions, torture, ill-treatment, extortion, intimidation, exposure of personal data, raids, evictions, destruction of goods and unfair dismissals. Indonesia has, however, a robust network of diverse SOGIESC communities and CSOs. There are over 100 community groups and organizations spread across various provinces working on human rights, SRHR, and HIV/AIDS. Many CSOs who implement HIV/AIDS response also work in close collaboration with local health agencies and authorities. While this creates opportunities for further collaboration, viewing people with diverse SOGIESC through a health lens can be limiting. The overall environment in the country remains a highly restrictive one for people with diverse SOGIESC; and context-

specific risks must be managed in accordance with advice from local partners.

COVID-19 and People with Diverse SOGIESC

COVID-19 has impacted the livelihood, security, agency, and health of people with diverse SOGIESC, on top and exacerbating existing marginalization. An April 2020 survey of LBTQ (Lesbian, Bisexual, Trans men, and Queer) Indonesians living in 11 (of 34) provinces identified that 62% faced running out of food, not paying rent or water or electricity bills, failure of their small businesses, and not being able to maintain hormone and other health treatments. 88% of this group experienced mental health impacts including stress from living in unsafe places, loss of income, loneliness and difficulties accessing psychological support itself. Waria and other gender diverse people who live in their identity and are more publicly visible are channeled into informal-sector work, work in community-run salons, or undertake sex work; all of which have been deeply impacted by movement restrictions and other aspects of the COVID-19 crisis. In this early stage of the pandemic and response a community representative in Jakarta was quoted in media⁹ stating:

Almost 3,000 waria ... work as prostitutes and street singers. Currently they are threatened with starvation.

Around IDR90 million (USD6230) was collected and distributed by community in Jakarta and nearby areas in those early weeks. More recent interviews and secondary sources suggest that problems accessing social protection support persist. A UNAIDS media statement (UNAIDS 2021) summarises one story of a trans woman in Jakarta:

Reflecting back on more than a year of the pandemic ... the situation didn't rapidly improve and instead got more challenging as time went on.

Amongst waria in Indonesia there are 'mummies', senior waria who might own a salon or another small business through which they provide shelter, food, and

employment for younger waria. These younger waria have often recently left home, moved from villages into towns and cities, and have no other source of material or psycho-social support. One mummy in Nusa Tenggara Timur said frankly:

We are financially destroyed.

Stating that she had not received government support, she has sold jewellery to pay off loans (taken to keep her salon going) and to buy food, drink and other daily needs. Other respondents reported similar coping strategies, including cheaply selling precious wedding dresses (that salons usually rent out) in order to get cash. Those waria who worked in the salons have few

options, relying on community members to survive:

Sometimes I have to go to a friend to eat and drink.

Similar stories have been reported in other parts of Indonesia, for example of waria returning to sex work because their jobs in salons or other businesses have disappeared.

The stories from Indonesia did not include extreme poverty, which one activist attributed to communal ways of life. Birth family remain an important source of financial support, even when it may be only part of a family that is supportive. There are also strong community networks amongst people with diverse



A selection of still frames from a CRM video on the impact of COVID-19 (CRM 2020).

SOGIESC. CSOs in these communities have raised funds through crowd-funding sites and have supported those most in need:

During COVID-19 economic crisis, our primary support system is Talitakum [an LBQT organization] and we were part of their COVID-19 response program for LBQ women and trans men.

However community resilience has limits, and some safe spaces are no longer available:

COVID-19 impacted our income the worst. My partner is a freelance make-up artist and I don't have regular monthly income. My house used to be a gathering space for the community, but now, they cannot come unless for very urgent matters.

Indonesian diverse SOGIESC CSOs have played a critical role in undertaking community assessments, advocacy for support and distribution of cash and direct aid. Less than 30% of transgender people reported receiving government support during COVID-19, respondents attributing this to societal stigma and because they do not have a KTP (National Identity Card) or NIK (National Identity Number).

A diverse SOGIESC CSO providing support during COVID emphasised the need to make the process of accessing cash as simple and safe as possible:

Our community do not like complicated requirements to access support. They come, get their support, and they go home. They are very reluctant to go around different offices or being in a long line to pick up their support. They want the support to be dropped and provided in a special space for them. They will leave if we put them in a space with the general public, such as lining up in the bank for hours, because they don't feel comfortable being stared at by people or receiving other unkind treatment.

Which was confirmed by a community member's story:

I followed the COVID-19 procedures when I went to the population and civil-registry office, and the usual happens. As soon as I got off my motorbike people started whispering 'bencong, bencong' [poofter/sissy]. I just ignore them. I only act if they do direct attacks on me. Also, I am so used of being called Dea [chosen name]

so it took me awhile to realise when they called out my legal name. It was embarrassing.

Amongst those interviewed there was a preference for unrestricted cash:

We know our urgent needs best. Non-cash support is often irrelevant to our needs ...

A CSO provided an example of a (pre-COVID-19) sewing livelihoods program that went awry:

That was also not effective, because the equipment was not enough and they had no place to open their business, so before their sewing machine arrived to their home, a truck would park outside the gate of the social house and bought it of them and they got cash. They would tell me the story and the cash would be more useful and we did not need to pay any money to transport the sewing machine.

And unconditional cash:

I also prefer direct cash than cash for work, because I am not always suitable for every job.

Complementary programs that include livelihoods or other support components also need to take into account the history of marginalisation of people with diverse SOGIESC:

We are afraid to access services that we don't know yet personally or have not met in person particularly legal and psychosocial support system.

Government Programs

The social protection framework in Indonesia has significantly diversified in response to COVID-19. The country's existing social protection programmes – which are couched under a vision to eradicate poverty by 2045 – include a range of social assistance, insurance and labour market programmes. While diverse SOGIESC groups are included in the government social protection architecture, diverse SOGIESC groups argue that the framing of their inclusion is deeply problematic:

Groups who experience impaired social functioning due to discrimination and marginalization making them vulnerable to social problems, such as gay, transgender and lesbian. The criteria are impaired social functioning,

discrimination, marginalization, and sexual deviant behaviours.

Diverse SOGIESC activists noted that there appears to be an agenda to reform people with diverse SOGIESC:

The Government has no strategic view on how to include LGBTIQ+ communities because they are excluding the group in their grand design. LGBTIQ+ who can access government support (ie. Kartu Pra Kerja) is not because their needs were taken into account or they are specifically targeted as LGBTIQ+, but because they are view as general community who fulfil the requirements by having valid Government IDs, not working, etc. So, they get the same treatment as others, when they actually facing another layer of challenges.

Some waria communities and organisations have established relationships with the Indonesian social welfare office. Bahalap and YSS, two Indonesian transpuan organizations, partnered with the government on social protection data verification and supporting distribution during COVID-19 lockdowns:

“The social agency guaranteed us that our data will be kept safely. It’s important for them to know the number of waria at Palangkaraya, how many has ID cards, and how many don’t. I received request from the social rehabilitation unit in their office. Supports were distributed through different organizations. For example, in April and May 2020, we got food support from the HIV & AIDS prevention agency. Then we got another support from the local disaster management agency for the second time. Lastly, we received support from the social agency. They all asked me for the community data.”

However a lack of integrated data at central levels may hamper efforts to reach people with diverse SOGIESC or inclusion within national programs. There are ongoing efforts to centralise data on vulnerable individuals by the Ministry of Social Affairs. Safely and effectively including people with diverse SOGIESC is likely to involve many challenges. Given societal discrimination against people with diverse sexual orientations, it is highly unlikely that they would disclose this information in data collection, and holding of such data would require extremely careful data management to avoid protection issues. However questions of when and how to collect and store data on diversity of sexual orientation is a challenge for

governments globally, not an issue specific to Indonesia. While the Indonesian government system includes an option for coding a record ‘transgender’, concerns were raised by civil society members about the lack of community consultation in development of this capacity. With regards to this and other issues, diverse SOGIESC CSOs emphasised the need for them to be recognised as community intermediaries.

As a transpuan organisation, we understand the characteristic of the community better than the social agency. The social agency knows us from the outside, but we know us on the inside, so social empowerment programs will have better results if it is delivered by community organisations.

Access to cash based assistance and other social protection programmes typically requires government-issued identification. Access to identification documents can be hampered by legal status (i.e. statelessness, lack of birth documents), gender identity (where gender markers on ID documents do not correlate with identity and expression), and by levels of family acceptance. Surveys suggest that around 30% of transgender people in Indonesia do not have official identification. The process of gaining that identification can also be challenging:

I was rejected many times when I made my official ID card. I finally got my ID card after my partner accompanied me and helped me answered all the difficult questions. It was a combination of a lousy system, poor quality officials and my trans identity.

In Indonesia, in order to have government issued identification, an individual needs a family card – which is only issued when a person has a birth certificate. If a person wishes to move away from their family and obtain a new family card, the family needs to release the birth certificate.

My partner and I are administratively dependent on our families. She is registered to her family’s family card and I am registered to my parents’ family card. I also cannot change my name, because my parents’ city is such a small city, in one neighbourhood with people who work at the local government office.

Exclusion at the family level and lack of acceptance therefore have implications for a person’s ability to access social protection.

SPOTLIGHT | POSITIVE EXAMPLES FROM FURTHER AFIELD

Uruguay and Ecuador provide examples of how government and aid sector social protection programs can evolve to recognise and serve people with diverse SOGIESC. Both are countries where people with diverse SOGIESC enjoy legal protections, supportive government officials, and significant degrees of community support. While these conditions will not always be present, positive examples of change are sometimes more persuasive than campaigns and advocacy that focused solely on problems.

Prior to 2012 the government social protection system in Uruguay did not serve people with diverse SOGIESC well. Assessments left them out of official data, civil servants were poorly equipped to engage people with diverse SOGIESC, and forms of assistance were not designed with the needs or situation of people with diverse SOGIESC in mind. Andrés Scagliola, a former senior government official explained in a 2016 video that a mind-set change was needed (UNRISD 2016):

The rights-based approach allowed us to realise that although we thought that social policies reached everyone, in reality there were social groups that were excluded ... When public policy, especially social protection policy is not explicitly engineered to cover a social group such as LGBT people, most of the time, they end up excluding people.

He noted that “Once we re-framed that situation it was common sense that if you designed a new program to combat poverty, you had to take affirmative actions towards trans people”. However this also required work (UNRISD 2016):

The challenge was how to transform social policy from the inside out, when it had been designed for a single way of being human, in this case heterosexual, and for one type of family, in this case a family based on a heterosexual relationship, so that social protection was actually inclusive of all people regardless of their sexual orientation and gender identity.

Steps taken by Uruguay’s Ministry of Social Development included:

- A decision to use a patchwork of existing laws to legitimise official efforts to include transgender

people, rather than wait for more comprehensive law reform.

- Realisation that the index used to qualify people for the main cash-based assistance program used poverty and deprivation indicators that effectively excluded transgender people, despite often profound marginalisation that they experienced. After initial attempts to revise criteria to avoid heteronormative, cisnormative and binary assumptions failed to address this problem, a simpler solution was found. Transgender people were allowed to register based on self-identification, avoiding complex and pathologising systems that would likely fail to engage in-need people.
- Alongside this change civil servants learned how to interact respectfully with transgender people.

These measures delivered positive social protection results. As transgender people became part of the cash-based assistance system the ministry was able to collect other data that supported inclusive redesign of other programs. The fraud that some feared – that anyone could claim to be a transgender person – was not a significant issue. And as Scagliola explained “I prefer to have inclusion errors than to have exclusion ones”. He also noted the need for good communications:

There was a lot of debate - some people said ‘they’re being given money because they’re trans’ - this is the debate you have to confront - you need a consistent message justifying why you’re doing this.

Would this approach work in countries less open to people with diverse SOGIESC?

It’s difficult in these kinds of countries that they haven’t arrived at this first step. It’s the same state that’s sometimes promoting these [discriminatory] attitudes and actions. I would look for windows of opportunities at local levels. Perhaps you find some communities where there is some kind of openness. I’d try to find these windows of opportunities through local NGOs and communities - but sometimes there’s kind of public figures who could be allies. I would try to find and generate small projects that could be scaled up with the same logic, things that could be scaled up to bigger projects.

“

This was the first time the state approached this community with another face. The only two faces of the state that trans women saw were the police and the ministry of health because of the control of infectious diseases and HIV. This was the first time we approached you not to sanction you or examine you, but to recognise you've been neglected of all human rights, that we're now doing something to change. It was really so important.

”

- Andrés Scagliola, former senior government official, Uruguay.

In Ecuador, one INGO is supporting such projects. By partnering with grassroots CSOs it provides access to cash-based assistance for marginalised people with diverse SOGIESC, many of whom are also migrants and refugees. These partnerships draw on CSOs' knowledge of local communities, and the NGO's technical capabilities to implement cash programs:

They have been dealing with these kind of things for a long time, without them the capacity to provide humanitarian response is limited ... we provide the skills and build capacity to learn about protection and humanitarian systems ... the local CSOs accompany the individual who is facing the vulnerabilities, they go with them to the health centres or the court, and while they are doing this we are running financial education models - so they're being covered by both of us.

This is an example of a cash-plus program that provides complementary support, such as livelihoods:

Livelihood is a basic need. They use the money in some cases to start small entrepreneurship - it doesn't matter what this can be, some of them are street vendors - but also, beauty salons, they need tools and items to start their own business and the amount we have is a donors issue because the funding for livelihoods is so limited. It's a critical issue.

Livelihoods opportunities - that are voluntary, that avoid gendered stereotypes, and that are safe - feature prominently in requests from people with diverse SOGIESC in the country case studies. Livelihoods is one of the three components of social protection discussed earlier.



PART 4 | DISCUSSION

4.1 Diversity within SOGIESC

Social and economic issues crises faced by people with diverse SOGIESC generally and during the COVID-19 vary extensively. People with diverse gender identities and expressions are often more visible than other people with diverse SOGIESC - which can lead to more frequent discrimination - and gaining/changing identification documents can be hard or impossible. While people with diverse sexual orientations may have more opportunities to hide their identity, living a double life can be tremendously taxing, especially when the consequences of discovery can be intense and far-reaching. Intersecting issues also create different experiences: cisgender women with diverse SOGIESC navigate the world as women as well as being lesbian, bisexual or intersex, people with diverse SOGIESC from minority ethnic groups may face discrimination on the basis of ethnicity, amongst many issues including disability, location, and age. Programs designed to include people with diverse SOGIESC need to understand and respond to this diversity. This may require engagement with more than one diverse SOGIESC CSO in a country. For example some organisations are trans focused, some are focused on LBQ women, some that have historically been funded via HIV/AIDS programs may have stronger networks amongst key populations, some work in parts of the country and not others, amongst other factors. In some contexts people with diverse SOGIESC may be served by allied organisations, for example intersectional feminist organisations.

Government and NGO programs that include cultural gender non-binary groups do not necessarily presage broader diverse SOGIESC inclusion. The Bangladesh case study clearly reflects that inclusion of hijra in some government and NGO programs often does not extend to non-hijra transgender people in Bangladesh, far less people with diverse sexual orientations such as gay or lesbian people who face criminalization and other profound forms of marginalisation. Similarly in Indonesia cultural toleration of waria sits alongside deep stigma toward gay and lesbian Indonesians. Donor, UN and INGO programs are more likely to engage with tolerated cultural gender non-binary groups for reasons including safety of participants, ease of access to participants, and less potential blow-back from government or civil society partners. The needs of these cultural gender non-binary groups are very real,

as toleration is often limited and threats to safety and well-being remain. However only working with those groups leaves the needs of many other people with diverse SOGIESC unaddressed.

4.2 Informal, Semi-Formal & Formal Social Protection

Some people with diverse SOGIESC remain within family, community and faith-based networks, and can take advantage of those informal networks and semi-formal community-based social protection (such as CSO-led or faith organisation-led programs). However other people with diverse SOGIESC who are ostracised from family, community and faith-based networks may not have access to those semi-formal or informal social protection systems either. Previous studies (for example, Edge Effect 2018) suggest that people with diverse SOGIESC make extensive use of covert informal support networks with other people with diverse SOGIESC, either to supplement or replace family, community and faith networks. People with diverse SOGIESC in close relationships may refer to each other as chosen family, and these networks may serve as sources of information, psycho-social support, socialisation and direct practical assistance. These networks may intersect with the community-based work of diverse SOGIESC or allied CSOs, in which case they may be an access point for consultation and resources. Such networks have been visible during COVID-19 response, and feature in the case studies below.

However a DFAT (2014) commissioned paper on informal social protection notes that the existence of such networks is not necessarily a good guide to their effectiveness as social protection mechanisms. This was also noted in **Down By The River** (Edge Effect 2018), as informal networks may be stronger amongst some subgroups (eg amongst gay men) of the diverse SOGIESC community than others, the extent to which subgroups support each other may vary, there is potential for some subgroups to be more marginalised (for example sex workers within the community), the extent to which these networks function outside of urban or peri-urban areas may vary, and they more be more or less resilient to shocks. The DFAT (2014) paper identifies drivers putting informal social protection under pressure, including:

- Increased poverty affecting the whole informal network and increased in-group inequality that

reduce the efficacy and bond within the network.

- Shocks that impact the whole network and limit the capacity of the network to assist anyone.

Both of these conditions are relevant in the context of COVID-19. The DFAT paper argues for formal social protection systems to be designed based on a strong understanding of the potential interactions between formal and informal systems (and semi-formal systems), noting for example the potential for targeted assistance to lead to interpersonal tension. A recommendation from **Down By The River** that remains unaddressed is the need to better understand informal networks amongst people with diverse SOGIESC, and how those networks could safely and effectively interface with more formal networks.

4.3 Conditionality vs Cash-Plus/Complementary Programs

Conditional programs require recipients of assistance to take part in specific activities, for example, training activities or work (cash-for-work programs). People with diverse SOGIESC and diverse SOGIESC focused CSOs expressed significant concern about conditional arrangements and urged that cash assistance be unconditional. The primary reason being that people with diverse SOGIESC often have disturbing experiences when engaging with other members of society or staff of government, private sector or civil society organisations. Schools, workplaces and service delivery contexts are common contexts for such harassment and discrimination. Research in humanitarian contexts shows that people with diverse SOGIESC are sometimes made to feel very unwelcome in work programs. Requiring people with diverse SOGIESC to take part in these activities could lead to specific harm, but is also likely to result in people with diverse SOGIESC self-selecting out of these assistance programs.

This should not be taken to mean that people with diverse SOGIESC lack motivation to improve their own situation or to contribute to their communities. People with diverse SOGIESC are very aware that other people may accuse them of getting assistance that they do not deserve. There is also a documented history of people with diverse SOGIESC taking on community work roles in disasters.

Some people with diverse SOGIESC supported the cash-plus formula, in which cash-based assistance is combined with complementary programs.

These complementary programs could include training, livelihoods support, financial capability and communications programs. But, what is the difference between this and conditional programs? Complementary programs should a) be voluntary components of unconditional programs, b) use assessments that recognise needs of people with diverse SOGIESC and designed with input from them, c) ensure safety of people with diverse SOGIESC (esp where they are mixed with other program participants) and d) avoid creating conflict between people with diverse SOGIESC, or with broader communities.

4.4 Data, Digitalisation and Social Protection

The digitalization of social protection and cash based assistance raises specific access and protection issues for people with diverse SOGIESC (in addition to issues for broader populations). While non-digital systems have flaws and digital systems may have advantages for implementing cash-based and other forms of assistance, there is sometimes just a sense of inevitability about digital transitions as technological capabilities streak ahead of policy. However, along with the advantages there is a growing awareness of the risks involved with collecting and managing data, especially data about marginalised groups, including in the context of cash based assistance. CaLP's 2020 **State of the World's Cash** report highlights that "digital risk and data management is a 'newly emerged risk'" and notes that "many CVA practitioners still find this a paralysing topic" (see also Burton 2021). This awareness is spawning toolkits and policies such as:

- The elan/Mercy Corp **A Data Starter Kit For Humanitarian Field Staff** that recommends undertaking a Privacy Impact Assessment, minimising data collection, understanding KYC rules and how they can be worked around, challenges with registration and consent, the need to encrypt data and have procedures managing who data can be shared with, and rules for data retention or disposal.
- The CaLP **Data Responsibility Toolkit: A Guide for CVA Practitioners** which provides a framework for data responsibility across the 'data life cycle', where that responsibility clearly rests with organisations that choose to use digital systems.
- Oxfam commissioned a report on **Biometrics in the Humanitarian Sector** (Engine Room, 2018) and subsequently the **Oxfam Biometric & Foundational Identity Policy** (Oxfam 2021) about the collection,

usage and storage of biometric data. Biometric data may create new capabilities in areas of identification, registration and tracking that could assist targeting and reduce fraud amongst other things. However the report also explores practical problems with the systems, the risks attached to storing such powerful data, and the surveillance culture which it fosters. Oxfam’s recent policy on biometric data makes it clear that the obligation is upon Oxfam to justify, project-by-project why biometrics are necessary, what control measures are in place, and how the people can have control of their own data; rather than sliding into a new normal of biometric surveillance. (Oxfam 2021).

A detailed consideration of advantages and risks of digitalised aid system for people with diverse SOGIESC is beyond the scope of this report. Edge Effect has initiated work in this area, including a presentation to the CDAC Network **Accountability in the Age of the Algorithm** public forum (CDAC 2020), and issues of concern are likely to include:

- Increasing reliance on databases that do not include people with diverse SOGIESC (including census and household surveys and bespoke databases for programs such as social protection programs), as foundational parts of processes to determine who is eligible for assistance.
- Use of algorithms to determine eligibility for assistance, that exclude people diverse SOGIESC through normative assumptions such as heteronormativity and cisnormativity (see Part 1 above). Such normative bias can be introduced through design and coding decisions, or through the use of data for training AI systems that has societal bias built-in. Once operational, AI systems can become ‘black boxes’ that produce results that are difficult to challenge.
- Potential for KYC and other personal data to be shared in ways that endanger users. This includes concerns about the collections and tracking of biometric data systems that can be pervasive (eg cameras feeding into facial recognition systems) and that could be used to identify or track people with diverse SOGIESC. There is a particular concern for transgender people about the persistence of identity assumed within these systems, and the potential for a trans person to be outed by facial recognition and other biometric systems.

4.5 Delivery, Accessibility & Financial Inclusion

Cash based assistance is more likely to be accessible for people with diverse SOGIESC if programs include:

- Measures to address access problems for people who do not have bank accounts or who do not have official identification needed to satisfy KYC requirements for SIM registration (for example because they are a transgender person, a gender non-binary person, or are ostracised from family and have no access to records), or who cannot afford mobile phones. Multiple delivery mechanisms, including direct cash increase accessibility.
- Training to increase the financial capability of people with diverse SOGIESC, both to interact with any systems required for receiving assistance and for longer term financial health.
- Training for staff of financial services providers to understand challenges that people with diverse SOGIESC may face, and to engage with them in respectful ways.
- Assessment and reform of structural aspects of financial systems that exclude people with diverse SOGIESC, for example those who cannot get official identification cards or where that process is punitive.

4.6 Targeting and Universality

Primary government social protection programs often use poverty criteria, and there may be limited or no assistance provided through targeted programs that focus on specific marginalised groups. However some ‘universal’ social protection designs may be more universal than others, as became apparent in Uruguay (see pages 36-37). People with diverse SOGIESC may not know about schemes, may not have documentation required for registration, may not have access to banking or mobile phones, may face direct discrimination by officials, may not receive a proportionate share of resources allocated to families, may not have lives that align with assumptions in poverty-focused indicators, or may self-exclude from those schemes for reasons of dignity and safety. Many of these conditions also apply to other marginalised groups, as discussed in the 2018 UN report **Promoting Inclusion through Social Protection** – for example assisting people to gain identification documents or access to mobile telephony – the dynamics underlying the exclusion of people with diverse SOGIESC may

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[W]hen we submit donor proposals around cash and protection ... we end up scrubbing the proposal to be political. To elevate the issue with donors is more difficult.

”

- INGO staff member.

sometimes require specific considerations, methods and risk mitigation. Targeting of assistance toward people within marginalised groups also presents challenges: it may lead to errors of exclusion or inclusion, may create tension between marginalised groups and other groups, it involves resourcing that may not be available or not considered a priority, amongst other reasons. However, until universal programs are better equipped to avoid indirect discrimination, targeted and gap-filler programs are likely to be essential.

4.7 Involving Diverse SOGIESC CSOs

As noted in the **Statement by human rights experts on the International Day against Homophobia, Transphobia and Biphobia** (OHCHR 2020a) :

Civil society organizations, which operated under duress before the pandemic, have been frantically working to fill in the gaps left by States: organizing the collection and distribution of food and water, hygienic materials and masks; activating communication, solidarity and social protection networks; and supporting each other. Local and global organizations have also created best practices through rapid response funds that allow advocates to keep their phone lines open and their computer screens lit and connected, thus providing vital lifelines of communication.

This complex system of early warning, sense of community, advocacy and follow-up that has been forged over the last five decades by the dedication of human rights defenders who advocate for the human rights of LGBT persons all over the world is an asset of profound value for the global community.

Diverse SOGIESC CSOs can play a critical role in making social protection and CBAs safe, dignified and effective.

Potential roles include undertaking community-based research, advocacy for community needs, as an intermediary for community engagement, as advisors for organisations undertaking social protection and CBA programs, and supporting distribution. In working with marginalised and hard-to-reach people, these CSOs are essential for safety, effectiveness and ethical reasons. However there are potential challenges, especially for CBA programs. Diverse SOGIESC CSOs may have limited experience with the details of cash programs, they may face community tension for example if accused of favouritism, and like any CSO have the potential to act as gatekeepers. More generally they may have limited funding and organisational capacity, may have networks in specific geographic areas but not others, and may be more focused on some groups within diversity of SOGIESC but not others. One INGO representative framed this in terms of:

[T]ransference of risk between NGOs and local CSOs - lack of familiarity between CSOs and cash mechanisms - it's so much easier to say yes, transfer your risk, but there needs to be an understanding about how that risk can be shared. I think where financial service providers are separate - there needs to be a shared responsibility and not putting everything on the shoulders.

During COVID-19 diverse SOGIESC CSOs have faced additional challenges including increased community demand for support, implementing community-based programs in lockdowns, supporting their own staff and volunteers through the crisis, and pauses or cancellations of ongoing donor-funded programs. Working with diverse SOGIESC CSOs is best considered a long-term process of:

- Learning about local context and the histories, priorities, strengths and needs of CSOs.

- Resourcing and capacity strengthening of local CSOs, and them as genuine partners in coordination, planning, implementation and evaluation.
- Ensuring staff and partners of donors, UN agencies and NGOs have sufficient capacity and appropriate tools for safe and effective work with diverse SOGIESC CSOs and community members.

4.8 Donors Getting on the Front Foot

Edge Effect’s report **The Only Way is Up** explores the multiple intersecting factors that are holding back diverse SOGIESC inclusion in the humanitarian sector, many of which also exist in the development sector. One of these factors is the lack of clear and consistent guidance from donors on the need for diverse SOGIESC inclusion in program designs, a lack of incentives for implementers to push boundaries, and a lack of pressure to include diverse SOGIESC data in monitoring, evaluation and learning.

There is significant scope in general activities and in Gender Equality and Social Inclusion (GESI) components of non-government programs for higher levels of engagement with diverse SOGIESC issues. But too often, this potential is not realised. While the July 2020 UN OCHA **Global Humanitarian Response Plan** noted that:

[D]iscrimination can elevate the risks for LGBTIQ+ people from COVID-19. The pandemic has disconnected them from their networks following the closure of health and community centres that provided safe and supportive spaces. It has required many LGBTIQ+ people to stay home for extended periods of time, including non-accepting with family members, which exposes increased risk of family stigmatizing or abuse.

A review of other humanitarian sector tracking data and program opportunities conducted by the Global Philanthropy project reached the conclusion that:

[T]he exclusion of LGBTI communities as a vulnerable or at-risk population within COVID-19 response plans and public statements suggests that humanitarian resources pledged by the world’s largest donors are not systematically or directly targeting the needs of LGBTI communities.

The Global Philanthropy Project report **Where Are the Global COVID-19 Resources for LGBTI Communities?** commended donors that traditionally support diverse SOGIESC human rights and movement building for providing flexibility in the use of funds during the pandemic, but more broadly commented that:

The lack of explicit inclusion of LGBTI communities as a priority population by the main donors of the global COVID-19 humanitarian response sends a signal to those receiving funds and implementing humanitarian programs ... Regardless of the cause, lack of explicit inclusion sends a message to implementing partners who respond to the strategies and statements of those that provide their funding.

This is more than idle speculation. One INGO staff member interviewed for this report noted that: “[W]hen we submit donor proposals around cash and protection ... we end up scrubbing the proposal to be political. To elevate the issue with donors is more difficult.” Another INGO said it doesn’t report SOGIESC data as the donor template does not require it.

These statements may reflect misunderstandings, but indicate that donors need to do much more to communicate their interest in diverse SOGIESC inclusion and to set expectations for what that means in practice. Donor organizations can communicate new expectations to their implementation partners, and use pressure or incentives to encourage changes such as:

- Adjusting assessment methods to learn about diverse SOGIESC community needs, working with community members or CSOs within diverse SOGIESC communities to understand barriers to participation.
- Designing programs that combine short-term relief with longer-term measures that address root causes of marginalization experienced by people with diverse SOGIESC.
- Ensuring programs minimize risk to people with diverse SOGIESC such as risk associated with data sharing.
- Supporting CSOs within diverse SOGIESC communities to share information and - where appropriate - to act as community intermediaries.
- Ensuring staff are trained in diverse SOGIESC issues as part of their inclusion training.

PART 5 | FINDINGS, STEPS & RECOMMENDATIONS

While initially intended as a scoping study, this report has ranged across many issues. Some are specific to COVID-19 support, some about social protection more generally, some are linked to the inclusion of people with diverse SOGIESC in the aid sector, and some relate to levels of government and societal acceptance. The following findings and recommendations are not intended as a comprehensive list of all problems and solutions across all of those issues. Instead we highlight:

- Eight Key Findings
- 5 Steps that would be significantly improve diverse SOGIESC inclusion in social protection generally.
- 5 Steps that, additionally, would be significantly improve diverse SOGIESC inclusion in cash based assistance programs.
- A detailed set of findings and recommendations on cash based assistance, that mirror the structure of the Australian Government report (DFAT 2020a): **COVID-19 Gender and Social Protection Guidance Note: Violence Against Women and Girls and Gender- sensitive Social Protection programming.**

KEY FINDINGS

- 1** Systemic discrimination experienced by people with diverse SOGIESC in families, schools, local communities, workplaces, service provision and public life often leads to significant social protection needs. These needs existed prior to the COVID-19 crisis, and have exacerbated the negative social, economic, and physical and mental health impacts of COVID-19 on people with diverse SOGIESC. Failure to support people with diverse SOGIESC in COVID-19 social protection programs is likely to further entrench marginalisation. There is considerable diversity across people with diverse SOGIESC, and a need for contextual and intersectional analysis of needs and strengths.
- 2** The impact of COVID-19 on people with diverse SOGIESC is poorly reflected in research, planning and funding priorities of many national governments and aid sector organisations. People with diverse SOGIESC often lead lives that involve different kinds of needs and that make different community engagement or delivery mechanisms necessary, yet there is little evidence of this in mainstream COVID-19 and social protection research. There is little evidence of specific funding being directed to meet the needs of people with diverse SOGIESC or of donors requiring evidence that broader programs are reaching people with diverse SOGIESC.
- 3** Unconditional cash based assistance, supported by complementary programming in areas such as livelihoods and financial capability, would help address many of the needs of people with diverse SOGIESC. Complementary programming also needs to be targeted at service providers and systems that undermine participation of people with diverse SOGIESC.
- 4** There are significant barriers for the participation of people with diverse SOGIESC in ‘universal’ or national programs. These include absence in national data, lack of identification documents, challenges opening bank accounts, low levels of mobile phone ownership, use of assumptions about households or lives that do not align with people with diverse SOGIESC, mandatory participation in training or work activities where harassment is likely, societal discrimination, and self-exclusion due to expectations of harassment and discrimination.
- 5** Government social protection mechanisms often do not recognise or address the needs of people with diverse SOGIESC. Causes include absence of people with diverse SOGIESC in national data or research supporting program designs, lack of awareness of or action to address barriers to participation that cause indirect discrimination against people with diverse SOGIESC, competing priorities and low prioritisation of diverse SOGIESC inclusion, and at times, more active discrimination in the form of laws and policies that stigmatise or criminalise people with diverse SOGIESC. There are also positive examples of change in government systems that can be looked to for inspiration.
- 6** Aid sector programs often overlook the needs and strengths of people with diverse SOGIESC and the gaps in government social protection programs. This results in aid sector programs that indirectly discriminate against people with diverse SOGIESC, through limited awareness of specific needs, limited understanding of barriers to participation, and limited capability to design and implement programs that are safe, relevant and effective. Some aid organisations feel constrained by the reality or perception of national partner attitudes and societal attitudes. It is rare for aid sector policy or practice documentation for social protection or cash based assistance to provide specific and practical guidance on working with people with diverse SOGIESC. This is symptomatic of a broader failure to include people with diverse SOGIESC within rights based development frameworks and needs/rights based crisis planning and response.
- 7** Informal and semi-formal protection mechanisms within diverse SOGIESC groups meet some needs. New programs need to work with and strengthen those mechanisms, as well as offering new support. Diverse SOGIESC CSOs have filled many gaps left by government and aid sector programs, drawing on their community networks, and showing great resilience and creativity. This is despite being under immense COVID-19 stress themselves and despite a history of limited capacity strengthening and core support for diverse SOGIESC CSOs.
- 8** Roll-out of innovations in social protection and cash based assistance programs – such as digital systems – may lead to specific and serious risks for people with diverse SOGIESC.

FIVE + FIVE STEPS

These challenges raised by these findings could lead to pages of recommendations. While some would be specific to social protection and cash-based assistance, others would need to address systemic and habitual discrimination within government and aid sector programs that extend well beyond these two areas. Other reports, such as *The Only Way Is Up*, provide such a detailed set of recommendations.

As this is intended as a scoping report only, the following ten steps are offered as simple but important starting points. Annex A provides a preliminary set of detailed findings and recommendations specific to the design and implementation of cash based assistance programs. These are described as preliminary because

there is a need for considerably more research and learning to inform diverse SOGIESC inclusive cash based assistance policy and practice guidance. However the needs created by COVID-19 and the centrality of cash based assistance in government and aid sector responses demand some more immediate reform of programs to meet the needs of people with diverse SOGIESC. Following these recommendations will improve inclusivity of cash based assistance programs, and we look forward to further collaboration and learning.

Five Steps That Would Improve Diverse SOGIESC Inclusion ...

In social protection programs generally, for COVID-19 and beyond:

- Governments adopt the ASPIRE Guidelines and governments providing bilateral support to the programs of other governments encourage this.
- Non-government actors adopt a norms-based approach and a benchmarking process such as Edge Effect's Diverse SOGIESC Continuum.
- Donors require diverse SOGIESC inclusion from implementing partners and fund those partners to undertake staff training, tools adaptation and other steps to transform themselves into organisations capable of addressing diverse SOGIESC rights, needs and strengths.
- Support further research on diverse SOGIESC inclusion in aid programs, including ongoing impact of COVID-19 and intersections with other aid programs such as livelihoods and countering gender based violence programs.
- Partner with and consistently support diverse SOGIESC CSOs for all of these steps.

In cash based assistance programs, for COVID-19 and beyond:

- Understand how indirect discrimination – such as absence in data, ostracisation from families, lack of identification documents or low mobile phone ownership – makes cash based assistance inaccessible or unsafe for many people with diverse SOGIESC.
- Learn how design of assessments, targeting, registration, delivery and other aspects of cash based assistance – and the addition of voluntary complementary programs including financial capability – can increase accessibility, safety and relevance.
- Support diverse SOGIESC CSOs as they continue to fill gaps left by government and non-government cash assistance programs and in their role as trusted intermediaries with community members.
- Include complementary programming such as financial capability and livelihoods support for people with diverse SOGIESC, alongside training and support for service providers to improve diverse SOGIESC inclusion.
- Engage diverse SOGIESC CSOs and technical specialists to ensure innovations in cash assistance – such as digital systems – are safe, relevant and effective.

DETAILED CASH BASED ASSISTANCE GUIDANCE

What are the needs within diverse SOGIESC communities that could be addressed through Cash Based Assistance, especially within the context of COVID-19?

Findings	Recommendations
<p>Cash based assistance could address many needs of people with diverse SOGIESC, by strengthening inclusion within social protection systems to prevent income shocks and drops in well-being, to protect against poverty and to provide more access to new opportunities and livelihoods options. In the context of COVID-10 this includes pre-pandemic needs that have been exacerbated by COVID-19, and new needs that have arisen during the pandemic. Diverse SOGIESC inclusive cash based assistance and complementary programming could address needs such as:</p> <ul style="list-style-type: none"> • Unmet basic needs such as food, shelter and medicines, especially where: <ul style="list-style-type: none"> » Systemic marginalisation and reliance on informal or low-pay work has led to pre-pandemic poverty and very-low levels of savings. » COVID-19 restrictions have led to rapid loss of income from informal sector work and other sectors (such as tourism) that employ larger number of people with diverse SOGIESC. » Design and implementation of pre-pandemic or specific COVID-19 formal social protection mechanisms have allowed people with diverse SOGIESC to fall through the cracks. • High levels of stress associated with insecurity of food, housing and other basic needs, especially where a lack of trust for formal sector protection mechanisms contributes to a sense of isolation and where there is an absence of diverse SOGIESC inclusive psycho-social support services. • Avoidance of debt-traps where people with diverse SOGIESC have taken loans to meet basic needs, as debt-traps may involve safety risks or undermine post-pandemic recovery. • Purchases or services left out of distributions of relief supplies or recovery focused measures due to normative assumptions. For example, lack of awareness that trans men need access to menstrual supplies, or a lack of awareness or acceptance of some livelihoods (eg the need to replace dresses and accessories for dancing), or for items that might appear to be non-essential but allow people to retain a sense of identity and dignity (eg clothing and cosmetics). 	<ol style="list-style-type: none"> 1. Ensure that the designers and implementers of cash based assistance and complementary programs recognise and address deprivation faced by people with diverse SOGIESC occurring now and during recovery, and that interventions recognise the systemic nature of deprivation. 2. Ensure that the designers and implementers of cash based assistance and complementary programs recognise that psycho-social support needs are significant and usually need to be delivered by services that are diverse SOGIESC inclusive and trusted. 3. Ensure that the designers and implementers of cash based assistance and complementary programs recognise that people with diverse SOGIESC may be at risk if they have entered into potentially abusive financial arrangements to protect small businesses or survive the pandemic. 4. Ensure that the designers and implementers of cash based assistance and complementary programs recognise and respond to the varying needs of people with diverse SOGIESC.

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(continued) What are the needs within diverse SOGIESC communities that could be addressed through Cash Based Assistance, especially within the context of COVID-19?

<ul style="list-style-type: none"> • Violence or discrimination that may be experienced at public aid distribution points, and to avoid deprivation resulting from pre-emptive decisions by people with diverse SOGIESC to avoid assistance programs that involve taking risks with their safety. • Support for the operations of diverse SOGIESC CSOs and less-formal community networks whose resources have been greatly stretched as they provide support for people with diverse SOGIESC to access formal social protection support or who have fallen outside of formal protection systems or whose needs are not served by aid sector relief and recovery programs. • Social cohesion: <ul style="list-style-type: none"> » Within groups of people with diverse SOGIESC, including chosen family, who pool resources and provide psycho-social support for each other. » Between people with diverse SOGIESC and their birth families, as inclusion of people with diverse SOGIESC in social protection mechanisms and in (voluntary) livelihoods avoids family concerns that people with diverse SOGIESC are a burden. Strengthening bonds with birth families can reduce psychological stress and provide access to additional resources and networks. • Prevalence of gender based violence by reducing tension within inter-personal relationships and by limiting circumstances in which people with diverse SOGIESC are forced into homelessness, to adopt coping mechanisms that have higher risks, or to return to family homes with histories of violence or harassment. 	<ol style="list-style-type: none"> 5. Ensure that the designers and implementers of cash based assistance and complementary programs recognise the significance of pre-pandemic experiences of violence and discrimination on accessibility. 6. Ensure that the designers and implementers of cash based assistance and complementary programs recognise and utilise the pivotal role of diverse SOGIESC CSOs and less-formal networks as direct providers of social protection support and intermediaries between social protection systems and people with diverse SOGIESC, and support these organisations and networks through provision of funding and technical assistance. 7. Ensure that the designers and implementers of cash based assistance and complementary programs recognise and utilise the impact that these programs can have on social cohesion outcomes, that in turn contribute to longer-term economic, social and psychological well-being, and may reduce longer-term reliance on social protection mechanisms. 8. Ensure that the potential impact of gender based violence on people with diverse SOGIESC is addressed in GBV components of cash assistance and complementary programs.
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What barriers and enablers exist to safe, effective and dignified use of CBAs to meet Social Protection needs of people with diverse SOGIESC?

<p>Findings - Assessments</p> <ul style="list-style-type: none"> • The existence and needs of people with diverse SOGIESC are rarely included in routine data gathering by governments. Reliance on existing data gathering methods or existing data is likely to exacerbate the exclusion of people with diverse SOGIESC when used to design social protection and cash-based assistance. 	<p>Recommendations - Assessments</p> <ol style="list-style-type: none"> 9. GESI assessments for cash-based programs should address diversity of SOGIESC in specific and substantive ways. Given that such assessments may not have been done before and may require data that does not exist, specific additional resources may be required.
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(continued) What barriers and enablers exist to safe, effective and dignified use of CBIs to meet Social Protection needs of people with diverse SOGIESC?

<p>Findings - Assessments</p> <ul style="list-style-type: none"> • Program design requires context-specific information about the nature and drivers of poverty, suitability of existing programs, barriers (such as lack of ID, or lack of bank account or mobile access or information etc) that are hindering access to universal programs, potential need for targeted programs, potential partners locally and other related information. • Diverse SOGIESC CSOs are either doing their own community-based assessments or have community connections that would be necessary for assessments of needs, methods and risks. • Risk assessments, including digital/data risk assessments, are essential. 	<p>Recommendations - Assessments</p> <ol style="list-style-type: none"> 10. Assessments should be undertaken with diverse SOGIESC CSOs and make use of other relevant expertise in the design of research projects, instruments and findings 11. Assessments of risk should address all components of cash programs, and should wherever possible seek to identify mitigating measures.
<p>Findings - Targeting</p> <ul style="list-style-type: none"> • Targeting criteria such as proxy means tests may make normative assumptions in calculating vulnerability that contribute to exclusion of people with diverse SOGIESC. The invisibility of diverse SOGIESC populations in household data and the existence of non-normative households within diverse SOGIESC communities means that programs that target at household level are likely to exclude people with diverse SOGIESC. • Targeting using algorithms is likely to exclude people with diverse SOGIESC if the accompanying datasets do not include people with diverse SOGIESC. However collection of data required for targeting may raise protection issues. • Targeted programs create some concerns within diverse SOGIESC communities, that other parts of society will disapprove. • The challenges of including people with diverse SOGIESC in cash and social protection programs means waiving or simplifying criteria may be necessary. Experiences in Latin America suggest that fraud does not become a serious issue when ID requirements are waived for trans and non-binary people to access social protection programmes. • Work with diverse SOGIESC community networks and CSOs may be necessary to support targeting for specific programs or to uncover instances where targeting is overlooking people in need. 	<p>Recommendations - Targeting</p> <ol style="list-style-type: none"> 12. Develop awareness of how assumptions and data gaps can lead to people with diverse SOGIESC being overlooked in targeted programs, and take mitigating measures where possible. 13. Ensure that designers of universal schemes are aware that people with diverse SOGIESC may struggle to access universal schemes and that additional support to participate or additional targeted schemes may be required to ensure inclusion. 14. Targeted programs should be managed and communicated with care to avoid tension with non-SOGIESC people and also avoid tensions within diverse SOGIESC communities if some people are supported more than others. 15. Simplify targeting criteria where possible, and accept that errors of inclusion may be a necessary cost.

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(continued) What barriers and enablers exist to safe, effective and dignified use of CBIs to meet Social Protection needs of people with diverse SOGIESC?

Findings - Type, Adequacy and Duration

- There is a clear preference for unconditional cash which supports community members to meet their own needs and to do so safely and with dignity. COVID-19 has exposed heavy reliance on insecure work in the informal sector and limited savings, and demonstrates a need for programs that diversify income generation options and support financial literacy.
- Many community members expressed a preference for cash plus work, if that work occurs in a safe and dignified context.
- Multi-layered and systemic discrimination means short-term cash programs are unlikely to address longer term social protection objectives.
- People with diverse SOGIESC sometimes live with their legal family and sometimes form other social structures (including chosen family). The use of Minimum Expenditure Baskets, based on heteronormative family arrangements, to determine payments may not take into account this diversity of social structures and the sharing that happens within them. Where support is provided to households, intra-household inequality may result in a person with diverse SOGIESC receiving inadequate support.

Recommendations - Type, Adequacy and Duration

16. Design programs as unconditional cash programs wherever possible.
17. Work with diverse SOGIESC CSOs and community members to identify appropriate opportunities for livelihoods development and work opportunities alongside cash.
18. Where possible provide longer-term support, transitioning to non-crisis programs.
19. Work with diverse SOGIESC CSOs and community members to understand social structures outside of normative families and households to ensure that adequate support is provided.

Findings - Comprehensiveness

- Responding to the needs of people with diverse SOGIESC through cash and social protection programmes requires a more integrated approach than merely delivering money or in-kind support to a person or household. It requires a shifting of norms and values that impede the ability of people with diverse SOGIESC to utilize assistance. Cash alone cannot address food insecurity if people with diverse SOGIESC face violence and insecurity at markets and shops where they go to buy food. Cash for rent cannot be spent if landlords refuse to lease to LGBTIQ+ tenants. Cash for livelihoods may fail unless there are safe entry points for people with diverse SOGIESC to engage with economies. Certain mental health needs might not be addressed adequately if there are no SOGIESC-proficient counsellors; and some markets may not provide SOGIESC-specific SRHR needs (including hormones for trans and gender diverse people).

Recommendations - Comprehensiveness

20. Design complementary and holistic programs where possible, based on context-specific analysis of the various challenges that people with diverse SOGIESC may experience.
21. Work with diverse SOGIESC CSOs to understand the role of informal networks, their potential interaction with cash and more formal social protection, and how to design programs that complement rather than compete or undermine informal social protection.

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(continued) What barriers and enablers exist to safe, effective and dignified use of CBIs to meet Social Protection needs of people with diverse SOGIESC?

Findings - Comprehensiveness

- Informal networks of social protection can operate to fill the gaps in formal systems of social support, however are not adequate to meet all needs. Diverse communities rely on their partners, families (legal and chosen) and organizations as their primary support systems. It is important to understand how these informal systems operate, and to factor their roles into the design of targeted and universal systems in ways that complement existing strengths and mitigate existing weaknesses.

Findings - Registration

- A common barrier to registration is the lack of identification documents, often because ID systems provide no means for non-binary or transgender people to gain documentation, or because ID systems are based on family documentation and families may exclude people with diverse SOGIESC.
- People with diverse SOGIESC may not have bank accounts or mobile phones necessary to participate in programs.
- Where this is substantial state-based or community discrimination people with diverse SOGIESC will have good reasons to avoid sharing identifying information with organisations. This is often more pressing for people with diverse sexual orientations.
- People with diverse SOGIESC often report a lack of information about programs. Working through community based CSOs and informal networks is often essential for community outreach and trust building needed for reaching people with diverse SOGIESC who are eligible for support.
- Registration processes that require public processes are sometimes locations for harassment and are a disincentive to participation.
- People with diverse SOGIESC are often much more willing to engage with diverse SOGIESC CSOs than government offices or NGOs. A case management and building relationships with CSOs and communities is key to overcoming these structural barriers, as LGBTIQ+ people experience issues of trust with formal and state systems, and also towards organisations they're not familiar with. State-run, NGO and private sector services are more accessible and friendly for LGBTIQ+ people to access where safe spaces are deliberately built into their architecture - for example, civil servant focal people who either have a diverse SOGIESC themselves, or are sensitised to work with LGBTIQ+ people.

Recommendations - Registration

22. Assist people with diverse SOGIESC to gain identification documentation and assist them to avoid unnecessary exposure to harassment through complex and public processes. Where possible, design programs that reduce or simplify necessary identification documentation.
23. Assist people with diverse SOGIESC to navigate banking systems and purchase/ registration of SIM cards.
24. Work with diverse SOGIESC CSOs to identify any safe ways of engaging with people with diverse SOGIESC who have protection concerns about registration processes.
25. Establish partnerships with diverse SOGIESC CSOs and informal networks, and support them to undertake outreach. Design information programs in consultation with diverse SOGIESC CSOs and informal networks to ensure that information is sensitive to key issues and will reach people with diverse SOGIESC.
26. Simplify registration processes and avoid public processes where people may be open to harassment.
27. Employ people with diverse SOGIESC amongst program teams.
28. Explore training and capacity building programs for partner organisations, so that people with diverse SOGIESC can interact with a focal person (ideally) or that chances of bad experiences are minimised.

(continued) What barriers and enablers exist to safe, effective and dignified use of CBIs to meet Social Protection needs of people with diverse SOGIESC?

<p>Findings - Payments</p> <ul style="list-style-type: none"> • Cash assistance has the potential to avoid harassment that people with diverse SOGIESC may experience at aid distribution points. • Use of a single payment method may hinder participation of people with diverse SOGIESC, especially if the only payment method relies upon mobile phones or bank accounts which people with diverse SOGIESC may not have. • Direct cash payments may still be required. 	<p>Recommendations - Payments</p> <ol style="list-style-type: none"> 29. Establish multiple delivery mechanisms where possible. 30. Plan to support people with diverse SOGIESC to establish bank accounts or gain access to mobile banking.
<p>Findings - Capacity and skills</p> <ul style="list-style-type: none"> • The awareness and attitude of the staff of government, non-government and private sector organisations involved in cash based assistance can have a significant positive or negative affect on diverse SOGIESC participation. If partner organisations - such as banks - have staff trained to avoid discriminatory practices and to understand issues faced by people with diverse SOGIESC they are more likely to support inclusion. • Some community members expressed concern that quickly adding a diverse SOGIESC dimension to government social protection programs without training, policy and other change processes may increase risks for using those services. • Financial capability development programs would be very useful for people with diverse SOGIESC. As per the definition of the World Bank, they would strengthen capacity of people with diverse SOGIESC to act in their best financial interest, given socioeconomic environmental conditions, encompassing knowledge, attitudes, skills, and behaviors. • Partnerships with diverse SOGIESC CSOs should be substantive, not tokenistic. Cash actors have much to gain from partnerships with diverse SOGIESC CSOs, in addition to access to communities. Partnerships should support CSOs to develop their technical capabilities in humanitarian cash systems, and traditional cash actors to deepen their awareness of diverse SOGIESC issues and communities. Building these partnerships requires time, funding and sustained effort. 	<p>Recommendations - Capacity and skills</p> <ol style="list-style-type: none"> 31. Employ people with diverse SOGIESC amongst program teams. 32. Explore training and capacity building programs for partner organisations, so that people with diverse SOGIESC can interact with a focal person (ideally) or that chances of bad experiences are minimised. 33. Establish holistic financial capability programs for people with diverse SOGIESC 34. Establish genuine partnerships with diverse SOGIESC CSOs, ensure that those CSOs are adequately compensated and that they have the opportunity to strengthen their capacity to participate in cash and social protection systems.

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Is there is a need for specific policy guidance on diverse SOGIESC inclusive CBIs, and what forms that could take?

Findings

- The review of global social protection and cash-based assistance literature found that:
 - » The majority of policy guidance, including guidance on inclusion of marginalised people, contains minimal substantive or actionable content on diversity of SOGIESC.
 - » Instances where people with diverse SOGIESC are mentioned tend to be general in nature or to position the issues as ‘nice-to-have’ rather than essential components of programs. Experience working with non-government organisations in other thematic areas indicates that general guidance on inclusion of marginalised groups does not translate to active engagement on issues of diverse SOGIESC inclusion.
 - » There are, positively, some examples of organisations going further toward inclusive and transformational practice. These should be encouraged, and could be drawn upon in developing a more systematic approach to addressing diverse SOGIESC inclusion in social protection and cash-based assistance programs.
- Interviews with donor, research, multilateral and non-governmental organisations that work in social protection and cash-based assistance found that they:
 - » Often do not yet have a good understanding of the needs of people with diverse SOGIESC.
 - » Are yet to prioritise diverse SOGIESC inclusion in their policy or practise.
 - » In some instances, are waiting for direction before undertaking diverse SOGIESC inclusion.
 - » Recognise that diverse SOGIESC inclusion is a gap, and are keen to address this within their work and that of their organisations.
- The review of DFAT social protection and cash-based assistance documentation found no substantive guidance on diverse SOGIESC inclusion.

Recommendations

35. Support dedicated technical work within forums designed to further cash based assistance and social protection, such as a sub-working group within CaLP. This could include development specific background papers, supported by further research, in areas such as assessment, targeting, modes of support, delivery, risk and other issues raised in this scoping report.
36. Work with diverse SOGIESC CSOs to ensure that policy guidance discussions include the views and participation of people with diverse SOGIESC and civil society organisations working within those communities.
37. Support sharing, training and further exploration in forums such as socialprotection.org and www.42d.org
38. Support the development of diverse SOGIESC policy at national levels within cash working groups and other coordination forums, including engagement of diverse SOGIESC CSOs.
39. Revise DFAT social protection and cash-based assistance policy documentation to specifically and substantively include diversity of SOGIESC.
40. Support diverse SOGIESC inclusion with social protection aspects of the SDGs and Agenda 2030, including through Voluntary National reporting and engagement with CSOs through the Equal Rights Coalition.

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Is further investigation needed to develop diverse SOGIESC inclusive guidance on policy frameworks, design, implementation and evaluation of safe, effective and dignified cash based assistance?

Findings

- Many of the stakeholders interviewed for this scoping report noted that this was the first time they had been asked to reflect upon diverse SOGIESC inclusion in social protection and cash based assistance.
- Several also noted that there is little research available or awareness within their organisations about the needs of people with diverse SOGIESC and how those needs may be met with safety, effectiveness and dignity.
- The literature review revealed that there is very little research specific to diverse SOGIESC inclusion within the social protection and cash based assistance literature. Similarly there is very little specific policy or design guidance within the literature produced by individual organisations or collectives such as CaLP.

Recommendations

41. Support policy-focused research aligned with forums such as CaLP and other global social protection forums.
42. Support research with diverse SOGIESC community members and CSOs to deepen understandings of barriers and enablers and to explore practical ways for people with diverse SOGIESC to have needs met through universal and targeted programs. Methods such as participatory action research could be undertaken alongside COVID-19 cash and social protection programs.
43. Support research to better understand the intersection of informal, semi-formal and formal systems of social protection.
44. Support research with cash and social protection service providers to better understand factors that are holding them back from working with people with diverse SOGIESC, which could also be undertaken alongside COVID-19 cash and social protection programs.

ANNEX A | ENDNOTES

1 See <https://williamsinstitute.law.ucla.edu/issues/data-collection/>

2 NRC: Cash Transfers in Remote Emergency Programming; UNHCR, DRC, Global Protection Cluster, Oxfam, Save the Children, Women's Refugee Commission, WFP: Protection risks and benefits analysis tool; Care, CVA emergency toolkit; Women's Refugee Commission, IRC, Mercy Corps: Overview of Toolkit for Optimizing Cash-based Interventions for Protection from Gender-based Violence: Mainstreaming GBV Considerations in CBIs and Utilizing Cash in GBV Response; UNHCR, Cash Feasibility and Response Analysis Toolkit; ICRC, IFRC: Cash in Emergencies Toolkit; IRC: Safer Cash Tool; Mercy Corps: Cash Transfer Programming; IASC: Gender Handbook on Humanitarian Action

3 This document is attributed to Global Affairs Canada, but appears on the website for Canadian Partnership for Women and Children's Health. It was accessed at: <https://canwach.ca/sites/default/files/2020-06/Gender%20Equality%20Guide%20for%20COVID-19%20Related%20Projects%20-%20Global%20Affairs%20Canada%20-%20ENG.pdf>

4 Indeed despite the omission of SOGIESC in the World Bank's COVID-19 report above, the World Bank has a small SOGI team, and has in other work highlighted the need for a revolution in diverse SOGI inclusive development data (Badgett et al 2016).

5 Data accessible as Social Safety Net: 2019-20 & 2020-21 Financial Year from the Ministry of Finance website at https://mof.portal.gov.bd/sites/default/files/files/mof.portal.gov.bd/page/672e3d4d_09bb_4205_9afd_843de55481d1/Safety%20net%202020-21%20English.pdf

6 This figure is quoted in several publications (eg UNDP 2020: 60). The original survey reference was not located.

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This is an Australian aid initiative implemented by Edge Effect on behalf of the Australian Government.

This publication has been funded by the Australian Government through the Department of Foreign Affairs and Trade. The views expressed in this publication are the author's alone and are not necessarily the views of the Australian Government.

Edge Effect is a specialist diverse SOGIESC humanitarian and development organization. Its mission is to ensure that the rights, needs and strengths of people with diverse SOGIESC (aka LGBTIQ+ people) are addressed in crises and through development activities. For more information visit www.edgeeffect.org.

