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Edge Effect is pleased to have the opportunity to make this submission on the social protection experiences of people with diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC).

Edge Effect is a specialist diverse SOGIESC humanitarian and development organisation, founded in 2016. We provide a range of services to traditional humanitarian and development organisations to assist them to address the rights, needs and strengths of people with diverse SOGIESC in their programs. We also work with diverse SOGIESC civil society organisations (CSOs) and communities to support their efforts to organise, to participate in development and humanitarian programs and seek accountability from the humanitarian and development systems.

This submission is based largely upon Edge Effect’s report – **We Don’t Do A Lot For Them Specifically** – commissioned by the Australian Department of Foreign Affairs and Trade. The devastating social and economic consequences of the COVID-19 pandemic have led national governments and aid sector organisations to place social protection mechanisms front and centre in their responses. 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 marginalised groups whose needs are greatest. Edge Effect’s report **We Don’t Do A Lot For Them Specifically** assesses whether people with diverse SOGIESC are amongst those who have been reached, or if they have fallen through the cracks, especially regarding cash based assistance (CBA) programs. The report includes case studies from Bangladesh (in partnership with Bandhu Social Welfare Society), Fiji (in partnership with Rainbow Pride Foundation) and Indonesia (in partnership with CRM). The full report is available online at: https://www.edgeeffect.org/wp-content/uploads/2021/08/WDDALFTS_FullReport_Web.pdf and a summary report is also available at: https://www.edgeeffect.org/wp-content/uploads/2021/08/WDDALFTS_QuickGuide_Web.pdf.

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. These challenges have been highlighted in reports 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 COVID-19 crisis has exacerbated these issues and the needs of people with diverse SOGIESC across the health, economic and social realms (Edge Effect 2020; Outright 2020; UN OCHA 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 movement restrictions. These same conditions often lead to a lack of savings, meaning loss of income has an immediate impact. This may impact ability to pay rent, and force people with diverse SOGIESC back into family homes where they previously experienced discrimination and may be at increased risk of gender based violence. Previous experiences of discrimination may lead people with diverse SOGIESC to delay or avoid treatment at health facilities. Living in crowded areas with poor access to water and sanitation facilities may make following health guidelines near to impossible. Societal discrimination may also lead to exclusion from informal safety nets – such as those provided by birth families and local communities – that support other people. These issues are reflected in 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**, which 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 2020).

People with diverse SOGIESC are often invisible in UN and non-government organisation programs. Previous reports have demonstrated large gaps in inclusion frameworks, planning within humanitarian responses, low-levels of funding, little or no training for staff or adaptation of tools, and limited partnerships with diverse SOGIESC CSOs (e.g. Edge Effect 2021). The overwhelming majority of social protection and cash-based assistance documents reviewed for **We Don’t Do A Lot For Them Specifically** offer little or no substantive guidance on working with people with diverse SOGIESC. Similarly, most reports on the economic impact of COVID-19 have little or nothing to say on diversity of SOGIESC, even those focusing on gender or social inclusion. There is little research to support core design decisions, for example on targeting/selection or modality for cash based assistance. Yet these are crucial issues, with lack of identification documents, family ostracisation, lack of bank accounts or mobile phones leading to indirect discrimination as people struggle to access society-wide schemes. Nor is there research on how cash based assistance may intersect with gender based violence prevention and other programs for people with diverse SOGIESC. Some guidance documents at least mention diversity of SOGIESC, advising ‘engagement’ or noting the existence of households not based on heterosexual relationships. But too often that is where the guidance stops, not addressing how to ‘engage’ or what to do with any resulting insights, nor what it means to ‘consider’ non-normative households.

To what extent do conditionalities attached to the granting of social protection benefits undermine social protection systems? What is the impact of such conditionalities on people who experience poverty?

The report, **We Don’t Do A Lot For Them Specifically**, highlights that conditional cash-based assistance (and related social protection programs) are often unsuitable for people with diverse SOGIESC. 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. 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. The difference between this and conditional programs is that 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.

What is the rate of non-take-up for the various social benefit schemes available in your country? What obstacles prevent eligible individuals and households from accessing the benefits to which they are entitled? What are the economic, psychological, and policy effects of non-take-up, both for the individual experiencing it and for the State? How can non-take-up be reduced?

Reasons for non-take-up include:

- 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. 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.
- People with diverse SOGIESC are often not included in data collection by government or non-government organisations, and so do not feature in recipient lists. Where lists are created by local officials there is also opportunity for excluding people with diverse SOGIESC. While including people with diverse SOGIESC in data collection is essential, it must be done in ways that avoid protection risks. Additionally, there is a growing risk that AI-based systems will use algorithms that silently exclude people with diverse SOGIESC (for example if they include family or household criteria that exclude relationships between same-gender couples); also there is a risk that data held in systems for social protection may be abused to track and target people with diverse SOGIESC. Robust data protection in government and non-government systems is critical.
- Designers of social protection programs may be concerned about errors of inclusion, and design programs with criteria that are more challenging to meet or that increase protection risks. Given the challenges faced by people with diverse SOGIESC, errors of inclusion are better than errors of exclusion.

- Cash based assistance is more likely to be accessed by people with diverse SOGIESC if programs use multiple delivery mechanisms, including direct cash to increase accessibility. Other measures could include addressing 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 who are ostracised from family and have no access to records), or who cannot afford mobile phones.
- Programs that require people with diverse SOGIESC to engage with government institutions or other service providers that have histories of discriminatory behaviour, or that require people with diverse SOGIESC to ensure community stigma, are disincentives for participation. Programs that involve diverse SOGIESC CSOs as trusted intermediaries for the purpose of community engagement or program administration may increase participation.

To what extent are informal workers protected by social protection schemes provided by the State in your country? What measures have been put in place to help informal workers transition to the formal economy? What challenges remain?

People with diverse SOGIESC are often work in the informal sector, especially in low and middle income countries. There are several systemic reasons why this happens, and that create significant challenges for transitioning to the formal economy. For some people diversity of SOGIESC is apparent at school-age, perhaps more so for trans and gender diverse people whose SOGIESC tends to be more visible. Families may be hostile toward young people with diverse SOGIESC, who may not be prioritised for education, who may face bullying at school, or who may leave home and/or school. Low levels of family support, lower levels of education or educational attainment, and community stigma combine with workplace discrimination to limit formal sector opportunities. One activist in Bangladesh expressed skepticism about employment programs, including the recent announcement of tax breaks for companies that employ more than 100 ‘third gender’ people:

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. (Edge Effect 2021: 27)

In addition to reform of social protection schemes to include people with diverse SOGIESC, there is also a need to support programs that build financial capability to weather shocks like those of the COVID-19 pandemic. However, this requires changes by government and financial institutions, not just training for people with diverse SOGIESC. For example, if trans and gender non-binary people cannot open bank accounts because they do not have identification documents in their true genders, training will have limited impact. Similarly attitudes toward people with diverse SOGIESC need to change amongst staff of bank

Funding for Diverse SOGIESC inclusive social protection

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 Edge Effect's 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.

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