



**Rainbow Railroad's
Response to**

**The Federal
2SLGBTQI+
Action Plan**

SEPTEMBER 21, 2022

Summary of Recommendations

Rainbow Railroad is pleased to see the publication of Canada's first ever action plan targeting the Two-Spirit, Lesbian, Gay, Bisexual, Trans, Queer (2SLGBTQI+) community. This plan is a continuation of the current Government's work with the community, and represents the positive next step in that work.

However, as a civil society organization that was asked to provide input in advance of the plan, there are crucial elements missing from the plan - especially actions and commitments that are directed at the International LGBTQI+ community, asylum seekers, and migrants.

Rainbow Railroad operates at various touchpoints with the Government of Canada: 1) providing overseas protection for 2SLGBTQI+ persons at risk, including on the ground assistance to individuals and with partners and 2) providing pathways to safety in Canada for displaced LGBTQI+ persons. We propose that the Federal Action Plan implement four policy mechanisms which the Government of Canada can activate to make their 2022 Federal 2SLGBTQI+ Action Plan more inclusive of marginalized 2SLGBTQI+ populations:

- 1. Strengthen the Government's support of international 2SLGBTQI+ communities through the development of measurable objectives included in a white paper designed to advance 2SLGBTQI+ rights abroad, and to be implemented and tracked across government agencies including WAGE, IRCC, and GAC.**
- 2. Create an Ambassador to 2SLGBTQI+ Communities Internationally, similar to the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons created by the U.S. Department of State.**
- 3. Significantly increase international development aid targeting LGBTQI+ communities, and implement this immediately. \$10M annually does not meet the global need, and the current plan does not see this implemented until 2025.**
- 4. Make a larger commitment to support 2SLGBTQI+ displaced persons and refugees, including a crisis response plan, a dedicated refugee stream, and making Rainbow Railroad a direct referring partner.**

We invite Minister Ien to meet with members of our team to discuss the incorporation of these recommendations into a new, equitable, and inclusive iteration of the 2SLGBTQI+ Federal Action Plan.



Introduction

Related to our work, Canada's first Federal 2SLGBTQI+ Action Plan mentions its goals to "continue to invest in 2SLGBTQI+ projects abroad", and "invest up to \$10 million per year to advance human rights and improve socio-economic outcomes for 2SLGBTQI+ people in developing countries". The fact that Canada has unveiled a plan at all is significant. Only a few countries have action plans that center the 2SLGBTQI+ community and even fewer specifically mention Indigenous peoples. However, while the plan aims to "advance and strengthen 2SLGBTQI+ rights at home and abroad," it lacks specificity in key areas which will limit its impact on the ground. This analysis focuses on opportunities to fulfill the potential of this action plan, written from a 2SLGBTQI+ lens grounded in the needs of 2SLGBTQI+ asylum seekers.

The Community Engagement Process

The 2020-21 community engagement process was the consultation mechanism that informed the 2022 2SLGBTQI+ Action Plan, in which Rainbow Railroad was a participant and submitted written recommendations with policy solutions for the Action Plan as Co-Chair of the Rainbow Coalition for Refuge. Most of the specific recommendations provided in the original written submission are missing from the Federal Action plan, but we reiterate them through these recommendations to facilitate their inclusion in operational and implementation plans. Some of the prescient recommendations from the initial consultation process include: that the Government of Canada work with 2SLGBTQI+ civil society to develop a policy that specifically supports LGBTQI+ IDPs; that Canada's 2SLGBTQI+ Action Plan must ensure equitable access to refugee protection procedures; that Canada commit to ensuring shelter and housing programs to support LGBTQI+ refugees; and that the government fund sustainable collaborations among 2SLGBTQI+, settlement, community and health services to make them more responsive to the needs of LGBTQI+ newcomers.

The community engagement process was a positive example of inclusion of marginalized LGBTQI+ populations into policy conversations that directly impact their socio-economic well-being and access to essential services. One of the key themes identified through the engagement process underscored the need for Global protection and promotion of 2SLGBTQI+ rights, particularly "supporting 2SLGBTQI+ refugees through measures such as working on a pathway to include 2SLGBTQI+ persons", and "ensuring that the unique experiences of 2SLGBTQI+ refugees are given due consideration in refugee related processes, including irregular migration, which participants explained disproportionately and negatively impacts 2SLGBTQI+ refugees." These findings are replicated in our original written submission to the government and in the calls for recommendations outlined in this document.

The community consultation process allowed 2SLGBTQI+ refugees to name their concerns and share them with the Federal government. Listening to affected communities is critical, as collectively LGBTQI+ asylum seekers are susceptible to violence, harassment and bureaucratic mistreatment at all stages of the asylum process. Therefore, naming and bringing 2SLGBTQI+ refugees to the policy table was a crucial first step in listening to marginalized voices. Our recommendations below represent a subsequent step to take action on what was shared.



Leaving Refugees Behind

Despite explicitly mentioning the findings from the community engagement process in the Action Plan's annex, the Action Plan does not specifically mention refugees or potential solutions to these issues identified during the government's extensive consultation process. 2SLGBTQI+ refugees are disproportionately negatively affected by lengthy wait times, significant backlogs in case processing, and mistreatment during the asylum process. The omission of feasible, proactive, and actionable policy mechanisms tied to responding to these inhibiting barriers is a missed opportunity.

The government of Canada has the capacity and authority to provide targeted support to non-governmental organizations (NGOs) working directly with LGBTQI+ refugees, such as Rainbow Railroad. As mentioned above, support could include the creation of referral partnerships, an increase in funding to organizations and initiatives working with LGBTQI+ refugees globally, as well as the appointment of an ambassador to represent and engage with LGBTQI+ communities internationally. The omission of targeted support to the LGBTQI+ community internationally, alongside meaningful metrics or key performance indicators tied to these actions, is a missed opportunity.

The exclusion of refugees from Canada's first LGBTQI+ Federal Action Plan is consequential. In doing so, Canada overlooked a critical opportunity to show leadership and advocate for LGBTQI+ refugees in the first iteration of this plan.

The Opportunity

Against the backdrop of the global crisis of forced displacement, LGBTQI+ people continue to lack legal equality in many countries around the world. In our 2020 and 2021 Annual Reports, we provided a comprehensive overview of how state-driven legal persecution harms LGBTQI+ people in their homes, public spaces and communities around the world. Often, discrimination and legal persecution are catalysts in an individual becoming displaced. Vulnerable LGBTQI+ refugees need additional targeted and expedited resettlement pathways that take into account their unique vulnerabilities within this system.



Our Recommendations

In the absence of the substantive inclusion in Canada's Action Plan actions that target and provide necessary aid to LGBTQI+ refugees, Rainbow Railroad proposes three policy mechanisms that the Canadian Government should include in their 2022 Federal 2SLGBTQI+ Action Plan to make it more inclusive of marginalized LGBTQI+ refugees and asylum seekers internationally:

- 1. Strengthen the Government's support of international 2SLGBTQI+ communities through the development of measurable objectives included in a white paper designed to advance 2SLGBTQI+ rights abroad, and to be implemented and tracked across government agencies including WAGE, IRCC, and GAC.**
- 2. Create an Ambassador to 2SLGBTQI+ Communities Internationally, similar to the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons created by the U.S. Department of State.**
- 3. Significantly increase international development aid targeting LGBTQI+ communities, and implement this immediately. \$10M annually does not meet the global need, and the current plan does not see this implemented until 2025.**
- 4. Make a larger commitment to support 2SLGBTQI+ displaced persons and refugees, including a crisis response plan, a dedicated refugee stream, and making Rainbow Railroad a direct referring partner.**

1. Strengthen the Government's support of international 2SLGBTQI+ communities through the development of measurable objectives included in a white paper designed to advance 2SLGBTQI+ rights abroad, and to be implemented and tracked across government agencies including WAGE, IRCC, and GAC.

In the written submission provided during the community engagement process, we identified that the 2SLGBTQI+ Action Plan should outline a clear timeline and commitment from Global Affairs Canada, Immigration Refugees and Citizenship Canada and Public Safety Canada, to develop and implement robust guidelines to protect LGBTQI+ refugees during all decision-making and processing.

It is critical that the Government develops and implements guidelines across agencies to ensure a comprehensive and intersectional approach to 2SLGBTQI+ advocacy. While the Action Plan makes several meaningful commitments, and outlines important objectives in support of 2SLGBTQI+ communities, the implementation of these goals is broadly limited to the activities of WAGE. By expanding these objectives to other agencies including, but not limited to, Global Affairs Canada, Immigration Refugees and Citizenship Canada and Public Safety Canada, the Government can demonstrate its commitment to advancing 2SLGBTQI+ rights across civil society.

We recommend IRCC and GAC work cross-departmentally to produce a white paper specifying how their Ministries will achieve the objectives of the proposed action plan. A cross-agency approach to the Action Plan ensures that Government objectives incorporate a variety of insights and perspectives in the creation of a measurable and actionable response. Targeted solutions, inclusive of key metrics for evaluation and robust funding initiatives, allow for partners and institutions to participate in the Government's response while also being accountable for shared goals and outcomes.



2. Create an Ambassador to 2SLGBTQI+ Communities Internationally, similar to the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons created by the U.S. Department of State.

On June 25th 2021, Joe Biden announced the appointment of Jessica Stern to the post of the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons at the Department of State – a role critical to ensuring that U.S. diplomacy and foreign assistance promote and protect the human rights of LGBTQI+ persons around the world. The purpose of the Special Envoy to Advance the Human Rights of LGBTQI+ Persons is to bring together like-minded governments, civil society organizations, corporations and international organizations to uphold dignity and equality for all. It also further positions the United States as a global thought-leader in pushing internationally for LGBTQI+ human rights.

At the Recent Equal Rights Coalition conference in Argentina these Special Envoys were powerful spokespersons for their Governments. The 2022 conference was attended by 42 member states and more than 140 civil society organizations. While Parliamentary Secretary Rob Oliphant did a fantastic job representing the government of Canada - the lack of an official envoy was mentioned often. We recommend either officially appointing Mr. Oliphant in such a role, or creating the position. In addition, there should be a full-time staff person in the 2SLGBTQI+ Secretariat specifically dedicated to international issues.

Canada is in a unique position to champion LGBTQI+ rights globally and has a positive historical track record to create a similar position. For example, Canada is a founding member of the Organization of the American States (OAS) LGBTI Core Group. Canada also served as co-chair of the intergovernmental Equal Rights Coalition (ERC) from 2017 to 2019, and hosted the inaugural ERC Global Conference on LGBTI Human Rights and Inclusive Development. In 2019, Canada became a member of the UN LGBTI Core Group, a cross-regional group of UN member states. The government has a distinct opportunity to expand on this global legacy in a concrete way via the creation of an Ambassador to 2SLGBTQI+ communities internationally. In fact, Canada formerly had a Special Advisor on 2SLGBTQI+ issues, and the reimplementation of this role would represent progress on this recommendation.



The Federal 2022 2SLGBTQI+ Action Plan identifies that Canada, “will recommit to the global protection and promotion of 2SLGBTQI+ rights through diplomacy and advocacy at multilateral, regional, bilateral, and international levels.” Committing to advocating for the protection and promotion of 2SLGBTQI+ rights is a civic duty. Over the past 10 years, Rainbow Railroad and our coalition partners at the Rainbow Coalition for Refuge, have made significant progress in working with the Government of Canada – including: 1) Piloting the Rainbow Refugee Assistance Partnership in 2010, which became a durable program in 2019; 2) Making progress on gender recognition on passports; and 3) Establishing a refugee stream for human rights defenders (HRDs) with LGBTQI+ persons as a named priority group. While these are crucial developments, they are not enough to support LGBTQI+ persons facing immediate persecution and in need of refugee resettlement in Canada. A global ambassador on 2SLGBTQI+ rights would further advance these initiatives.

The creation of an Ambassador to 2SLGBTQI+ Communities, similar to the Special Envoy to the International LGBTQI+ community created in the United States, is an actionable step that should be integrated into Canada's first 2SLGBTQI+ Action Plan. It should also be seen as a complementary mechanism in addition to the creation of an expedited pathway for at-risk and marginalized Asylum populations through a referral partnership and an increase in targeted project funding aimed at identified and constrained marginalized populations.

3. Significantly increase international development aid targeting LGBTQI+ communities, and implement this immediately. \$10M annually does not meet the global need, and the current plan does not see this implemented until 2025.

The commitment to invest up to \$10 million annually as of 2025-2026 to advance rights and improve socio-economic outcomes is a welcome first step, but largely insufficient to enact meaningful change - and the delay in its implementation is additionally problematic. The plan does not identify target countries, particular target populations that are underrepresented and underserved, potential initiatives or projects, or metrics detailing how improvement of socio-economic outcomes from unspecified investments will result in the strengthening of LGBTQI+ rights abroad or proposed evaluation mechanisms to determine impact. This lack of specificity makes tracking progress difficult.

The \$10 million in direct funding to advance rights and improve socio-economic outcomes is a welcome and necessary investment but is certainly not nearly enough to address the needs of its target population. In 2017-2018, Canada spent \$5.37-billion in ODA (official development assistance). That year, just 3 percent of bilateral international development assistance was gender-targeted. In the 2020-2021 fiscal year (April 1, 2020, to March 31, 2021), Global Affairs Canada ODA was \$6.84 billion. In that same fiscal year the IRCC's ODA was \$354.49 million, and the Department of Finance's ODA was \$503.95 million. The \$10 million per year to support LGBTQI+ people in developing countries is 0.14% of the amount Global Affairs Canada alone spent in one year on international assistance. LGBTQI+ Canadian civil society expects this is just the beginning phases of ensuring international LGBTQI+ populations are properly funded through Canadian ODA. We recommend that government officials convene a working group with Canadian LGBTQI+ CSOs and partnered international LGBTQI+ CSOs to determine how to expand the \$10 million into a longer term integrated fund within Canada's Feminist International Assistance Policy (FIAP).

Importantly, the Annex of the plan recognizes that many immigrant and refugee settlement organizations "are already stretched thin" and that Indigenous, Black and racialized 2SLGBTQI+ communities, "often face additional barriers in securing funding and support for their communities." However, releasing an action plan with insufficient funding for projects that encapsulates "2SLGBTQI+ people in developing countries" is an opportunity to identify target initiatives and increase funding to projects the government (following an extensive consultation process) believes will have measurable impact. Expecting the same constrained organizations which the plan has identified as "stretched thin", and the communities that face barriers to securing support, to continue to operation with inadequate and restricted funding is not sustainable. These missed opportunities disproportionately impact the marginalized and at-risk LGBTQI+ communities Canada is committed to helping.





4. Make a larger commitment to support 2SLGBTQI+ displaced persons and refugees, including a crisis response plan, a dedicated refugee stream, and making Rainbow Railroad a direct referring partner.

A positive feature of Canada's first Federal 2SLGBTQI+ Action Plan is that it is community focused. The Government wishes to "continue building relationships with 2SLGBTQI+ people and civil society to prioritize the needs, expertise and leadership of 2SLGBTQI+ voices." ORAM's (the Organization for Refuge, Asylum and Migration) global survey of NGOs' attitudes towards LGBTQI+ refugees revealed that many NGOs working with refugee communities are unaware of their specific needs and are therefore unable to provide them with appropriate programs and services. In this context, LGBTQI+ refugees often perceive NGOs as unwelcoming and therefore hide their identities from them. In turn, NGOs tend to believe that these people do not exist, leading to a vicious cycle of silence and invisibility. Rainbow Railroad is a global leader in LGBTQI+ humanitarian crisis response with the institutional and practical expertise capable of ending this cycle of leaving marginalized LGBTQI+ refugees behind. It is imperative that the Action Plan include making Rainbow Railroad a direct referring partner to support LGBTQI+ persons at risk globally and to advise a crisis response plan.

Civil society organizations like Rainbow Railroad have the on-the-ground networks and tools to identify and verify individuals facing extreme persecution based on their sexual orientation, gender identity and sex characteristics. As an LGBTQI+ organization with over 15 years of experience helping LGBTQI+ people the world over find safety, we know where the individuals with the most urgent protection needs are, and how to reach them. Rainbow Railroad must be recognized as a key referral partner to the government — identifying and triaging cases for resettlement through the government's formal refugee channels. We're seeking a referral partnership similar to the refugee stream for human rights defenders to help LGBTQI+ persons resettle in Canada. In fact, Rainbow Railroad has consulted on the implementation of this policy.

In addition, forces of displacement including conflict, climate change, political destabilization, humanitarian crises, and anti-LGBTQI+ crackdowns exacerbate pre-existing and ongoing persecution LGBTQI+ individuals face. Therefore, states enacting relocation and resettlement refugee policies in response to crises are necessary and welcome, and yet, highly vulnerable LGBTQI+ persons experience multiple barriers to availing themselves of the existing refugee regime. LGBTQI+ persons need countries like Canada to lead the way and create comprehensive Internally Displaced Persons (IDP) and refugee crisis response policies that specifically include them. Currently, there is only one LGBTQI+-specific humanitarian corridor globally, and that's Canada's Rainbow Refugee Assistance Partnership (RRAP). Canada is already demonstrating leadership in international LGBTQI+ rights protection and has an opportunity to create an enduring legacy on this emerging global challenge.



Follow Up Request

We invite Minister Ien to meet with members of our team to discuss the incorporation of these recommendations into a new, equitable, and inclusive iteration of the 2SLGBTQI+ Federal Action Plan.

The incorporation of our recommendations into Canada's first Federal 2SLGBTQI+ Action Plan would result in the direct action needed to start to foster the inclusion of 2SLGBTQI+ refugees, and enable Canada to follow through on the promises contained within its plan with concrete and measurable impact.

Canada has begun to take a leadership role in advancing 2SLGBTQI+ human rights internationally and can continue to do so if they continue to partner with organizations, such as Rainbow Railroad, that can operationalize expertise in refugee and asylum crisis response and apply the recommendations submitted by thought-leader organizations with expertise in these fields. This is an opportunity for the Government to move from listening to 2SLGBTQI+ voices to taking steps to respond to their needs with measurable and specific outputs that facilitate meaningful progress.

References

1 <https://lrc.org.za/wp-content/uploads/LGBTI-ASYLUM-REPORT-RFS.pdf>

2 The Canadian Rainbow Coalition for Refuge is an umbrella organization of LGBTQI+ refugee resettlement organizations in Canada. Its steering committee consists of Calgary Rainbow Railroad Station (End of the Rainbow Foundation), Capital Rainbow Refuge, Metropolitan Community Church of Toronto, Rainbow Railroad (co-chair), Rainbow Refugee (co-chair), and the Rainbow Refugee Association of Halifax.

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4 <https://www.international.gc.ca/gac-amc/assets/pdfs/publications/odaaa-17-18-eng.pdf>

5 <https://www.international.gc.ca/transparency-transparence/international-assistance-report-stat-rapport-aide-internationale/2020-2021.aspx?lang=eng>

6 Organization for Refuge, Asylum & Migration. (2012). Opening doors: A global survey of NGO attitudes towards LGBTI refugees and asylum seekers. Retrieved from <https://www.refworld.org/docid/524d418f4.html>

7 <https://www.aidsdatahub.org/sites/default/files/resource/equalaf-report-lgbti-refugees-2020.pdf>

8 Government of Canada, “Minister Mendicino launches a dedicated refugee stream for human rights defenders”, date: 2021-07-16.



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