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## EXPANDING GLOBAL ADVOCACY FROM HUMAN RIGHTS TO HUMAN DEVELOPMENT

*Andrew Park*

### **Introduction**

In recent years, international lesbian, gay, bisexual, and transgender advocates have achieved increasing levels of success in their efforts to gain visibility and acceptance at the United Nations (UN). International human rights bodies such as the UN Human Rights Council, as well as national governments and courts, have begun to affirm the human rights of LGBT people. However, amongst the three founding pillars of the UN, human rights, development, and peace and security, LGBT issues have only advanced as a human rights issue.

In the realm of international development, LGBT issues have been historically excluded. With a small number of recent exceptions, multilateral development agencies have yet to embrace issues related to LGBT people, the majority of bilateral development agencies have paid very little attention to these issues, and programming focusing on LGBT people is all but absent amongst the world's largest non-governmental organizations (NGOs) which work on development.

At stake is inclusion in the global development agenda, a set of policy goals that help shape 180 billion dollars in international assistance each year. Development programs seek to insure economic sustainability for marginalized communities and to increase individual outcomes in a number of dimensions of development such as education, health, peace and security, and food security, to name a few.

This chapter examines the asymmetric progress, first setting out how human rights came to be the primary framework used by international LGBT advocates. Next, the chapter compares the human rights framework and development frameworks. An appreciation of the differences between the two is important to the success of LGBT advocacy in the development arena. Advocacy strategies developed in the human rights framework will have limited success in the development arena. Advocates should consider crafting a new set of approaches to advocate for the inclusion of LGBT people in global development programs.

The chapter concludes with a few thoughts about the advantages of the development framework as a compliment to the human rights framework, and a set of recommendations for LGBT advocates, as well as development practitioners, who wish to support the advancement of LGBT issues in the development framework.

This article focuses on LGBT advocacy outside of the United States. The LGBT movement in the United States has not sought to invoke international human rights standards. From a tactical perspective, it is difficult to use international legal standards in the United States. For a number

of jurisprudential reasons, the ability of citizens to invoke international law in domestic legal and administrative fora is highly constrained. From a pragmatic perspective, such an approach would probably not be successful given the general antipathy towards internationalism and international institutions (Verdier and Versteeg 2014).

International standards carry more political weight in policy discourse outside of the United States. In some countries, judges may rely on these standards when deciding cases. Many national constitutions written in the past seventy years incorporate international standards. In many other countries, particularly those with low-income economies, the activities of intergovernmental organizations, such as the UN, are visible on a daily basis. Ultimately, the successful use of the international human rights framework is not as viable in the United States as it is in some other parts of the world.

Nevertheless, understanding the shift from the human rights framework to the development framework has relevance in the United States. By adopting the equal opportunity paradigm of the African American civil rights movement in the United States, the LGBT movement has followed a similar path as the international movement. The principles of equality and nondiscrimination, as set out in the United States Constitution and state and local civil rights laws, have provided the foundation for public advocacy, litigation, and political advancement. These equality principles, and the jurisprudence which has arisen around them, are very similar to equality principles in international human rights law.

LGBT people in the United States are inching closer to complete formal legal equality. Nevertheless, LGBT people continue to face stigma, prejudice, and exclusion. Already, many LGBT organizations in the United States are beginning to expand their mission in ways that mirror the shift from human rights to development as discussed in this article. Indeed, the activities of NGOs and public institutions described in other chapters of this book indicate that the United States, in many ways, has already expanded its approach to LGBT issues to embrace a development framework.

### Historical Evolution of Global LGBT Advocacy

Until a few decades ago, governments and intergovernmental organizations paid little attention to LGBT people, except perhaps from a perspective of criminality and pathology. Following in the wake of cultural liberalization in the west and east, LGBT advocates in the latter part of the 1900s began to form international networks for the purpose of raising awareness about sexual orientation and gender identity and to engage in advocacy for supportive public policy.

At the global level, the UN and other intergovernmental organizations were largely unresponsive, with the notable exception of the UN Human Rights Committee (the Committee), whose mission is to interpret and enforce the International Convention on Civil and Political Rights (ICCPR). In 1994, the Committee issued a decision in the complaint of Nicholas Toonen, who claimed that Tasmania's sodomy law violated the privacy and nondiscrimination provisions of the Convention (*Toonen v. Australia*, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992 (1994), para. 8.2). The Committee found in favor of Toonen and established the principle that laws criminalizing same-sex sexual activity constitute a *per se* violation of human rights.

Despite the groundbreaking nature of this UN decision, the efforts of the small number of NGOs advocating at the UN were met largely with indifference for the next several years. Attempts to raise issues at UN human rights bodies were ignored or actively rebuffed. During the same period, 191 UN member states created the Millennium Development Goals (MDGs) which shaped the international development priorities for the next fifteen years. The MDGs, adopted in 2000, created a fifteen-year global agenda around issues of poverty, education, health, hunger, and empowerment of women. Though LGBT people were not specifically excluded from the MDGs, there was no recognition of the development needs of LGBT people, or even of the existence of LGBT people in the general population.

In 2003, the Brazil government announced it would introduce a resolution in the UN Human Rights Commission (now the Human Rights Council) seeking recognition that "human rights and fundamental freedoms are the birthright of all human beings, that the universal nature of these rights and freedoms is beyond question and that the enjoyment of such rights and freedoms should not be hindered in any way on the grounds of sexual orientation" (United Nations Human Rights Council Agenda Item 17). States opposed to the resolution sought to have it blocked from the agenda of the upcoming meeting. The behind-the-scenes debate between about the resolution stretched on for two years. Ultimately, Brazil withdrew the resolution (O'Flaherty and Fisher 2008, 229–230).

Though the resolution was not adopted, it brought about the largest mass mobilization of advocates and supportive member states at the UN around LGBT issues in U.N. history. In a survey of LGBT leaders, UN staff, and academics, the resolution was identified as "the first milestone" in the progress of LGBT rights at the UN (Karsay 2014, 8).

Building on this progress, LGBT advocates began concerted efforts to identify how LGBT issues fit into the larger human rights framework. In 2006, a gathering of well-known international human rights experts convened in Yogyakarta, Indonesia, to answer the question that many in global circles were asking: How do international human rights standards apply to LGBT people? The outcome of the meeting was the *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* (the Principles). The 35-page document was based on the Universal Declaration of human rights as well as human rights treaties in place at that time. The signatories intended the principles to "affirm binding international legal standards with which all states must comply" (Yogyakarta Principles 2007, 7). Each of the 29 principles relates to a set of rights such as nondiscrimination, migration, freedom from torture, health, housing, the right to a fair trial, and other rights that have already been established in the international system.

The Principles firmly embrace the notion of universality, in which all rights belong to all people in all countries. The authors avoided any implication that rights applied only to LGBT people. Indeed, LGBT people, as a separate group, are not even referenced in the Principles. Rather, the rights are articulated as relating to sexual orientation and gender identity, characteristics that all people have. Because of the emphasis on these characteristics, international advocates began using the alphabetic SOGI in place of LGBT as a moniker to characterize issues associated with sexual and gender minorities. A global survey of LGBTI leaders cited the Principles as "one of the greatest accomplishments in the past ten years because they played a crucial role in establishing a language on SOGI that is now used by a growing number of UN actors and states" (Karsay 2014, 8).

As of 2007, the year that the Yogyakarta Principles were released publicly, the global LGBT community had fully endorsed the human rights framework. According to the results of a 2007 study, the human rights approach was used by seventy percent of LGBT NGOs. The same study found that funders of LGBT organization supported advocacy and public education. Human and economic development were absent from the top funded categories (Espinoza 2007).

At the same time that LGBT organizations were embracing the human rights framework, mainstream human rights organizations began to expand their operations to include LGBT issues. A 2008 report, based on a survey of LGBT leaders as well as a review of the missions and budgets of NGOs, noted that full-time advocacy positions had been established at leading human rights organizations. "Two-thirds of respondents," noted the report, "also agreed that the capacity of mainstream human rights organizations to pursue SOGI advocacy has increased" (LGBT Movement Advancement Project 2008, 11).

Human rights advocacy paid off. In 2008, 66 countries from five continents supported a statement in the UN General Assembly confirming that international human rights protections included sexual orientation and gender identity. It was the first statement concerning LGBT people presented in the UN General Assemblies. In addition, the Yogyakarta Principles came to be the central

reference for governments and advocates to identify human rights norms as applied to sexual and gender minorities. They are regularly used at the UN Human Rights Council, and have been cited by many governments as the standard for developing future policy. The principles have been cited in bills, laws, executive policies, and court decisions in Argentina, Brazil, Bolivia, Colombia, Ecuador, Guatemala, Mexico, Peru, Venezuela, Canada, India, Nepal, the Philippines, Belgium, Germany, the Netherlands, Spain, Sweden, Singapore, the United Kingdom, South Africa, the Organization of American States, the European Union, and the African Commission on Human and People's Rights, to name a few (Ettelbrick and Zerán 2010).

As of 2010, sixty-four percent of all funding to organizations in the global south and east was categorized as human rights as compared to economic development (0.17 percent), health/non-HIV (2.97) and education (0.95 percent) (Espinoza 2011).

This has been followed by statements and resolutions in the UNHRC in 2011, 2014, and 2016 (United Nations Human Rights Council, Resolution 17/19, Resolution 27/32, and Resolution 32/2). In 2016, the UN Security Council condemned the Orlando Nightclub shooting, marking the first time the UN Security Council recognized violence targeting the LGBT community (Bejzyk 2016). In 2017, on the tenth anniversary of the Yogyakarta Principles, a group of international human rights experts issued a ten-year update which expanded the principles to include issues related to sex characteristics and intersex people, and took into account changes in international law (Yogyakarta Principles 2017).

During this same period, those working in the development sector of the United Nations were preparing for a new round of policy making. The Millennium Development Goals, adopted in 2000, were set to expire in 2015. A complex process to develop a post-2015 development agenda was initiated at an intergovernmental summit in 2012, followed by the creation of a high-level political forum in 2013 (UN General Assembly, Resolution 67/290) to govern the process of negotiating the Sustainable Development Goals. After extensive deliberations and consultation between governments and civil society, the UN released a "zero draft" of the Sustainable Development Goals. These served as the basis for the final round of negotiations for the final SDGs, adopted in September 2015.

With the knowledge that the final goals would shape trillions of dollars in international assistance funding, civil society organizations, UN staff, and member states engaged in intense lobbying. The process produced seventeen broad goals, each with a set of more specific targets, 169 in all, and a list of 230 indicators that would be used to evaluate progress toward the goals. The goals reflected priorities in a number of areas, including poverty, hunger, health, gender equality education, sanitation, energy, economic growth, climate concerns, peace and justice, and sustainable communities.

Except for a passing reference to "other forms of discrimination," sexual and gender minorities were not recognized in any of the official documents. Though a small group of LGBT advocates formed a network to track the development of the goals and intervene where possible, none of the global LGBT groups devoted full-time staff to the issue. Many advocates argued for explicit inclusion based on the need to respect the human rights of LGBT people. Some advocates made the case that social exclusion of LGBT people hurt economic growth, and that there was a growing evidence base indicating that LGBT people faced development disparities.

As of 2017, the human rights of LGBT people have advanced in ways that that the development needs of LGBT have not. First, there is a general consensus among LGBT leaders, exemplified by the Yogyakarta Principles, around the articulation of human rights (Klugman 2011). No such consensus has developed with regard to advocacy about the development needs of LGBT people. Second, LGBT and human rights advocates and NGOs have built capacity and expertise to engage in advocacy regarding the human rights of LGBT people. Capacity and expertise regarding development issues is still in its nascence. Third, the LGBT human rights framework has gained acceptance among some policymakers and government leaders. In some cases governments themselves have become the agents of change driving the advancement of the human rights framework (Krook and



True 2012). The human development needs of LGBT people have only begun to attract attention from policymakers.

### **Development Is a Separate Framework**

The human rights framework and the international development framework overlap in many ways. Both frameworks can be used to evaluate government action and policy and to design new programs. Sophisticated application of either framework includes elements of the other. Recently, many development agencies have begun to explicitly adopt a human rights based approach to development, and many human rights organizations have begun to embrace rights related to poverty, climate, living sustainable in cities, and economic rights.

However, it is possible to operate entirely in one framework without regard to the other, and many people do. In his report to the UN General Assembly, the UN Special Rapporteur on Extreme Poverty and Human Rights refers to the World Bank as a "human rights-free zone." Some commentators note that the difference lies in the relationship between the disciplines which are predominant in each field. Human rights are heavily populated by lawyers, and development is heavily populated by economists. According to two UN Development Programme officials, this relationship between human rights lawyers and development economists is "awkward and at times openly hostile" (Seymour and Pincus 2008). The World Bank itself has noted the differences between the two frameworks and has promoted discussion about their complementarity (Sonderbye et al. 2012).

Accordingly, what follows is a comparison of the two frameworks portrayed in their disparate forms. Though potentially simplistic, these analyses illustrate the need to take these differences seriously and consider crafting appropriate advocacy strategies for each.

This section sets out four differences. First, each framework has a different point of origin and has evolved within a different set of institutions. Second, each framework takes on a different view of institutions, primarily governments. Third, each framework relies on different types of evidence and data. Lastly, each framework places different values on consequentialist versus procedural concerns.

Advocacy seeking inclusion of LGBT people in global development programs will only be effective if it accounts for these distinctions. Strategies that have been effective in human rights will likely have limited success in the development arena.

### **Separate Origins**

The initial difference between human rights and development lies in the origins of the two frameworks: Each of them has evolved within its own structure of institutions, staff, and organizational machinery. The contemporary international human rights framework can be traced back to the United Nations Commission on Human Rights, created in 1946, following the drafting of the UN Charter. Its first major undertaking was the drafting of the Universal Declaration on Human Rights, adopted in 1948, and the facilitation of subsequent human rights treaties. The body served as the key human rights institution in the UN system until it was replaced by the Human Rights Council in 2006.

Development priorities had a concurrent, but separate, evolution, beginning with the actions of forty-four allied nations that established the post-war global financial system. The World Bank was created during the 1944 Breton-Woods conference to aid the economic development of poor countries. A year later, the newly drafted UN Charter declared that the UN shall promote "higher standards of living, full employment, and conditions of economic and social progress and development" (United Nations Charter, Article 55, Chapter IX). That mandate underpinned the activities of several UN bodies, some of which were merged in 1966 to create the UN Development Programme.

### Institutions vs. People

Within these institutions, different sets of priorities developed. The human rights framework focuses on seeking to implement the norms of the Universal Declaration of Human Rights as well as human rights treaties. These documents detail rights, held by individuals, each connected to duties, held by states and other important institutions, to respect, protect, and fulfill the right of all people. Documentation of government noncompliance is a primary tool of human rights advocates, who often use the evidence they have gathered to name and shame non-compliant governments (Hafner-Burton 2008). Ultimately, the goal of human rights is to promote government compliance with human rights duties.

By contrast, the development framework encompasses a broad and evolving set of goals. Historically, the focus of development activities has been to increase the size of the national economies, as measured by Gross Domestic Product, primarily based on the assumption that national economic growth equates to increased levels of individual well-being, and based on the fact that GDP was easy to measure. For many development institutions, economic growth remains a priority. For example, the World Bank has two development goals for the world to achieve by 2030: first, to decrease those living in extreme poverty and second, to foster income growth of the bottom 40% in each country.

In 1990, the United Nations Development Programme adopted a "people-centered" approach to development, defining development as the process of increasing individual capabilities and improving their well-being. Capabilities are the choices and opportunities possessed by each person. For Amartya Sen, the Indian economist who developed the approach, the goal of development is to ensure that each person has the freedom to choose one's own life. Adverse conditions such as poverty, ignorance, and ill-health, are viewed as limitations on an individual's capabilities.

Among "the most critical of these wide-ranging choices," says Sen, "are to live a long and healthy life, to be educated and to have access to resources needed for a decent standard of living" (United Nations Development Program 1990). Accordingly, Sen and Pakistani Economist Mahbub al-Huq designed the Human Development Index which is a composite statistic of health, education, and income indicators. The difference between the human rights approach and the development approach can be illustrated by different approaches to the problem of bullying and harassment of LGBT students. A development approach would focus on improving the educational experience and outcomes of LGBT students. The goal would be to ensure that LGBT students have sufficient knowledge, training, and credentials to pursue their own goals in life.

A human rights approach would focus on whether the institution is in compliance with its human rights obligations such as the right to equal treatment or the right to education. An equality approach, illustrated by the landmark case of Jamie Nabozny, would focus on whether the school was treating LGBT students the same as non-LGBT students. As a middle-school student, Nabozny faced relentless verbal and physical harassment by fellow students, as well as indifference from school officials. He dropped out of school several times, ran away from home, and attempted suicide. Ultimately, he brought a claim in court alleging that, because of his minority status, the school failed to provide him with an equal access to education.

In examining the evidence, the court noted that other non-LGBT students were also bullied because of their backgrounds. The court made it clear that neither the level of abuse inflicted on Nabozny nor its effect on his well-being was the question. Rather, the question was whether the school "singled-out a particular group for disparate treatment" and did so "for the purpose of causing . . . adverse effects on the identifiable group" (*Nabozny v. Podlesny*, 92 F.3d 446 [7th Cir. 1996]). Thus, the inquiry did not center on a person—Nabozny—it centered on the institution—the school.

The Nabozny case illustrates a broader weakness of the equality paradigm, which requires equal treatment, but not good treatment. Urvashi Vaid, former director of the National Gay and Lesbian

Task Force, and former president of the Arcus Foundation, a major donor to international LGBT issues, draws some broad lessons:

What gay political history illustrates is that a rights-oriented movement can coexist with prejudice against lesbians and gay men. I can even advance while leaving homophobia intact. This is possible because civil rights can be won without displacing the moral and sexual hierarchy that enforces antigay stigmatization: you do not have to recognize the fundamental humanity of gay people in order to agree that they should be treated equally and fairly under the law.

*(Vaid 1996)*

Because development focuses on outcomes of individual people, which some might call substantive equality, it more directly identifies and exposes social hostility. The stigma and prejudice that Vaid refers to affects LGBT people in all aspects of their life, and causes declines in health, family relationships and other development outcomes. Because development focuses on individual outcomes, it may provide a better framework to attack, on an individual basis, the stigmatization and hostility that LGBT people experience in their everyday interactions.

### **Evidence and Data**

Each of the frameworks relies initially on different types of evidence and data. LGBTI human rights advocates often look to the laws in effect in each country as a primary indicator of whether governments are in compliance with human rights. Development practitioners would look primarily to data about individual or group-level outcomes in various dimensions of development such as health, education, violence, or income. Large-scale data collection lies at the heart of many development activities, as is reflected by the extensive databases of data maintained by the major development agencies. The US-funded Demographic and Health Survey (DHS) Program is a primary tool for the collection of population data, implemented in over 90 countries worldwide (The DHS Program 2018). The program supports standardized data collection in most low and middle-income countries.

In practice, the difference between two approaches is not as stark as portrayed in this chapter. Human rights advocates often use qualitative and quantitative data to document the ineffectiveness of laws. Development professionals look to laws and government policy in order to understand the dynamics that contribute to development outcomes. At the moment, the DHS program does not collect any data about sexual orientation or gender identity of respondents or other household members. In fact, outside of wealthy countries, very few countries collect any data regarding sexual orientation or gender identity of its citizens. Thus, in most countries, the use of population data in either framework is foreclosed given its unavailability.

### **Absolutes v. Trade-Offs**

The development framework and the human rights framework can both serve as tools to assess public policy. However, each framework uses different standards. The human rights framework tends to view government actions through a binary of possible eventual outcomes—compliance or violation. For example, international human rights standards articulate a right to a fair trial, which applies to all people in a given country, and which is not expected to expire (Universal Declaration of Human Rights 1948, Article 10; International Covenant on Civil and Political Rights 1966, Articles 14 and 16). A trial that is partially fair and partially unfair would still be considered a violation of human rights. Development policies, on the other hand, frequently use an incremental approach, and are often limited by time, geography or population. For example, the Sustainable Development

Goals, which expire in thirty years, call for states to "reduce at least by half the proportion of men, women and children . . . living in poverty" (Sustainable Development Goals 2015, Goal 1.2).

Additionally, the human rights framework places great importance on procedural aspects of government action. Thus, a government must provide citizens with a fair trial regardless of the cost of financing the judicial institutions to do so, and even if the government would have to divert money from other programs. This is true even for progressively realizable rights, such as the right to housing and health. Though a right can be calibrated based on resource availability, the underlying right itself remains unchanged.

In contrast, the development framework tends to have a higher commitment to *consequentialism*—the view that alternative policies must be judged by the consequences they produce (Reddy 2011). Development professionals rely heavily on economic methods which are able to balance trade-offs of cost, feasibility, time limitations, and utility (Sonderbye et al. 2012). A policy is preferred if it achieves *pareto optimality*, or an outcome where resources are allocated so that there is no other way to make anyone better off without making someone worse off.

Consider, for example, two hypothetical government programs, one trying to address the number of preventable infections in hospitals, and another trying to address instances of torture in prisons. Each program is funded at a level that depletes the relevant budget for that year, leaving no additional funds for additional programs. In the hospital program, the government conducts rigorous training for hospital staff, decreasing the number of preventable infections by 50%. This might be considered a highly successful program given the limited resources. In the prison program, the government conducts rigorous training for prison staff, reducing the instances of torture by 50%. Such an incremental decrease in torture would not be seen as a success. Litigation, naming and shaming, and demands for compliance would continue, regardless of resource limitations, until all torture was eliminated.

## Advantages of the Development Framework

### *Understanding and Improving Outcomes*

The development approach places a strong emphasis on understanding and improving outcomes of LGBT people, both as individuals and as a group. Such an understanding can complement rights-based advocacy activities. Consider, for example, the issue of employment. Two of the largest LGBT groups in the world conduct programs to advocate for nondiscrimination laws and to evaluate the efforts of employers regarding LGBT equality. The workplace equality index of Stonewall, London, UK, bases 95 percent of its score on an examination of the formal policies of the employers (Vignesh 2015). Similarly, the Human Rights Campaign's Corporate Equality Index score is based entirely on workplace policy established by employers (Fidas and Cooper 2016). Without a doubt, these indices have been an effective tool to name and shame unsupportive employers and reward supportive ones. However, they focus on the institution, i.e. the corporate employer. The indices tell very little about the outcomes of the LGBT workers.

A people-centered approach would focus on the workers themselves, requiring information on whether they were treated fairly, compensated adequately, and experienced job satisfaction. This approach is illustrated by NGOs which examine school climate. School climate surveys gather data from students (as well as data about policies) to examine the effect of prejudice and stigma on educational experience and outcomes of the students themselves (Kosciw and Pizmony-Levy 2016).

If both frameworks are used to their fullest, then the overlap becomes quite apparent. In the development analysis, the existence and enforcement of employment nondiscrimination laws would be an important factor. In the human rights analysis, data about the outcomes of LGBT people can serve as evidence that the human rights of LGBT people are being violated. Furthermore, human

rights advocates are increasingly using economic, social, and cultural rights. However, due to the unavailability of this data about LGBT people, it is rare that this kind of data is presented to courts and human rights bodies for consideration.

### ***Recognizing Broad Diversity of Sexuality and Gender***

Due to its people-centered perspective, the development approach recognizes the wide scope of realities of people regarding their sexual orientation and gender. Conceptually, the capability approach values an individual's capability to develop their identity as they wish. It does not favor one identity over another. Living according to the Western cultural notions of LGBT identity is only one option, as is living as a third gender or someone who identifies as straight but has same-sex relationships, or who identifies themselves with local terms not used on other parts of the world. The development approach supports the capability of all people to make their own choices regarding their sexual orientation and gender identity.

### ***Addressing Intersectionality***

LGBT advocates have become increasingly concerned with understanding and confronting intersecting oppressions. Advocates have recognized that individuals perceive their own identity as consisting of multiple, inextricably linked identities such as sexual orientation, gender, race, class, nation, language, physical ability, and religion. At the same time, oppression based on these characteristics does not act independently of each other. Instead, different forms of oppression interrelate. Individuals experience oppression which exists at the intersection of their identities (Wilson and Harper 2013).

The human rights framework fosters a "single-axis" approach to equality (May 2018). While all human rights bodies will recognize the existence of, and grant remedy for, multiple forms of discrimination, inequality is usually approached as a phenomenon defined by disparate treatment or outcome based on a single characteristic. Not only are protected characteristics listed as individual classifications, e.g. "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Universal Declaration of Human Rights 1948, Article 2), but enforcement mechanisms are built around a single primary identity. Discrimination against women, racial minorities, people with disabilities, and children is each addressed by a separate treaty, and each treaty is implemented by a separate treaty body (Truscan and Bourke-Martignoni 2016). While the Yogyakarta Principles recognize "experiences [of discrimination] are compounded by discrimination on grounds including gender, race, age, religion, disability, health and economic status," the principles themselves are stated only in relation to sexual orientation and gender identity, echoing the single-axis approach (Yogyakarta Principles 2007, 9).

The identification of intersecting oppressions can be elusive if the focus of the inquiry is on the actions of the oppressing institution, e.g., the government, an employer, a school or a landlord. However, the development framework reveals intersecting oppression more quickly because of the focus on gathering empirical data about individual outcomes. Population data has provided evidence of intersecting oppressions by revealing group level differences between ethnic and racial groups of LGBT people in term of health outcomes, outcomes related to prejudice-specific stress and coping (Wilson and Harper 2013), as well as wage and income (Badgett and Schneebaum 2015).

### ***Identifying Positive Pathways to Well-Being***

A central goal of development is to increase well-being. In order to meet this goal, development practitioners must define well-being for LGBT people and identify interventions to improve that

well-being. Though this might seem to state the obvious, the significance of government involvement in these endeavors should not be understated. Until a few decades ago, the consensus view was that the best way to improve the lives of LGBT people was to cure them of nonconforming traits using surgery, hormone treatments, convulsive methods, behavioral interventions, and other harmful treatments (Beckstead 2012). The continued use of conversion therapy in many parts of the world continues to be a concern. Government supported efforts to understand well-being of LGBT people would signify a transformation in the role of LGBT people in society.

### **Implementation of the Development Framework**

LGBT advocates and supportive policymakers will need to engage in a new set of activities in order to integrate the concerns of LGBT people into global development programs. What follows are a few central tasks that advocates and policymakers can undertake.

#### ***Establish the Link Between Stigma and Economic Growth***

Economic growth remains a central concern for many development agencies. Economists have developed evidence demonstrating that exclusion of minorities results in lower productivity and decreased business profits. Building the human capital of LGBT individuals by insuring they are well-educated and trained, free from injury and health problems, and accepted by their co-workers, can boost the productivity of employers as well as the national economy (Badgett et al. 2014).

#### ***Establish the Empirical Link Between Stigma and Human Development Outcomes***

Advocates should articulate the connection between stigma and development outcomes using empirical evidence. Although the global data about outcomes for LGBT people is sparse, the growing body of research indicates a strong connection between stigma and poorer outcomes. Examples include the following.

- A global systematic review of 199 studies revealed that sexual minorities faced increased risk for suicide and depression (Plöderl and Tremblay 2015).
- A global meta-analysis of wage studies indicates an 11 percent difference between the wages of gay men compared to heterosexual men (Klawitter 2015).
- In a major study in Thailand, half of self-identified LGBT students report having been bullied, leading to absenteeism rates twice as high as other students, increased dropout rates, and mental and physical problems (Boonmongkon et al. 2014).
- According to the Inter-American Commission, LGBT people face "high levels of cruelty and heightened levels of violence" (InterAmerican Commission on Human Rights).

#### ***Define Who***

Embedded in a people-centered approach is the assumption that one can identify which people are to be at the center of development activities. Establishing clear definitions of relevant populations is necessary for data collection, setting goals, establishing benchmarks and evaluating programmatic outcomes. The notion of defining populations with precise limitations is often uncomfortable to those using a human rights framework.

LGBT human rights advocates seek inclusive, expanded definitions of LGBT populations, in order to ensure that rights are enjoyed by everyone. In this task, a better solution would be to look

to social science. Researchers in these disciplines have developed heuristic tools for categorizing populations according to sexual orientation and gender identity (Laumann 1994).

### ***Advocate for Data Collection***

A recent World Bank report noted that "LGBTI people have had very little data or research about their lives to draw on to inform policies, legislation, programs, and investments to advance LGBTI inclusion and respect for their rights. Today, the need for such knowledge greatly outstrips the current supply, and countries in the Global South are particularly in need of knowledge to support human rights and human development efforts for LGBTI people" (Crehan and Badgett 2016, 4). A recent call for proposals distributed by the World Bank exemplified the types of data needed by development agencies. "The research should allow a comparison of socio-economic outcomes of lesbian, gay, bi-sexual and Trans people (as individual subgroups and together) to the non-LGBT population so that the results are generalizable. Outcomes of interest include (but are not limited to) income, living conditions, consumption, wealth, education, health, employment, housing, access to justice, violence and access to social services and programs" (devex 2017).

Some LGBT organizations have sought to have population data disaggregated by sexual orientation and gender identity (Grzywnowicz 2015; Council for Global Equality 2014). Such a demand is probably premature given that government surveys rarely seek information about the sexual orientation and gender identity of respondents. While several governments have attempted to include questions about gender identity, these efforts frequently suffer from methodological defects (Park 2015). Advocates must seek support for the development of global best practices for collection of information about sexual orientation and gender identity in a manner which accounts for cultural and linguistic differences, as well as the safety and risks faced by LGBT people involved in the data collection process.

### ***Promote the Creation of Indices***

Amartya Sen, creator of the capability approach, recognized that policymakers are not able to digest the "avalanche of tables" containing development data. The Human Development Index has raised awareness of development issues because it communicates, in one simple number, the complex notion of human development (Sen 2010, vi).

Advocates should seek the creation of indices about LGBT development. The United Nations Development Programme, together with the World Bank, has taken steps toward the creation of an LGBTI Inclusion Index. Initial concepts envision separate measures for opportunities and outcomes in several dimensions of development: economic well-being, civic participation, violence, health, and education. According to UNDP staff, this index can "assist governments, civil society and other development agencies in measuring LGBTI inclusion, identifying data trends and gaps, and in providing evidence to help advance good policy" (Cortez 2015).

In addition to the LGBTI Inclusion Index, advocates should consider seeking the establishment of indices which measure narrower issues which may be of concern to LGBT people, such as the ability to express one's gender identity, literacy, food security, and other important aspects of development.

### ***Conclusion***

Seeking inclusion in the global development agenda is an important goal for LGBT advocates. Such inclusion will bring access to billions of dollars of international assistance but, more importantly, inclusion will attract the attention of government throughout the world, potentially changing the landscape for LGBT communities globally. The development framework compliments current efforts in the human rights arena, and offers several unique advantages to improve the lives of LGBT people.

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