Realising and Mainstreaming the Human Rights of Lesbian, Gay, and Bisexual People through Bilateral Development Cooperation in Rwanda

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List of Acronyms

BPA	Beijing Platform for Action (1995)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (1979)
DAC	Development Assistance Committee. Donor countries part of the Organisation for Economic Co-operation and Development (OECD).
DFID	Department for International Development. UK Government
EU	European Union
FCO	Foreign & Commonwealth Office. UK Government
FCDO	Foreign, Commonwealth and Development Office. UK Government
GLIFAA	Gays and Lesbian in Foreign Affairs Agencies. Of the U.S. Government.
HIV / Aids	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
HOCA	Horizon Community Association of Rwanda
HRC	Human Rights Council
ICESCR	International Covenant of Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IDS	Institute of Development Studies. University of Sussex
ILGA	International Lesbian and Gay Association
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
LGBTQI	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex. LGB, LGBT, LGBTQ, LGB(TQ), LGB(QI), LGB&T, LGBTQI, LGBTIQ LGBTI.
LNOB	Leave No-One Behind
LPS	Legislation, Policy, Strategy Documents
MDG	Millennium Development Goals
MNC	Multinational Corporation or Company
MSM	Men who have Sex with Men
NHS	National Health Service. UK
NGO	Non-Governmental Organisation
Non- DAC	Non - Development Assistance Committee. Donor countries that sit outside of the Organisation for Economic Co-operation and Development (OECD)'s Development Assistance Committee (DAC) member group.
OCB	Organisational Citizenship Behaviour
OECD	Organisation for Economic Co-operation and Development
ODA	Official Development Assistance
OHCHR	UN Human Rights Office of the High Commissioner
OIC	Organization of the Islamic Cooperation
PEPFAR	U.S. President's Emergency Plan for AIDS Relief
PPI	Public and Patient Involvement

PRA	Participatory Rural Appraisal
RBA	Rights-Based Approach
SCIE	Social Care Institute of Excellence. UK
SDG	Sustainable Development Goals
Sida	Swedish International Development Cooperation Agency
SOGI	Sexual Orientation and Gender Identity
SOHR	Sexual Orientation Human Rights
SRHR	Sexual and Reproductive Health and Rights
STIs	Sexually Transmitted Infections
TNC	Transnational Corporations
USAID	United States Agency for International Development
UN	United Nations
UNDHR	United Nations Declaration of Human Rights
UNDP	United Nations Development Programme
VBR	Value-Based Recruitment
WHO	World Health Organisation
WPR	What's the Problem Represented to be (WPR Bacchi 2012)

Abstract

This research identifies the key components in upholding human rights commitments and mainstreaming Sexual Orientation Human Rights (SOHR) through Swedish, USA, and UK bilateral development in Rwanda. It argues that mainstreaming SOHR through bilateral development cooperation includes both the implementation of human rights stated in agreements, legislation and policies, and the assembly of new forms of rights, transforming citizenship within organisations and communities. It develops a 'Mainstreaming Human Rights Framework' to assess the mainstreaming of SOHR through bilateral development cooperation, which integrates Hunt's (2017) components to identify authentic human rights initiatives in the UN system and Plummer's (2006) processes on the assembly of rights. The application of this Mainstreaming Human Rights Framework visualises how bilateral development organisations navigate conflicting cultural and political perspectives on SOHR by donor and participating countries. It shows that successful mainstreaming rests on analysis of geo-political and socio-political contexts and the purposeful application of participatory and Rights-Based Approaches. It also provides a position statement on the progress and gaps in realising SOHR through Sida, USAID, and DFID in Rwanda. The complexity involved in mainstreaming SOHR through bilateral development cooperation leads this research to recommend that the internal mainstreaming of SOHR, to build the knowledge and capacity of staff and organisational cultures and environments, is a focus and a prerequisite to taking actions to mainstream SOHR through development initiatives and programmes in external environments with external stakeholders.

Introduction

This research seeks to understand how Sexual Orientation Human Rights (SOHR) are realised and mainstreamed through bilateral development cooperation in Rwanda. It identifies the key components in upholding commitments to SOHR through bilateral development cooperation between Sweden, the USA, and the UK as donor countries, and Rwanda as the participating country. It questions the components and the processes to implement and assemble SOHR rights through the bilateral development organisations of Sida, USAID, and DFID[1]. It challenges and extends Hunt's (2017) seven components of leadership, policy, engagement, resources, review, and evaluation to identify authentic human rights initiatives.

I use the acronym Sexual Orientation Human Rights (SOHR) throughout to refer to the human rights of Lesbian, Gay, and Bisexual (LGB) people or people who engage in same-sex consensual physical or emotional relationships or connections. I attempt not to use the labels Lesbian, Gay, and Bisexual or acronym LGB, given they are associated with Western identities and politics (Jolly, 2022), and that understandings of their meanings are not homogeneously applied globally (Richardson, 2007). These labels are associated with 'Western modernity' (Bosia, 2020), and therefore, the use of these labels and acronym is

[1] Sida stands for the 'Swedish International Development Cooperation Agency' and is the bilateral development organisation for Sweden. USAID stands for the 'United States Agency for International Development' and is the bilateral development organisation for the USA, and DFID stands for the United Kingdom's Department for International Development and is the bilateral development organisation for the UK at the time of my interviews.
At the time of my interviews with DFID, between December 2016 and December 2017, the bilateral development cooperation organisation for the UK was the Department for International Development (DFID). In September 2020, DFID merged with the Foreign and Commonwealth Office (FCO) to become the Foreign, Commonwealth & Development Office (FCDO) (UK Government, 2020).

problematic when applied in the post-colonial contexts through international development (Monro and Richardson, 2014).

In chapter 1, I present the global context on which this research is situated. I present this through the lenses of international development, sexual politics, and human rights. I first present a review of the concepts and discourses of international development, including a description of bilateral development. I then present the meaning of human rights and the Rights-Based Approach to development (RBA) and then discuss the context of sexual rights within international development, including gender rights, reproductive rights, Sexual and Reproductive Health and Rights (SRHR), poverty, basic needs, empowerment, and pleasure. I then present SOHR in the global context, SOHR and the colonial legacy, and SOHR in the global development industry. I follow by presenting the concepts of sexuality, citizenship, belonging, intersectionality, and then present mainstreaming and gender mainstreaming, participation and empowerment, and heteronormativity in the global development industry.

In chapter 2, I outline my research question, aims, and objectives. I show how I reflect on my positionality as a researcher which impacts on my research approach, analysis, presentation of findings, and writing. I present how I assessed and chose the donor and participating countries to focus on in this research. I then present my methodological approach to collect data, to gather literature, conduct semi-structured interviews with staff of bilateral development organisations in donor countries and Rwanda, and collate Legislation, Policy and Strategy documents (LPS) from donor countries and bilateral development organisations. My chosen methodology to conduct semi-structured interviews and policy analysis enabled me to identify key components and processes involved in the mainstreaming of SOHR in Rwanda. It also enabled me to identify the theoretical approaches being applied and the cross-border relationships between bilateral development organisations in donor countries

and in Rwanda. I finalise this chapter by describing my philosophical position and outline the ethical and safety considerations I took when conducting this research.

In chapter 3, I describe the meaning of the term ‘complex spaces’ within bilateral development. These spaces are where the geo-political and socio-political influences and conflicts between donor and participating countries meet. I develop an understanding that it is these ‘complex spaces’ which need navigating within bilateral development to uphold and realise SOHR rights.

I develop and present the ‘Mainstreaming Human Rights Framework’, which provides a practical tool to assess the mainstreaming of rights. It identifies the evidence, the gaps, values, and actions to implement and assemble SOHR rights. It enables an assessment of the components and processes involved in the implementation and the assembly of rights and identifies the progress made to realise rights. It includes identification of thematic and conceptual frames and approaches which underpin successful mainstreaming practices such as Rights-Based Approaches, mainstreaming, citizenship, and participation. It prompts a contextual analysis of the geo-political and socio-political factors which influence and impact on mainstreaming practices. This framework is structured to identify and strategise actions to navigate ‘complex spaces’, leading to the realisation and mainstreaming of SOHR.

It can be applied to navigate the ‘complex spaces’ of other contentious right forms through bilateral development cooperation, therefore contributing knowledge on mainstreaming all forms of human rights through international development. If properly contextualised, it can be developed and modified to apply to different geographical locations, on different scales, and to different rights focuses. It can also be applied over a periodic timeframe to assess progress. It opens conversations on rights in context, and by doing so, its application therefore contributes to the assembly of rights. This framework shows that internal mainstreaming is a prerequisite to external mainstreaming.

Following presentation of the Mainstreaming Human Rights Framework, I present Hunt's (2017) seven components of leadership, policy, engagement, resources, review, and evaluation which are used to assess authentic human rights initiatives in the UN system. Hunt's components make a significant contribution to analysing the implementation of rights and provide a foundation on which to develop the Mainstreaming Human Rights Framework. I adapt these components from the UN system to the bilateral system before I challenge, extend, and integrate them in the Mainstreaming Human Rights Framework. I propose that the Mainstreaming Human Rights Framework includes two additional components of '*Individual Values and Skills'* of staff and '*Organisational Culture'* to assess the mainstreaming of SOHR.

Hunt's model provides a useful distinction between 'mainland' organisations within the UN system, whose mandate is to realise human rights, and 'archipelago' organisations, whose responsibility is to realise rights through operations. I apply these labels and distinctions to bilateral development organisations with 'mainland' organisations being in the donor countries of Sweden, the USA and the UK, and 'archipelago' organisations in Rwanda.

Following my presentation of Hunt's components, I present Plummer's (2006) five successive 'Rights Works' processes on how rights are assembled. I include these processes in the Mainstreaming Human Rights Framework to show how the implementation of rights feeds the assembly of rights, and vice versa. In this section, I also present the meaning of 'Rights Arenas' and how these are essential spaces through which SOHR are assembled.

In chapter 4, I present the domestic legislation on SOHR from Sweden, the USA, the UK and Rwanda and show the difference and conflict between the three donor countries and Rwanda. I then present the cultural and political contexts of Rwanda, Sweden, the USA, and the UK in relation to SOHR which influence and impact on the mainstreaming approaches of bilateral development organisations in Rwanda.

Reports of human rights concerns in Rwanda impact on civil society organising, the media, and human rights defenders. The Rwandan government's focus on stability and economic growth makes it un-willing to domestically recognise, support, or accept SOHR visibility or civil society organising. Dominant cultural values and norms stigmatise people with same sex connections and relationships, impacting on lived experiences, leading to structural inequalities. This impacts on the approaches that bilateral development organisations take to realise SOHR. I also reference the impact and influences of these socio-political contexts on the implementation and assembly of SOHR through bilateral development within Rwanda through chapters 6, 7, and 8.

In chapter 5, I present the voting patterns on UN statements and resolutions related to SOHR by all countries worldwide, and I highlight the positions of Rwanda, Sweden, the USA, and the UK as countries focused on in this research. I also present the SOHR domestic legislation of countries worldwide in relation to criminalisation, protection, and recognition. This provides a visual identification of the divide and conflict between donor countries and non-donor countries worldwide on SOHR, with non-donor countries including participating countries. My analysis also shows changes in the SOHR domestic legislation of countries between 2013 and 2019, highlighting the waves of change in SOHR legislation in global regions.

In chapter 6, I present my analysis of the Legislation, Policies, and Strategies (LPS) from the three donor countries and bilateral development organisations. These were gathered between 2005 to 2020. My analysis shows the inclusion, use, and changes overtime in the use of six terms associated with SOHR mainstreaming. These terms were Sexual Orientation, LGB, Lesbian, Queer, Feminist, and Intersectional. This analysis enables the identification of leadership and policy commitments to realising SOHR. It enables identification of theoretical frames and approaches that the donor countries and bilateral organisations incorporate to

realise SOHR, and it enables identification of cross-border participatory approaches and relationships between donor and participating countries.

In chapter 7, I applied the Mainstreaming Human Rights Framework to assess the approaches and practices of the three donor countries and bilateral development organisations to realise SOHR through their work in Rwanda. This enabled me to assess the progress and gaps in realising SOHR through bilateral development in Rwanda. I also enabled identification of components and processes to uphold commitments to SOHR through bilateral development cooperation.

In chapter 8, I distinguish between the internal mainstreaming of SOHR within organisations, with staff, and the external mainstreaming of SOHR through development initiatives and programmes with stakeholders. Given the complexity of mainstreaming SOHR across borders, and the geo-political and socio-political influences on mainstreaming, I propose that internal mainstreaming is a prerequisite to external mainstreaming. I discuss how the assessment of internal mainstreaming adds two additional components to the Mainstreaming Human Rights Framework of '*Individual Values and Skills'* of staff and '*Organisational Cultures*'.

This chapter discusses how internal mainstreaming opens 'rights arenas' to enable peer-to-peer discussions, debates, and challenges on SOHR. The impact of internal mainstreaming increases knowledge on SOHR, aligns individual and organisational values, create communities of support, and build organisational cultures. This can lead to the creation of critical masses and feelings of belonging and change modes of citizenship within organisations.

Chapter 1. Literature

1.1 Introduction

In this chapter, I present the theoretical concepts, discourses, approaches, and interconnections between international development, human rights, the Rights-Based Approach to development, sexuality, citizenship (and belonging), intersectionality, mainstreaming, participation, and heteronormativity. These concepts are disputed discourses by scholars and within the global development industry. They each show a diversity of understandings and propose both a value and a practice. Understanding these discourses and how they integrate within mainstreaming practices assists me to identify the components and processes to implement, assemble, realise, and mainstream SOHR though bilateral development in Rwanda.

I first present international development and the movement from delivery and dependency to cooperation and sustainability. I outline bilateral development cooperation and who the donor countries (the DAC and non-DAC donor countries) are to contextualise the divide between donor and participating countries in bilateral development cooperation on SOHR. I then present human rights and the Rights-Based Approach (RBA) to development as a foundation on which to base SOHR discussions. I outline sexual rights in the global context, including gender, reproductive, and SRHR. I include a discussion on sexual rights and poverty, basic needs, empowerment, and pleasure. I present the historical and contemporary position of SOHR in the global context which includes reference to SOHR politics, social movements, and research. I then present the impact of colonialism on SOHR in Commonwealth member states, and SOHR within the global development industry. To theoretically and contextually position SOHR, I outline of the meaning of sexuality, followed by a discussion on citizenship, belonging, and the politics of belonging. In chapter 8, I specifically focus on internal mainstreaming within the three bilateral development organisations in Rwanda and

apply a citizenship and belonging lens to discuss rights, citizenship, and belonging within organisations. I present how a specific focus on intimate or sexual citizenship starts the process of realising SOHR but can also marginalise and 'other' people who experience same sex relationships and connections. I then present the concept of intersectionality which is a key lens through which to view and analyse axis of power when mainstreaming SOHR. This is followed by an overview of visions and practices of mainstreaming, outlining transformative mainstreaming with its political dimensions as a frame to mainstream SOHR.

I discuss gender mainstreaming and the realisation of gender rights and gender equality, given that over the last twenty years, gender mainstreaming has become a powerful feature of international development and could contribute to learning about mainstreaming SOHR.

Finally, I present how heteronormative thinking around gender norms and heterosexuality permeates thinking within the global development industry and guides the practice of international development, which inhibits the realisation and mainstreaming of SOHR.

1.2 International Development

International development refers to a distinct field of practice and academic discipline with actors including governments, multilateral and bilateral organisations, International Non-Governmental Organisations (INGO), Civil society Organisations (CSO) and academics. It is based on a broad concept that countries and societies have different human and economic development levels and seeks to address these. Development actors have come together to codify international development aims through the Millennium Development Goals (2015 to 2000) (UN, 2015) and the Sustainable Development Goals (2015 to 2030) (UN, 2020).

Dependency to Sustainable Development

For decades, a 'top-down' paradigm of international development has been designed and implemented from the Global North, (donor countries), to the Global South, (participating

countries)[2]. This 'delivery' paradigm implicitly assumes that the Global North is better equipped to devise and implement development strategies and that obtaining resources would improve life quality (Bhatia, 1995, p. 1). It has now become acknowledged that 'beneficiaries in the South' often do not share the same perceptions that programme planners in the Global North have of their priority needs. This results in the rejection of, or under-utilisation of resources, when these resources do not meet the needs of, respect the sensitivities of, or respond to the realities of local people (Ford, 1996). A transfer of resources creates a dependency on the delivery of resources (Askew, 1983 quoted in Burkey, 1992, p. intro xvi), and when development projects end or commodities stop being supplied, infrastructure shells are left without structural changes that enable people in poverty to command resources.

> 'Development is more than the provision of social services and the introduction of new technologies. Development involves changes in the awareness, motivation, and behaviour of individuals and in the relations between individuals as well as between groups in society.' *(Burkey, 1992, p. 48)*

Discourses on sustainable development became prevalent in the 1980s when it became realised that poverty continued to persist even with the practice of transferring resources and knowledge between countries. Sustainable Development is an irreversible process which continues after development organisations and projects have withdrawn or ended. It is a 'process' rather than an 'event' of programme delivery and involves people becoming empowered with changes from within (Burkey, 1992, p. 48). It addresses the realities of people in participating countries, who need to take action themselves (Chambers, 1997, p. 6),

[2] Throughout, I draw on the simplistic binary terms of the 'Global South' and 'Global North' as a shorthand to describe global relations and divides, whilst recognising that they depict forms of power relations, both historically and contemporary.

to create structural changes in social, political and economic relationships (Burkey, 1992, p. 33).

Bilateral Development Cooperation

Official Development Assistance (ODA)[i] is the umbrella term denoting all types of funding or financing provided by public actors from the most to the lesser affluent countries[ii]. Bilateral development includes the transfer of money, assets, or collaborative support between the government of one country to another country to enable economic, environmental, democratic, or service-level development (such as in health, education, or civil society growth, for example). I label the countries with resources donor countries, and the countries accepting resources, participating countries. Therefore, within this research, Sweden, the USA, and the UK are the donor countries and Rwanda is the participating country.

Bilateral development organisations, such as Sida for Sweden, USAID for the USA, and DFID for the UK, operate on behalf of donor governments to flow development resources and initiatives directly to the participating country's government, or, they contract multilateral organisations[iii] or Non-Governmental Organisations (NGOs)[iv] to deliver programmes or projects. Bilateral development cooperation accounts for approximately 70% of all ODA worldwide with the focus of the transfer based either on the donor countries or participating countries development objectives and policies.

A relatively recent change in the structure and values that underpin bilateral development cooperation is that the term 'bilateral development cooperation' has replaced the term 'bilateral aid' (Guardian 2023). The philosophical and linguistical change from aid to cooperation supports references to sustainability rather than dependency, see section 1.2 above, and the and the application of participatory and empowering approaches, see section

1.10. Aid implies the delivery of resources from one country to another, inferring an unequal balance of power in their relationship, whereas cooperation implies a relationship of collaboration between the donor and participating country, leading to more sustainable outcomes.

Historically, bilateral development cooperation has been between North-South collaborations, yet more recently South-South collaborations have become more prevalent. As Mawdsley (2020) recognises, these 'national agendas of expanding influence are present in South-South cooperation as in North-South aid' (Mawdsley, 2020, p. 236 quoted in Jolly, 2022), which has rivalled and disrupted the North-South power dynamics of ODA.

DAC and non-DAC Donor Countries

The Development Assistance Committee (DAC) was conceived in 1960 and reconstituted in 1961 following the creation of the OECD (The Organization for Economic Co-operation and Development). Its main achievement has been the evolution of codes of best practice that member countries are expected to observe in the framing and implementation of official development policy[v]. There are 29 countries on the DAC donor list[vi] including the three donor countries focused on in this research of Sweden, the USA, and the UK (in **bold**).

Table 1. Development Assistance Committee (DAC) Donor Countries.
(OECD, 2024)

DAC donor countries:- Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, South Korea, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, **Sweden,** Switzerland, **the United Kingdom**, and **the United States[vii],** plus the European Union, World Bank, International Monetary Fund (IMF), and the United Nations Development Program (UNDP) who hold observer status[viii].

The OECD[ix] lists the non-DAC countries that provide Official Development Assistance through multilateral organisations and bilaterally from country to country. There are 21 non-DAC donor countries[x], plus a category of 'other donor countries', which includes countries that do not provide significant transfers. In total, there are 49 donor DAC and non-DAC countries.

Table 2. Non- DAC Donor Countries.
(OECD, 2024)

Non-DAC donor countries:- Azerbaijan, Bulgaria, Croatia, Cyprus, Estonia, Israel, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Malta, Monaco, Qatar, Romania, Saudi Arabia, Chinese Taipei[xi], Thailand, Timor-Leste[xii], Türkiye[xiii], United Arab Emirates, and other donor countries (as smaller donors).

The regional origins of DAC donor countries, non-DAC donor countries and non-donor countries are important when observing and analysing the domestic legislation and voting actions on UN statements and resolutions on SOHR, see chapter 5. Table 3 shows a

breakdown of the regional origins of the DAC donor countries. This shows that the majority are from the Global North, with 79% from Europe, 7% from Oceania, and 7% from North America. Only 7% are from the Global South from Asia with 7%, with 0% from Africa, and 0% from Latin America and Caribbean.

Table 3. Regional origins of DAC Donor Countries.

(OECD, 2024)

Region	Number and Percentage	Observations
African	No countries are African	This amount to 0% of African countries, 0 of 54[xiv].
Asia	Two are from Asia, 2 of 28, 7%.	This amounts to only 4% of all Asian countries, 2 of 48[xv].
Europe	Most countries are from Europe, 22 of 28, 79%.	This amounts to 50% of European countries, 22 of 44[xvi].
Latin American and Caribbean	No countries are from Latin American and the Caribbean.	This amount to 0% of Latin American and Caribbean countries, 0 of 33[xvii].
North America	Two are from North America, 2 of 28, 7%.	This amounts to 9% of North American countries, 2 of 23[xviii].
Oceania	Two from Oceania 2 of 28, 7%.	This amounts to 14% of Oceania countries, 2 of 14[xix].

Table 4 shows the regional origins of non-DAC donor countries. This shows that the majority are from Europe, 57%, with 43% from Asia, including Arabic countries. Zero countries were from Africa, Latin America and Caribbean, North America, and Oceania.

Table 4. Regional origins of non-DAC Donor Countries.

(OECD, 2024)

Region	Number and Percentage	Observations
African	Zero countries are from Africa	This amounts to 0% of countries, 0 of 54.
Asia	Nine are from Asia, 9 of 21, 43%.	This amounts to 19% of Asian countries, 9 of 48.
Europe	Twelve are from Europe, 12 of 21, 57%.	This amounts to 27% of European countries, 12 of 44.
Latin American and Caribbean	Zero countries are from Latin America and the Caribbean.	This amounts to 0% of countries, 0 of 33.
North America	Zero countries are from North America.	This amounts to 0% of countries, 0 of 23.
Oceania	Zero countries are from Oceania.	This amounts to 0% of countries, 0 of 14.

Table 5 shows the regional origins of the DAC and non-DAC donor countries combined. Zero countries are from Africa and Latin America. Thirty-four of forty-four European countries are either DAC or non-DAC donors (77%). Eleven countries are from Asia, with two DAC and nine non-DAC, this equates to 23% of all Asian countries. Only two DAC countries are from North America, and two Oceania which equates to 9% of North American countries and 14% of Oceania countries.

The identification of DAC and non-DAC donor countries, with non-donor countries predominantly being participating countries in bilateral development cooperation enables my analysis of the global divide on UN statements and resolutions and SOHR domestic legislation between the donor and non-donor countries in chapter 2. This reveals the conflict

between donor and participating countries on SOHR within bilateral development cooperation, which I term as the ‘complex space’. It is this ‘complex space’ which needs navigation to realise SOHR within bilateral development cooperation, as presented in chapter 3.

Table 5. Regional origins of DAC and non-DAC Donor Countries combined.
(OECD, 2024)

Region	Number and Percentage	Observations
African	Zero countries are from Africa.	0% of African countries are named donors[xx], 0 of 54.
Asia	Eleven countries are from Asia (2 DAC, 9 non-DAC).	23% of Asian countries are donors, 11 of 48.
Europe	Thirty-four countries are from Europe (22 DAC, 12 non-DAC).	77% of European countries are donors, 34 of 44.
Latin American and Caribbean	Zero countries are from Latin America and the Caribbean.	0% of countries are from Latin America and the Caribbean, 0 of 33[xxi].
North America	Two countries are from North America (2 DAC).	9% of North American countries are donors, 2 of 23.
Oceania	Two countries are from Oceania (2 DAC).	14% of Oceania countries are donors, 2 of 14.

1.3 Human Rights

Human rights are inherent to all human beings. UN treaties and resolutions, alongside international and regional instruments, and domestic laws show the fundamental freedoms of individuals and groups of people and the obligations that states agree to, to promote and protect human rights.

The United Nations has become a comprehensive body of established mechanisms and organisations to promote and protect human rights by assisting states in carrying out their responsibilities. The 'types' or 'generations' of human rights include first-generation civil-political rights, second-generation socio-economic rights, and third-generation collective-developmental rights (Vasak, 1977). Although civil-political, socio-economic, and collective-developmental rights are deeply interdependent, each has a distinctly different focus (Twiss, 1998)[xxii]. Civil and political rights, offers protections through domestic laws to rights enshrined in international instruments. They are 'negatively' constructed to protect the individual with norms pertaining to either physical and civil security (for example, protection against torture, slavery, inhumane treatment) or civil political liberties (for example, freedom of thought, freedom of assembly). Economic, social, and cultural rights include rights that guarantee education, right to housing, and right to an adequate standard of living, for example. These are also offered under domestic law[xxiii]. Socio-economic rights are 'positively' constructed and have norms pertaining to either the provision of goods to meet social needs (for example, health, shelter, education) or the provision of goods to meet economic needs (for example, work and fair wages, social security, the standard of living). Finally, cultural or collective –developmental human rights are 'positively' constructed, relating to the self-determination of peoples (for example, they relate to political status and their economic, social and cultural development) or the rights of minorities (for example, to enjoy cultures and languages) (Twiss, 1998).

All forms of human rights are intrinsically linked in the 'International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the 'International Covenant on Civil and Political Rights' (ICCPR, 1966). In general terms, when working in participating countries, bilateral development organisations focus on realising economic, social, and cultural rights, and Foreign Offices or Embassies focus on civil and political rights.

In relation to bilateral development, civil and political rights are 'implemented' through a Rights-Based Approach (RBA) to bilateral development cooperation, through actions, initiatives, and programmes. Policies also provide protection and when enacted, could be viewed as the implementation of civil and political rights. Economic, social, and cultural rights are often rights sought to be realised in development initiatives and programmes. Cultural or collective rights are realised through taking action to assemble rights.

Human rights discourses and practices have been known to overlook the interrelationship between the private and the public, the everyday and extraordinary, and how human rights are successfully upheld consistently through daily interactions (Gready and Ensor, 2005, p. 9). This comes from the inaccurate belief that domestic laws are the most effective, prominent, or the only form of protection and remedy to realise human rights. On the contrary, most human rights are both violated and secured in everyday life and relationships through social and political processes (Gready and Ensor, 2005, p. 9).

1.4 The Rights-Based Approach (RBA) to Development

In recent years, human rights have assumed a central position in the discourse surrounding international development (Gready and Ensor, 2005). The Right Based Approach (RBA) to development has been awarded different iterations of meaning framed by historical contexts. In the 1950s and 1960s, the RBA emerged through an anti-colonial frame in which developing countries sought social, economic, and cultural rights. From the late 1960s to the early 1980s, the movement for a New International Economic Order framed RBA where it grew through contemporary globalisation and neo-liberalism. The nation-state was resituated in terms of its dominance as a political actor. Its relationship with citizens and powerful actors, such as Inter-Governmental Organisation (IGOs)[xxiv] (including Bilateral Development Organisations), MNCs (Multi-National Corporations) and Non-Governmental Organisation (NGOs), was redrawn when the actions and accountability of these actors started to bear upon

the human rights of citizens, (Gready and Ensor, 2005, p. 5), and the RBA language offered possibilities for an expanded notion of accountability for human rights to non-State actors.

According to Cornwall and Nyamu-Musembi (2004), since the mid-1990s, the discourse on the RBA to development has grown due to five prominent factors. First, the end of the cold war reduced resistance from all sides to incorporate all types of human rights, including civil and political, economic, social, and cultural rights, into an RBA. Second, effective activism by NGOs at the World Social Development Summit in Copenhagen in 1995 triggered mainstream development NGOs and mainstream Human Rights NGOs to collaborate. Third, there was a shift in the mechanics of development aid with the rise of funding to directly support governments. This offered the opportunity for donor governments to influence the shape of policies in countries where development aid was received, specifically through bilateral aid. Fourth, a reframing of the concept of participation within international development, from the objective of assessing needs, to seeing participation as a political process that enables citizens to recognise and claim their rights with the obligation of duty-holders to honour responsibilities, contributed to the growth of the RBA to development. Finally, a shift in Rights-Based language alongside the change in the intentions of development actors to focus initiatives on the 'agency of those marginalised and discriminated against rather than the delivery of an un-reflexive patronage' (Eyben, 2003). Therefore, both the opening up of international politics, alongside strategic decisions in the field of international development and human rights promotes the recognition and use of the capacities of all actors, alongside co-ordination, collaboration and building alliances and partnerships (Gready and Ensor, 2005, pp. 5–6).

The RBA to development prioritises human rights, even if these only affect a small group and makes the process of development explicitly political (Jonsson, 2003). It seeks equitable sharing of existing resources and assists marginalised people to assert rights to resources

which cannot be met through charitable intentions, but through participation and empowerment, and through the assembly of rights and the attainment of legal obligations, to then be implemented. The alternative is a needs-based approach to development, associated with the dependency model, that seeks additional resources to be met from charitable intentions and is often utilitarian driven, justifying the focus on violations that affect a more significant number of people (Jonsson, 2003), see section 1.2.

The growing literature, policies, and practices of RBAs show a diversity of understandings of what constitutes the contemporary meaning of a RBA to development (Jonsson, 2003). Although similarities exist between the meaning of RBA by different development organisations[xxv], they have different starting points which have different implications for their development practice.

> *'Most of the organizations …… see a rights-based or human rights approach as a catalyst that can transform the practice of development from a focus on identifying and meeting needs to enabling people to recognise and exercise rights. Most organization's strategies entail: (1) strengthening the capacity of duty-holders-generally state, but also increasingly non-state actors; and (2) building the capacity of citizens to claim their rights, either by working alongside them as advocates ….. and/or by seeking to provide opportunities for people to empower themselves'. (Cornwall and Nyamu-Musembi, 2004, p. 1430)*

Through their study of multilateral, bilateral and international development organisations, Nyamu-Musembi and Cornwall, (2004) give three justifications for the value of human rights in development, or the RBA to development. These normative, pragmatic, and ethical justifications show the different intentions and approaches by bilateral development organisations to adopting an RBA to development.

The normative justification brings an ethical and moral dimension to development work, putting values at the heart of development practice, making the process of development explicitly political (Husserman, 1998). It moves a focus from a needs-based approach to an

RBA (Uvin, 2006). It focuses international development on realising an internationally agreed set of norms, backed by international law, setting out a vision for what ought to be. This is from a basis that citizens make claims on states holding them to account. It lends itself to the promise of re-politicising development work, particularly where participation approaches have become 'domesticated' when adopted by larger institutions such as the World Bank (Cornwall and Nyamu-Musembi, 2004). Given that this justification assumes an internationally agreed set of norms, it sees the RBA as the implementation of rights, see chapter 3.

A pragmatic justification brings about mechanisms of accountability from governments and the international community at large. Under international law, the State is the principal duty-bearer with respect to the human rights of citizens and people living within its jurisdiction. Rights language creates a 'vehicle for increasing the accountability of government organisations to their citizens and consequently increasing the likelihood that policy measures will be implemented in practice' (Ferguson, 1999, p. 23). Through the structure of international development, this justification shows the responsibility of non-state global actors[3] whose actions bear upon human rights in differing countries, to help realise human rights with monitoring and accountability procedures. Again, like the normative justification, this pragmatic justification assumes an internationally agreed set of norms. It sees the RBA as the implementation of rights, see chapter 3.

An ethical justification questions ethics and brings reflection on the power dynamics inherent in international development. For Eyben, 'to talk of rights is to talk about power and the

[3] Global actors such as donor organisations, Inter-governmental organisations, International NGOs, MNC and TNCs.

obligations of those engaged in development assistance' and for development actors to engage reflexively with issues of power (Eyben and Ramanathan, 2002; Eyben 2003 in Cornwall and Nyamu-Musembi, 2004, p. 1418). This justification of a RBA relates to recognition that rights are being assembled as well as implemented, and this assembly rests on analysis of axis of power, and the application of participatory and intersectional lenses and approaches, see chapter 3. Therefore, a bilateral development organisation's justification of their RBA to development is relational to their participatory and mainstreaming approaches. These impact on the assembly and realisation of rights and transforming citizenship.

> *'Rights-based approaches can work both to sharpen the political edges of participation in the wake of the instrumentalism produced by mainstreaming, and to make critical linkages between participation, accountability and citizenship'. (Cornwall and Nyamu-Musembi, 2004, p. 1418).*

My policy and interview analysis as presented in chapters 6, 7 and 8 shows the three bilateral development organisations approaches and application of the RBA to development, their participatory and empowerment approaches, and their perspectives on mainstreaming. This is captured through the application of the Mainstreaming Human Rights Framework.

1.5 Sexual Rights in the Global Context

Sexual rights is a term of relatively recent origins, used interchangeably by a number of different human rights claims (Miller, 2000). It is a term which refers to human rights that relate to sexuality, where sexuality connects to politics, religious ideologies, social norms, roles, economic structures, dress codes, and gender socialisation (Pereira, 2009). Therefore, where sexuality is constructed and impacted by power relations.

Sexual rights are a part of every person's life, whether sexually active or not. They are assigned to everyone irrespective of defining characteristics such as age, sexual orientation, disability, gender, race, religion, etc. They apply to everyone based on all human beings' inherent freedom, dignity, and equality.

> *'Sexual rights are more than the property of a minority. They are everyone's birth right and everyone's concern' (Human Rights Watch, 2004)*

The realisation of a person's sexual rights is shaped by social and structural factors which impact their access to services, their health and well-being, their relationships, and the power dynamics within them, as well as the decisions they take and are taken around them (SRI 2013). The actions of institutions or individuals around people leads to the violation or the realisation of their sexual rights.

Sexual rights are prescribed, proscribed, and regulated by the state, religious authorities, and social institutions. Therefore, through legal jurisdiction, policies and acceptable practices, the state is critical in defending, violating, or promoting sexual rights. A states interpretation of Human Rights Instruments, International Human Rights Law, and engagement with UN apparatuses predicts how their view their duty to respect, protect and fulfil sexual rights, as shown in chapter 5.

Although non-discrimination and equality are maintained in the application of all Human Rights, as in Article 1 of the Universal Declaration of Human Rights, '*All human beings are born free and equal in dignity and rights.*', and Article 2 '*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or other status',* forms of relationships and intimate connections which contravene accepted norms can be met with social hostility, state sanction, and even violence (Jolly 2011).

Sexual rights do not signify any additional rights than those assigned to all human beings; they are rights already agreed upon within the established Human Rights Instruments, which portray the right to life, security of the person, equality, enjoyment of the highest attainable

standard of physical and mental health, as well as freedom from torture, degradation, and abuse (Correa et al., 2008).

Global disputes arise around the meaning of sexual rights, the interpretation of Human Rights Instruments, and the integration of sexual rights within these, see chapter 5. Depending on interpretations of Human Rights Instruments, sexual rights can be seen to be implicitly included in the United Nations Declaration of Human Rights (UNDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant of Economic, Social and Cultural Rights (ICESCR).

Until recently, sexuality, sexual rights, or Sexual Orientation and Gender Identity (SOGI) rights have only explicitly been referred to in the Beijing Platform for Action (1995), see chapter 5.

> *'The human rights of women include their right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence…'. (BPA, 1995, adopting statement para 96)*

Sheill (2008) provides examples of specific articles within human rights declarations and treaties to which sexual rights relate. For example, in relation to article 6 on the right to life of the International Covenant on Civil and Political Rights (ICCPR), if a person died because of a homophobic hate crime, this could be a violation of their sexual rights.

Other articles which relate to sexual rights, include: -

- the right to liberty and security of persons (ICCPR), article 9.1.
- the right to freedom of expression, including the right to seek, receive and impart information (ICCPR), article 19.
- the right to marry and found a family (ICCPR) article 23.
- the right to enjoy the benefits of scientific progress (International Covenant on Economic, Social and Cultural Rights (ICESCR), article 11(b).
- the right to health (ICESCR) article 12; and

- the right of equal access for women to healthcare services, including family planning (CEDAW) article 12.

In 2006 international human rights experts identified ‘The Yogyakarta Principles’. Twenty-nine Principles on the application of Human Rights Law in Relation to Sexual Orientation and Gender Identity (SOGI). Although a non-legally binding part of human rights law, the Yogyakarta Principles are intended to serve as an interpretive aid to the human rights treaties, aiding the fragmented and inconsistent understanding and application of human rights law in relation to sexual orientation and gender identity worldwide, see chapter 5. These principles were produced alongside the Activist Guide for human rights actors providing recommendations to governments, regional intergovernmental institutions, civil society oorganisations, and the UN to create change.

In November 2017, the Yogyakarta Principles plus 10 were adopted to complement the Yogyakarta Principles. Eight additional principles (30 to 38) emerge on a state’s obligations on applying international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics. These grew from the intersection of developments in international human rights law, the emerging understanding of violations suffered by persons on the grounds of sexual orientation and gender identity, increased global knowledge, and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.

Sexual Rights, Gender Rights, Reproductive Rights and SRHR

Sexual rights and gender rights are mutually dependent and cannot be fully realised without the other. Gender rights are more prominent, better understood, and more realised than sexual rights. Many States are signatories to Human Rights Instruments relating to gender rights, including the UN Convention on Elimination of all form of Discrimination Against Women

(CEDAW, 1989) and the Beijing Platform for Action (BPA, 1995), and have passed domestic legislation and developed national policies to realise gender rights.

Both sexuality and gender are social constructs concerned with norms that permit and constrain certain forms of social and sexual expression. Therefore, both are about relations of power, and both give value and meaning to how differences in male and female bodies lead to differences in how boys and girls, women and men are treated, expected to behave, what they are praised for, what they are expected to do and what they are not expected to do.

The emergence of gender and reproductive rights claims has brought forth public discussions on what was previously seen as private. It has bridged the gap between public and private domains and produced learning on the realisation and mainstreaming of human rights through development interventions.

Sexual rights is a term commonly used by reproductive rights advocates, namely the women's rights movement, concerning privacy, non-discrimination, access to healthcare, protection from epidemic disease, and equality within the family (Miller, 2000). The World Health Organisation defines reproductive rights as:

> *'the fundamental right of all couples and individuals to decide freely and responsibly over the number, spacing and timing of their children and to have the information and means to do so, as well as the right to attain the highest standard of sexual and reproductive health.' (WHO 2006). (ICPD, 1994, 1, Paragraph 7.3).*

Such a fusion between sexual rights and reproductive rights has simultaneously contributed to, and paradoxically hindered, the establishment of a consistent understanding of sexual rights and SOHR within the human rights framework. Conflating sexual rights with reproductive rights makes the term more visible and established, however, the strength of the women's and reproductive rights movement has disappeared people on the margins, leaving them outside of the framework of human rights and consequently, omitted them from

development initiatives. With reproductive rights more readily understood, referred to, and with histories of allocated resources.

> *'sexual rights ..... viewed as a subset of reproductive rights,…has 'disappeared' an array of people of varying ages and non-conforming sexual identities, as well as non-productive sexual practices, ….thus leaving many already marginalised people outside the framework of Human Rights.' (Miller, 2000, p. 69).*

Sexual rights encompass a broader aspect of life than reproductive rights. They include rights to be free of coercion, discrimination and violence; to choose one's sexual partner; to seek, receive and impart information and education; to have respect for body integrity; and to have the opportunity to pursue a satisfying, safe and pleasurable sexual life (WHO, 2006).

> *'sexual rights include the right to choose one's sexual partner, to control one's own body, to experience sexual pleasure, to not be abused or violated, to freely choose contraceptive methods, have access to safe and legal abortion, have access to information about prevention of sexually transmitted infections (STIs) and comprehensive sexual education.' (Sida, 2010)*

The term Sexual and Reproductive Health and Rights (SRHR) has been adopted by the global development industry with reproductive health and rights, and sexual health and rights, becoming intertwined. In the 1994 International Conference on Population and Development (ICPD), 179 governments adopted the Programme of Action which provided a marked shift in how population issues were addressed by the United Nations system. It called for women's reproductive health and rights to take centre stage in national and global development efforts. The Programme of Action introduced the concepts of sexual and reproductive health and reproductive rights (SRHR) calling for all people to have access to comprehensive reproductive health care, including voluntary family planning, safe pregnancy and childbirth, and the prevention and treatment of sexually transmitted infections. It also recognised the connection between reproductive health and women's empowerment, and that both are necessary for women's equality and advancement (UNFPA, 2024). This created a paradigm

shift from controlling population growth per se to advancing and fulfilling SRHR as human rights, and promoting gender equality (Sen, et.al. 2019)

> *"The full and equal participation of women in civil, cultural, economic, political and social life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, are priority objectives of the international community," (UNFPA, 2024)*

Political mobilising by feminist and women's organisations from both the Global South and the Global North grew around the Vienna World Conference on Human Rights in 1993, the ICPD 1994, and Beijing's Fourth World Conference on Women in 1995 (Sen, 2019). They campaigned that personal is political, that women's rights are human rights, and challenged the gendered institutions, laws, policies and everyday practices and experiences of gender inequality and human rights violations (Sen, 2019). It also opened recognition of the specific needs and rights around people who experience same sex relationships and connections and SOHR. It concurrently created space for 'policy-level acknowledgement of the implications of intersecting inequalities on the basis of, *inter alia*, socio-economic status, gender, disability, ethnicity, indigeneity, rural residence, race and caste. (Sen, et.al. 2019). There have been substantial advances in the health and rights of marginalised groups since, although in the ICPD 30th year (2024), and with the 2030 SDG's approaching, propositions are continuously being proposed to advance SRHR to realise gender equality and human rights (ACT Alliance, 2024).

Sexual rights is a term which often puzzles people involved in development policy and practice (Cornwall et al., 2008a). The term has been used differently by Sida, USAID, and DFID, and has changed over time. Sida frequently uses sexual rights in language and document, whereas USAID does not use nor recognise the term, instead referring to LGBT rights. DFID refers to LGB&T rights, see chapter 6. The meaning associated with different

categories of sexual rights differs for each organisation and development practitioner. This is shown through the type and focus of the staff who responded to my request for participants to talk about sexual rights, see chapter 2. This impacted on this research, when these staff participants referred to Legislation, Policy and Strategy (LPS) documents, in line with their understanding of sexual rights, which I subsequently analysed in chapter 6.

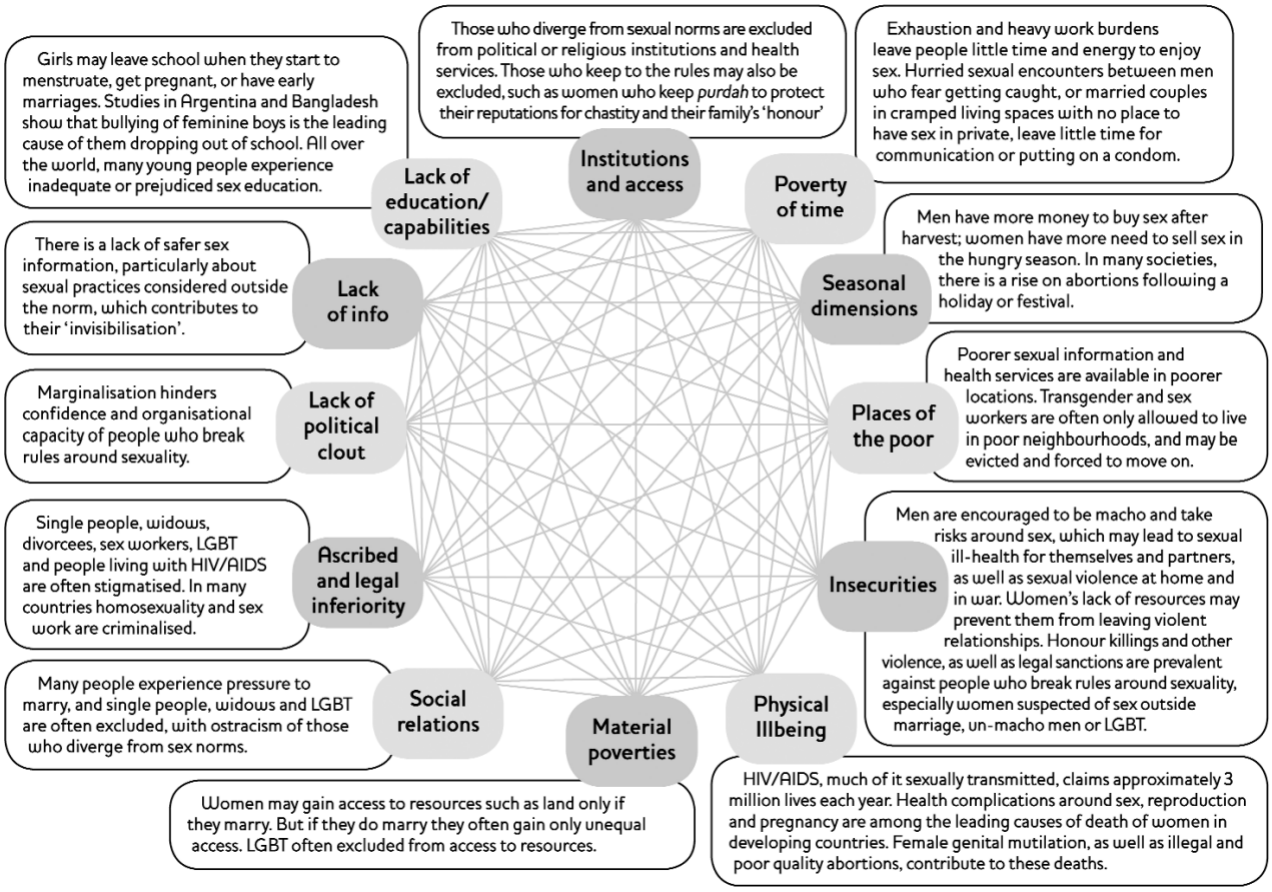
Over time, the meaning and focus of sexual rights by the bilateral development organisations, has changed. Since 2005, Sida's narrative and meaning of sexual rights has evolved from a health issue to a sexual and reproductive health and rights issue, to now a SOHR and Human Rights, Democracy and Poverty issue.

> *'when it comes to LGBTI rights, SIDA has actively worked with the issue since 2005…. it was, in the beginning, a health issue, HIV, Aids and still is, right to health issue and sexual and reproductive health and rights issue, of course, but it has gone from being a kind of health issue to now it is a human rights and democracy and poverty issue. And that's been a journey. Sida – Swedish – Sweden.*

Sexual Rights and Poverty

The interrelationship between sexual rights and poverty can be explained using Chambers' 'Web of Poverty's Disadvantages' (Chambers, 2005, 2013). This shows the multiple dimensions of poverty, including lack of political agency, physical ability, social exclusion, and barriers to accessing educational or political institutions and healthcare. Chambers Web of Poverty's Disadvantages has been applied to the concepts of sexuality by Cornwall and Jolly (2006). This describes impact in relation to time, information, well-being, inheritance, social ostracization, legal inferiority, political clout, education, access to institutions and services and capabilities.

Figure 1. Cornwall and Jolly (2006). Web of Poverty's Disadvantages related to Sexuality.



Amartya Sen's (1979a, 2001) capabilities approach is a theoretical framework that views poverty as capability deprivation. Sen argues for five components in assessing capabilities which allow freedoms to achieve well-being, and to do and be what we value. This approach measures human development, capturing capabilities in health, education, and income. It has been much discussed by political theorists, philosophers, and social scientists. In Sen's (1981) essay on Poverty and Famine, he presents the Entitlement Theory, where he frames that famines do not cause starvation, for everyone does not starve. Some people commanding food through their capacities and entitlements.

Both Chamber's and Sen's approaches represent how gender and sexual norms intersect with dimensions of poverty or capabilities to create relationships of power and pathways away

from or towards greater poverty. This contributes to the unequal distribution of financial, practical, and political resources.

Non-recognition of gender and sexual inequalities leads to multi-dimensional experiences of poverty. This produces a host of poverty-related outcomes such as social exclusion, physical insecurity and vulnerability to disease, hunger and death (Sida, 2008, p.7). As an example, with limited access to education for families on poverty thresholds, and where only one child is able to attend school, where dominant cultural values and norms view male children as future breadwinners alongside other gender values and norms such as early age of marriage and pregnancy for girls, then families may send the male child to school, rather than the female. This leads to a poverty trajectory for the female child based on the dominant gender and sexual norms and values. Once in poverty, it is difficult to mitigate societal and legal discrimination such as sexual harassment, abuse, or violence.

To achieve long-term well-being aspirations for all; and to respect, protect and fulfil sexual rights; development initiatives need to both understand and influence a change in dominant gender and sexual norms and relations of power, rather than preserve them, to address poverty. The challenge is that development practitioners narrowly understand, therefore, development initiatives tend to narrowly address linkages between sexuality, sexual rights, and poverty (SRI, 2013).

Sexual Rights and Basic Needs

Sexual rights become a confusing concept for development practitioners working with extreme poverty and who focus on interventions providing access to food, water, shelter, and healthcare. There is a misconception that the attainment of basic needs is separate from the realisation of sexual rights. Basic needs are seen as a priority to be met before consideration of sexual rights. More too often, sexual rights are only considered within specific public-

health-driven projects, which are associated with sexual activity, such as projects to address HIV/Aids or early pregnancy, rather than the realisation and mainstreaming of sexual rights through all projects, programmes, and organisations. By understanding that the attainment of basic needs is relational to power relations which deliver or restrict access to resources, leads to the realisation that sexual rights or more specifically SOHR, needs to be mainstreamed through all thematic development initiatives and programmes rather realise only through separate specialist projects.

According to Jolly, (2000), 'sexuality can itself be a basic need, and basic needs can be contingent upon sexuality' (p.3), for example, where economic resources are dependent on a marital relations, or where homophobic or other sexual violence is a problem, social marginalisation due to sexual non-conformity and economic deprivation may be interrelated by relations of economic dependency.

Sexual Rights, Empowerment, and Pleasure

Since the 1980s, a movement has evolved to articulate human rights claims to sexual expression and freedom (Miller, 2000). Yet, there remains a tendency to address sexual rights through technical interventions, such as HIV/Aids programmes (Sida, 2010); to focus on reproductive rights over sexual rights, and address the violation of sexual rights over the promotion of sexual rights. This negates the empowerment aspect of rights achievements (Miller, 2000), and sees sexuality as a problem to be addressed through specific technical programmes or projects (Jolly, 2010).

HIV/Aids programming can be more than a technical intervention. The Obama Presidential Memorandum (2011) significantly impacted HIV programming by broadening HIV work to a wider pool of gender and sexual minorities including key populations via PEPFAR (2014). Key populations include transgender persons, men who have sex with men (MSM), and

people who engage in same-sex connections and relationships. HIV/Aids disproportionately impacts on these key populations (STOPAIDS, 2018). Biological, behavioural, and legal factors and the discrimination, abuse, and violence faced by these key populations results in their increased likelihood of acquiring HIV. For example, MSM are 24 times more likely to acquire HIV compared to the general population (STOPAIDS, 2018).

Sida works with INGOs and civil society partners to strengthen understanding and awareness of the issues facing people from marginalised groups ensuring more positive attitudes from government officials, religious leaders, Aids Council members, and health workers. Alongside strengthening partner organisations to better contribute to changing the situation facing key populations, it assists people with the challenges they face. This had led to a challenge to social stigma and systemic discrimination, a reduction in the denial of rights and addressing exclusion from services. It has increased engagement of national policy makers in key population issues as well as improved technical capacity among civil society organisations to promote key population access to HIV health and rights services (Positive Vibes, 2024)

The UNAIDS campaign has been inspired by social movements to ‘Save Lives Decriminalise’. This recognises that harmful laws, which include the criminalisation of same sex sexual relations, block HIV service access and increase HIV risk. It recognises that decriminalisation of same-sex consensual relationships as a critical element to end Aids by 2030 (UNAIDS, 2024).

Protecting women from violence and coerced sex has often been the focus of health, HIV/Aids, and gender and development discourses (Petchesky, 2005; Tamale, 2006; Cornwall et al., 2008a). This allows women no space to explore their desires but merely subsumes their sexuality under violence and fear. Often patriarchal ideologies generate fear, guilt, and shame around pleasure, suppressing political action and making pleasure more

accessible to some groups than others. This is disempowering for women by not mobilising around what they want or supporting them to be at ease with their bodies (Jolly, 2010).

> *'In many societies, there are strongly maintained social norms that make it very hard for women to enjoy an independent sexual existence if not married – whether they are teenagers, single women, widows, lesbians and/or bisexual women. There are norms that make it more acceptable for men than women to have extramarital affairs, visit sex workers, masturbate, ask for sex, and even enjoy certain forms of bodily pleasure' (Sida, 2008, p.15)*

Pleasure discourses have been explored as an indicator of empowerment and agency (Ford et al., 2019) and can disrupt discourses around women as victims to build recognition of support for their agency and empowerment (Jolly, 2022). The exclusion of sexuality, empowerment and pleasure from development discourses suggests a problematic assumption that while in the Global North, people need sex and love, in the Global South, they just need to eat (Jolly, 2000a; Jolly, 2000b).

The dominant discourses that suggest pleasure indicates that it should be experienced only in particular ways by 'particular kinds of people' are being challenged by activists and development practitioners who work on sexual health and rights (Jolly, 2010). Pleasure is argued to contribute to empowering women and marginalised populations who are not supposed to enjoy sexual pleasure, including post-menopausal women, disabled people and people living with HIV, for example (Jolly et al., 2013).

At individual and collective levels, highlighting women's pleasure and desire can challenge patriarchy and neo-colonial constructs of African women's sexuality, which focuses on victimhood (Barake-Yusuf, 2013). Attention to pleasure can, therefore, lead to empowerment and contribute to realising the sustainable development goals (SDG) (Ford et al., 2019).

More recently, health discourses, particularity sex-positive work on HIV and Sexual and Reproductive Health and Rights (SRHR), have opened up entry points for discussions about same-sex desires and pleasure in international development (Jolly, 2022). The changes and

shifts in framing pleasure in relation to Public Health, SRHR, and sexuality education, have not occurred similarly in relation to human rights, empowerment, and emancipation (Jolly, 2022). Pleasure remains notably absent from development discourses (Starrs et al., 2018). Jolly (2022) presents how the global development industry is reluctant to address sexuality, rights, empowerment and emancipation around pleasure, in an integrated way. They conclude that development practitioners need to recast sexuality as a positive force, a representation of human rights that they profess to promote, or a pleasure and a joy (Jolly and Ilkkaracan, 2007). This requires critical self-reflection of development thinkers and practitioners with respect to deeply rooted assumptions (Jolly, 2010). An integrated approach to development goes beyond identity politics. It recognises the links between different dimensions of sexuality as well as how people are impacted by their political and economic environments. This call for an integrated, critical, and political sexual analysis of development initiatives and programmes (Jolly, 2022).

Analysis of the socio-political contexts within participating countries by staff from and within participating countries is essential to realise and mainstream SOHR through bilateral development cooperation. To achieve this, staff need the knowledge and skills to undertake an intersectional analysis of the socio-political context focusing on SOHR. This will enable them to identify structures of oppression, to apply participatory and empowering approaches, to strategise actions, and to achieve transformative mainstreaming.

1.6 SOHR in the Global Context

Contemporary global debates on SOHR include fierce ethical and political discussions and divisions between countries who seek to realise SOHR, and have legislation to protect citizens, and countries who reject SOHR, who also may have discriminatory and persecutory legislation, including the death penalty, for same-sex relationships, see chapter 5. The current international landscape of political tensions worldwide positions the debate and struggles for

SOHR and gender equality in a hostile climate (Ilkkaracan and Jolly, 2007; Mottier, 2008). Discourses rejecting non-dominant forms of sexuality are presented, understood and explained through either moral, religious or biological arguments (Mottier, 2008). Charges have been made that ‘homosexuality’ is a ‘western’ practice, ‘imported’ from the West (Global North), which threatens to undermine social and moral orders (Ilkkaracan and Jolly, 2007, p. 18). The Global North’s contemporary narrative indicates that there are ‘civilised ‘ or ‘modern’ countries, who are from the Global North, and have revised domestic laws to legitimise particular forms of same-sex expression and control, against ‘uncivilised’ countries which express discomfort with this particular form of sexual expression (Jolly, 2022).

Ironically, centuries ago, claims were made from the Global North that ‘homosexuality’ was an Oriental or Muslim vice (Amnesty International, 2004). Throughout the colonial era, same-sex acts were used as evidence of a country’s backwardness. Penal codes were introduced, with many criminalising ‘homosexuality’ under the perception that ‘colonialising European nations proposed to rescue states from their ‘incivility’’ (Gosine, 2015). The terms of this ‘rescue’ have now changed. The revised domestic legislation on SOHR across Europe, North America, and Oceanian regions, and spreading into Asia and Africa is now seen to indicate ‘modernity’, see chapter 5. When a country expresses discomfort with these revised laws, protecting and recognising SOHR, then this seemingly makes them uncivilised (Jolly, 2022).

Lalor and Browne (2023) write about the ‘here’ versus ‘there’ rhetoric on global sexual politics, used specifically by UK politics, as discussed in section 1.8. This language and knowledge production presents ‘elsewhere’ as a space of violence, politics and activism, and these politics will be satisfied when they have laws ‘like us’ (p. 206). This comparative framework removes violence from UK locations to others, particularly the Global South, creating geo-political hierarchies. It sets out a path to victory and winning from past sins and

another time. Facilitated by laws, it presents the path to justice along a single legally informed framework through decriminalisation, to equalities legislation, to culminating in equal marriage (p. 207). It produces a link and rhetorical repetition between the narrative of 'here = progressive and legally regulated' / 'there = violent and backward' (p. 211).

Governments of the Global South are deploying homophobic and anti-gender narratives as a move against the Global North rhetoric (Epprecht, 2012; Jolly, 2022). This can be shown through tactics and language of politicised homophobias used by many countries in east Africa including Kenya, Tanzania, Nigeria, Uganda, Ghana, Zimbabwe, Burundi, and the Democratic Republic of Congo (Paszat 2022b p.427). Although, until recently there have been limited studies on the meaning of African sexualities (Matebeni et al., 2018), meaning that there is limited knowledge on what homosexuality and 'Africanness' means in context. Based on Western constructs of homophobia, the assertion of 'homosexuality is un-African' is viewed as an expression of homophobia (Sigamoney and Epprecht, 2013). This may not be the case, as with Rwanda, see section 4.2, which discusses the potential reasons as to why Rwanda does not support SOHR domestically, but is doing so more in an international context. Jolly, (2022) sees that homophobia is being deployed through the framing of SOHR as a neo-colonial threat to national orders, to mobilise opposition to an idea of 'Western liberal democracy' and human rights. This is preceding a response to SOHR organising.

> *'State actors in the midst of challenge turn to flamboyant displays of homophobia to distract from or assign blame for rising dissent and external pressures' (Bosia, 2020, p. 435).*

Altman and Symons, (2016) state that homosexuality can be mobilised to oppose aspects of 'globalisation', which are most disliked by powerful elites (p. 94).

The global divide on SOHR can also be framed as being the result of religious influences. Rahman (2015) illustrates that if SOHR, and LGBT identities and politics, are taken to show

'western modernity', then, Muslim homophobia is used to show Muslin 'otherness' to this modernity. This homophobia validates that SOHR is an exceptional formation in western contexts.

> *'LGBT rights and identities, as the exemplar of western modernity, and thus Muslim homophobia as the exemplar of Muslim otherness to this modernity…LGBT politics, Muslim homophobia, and Western modernity..[become] a triangulated process of homocolonialism …. to validate the exceptionalism of western modernity of a social formation.'(Rahman, 2015, p.3)*

In the context of international development Klapeer's (2018) refers to a 'homo-developmentalist framework'. This is a lens used by development organisations and practitioners which that assumes that 'uncivilised countries', such as those in the Global South, will modernise or catch-up in stages to the 'civilised countries' of those in the Global North.

> *'Homo-developmentalist frameworks are…based on an idea of "catching-up", implying that countries or societies move "forward" in "stages" with regard to LGBTI rights and that they should try to follow Europe's trajectory on a linear axis of sexual modernization…A homo-developmentalist framework…leaves the unequal architecture of the international (developmental)system intact.' (Klapeer, 2018, p.113, as summerised in Jolly, 2022)*

In the next section 1.7 on Sexuality, and 1.8 on Citizenship, Belonging and Intersectionality, I refer to other discussions on SOHR in the global context.

SOHR and the Colonial Legacy

By presenting the SOHR domestic laws of Commonwealth Member States, Lennox and Waites (2013) clearly show the influence and the legacy of colonialism on SOHR. In 2013, forty-two (42) of the fifty-four (54) Commonwealth Member States still retained existing or modified sodomy laws (77.8%) compared to 24.5% of non-Commonwealth States (78 worldwide) (Lennox and Waites, 2013, p. 24). Even if not heavily enforced, their presence is a significant barrier to both realising SOHR and the enforcement of protective laws. They

consequentially create conditions which legitimise and reinforce stigma, discrimination, harassment, violence, invasions of privacy, restrictions on freedom of assembly and expression, and deny other fundamental rights to equality in healthcare, education, criminal justice, employment, and other spheres of political and social life. In addition, dormant colonial laws are being newly invoked in some Commonwealth states with anti-colonial and anti-Western stances, with an increase in prosecutions.

Lennox and Waites (2013) propose that the persistent patterns of conflict over sexual orientation and gender identity in formerly colonised states arise through the legacies of racism and imperialism and the formation of post-colonial nationalisms, which are defined against the nationalisms and economic neo-colonialisms of the once imperial states and contemporary religious and political dynamics. These components enable hegemonic moral discourses to exclude same-sex sexualities and non-normative gender forms in many post-colonial Commonwealth states, defining them as Western and alien (p.6).

SOHR and The Global Development Industry

The term sexual rights was adopted by the Lesbian and Gay movement following the UN conferences of the 1990s. Discussions emerged alongside the development of ‘a new human rights discourse around the body and its need for security, health and pleasure’ (Correa et al., 2008). This created a platform for activism by lesbian and gay groups and people struggling with, and against HIV, who aimed to explicitly ensure that non-heterosexual people and non-procreative sexual activity becomes included in human rights protection (Correa et al., 2008; O’Flaherty and Fisher, 2008; Saiz, 2004).

This movement pursued the creation of a ‘special set of rights’ on Sexual Orientation and Gender Identity (SOGI) enshrined in a specialist UN convention, much like the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1989), The

International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1991); Convention on the Rights of the Child (CRC, 1989); Convention on the rights of Persons with Disability (CRPD, 2006) (Saiz, 2004), see chapter 5.

Although significant progress has been made to realise SOHR in many countries, the continued existence of discrimination against people who do not conform to dominant norms regarding intimate sexual relationships or gender norms, creates a significant impact on the realisation of their economic, cultural, and social rights. Evidence shows that SOHR discrimination exist even when domestic legislation provides protection and recognition, as shown within the UN High Commissioner for Human Rights report (UNHCHR, 2011) which states that ‘ In all regions, people experience violence and discrimination because of their sexual orientation or gender identity’ (p.3).

Over the past decade, steps have been taken to integrate SOHR and International Development. Klapeer (2018) talks about ‘LGBTI rights’ having been absent, from the margins of international development, to being at the centre of international development politics. Gosine (2015) more cautiously asserts that 15 years ago, all development texts or politics implicitly or explicitly demanded and promoted heterosexuality; today, some do not (p. 10).

The movement to realise SOHR through international development has been achieved to some extent, through changes in the framing of Public Health and education and sex-positivity in work on HIV in relation to pleasure. It is acknowledged that work on HIV/Aids has enabled recognitions of the diversity of sexualities, prompting targeted interventions.

> *HIV/AIDS has been pivotal in forcing an acknowledgement of the diversity of sexualities and prompting interventions targeted at communities deemed to be especially at risk.(Rao 2015. p38)*

Although, SOHR resources remain small and are mainly limited to stand-alone programmes (Jolly, 2022), there have been attempts to understand and present how SOHR relates to programming, such as poverty reduction, although, these attempts have not reviewed how programmes include or exclude people along the lines of sexuality (Jolly, 2022). The focus of this research seeks to achieve this, to understand the components and processes that are used by bilateral development organisations to realise and mainstream SOHR through their organisations and through all development initiatives and programmes. Mainstreaming implies these are programmes and initiatives across all thematic focuses.

When discussions on same-sex desires have entered development discourse, concepts are often '*narrow and prescriptive Western-derived understandings of LGBTI'* (Bergenfield and Miller, 2014. p1). Jolly (2022) sees that, *'colonialist Western LGBT politics frame Western LGBT identities as the only way to express same-sex desires or non-conforming gender identities'* (p. 465). Using narrow labels, interpretations, and frames of sexuality and SOHR within international development has been widely critiqued as colonialist (Massad, 2002; Puar, 2007).

Miller (2000) calls for addressing SOHR in less identity-based ways, allowing more space for diverse expression and not limited to a particular model of LGBT politics which is produced by Western movements or development organisations. Jolly (2022) shows how identity-based mobilisation can be immensely powerful or harmful, empowering people within categories and constraining them, increasing their visibility, and making them easier targets. With donors being outsiders within participating countries, their role in constructing or consolidating particularly gender and sexual identities is problematic. Jolly (2022) informs that 'integrating a whole range of sexuality issues, rather than taking an identity-based approach, can sidestep this problem' (p.470).

Observation of the terminology used in the legislation, policy and strategy documents of Sweden, the USA and the UK in relation to SOHR in chapter 6 shows the use of LGB identity labels and the approaches which bilateral development organisations use to communicate and implement their approaches to realise SOHR through bilateral development cooperation.

1.7 Sexuality

A person's sexuality is influenced and formed by a multitude of factors including biology, psychology, social, economic, political, cultural, ethical, legal, historical, and religious factors.

> *'Sexuality is a central aspect of being human throughout life and encompasses sex, gender identities and roles, sexual orientation, eroticism, pleasure, intimacy, and reproduction. Sexuality is experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviour, practices, roles and relationships. While sexuality can include all of these dimensions, not all of them are always experienced or expressed. Sexuality is influenced by the interaction of biology, psychological, social, economic, political, cultural, ethical, legal, historical, religious and spiritual factors'. (WHO, 2006)*

Biological models of sexuality dominated social science throughout the 19th and 20th centuries. More recently, biological determinism and the fixity of peoples' sexualities and gender roles and relations have been challenged by social and historical explanations of sexualities and gender. These show 'many different ways of being 'men' and 'women'', (and) alternative ways of living social and sexual life' (Weeks, 2003, p. 53).

Informed by queer theorists, ethnographic, and post-colonial scholarship, and challenging the prevalent binary of normal heterosexuality and marginalised homosexuality Brown et al. (2010) suggest an understanding of sexualities as,

> *'heterogeneous assemblages of bodies desiring and engaged (or not) in sex acts and sexual practices; experiencing pleasures, emotions and affective sensations; and connecting to other bodies through various forms of*

> *intimacy, as well as social relations (that include gender, race, religion, kinship and class). (Brown et al., 2010, p. 1568)*

A web of factors influences sexuality. Sexuality is 'not a given, it is a product of negotiation struggle and human agency' (Weeks, 2003, p. 19) and is 'something which society produces in complex ways' (Weeks, 2003, p. 4). This becomes evident when looking at the accepted and dominant forms of sexuality and gender norms across different cultural spaces and times.

Social and historical explanations of sexuality and gender recognise the fluidity and flexibility in human nature. As Weeks (2003) suggests, this allows for the 'potentiality for change' in that the dominant and accepted form of sexuality which can be influenced and changed 'by individual acts of will, … in the long grind of history and through the complexities and agencies of social interaction' (Weeks, 2003, p. 53)

Sexuality is therefore formed by the repeated acts of individuals within defined situations which produces dominant forms of gender and sexual identities. This means that 'the invention of sexuality...is a continuing process in which we are simultaneously acted upon by actors, objects of change, and its subjects' (Weeks, 2003, p. 40). Gender and sexuality are therefore things we do in defined situations, over, and over again, incessantly repeated. As Judith Butler (1990, p.x) suggests, this 'creates the effect of the natural, the original, and the inevitable'.

Drawing on Butler's work, Weeks (2003) explains that,

> *'There are only the repetitive acts, imitations of imitations, through which gendered and sexualised identities are performatively produced. From this perspective, heterosexuality and homosexuality are not emanations of the genes, hormones, or anything else. They are regulative fictions and ideals through which conformities are generated, reinforces and 'normalized' by constant reiterations.' (Weeks, 2003, p. 59)*

From this social constructionist position, it becomes clear that 'sexuality has no meaning other than that given to it in social situations' (Plummer 1975, p.32). Unlike the biological

determinist approach, normative forms of sexuality are not prescribed but change over space and time, with normative and non-normative sexualities having different meanings and values in different cultures and timespans within the same culture.

Labels attached to transgressive sexual identities, such as Lesbian, Gay, and Bisexual, often have limited meaning in some, if not many, non-Western contexts, where same-sex relations are differently named and perceived in different contexts. Jolly (2022) presents that Western LGBTI politics often frame Western LGBTI identities as the only way to express same-sex desires and as a key feature of modernity. Monro and Richardson (2014) state that the worldwide use of the terms Lesbian, Gay, Bisexual and Transgender (LGBT) is problematic in the post-colonial context, with international organisations, (including bilateral development organisations) using these terms in 'ways that suggest these are universal terms rather than social categories that have particular local, as well as global meanings' (p.61). The extension of western framings of sexual categories to non-western contexts risks ignoring local understandings and cultural meanings about sexualities. Brown et al. (2010) describe these ways of understanding sexualities as colonial regimes of knowledge constituting neo-colonial practices (p.1568).

Queer theory draws attention to the multiplicity of different sexualities, whilst sexual geographers highlight how sexualities emerge out of particular practices, encounters and locations located in specific spatial contexts (Browne et al., 2007). Those in the Global south '*defy easy categorisation and representation; they exceed the boundaries of the sexual identity categories that we think we know'* (Brown et al., 2010, p. 1568).

Sexuality entered international human rights discourse in the early 1990s and has become a growing body of work concerned with the notion of sexual rights. This literature is however distinguishable to that of sexual citizenship which has overlaps but a different historical

configuration and focus (Richardson 2017). This is discussed next in section 1.8 and incorporated into discussions on internal mainstreaming in chapter 8.

There exist silences in literature on African same-sex sexualities, which has mainly focused on South African studies, such as by Epprecht (2004) and Matabeni (2014). More recent publications provide wider African perspectives from Tamale (2011) or Sandfort et al. (2015). These silences produce misunderstandings, caricatures, and miscommunications when African knowledge and scholarship is excluded from knowledge production about queerness in Africa (Nyanzi 2015); Macharia (2016).

Sigamoney and Epprecht (2013) highlight that an understanding of how to shift prejudices about sexualities becomes limited without knowledge of what African-sexualities, or homosexuality mean in each context. The approach of bilateral development organisations to mainstream SOHR is therefore limited if it does not understand the form(s) of sexualities in the context it seeks to work in. Importing meanings of sexualities from donors and integrating them into policies and strategies within bilateral development organisations in participating countries will, therefore, have limited impact on the realisation of SOHR. It may however re-affirm past experiences of colonialism, seeing actions to realise SOHR as a form of 'Western cultural Imperialism', where Western gay identities are being exported (Epprecht, 2012). This supports perspectives that bilateral development organisations are a vehicle to impose SOHR as a Western modernity project (Jolly, 2022).

1.8 Citizenship, Belonging, and Intersectionality

Citizenship has become a political and scholarly buzzword in political and academic arenas (Lister, 1997). Its contested position in political and sociological theory and the developments in citizenship debates has exposed and moved traditional discourses on citizenship (Lister 2007; Yuval-Davis 2007). Although debated, citizenship importantly serves as a 'passport' to

rights, as well as recognition, inclusion, and belonging, and impacts on us all (Roseneil et al., 2012). Aligning the debate around citizenship to the internal mainstreaming of SOHR within bilateral development organisation combines discourses on identities, intimate citizenship, sexual citizenship, belonging, othering, intersectionality, and the politics of belonging, see chapter 8.

Traditional liberal theories of citizenship see it as a reciprocal relationship of rights and responsibilities between individuals and the state (Yuval-Davis, 1997). It is a status, entitling individuals to a specific set of universal rights granted by the state with individual citizens acting 'rationally' to advance their own interests. With the role of the state to protect citizens in the exercise of their rights (Oldfield, 1990). This protection of formal rights for individuals is seen to promote equality but also makes the political and economic power of people 'irrelevant' to rights claims. Through this liberal lens, reference to participation is mainly associated with political participation, such as voting within a representative democratic system (Jones and Gaventa, 2002).

Contemporary communitarian thinking on citizenship emerged from the writings of T.H. Marshall (1950) who defines citizenship as the 'full membership' of the individual in the collectivity, which he calls 'the community' (Bartlett and O'Connor, 2010; Yuval-Davis, 1997). He sees citizenship as including civil, political, and social rights and obligations, and as 'a status bestowed on those who are full members of a community' (Marshall 1950. p 14). A citizen is therefore defined by participation in, or membership of, the country or community in which they live and associated (Gould, 1990). Widening the concept of citizenship to membership in communities opens up discussions on the 'multi-tiered construct of citizenship' (Yuval-Davis 1997. p5).

Yuval-Davis, (2006) calls for recognition of the multi-layered construct of citizenship, with rights and responsibilities being mediated by membership in multi-layered collectivities, and

polities. They argue that citizenship should not be seen as limited to the state, but understood as the 'participatory dimension of membership in all political communities, including sub, cross and supra-state political communities, through multi-layered structures in intersectional ways (Yuval-Davis 2016. p 6).

Citizenship is therefore, affected and at least partly constructed by the relationships and positionings of each layer in specific, historical context (Yuval-Davis 1999 p. 119). It is therefore affected by class, gender, sexuality, stage in the life cycle, ability, etc. Citizenship within the bilateral development organisations in Rwanda is therefore affected by the socio-political context within Rwanda, as discussed in chapter 4, and through the discussion and analysis of internal mainstreaming in chapter 8.

Critiques of the traditional view of citizenship shows its tendency to exclude those who, for whatever reason, are unable to claim their rights or fulfil their obligations as citizens. It denies difference in terms of the characteristics of being a citizen and the rights and responsibilities that a citizen might expect and want. It presumes that every citizen has the capacity to make judgements and decisions, assume responsibility, participate in the exercise of political power, and fulfil civic obligations (Bartlett and O'Connor 2010 p.32).

Lister (2007) highlights how contemporary citizenship discourses are based on a male template which have tended to exclude women from the theory and practice of citizenship and therefore, separate the 'private sphere' from the realm of relevance within the debate (Yuval-Davis, 1999). Feminist theorists have also observed the mobilisation of Women's movements to recast the concept of citizenship through the posing of explicit political claims and demands (Roseneil et al., 2012). This has brought the importance of political agency within the citizenship debate (Lister, 2007) and has exposed the participatory character of citizenship, which has become the focus of the political struggles of many marginalized and excluded groupings (Yuval-Davis 2006a. p206).

In their discussion on 'Social Citizenship', Bartlett and O'Connor (2010) view (social) citizenship as a relationship, a practice, or a status.

> *'a relationship, practice or status, in which a person …… is entitled to experience freedom from discrimination, and to have opportunities to grow and participate in life to the fullest extent possible. It involves justice, recognition of social positions and the upholding of personhood, rights and a fluid degree of responsibility for shaping events at a personal and societal level'. (Bartlett and O'Connor 2010 (p. 37)*

This definition shows how citizenship is not just understood through rights and responsibilities, but whether people have a potential, and an equal stake in all aspects of private and public life (Bartlett and O'Connor 2010 p.37). Through these considerations, citizenship is therefore more than a status bestowed, namely by the state, but it is achieved by individuals or groups in a social context, through the power dynamics of everyday talk and actions (Barnes et al, 2004). In chapters 7 and 8, I analyse the 'everyday talk and actions' within 'rights arenas' within the bilateral development organisations in Rwanda.

The changing conceptual focus and boundaries of citizenship from a status with legal rights and civic responsibilities to a social practice of citizenship through which individuals relate to other people, their communities, and the state, has led to a growing interest in 'lived citizenship' and how people understand and negotiate rights and responsibilities and how they participate. (Prior et al, 1995; Barnes et al, 2004; Lister 2007). This leads to an 'embodied, rather than an abstract, view of citizenship" (Kabeer 2005. p11) and a more grounded understanding of citizenship as a practice (Lister, 2007). The roots of analysis lie in "the actual spaces in which citizenship is expressed" (Jones and Gaventa 2002 p. 19). Citizenship has therefore moved to be understood through the meaning that it actually has in people's lives and the ways in which people's social and cultural backgrounds and material circumstances affect their lives as citizens (Hall and Williamson 1999 p.2).

Viewing citizenship as an active participatory practice, as the object of struggle, relates to my research question of how are SOHR being implemented and assembled through bilateral development cooperation? Specifically, how is citizenship (in relation to SOHR), being mainstreamed internally within bilateral development organisations in Rwanda given that internal mainstreaming should be achieved before mainstreaming SOHR through development initiatives and programmes with external stakeholders, see chapter 8.

Identities are a focus within citizenship debates. Citizenship has predominantly been seen as a legal status and a 'identity' for individuals provided by a relationship between the state and individual, bound by reciprocal rights and obligations (Heywood, 1994). They have traditionally highlighted the boundaries or margins of societies or groups. Identities are individual and collective narratives and stories that answer the question 'who am I who are we?' (Yuval-Davis 2006b. p197). They can be expressed in the terms of the 'I', such as 'I am her husband' or 'I am gay', or 'we are queer' in the collective, with the collective often as a resource for the individual (Yuval-Davis 2006a p.202). Identities look inward at how we feel about ourselves and outward to how we are recognised by organisations, the state, and in global arenas. They refer to boundaries around perceptions and stories that people tell themselves and others about who one is and who one is not and they carry social and cultural weight (Martin, 1995). They often refer to self and/or others' perceptions of being a member of a grouping or community such as ethnic, racial, national, cultural, religious, sexual, for example. These identity narratives shift and change, are contested and multiple, relate to the past, or aimed at explaining the present or as a projection of a future trajectory (Yuval-Davis, 2006a). As a social construct, identity gives people a sense of 'being' (who they are in a group or community), a lens through which they perceive and experience the social world (what they see and feel in their daily interactions), and a perception for ways of acting (i.e. how they are expected to behave in a group or community) (Yep 2002).

The field of intimate and sexual citizenship has developed within the remits of citizenship studies and through an emerging recognition that heterosexuality is implicit within traditional approaches to citizenship (Monro and Richardson 2014 p10). The terms intimate citizenship and sexual citizenship are multi-faceted concepts, understood in a variety of different ways (Richardson 2017). Intimate citizenship indicates a broader range of areas of 'intimate and personal life' than the 'sexual', in sexual citizenship, although the meaning of both terms is not self-evident. Bell and Binnie (2000) provide that sexual citizenship has served to render more formal and more explicit the idea of sexual rights that have developed over the past thirty years in the context of the gay and lesbian movement.

The debates on sexual citizenship have brought in focus what has previously been ignored in accounts of citizenship, concerning bodies, identities, and relationships, which often have encompassed 'private' practices. It has highlighted the sexualised norms through which citizenship is constitute. The general understandings of liberal concepts of citizenship have been carried over to sexual citizenship, unquestioning many conventional features of liberal Western frameworks of citizenship (Richardson, 2017). With the focus of citizenship literature mainly on the exclusions of various forms of rights such as same sex marriage, parenthood, and military service, for example.

By seeing intimacy as a private matter inhibits discussions in public and private arenas about topics which relate to the self, relationships, gender, sexuality, family, body, emotional life, senses, identity, and spirituality. The emergence of medical technologies has produced new possibilities, such as conception, abortion, sex changes, plastic surgery, etc., alongside communication and travel technologies which have enabled the sharing of knowledge about differing families, genders, bodies, identities, and sexualities across the world in both public and private spaces, including the workplace, media, and peoples' homes. This is creating a bridge between the personal and political. The emergence of new 'intimate issues' provides

group members with new personal identities and a new sense of who they are, enabling the emergence of new 'intimacy groups and identities' who live on the borders and new kinds of citizens in the making (Plummer 2003, p. 55). This is creating possibilities to form and realise what Plummer (2003) terms as 'intimate citizenship'.

Responses to rights demands have led to changes in legislation in many countries on same sex marriage, adoption, age of consent, see chapter 5. This has led to transformations in citizenship status among LGBT populations, specifically in western neoliberal democracies (Richardson 2017). Although this is seen by some to loosen the status of heterosexuality as a condition of institutional belonging (Seidman 2009). This is associated with the key foundations of the liberal regime of modern citizenship (Pateman, 1988). By focusing on the recognition of rights in legislation, the systems of power and the role of social institutions, which sustain gendered and sexualised inequalities are disguised making inequalities more difficult to address (Richardson and Monro, 2012).

There is a dearth of literature which draws on, and critiques, concepts originating from the Global North which examine 'non-heterosexual' people in southern countries (Matebeni, et, al. 2018). Sexual citizenship has largely to date been configured in western-centric terms (Richardson 2017). Local meanings and practices are being undermined by universal and Western perceptions of sexual and gender minorities, identities and politics (Binnie, 2004).

Although remarkable progress has been made towards the recognition of sexual minorities in Africa (Epprecht, 2012). As a commonality, across the geo-political region, hostility is widely spread, deliberate, sustained and evident in realities. Freedom from violence and abuse is pertinent for many. The lives of people are often viewed as behaviours that should not be accorded status with citizenship rights (Matebeni, et.al., 2018). The formation and operation of power structures is a cross cutting theme, with criminalisation and vocal public denigration continuing to exert power over people (Tamale, 2011). Actions and activism to

address lived experiences are defined by struggles to address normative prejudices and acknowledge social and political identities, citizenship, and rights (Matebeni et al., 2018).

Although understandings of citizenship are being informed by ideas about gender, race and class, with a growing acknowledgement that traditional citizenship concepts are gendered, racialized, heterosexualized, as well as class differentiated (Yuval-Davis 1999 p132). Hegemonic forms of heterosexuality underpin constructions of citizenship (Richardson, 2017), with understandings of citizenship historically being grounded in normative assumptions about sexuality (Bell and Binnie, 2000).

Framing sexual citizenship through non-heterosexual or non-gender binary constructs portrays a certain type of sexual citizenship which moves towards cultural normalisation and social inclusion. Duggan (2002) refers to this as a 'new homonormativity', with this type of sexual citizenship being, 'de-politicised', 'de-eroticised' and 'domesticated' (Warner, 2000). This questions as how far sexual citizenship challenges heteronormative assumptions, or 'upholds and sustains' them (Duggan 2002 p. 179). It questions which forms of sexual citizenship assimilate into the mainstream or have transformative potentials.

Struggles for sexual citizenship have come to act as symbolic marker of 'modernity' and 'backwardness' and tolerance and intolerance in countries (Richardson 2017). The rhetoric of 'here' versus 'there', are used, specifically in the UK (Lalor and Browne, 2018). This rhetoric places sexual politics 'elsewhere', contrasting victories won at home in the UK with violence abroad. This narrative is seen to set out particular pre-ordained paths to "victory" based on Global North trajectories and imaginaries of social progress, in contrast to backward others (Kulpa and Mizielinska, 2011; Rao, 2014), see section 1.6.

International lesbian and gay movements and INGOs, which are often defined as global, though originating in the West, have recently been given critical attention (Richardson,

2017). The terms of Western lesbian and gay politics in lesbian and gay movements can present misleading ‘universalising’ approaches which delimit and obscure political activism in relation to other cultural situations (Waites, 2009). Global civil society actors’ claim to represent others and assume leadership in debates on SOHR and sexual politics, claiming to represent the voices of those who are seen as marginalised or voiceless. This creates a layer of power relations within civil society, with implications for those being represented. This leads to an under-representation of the voices and demands of sexual minorities in Africa (Seckinelgin, 2012). Some are known to adopt the language and framework of ‘here’ and ‘there’ even when they understand the geo-political complexities of working on SOHR globally, see for example see Lalor and Browne 2018. For bilateral development organisations, it is therefore important for strategies to evolve from the participating country offices which share voices of Rwandan staff and citizens.

In chapter 8, I present the relationship between mainstreaming through bilateral development organisations and citizenship within bilateral development organisations. Internal mainstreaming opens rights arenas, creates community of support and organisational structures of support. It creates environments and conditions to continually assemble SOHR rights internally. A focus on SOHR mainstreaming provides knowledge on the lived experiences and the impact of structural inequalities on staff, programme participants, stakeholders with non-normative sexual identities. It provides an understanding of geo-political and socio-political contexts on SOHR and enables engagement with communities of practice in global and local rights arenas, see chapters 7 and 8. It creates responsibilities of individuals and organisations. Such a focus enables the emergence of new ‘groups and identities’ with associated rights. It progresses the assembly of SOHR rights in accordance with Plummer’s ‘Rights Works’ processes, to imagine, articulate, vocalize, and announce rights (1995, p.125).

Focusing on a specific set of rights can layer intimate and sexual citizenship on top of organisational normative structures. It can produce new groups of 'others' and deflect from transforming organisational structures. 'Othering' occurs when people are separated because of their identities, are provided with distinct provisions, or experience prejudices, discrimination, and inequalities, based on identities. Powel and Menendian (2016) define othering as '*a set of dynamics, processes, and structures that engender marginality and persistent inequality across any of the full range of human differences based on group identities' (p1. article).* They see that it '*provides a clarifying frame that reveals a set of common processes and conditions that propagate group-based inequality and marginality' (p1. Article).* This focuses the realisation of SOHR on difference rather than connections (see Matebeni, et, al. 2018 p. 13). It retains and perpetuate existing relations of power and inequalities and disrupts feelings of 'belonging', see below this section. Richardson (2017) discusses the 'queering of citizenship', by opening up the possibility of transforming the norms of citizenship as a whole and decentring the focus on the Global North (Richardson 2017 p. 211).

The focus of mainstreaming is therefore to move away from focusing on LGBT identities politics which are often Western constructs associated with SOHR, to mainstreaming 'queerness' and rights. To move away from reductive binaries, which normalises queer lives, behaviours, and practices and confronts the 'problem of heteronormativity' (Matebeni et al., 2018, p. 12-13).

> *'the queer(ying) of gender and sexuality require us to challenge and move beyond reductive binaries (of LGBTQ), and to confront the problem of heteronormativity' (Matebeni et al., 2018, p. 7),*

Matebeni, et.al., (2018) states that '*intellectual and political action that makes sense of African queer lives requires sustained analysis and activism that responds to stigmatising and heteronormative discourses*' (Matebeni et al., 2018, p. 13). Framing responses through a

heteronormative lens can move focuses from Western LGBT constructs. Using a heteronormative framework must however acknowledge the multiple axis of power that create inequalities, see section 1.11. Mainstreaming and realising rights for people who experience same sex relationship and connections through bilateral development should analyse contextual heteronormative constructs. It should also be based on intersectional analysis rather than focused specifically on SOHR.

The focus of internal mainstreaming is to create environments and organisations which hold values and ethics of love, care, responsibility, respect, and knowledge (Weeks 1995). To enable all lives, including staff and citizens, including people who experience same sex relationships and connections, to be meaningful, acknowledged, and recognised. Internal mainstreaming is therefore extending forms of citizenship to all staff and stakeholders to reconfigures heterosexual subjectivities (Dean, 2014; Richardson, 2004).

Creating environments that encourage staff to talk about their identities in their professional lives is linked to growing prominence of SOHR and SOGI issues as a development concern (Rao, 2015). In 1993, Gosine traced how the World Bank's LGBT staff association was instrumental in getting staff to come out at work, to lobby for better benefits for staff and impact in programmes and activities by prompting the World the Bank to support advocacy in the Global South and exercise political leadership on HIV/AIDS (Rao, 2015). Like the work of the USAID LGBT Network, as discussed in section 7.5. Little attention has been given by social theorists to looking inside organisations as arenas for social movement activity, to understand internal mechanisms (Sikkink 2005).

Belonging within organisations is a critical to internal mainstreaming and citizenship. Many of the contemporary debates on the politics of belonging question who 'belongs' and who does not, and what signifies belonging (Yuval-Davis 2006a, p. 207). Yuval-Davis (2006) explores the different analytical levels on which belonging occurs. Social locations refer to

belonging to a particular gender, age-group, profession, kinship group, race and ethnicity, stage in the life cycle, class, sexuality, ability, at an historical moment, etc. which are often fluid, contested and change in different historical contexts (Yuval-Davis 2006a p.199). A social location also relates to multiple axes of difference and power, with these social divisions constituting each other. An intersectional approach to citizenship and social locations is therefore crucially important to understand and address these power structures (Yuval-Davis 2006a p.200).

Intersectionality recognises how a multiplicity of social forces including race, class, gender, sexuality, the body, and nation, among other vectors of difference come together simultaneously to intersect and produce and shape our social identities and situated experiences in the social world, from privilege to oppression (Yep 2014). Since its emergence in black feminist thought (Crenshaw, 1989), intersectionality has become a critical concept and analytical tool for the examination and understanding of identities (Levine-Rasky, 2011; McCall, 2005). To make sense of the complexity that surrounds intersectionality, Muñoz (1999) shows how intersectional work often focuses on "the race, class, gender and sexuality mantra," (p.166), although, this provides a simplistic frame to view the power dynamics inherent in the perceptions of social identities (Yep (2014). Drawing on intersectional theory, Monro and Richardson (2014) show the need for a complex citizenship analysis, grounded in the context of specific populations and societies, with Oleksy et.al (2011) taking a position that 'it is not possible to interpret and indeed understand citizenship without situating it within a specific political, legal, cultural, social, or historical context' (Hearn et al 2011:3). Therefore, contextual analysis of the socio-political context on SOHR is important to a Mainstreaming Human Rights Framework to assess the components and processes of realising SOHR.

Yuval-Davis (2006) shows that belonging is not merely about social locations and cognitive constructions of individual and collective identities, narratives, and stories, but a reflection of emotional investments and desire for attachments (p.202), to feeling 'at home' and feeling 'safe' (p.197). It is also how attachments and social locations are assessed, valued and judged by the person and others (Yuval-Davis 2016 p.6). The social locations, cognitive constructs, of identities narratives and stories, and feelings, values, and attachments of staff within bilateral development organisations are important to understand citizenship and belonging within these organisations.

It is the contestations around ethical and ideological issues, of identities, boundaries and social locations, and how these categories are being drawn and should be drawn, which moves the debate from the realm of belonging, into the politics of belonging (Yuval-Davis 2006a p.203-4). The contestations referenced by Yuval-Davis (2006a), reflect the contestations referenced by Plummer (2006) which are debated in 'rights arenas', see section 3.5. The politics of belonging, therefore, relate to the assembly of rights, and to Plummer's (2006) processes to form and recognise identities, rights, and citizenship.

1.9 Mainstreaming and Gender Mainstreaming

There is no universally agreed definition of mainstreaming. Darrow and Arbour (2009) suggest that mainstreaming's 'general purpose is usually to bring an important or 'crosscutting' issue from the periphery to the centre of policymaking or programming' (p. 448). Oberleitner's (2008) mainstreaming definition provides the most inclusive description of mainstreaming which I am using for the purposes of this thesis. Summarised by Hunt (2017), this definition defines mainstreaming as,

> *'human rights norms, standards and principles…which must be incorporated in decision making on policies, operational issues and budgets, and be made part of an organisation's bureaucratic process, culture, and be internalised by staff.'(cited in Hunt, 2017, p.502).*

This definition secures the perception that mainstreaming SOHR through bilateral development cooperation is more than the responsibility of a few specialist staff members working specifically on SOHR. Mainstreaming rights relates to the realisation of SOHR through thematic and technical development initiatives and programmes, by all staff members.

Gender mainstreaming has become a feature of international development since the Fourth United Nations World Conference on Women in Beijing in 1995 and has been established as a major global strategy for promoting and realising gender rights (Council of Europe, 2024). The movement to establish gender mainstreaming through international development can, therefore, contribute insight on the implementation and assembly of SOHR, and the components and processes of realising and mainstreaming SOHR through bilateral development cooperation.

Actions to realise gender equality, gender rights and to mainstream gender has been acknowledged as essential within all international development activities. It is acknowledged within the broader and globally recognised set of development objectives such as the eight Millennium Development Goals (MDG) [4],[5] and the seventeen Sustainable Development Goals (SDG)[6] (UN Women, 2018a; UN Women, Archived). Gender equality and gender rights has become a stated objective of governments and international development

[4] MDG and SDG include the eradication of extreme poverty and hunger (MDG,1), to realise no poverty and zero hunger (SDG, 1 and 2), achieving universal education (MDG 2), quality education (SDG 4), or to reduce child mortality (MDG goal 4), or good health and well-being (SDG 3).(UN, 2020, 2015)
[5] MDG Goal 3. To promote gender equality and empower women.
[6] SDG Goal 5. Gender Equality.

organisations, with gender mainstreaming contributing to the realisation of the UN Convention on all forms of Discrimination Against Women, CEDAW, (1989).

Gender rights have been progressed by feminists, activists, academics, development practitioners, citizens, policy advisors, and politicians. Many acknowledge and claim that gender rights will not be attained, therefore, inequalities and the poverty cycle will continue if international development initiatives do not support transformative change to address unequal relations of power (Cornwall, 2007). In international development it is now hard to find a development initiative or programme that does not reference gender mainstreaming. It has become a 'buzzword' concept in the global development industry, without consensus on its meaning and associated actions (Cornwall et al., 2008a).

Since the 1990s, international development organisations have adopted a variety of visions and practices to gender mainstream. Gender mainstreaming has been widely implemented and critiqued, with the basis of these critiques changing over time (Moser and Moser, 2005) (van Eerdewijk and Davids, 2014) (Milward et al., 2015). There are multi-faceted motivations to mainstream gender through development programmes and initiatives, with actions now being a requirement of grant applications or compliance with contracts[xxvi]. This can make gender mainstreaming 'something that just needs to be done' (Verloo, 2005, pp. 351–352). An impressive array of analytical tools such as toolkits, checklists, Gender Impact Assessments, training manuals, awareness raising, expert meetings, data collection methods have also been developed which reinforces the belief that gender mainstreaming could be achieved and measured (Waal, 2006). These mechanisms support development practitioners to take action, but it is debatable whether they lead to the standardisation of processes, meaning that the transformative goals of mainstreaming rights receives little attention (Parpart, 2014). It is also debated as to whether they guide gender mainstreaming to become a technical fix (Cornwall et al., 2008b), or divert the focus from building the capacity of

development practitioners to analyse and respond to unique political, social, and cultural contexts.

Oberleitner (2008) highlights that this approach to mainstreaming "may transform the simple and powerful message of human rights as a protective and empowering force into mere management tools." (Hunt (2017), supra note 58, at p389). Therefore, despite an increasing stock of analytical tools in relation to the transformative intentions and realisation of gender mainstreaming, it remains in question. (Rees, 2005; Mukhopadhyay, 2007; Parpart, 2014;). Many agree with Cornwall et al. (2008b), that gender mainstreaming has run adrift, with the intentions to transform unequal and unjust power relations 'have fallen by the wayside' (Cornwall, 2007, p. 69).

Walby (2005) states that 'gender mainstreaming is inevitably and essentially a contested process' because of the different meanings and interpretations of 'gender equality' and 'gender mainstreaming' (p. 321). The central critique of gender mainstreaming is the loss of the political dimensions of gender in the course of mainstreaming with gender mainstreaming becoming simply part of the much broader logic of neoliberal governance. (Milward et al., (2015, p.75).

Rees (1998) depicts three models of gender mainstreaming. The first model is 'tinkering'. It sees that gender equality is achieved when women receive the same resources and treatment as men. This model is based on sameness, where women enter men's domains and existing male norms remain standard. It focuses on equal treatment, individual rights, and legal remedies. The second model is 'tailoring'. It sees that gender equality is based upon difference. Gender equality is achieved by moving towards the equal valuation of existing and different contributions of females and males in a gender-segregated society. It focuses on positive action, group disadvantage and specific projects and measures. The third model is 'transformation' and sees a new standard for both males and females in transforming gender

relations. It does not see the assimilation of women into men's systems nor the maintenance of dualism between men and women, but something new, a change to the dominant mainstream. For Rees (2005), the first two models retain the status quo with only the third 'transformation' model potentially delivering gender justice and constituting mainstreaming.

Figure 2. Broad Approaches to Gender Equality.(Rees, 2005)

Rees (2005)

Equal treatment – 'tinkering'
- Focuses on individual rights
- Legal remedies

Positive Action – 'tailoring'
- Focuses on group disadvantage
- 'Special' projects and measures

Mainstreaming – 'transforming'
- Focuses on systems and structures that give rise to group disadvantage
- Integrates gender equality into mainstream systems and structures

Jahan and Mumtaz, (1996) comment on the transformation model as 'agenda setting', transforming and re-orientating existing policy paradigms, changing decision-making processes, prioritising gender equality objectives and re-thinking policy ends. They see the outcomes of the 'tinkering' and tailoring' models as 'integrationist', introducing gender perspectives without challenging existing policy paradigms. The practice of an integrationist gender mainstreaming strategy has been to layer actions on top of the dominant mainstream. Walby (2005) states that 'although most of the feminists who sought to adopt a gender mainstreaming strategy preferred to be 'agenda setting', there has been a drift toward one that was merely 'integrationist'' (p. 324). The reason is that integrationist approaches which introduce a gender perspective without challenging the existing policy paradigm, 'sell' gender mainstreaming as a way of more effectively achieving existing policy goals. This

means that gender mainstreaming is less likely to be rejected by leaders, development practitioners and citizens, but its impact is likely to be less substantial.

Given the journey to realise gender rights and mainstream gender, globally through international development, and through the values and practices of bilateral development organisations, I enquired with my participants about lessons learnt from gender mainstreaming which they apply to realising or mainstream SOHR. Many were unable to correlate lessons from mainstreaming gender to mainstreaming SOHR, see chapters 7 and 8. This could be that they had not interrogated the discourses around gender mainstreaming and that raising conversations about SOHR and talking about this contentious topic made participants feel uncomfortable and unconfident, given the socio-political context in Rwanda, see section 4.2. It could also be that they had not had sufficient opportunities to engage in rights arenas on SOHR, see section 8.2. My interview methodology did not enable me to hold a second interview or question participants further about their perspectives on SOHR. Therefore, I was not able to capture any correlations that staff made between gender mainstreaming and SOHR mainstreaming.

Challenging dominant cultural gender values and norms through development initiatives and programmes has led to voiced concerns that donor countries are using international development to impose gender values and norms on participating countries. Similar concerns are being voiced about the imposition of donor country's values and norms when mainstreaming SOHR (Jolly, 2022).

Discussions, debates and contestations about gender equality, gender rights, and gender mainstreaming through international development, have enabled discussions that were once seen as private concerns, to be raised as public issues in public arenas. These are discussions on topics such as domestic violence, marital rape, inheritance laws, and initiation practices, for example. The frequency and prevalence of these discussions, debates, and contestations,

on what historically was seen as private concerns, in public forums such as staff meetings, and in private domains, such as around kitchen tables, raises the confidence of staff to raise politically and culturally challenging conversations about gender relations, roles, and equality with stakeholders through development initiatives and programmes. Spaces to raise discussions, debates and contestations are what Plummer (2003, 2006) refers to as 'rights arenas', see section 3.5 and 8.2. The role of rights arenas in relation to the realisation and mainstreaming of SOHR is discussed throughout chapters 7 and 8.

Recent thinking has evolved that policies feed political process, to agenda set, rather than to operationalise, with policy implementation being deeply influenced by economic, political and cultural forces (Li, 2007; Mosse, 2004). According to Parpart (2014), this is particularly true when agendas, hence policies, are transformative and seek to challenge established gender hierarchies and practices. Mainstreaming, therefore, involves more that the adoption of a policy or imitating new policies (Walby, 2005, p.31). The transformative agendas of the three bilateral organisations and their policies to challenge normative assumptions and structures within organisations are considered in chapters 6, 7 and 8, through my policy analysis and the application of my Mainstreaming Human Rights Framework.

Bacchi and Eveline (2010) sees policies as a creative process which 'give shape and meaning to the 'problems' they purport to 'address'' (p.1). How 'problems' are represented has important effects on what can be seen as problematic, what is silenced, and how people think about these issues and their place in the world. Therefore, policies *create* different impressions of what the 'problem' of 'gender equality' entails, and it is therefore, necessary to see what meanings are attached to the term 'gender equality' in policies through policy analysis.

The idea that policies are creative processes means that policies, through their representations of 'problems', produce and reinforce categories of people, this includes categories of

'women' and 'men', with policies being gender*ing,* and their formulation reinforcing a two-sex model of social relations (Honkanen, 2009, p.206). This can prohibit actions seeking changes in dominant gender relations, such as 'transformative gender mainstreaming', by presenting and encouraging heteronormative coupling and penalising same-sex pairing. In effect, they can be described as heteronorm-*ing,* which is specifically pertinent to this research on mainstreaming SOHR. Applying this lens to a policy analysis of other rights, such as the rights of racial, religious, and linguistic minorities; the rights of disabled people, and SOHR, can show them to be racialis-*ing,* class-*ing* and (dis)abl-*ing*). (Bacchi and Eveline, 2010, p. 112).

Application of Bacchi's (2012) '*What's the Problem Represented to be*' policy analysis lens would have complemented this research, to provide insight on the normative assumptions of the one hundred and four (104) Legislation, Policy and Strategy (LPS) documents which I collected. Although this was beyond the scope of this thesis, future research could analyse the impact of these normative assumptions.

The types of mainstreaming approaches that are taken by the bilateral development organisation needs to be 'transformative' or 'agenda setting' to realise and mainstream SOHR. There is complexity in both the assessment of whether and how this transformative approach is applied by the bilateral development organisation. Both the application and assessment need an extensive theoretical understanding of transformative mainstreaming. It also needs an extensive understanding of associated theoretical lenses including participation, intersectionality, power, identity politics, citizenship, and processes of change.

1.10 Participation and Empowerment

Since the 1980s, the concept and use of participation has grown in strength and acceptability in international development. It has been widely applied although consensus on its meaning is

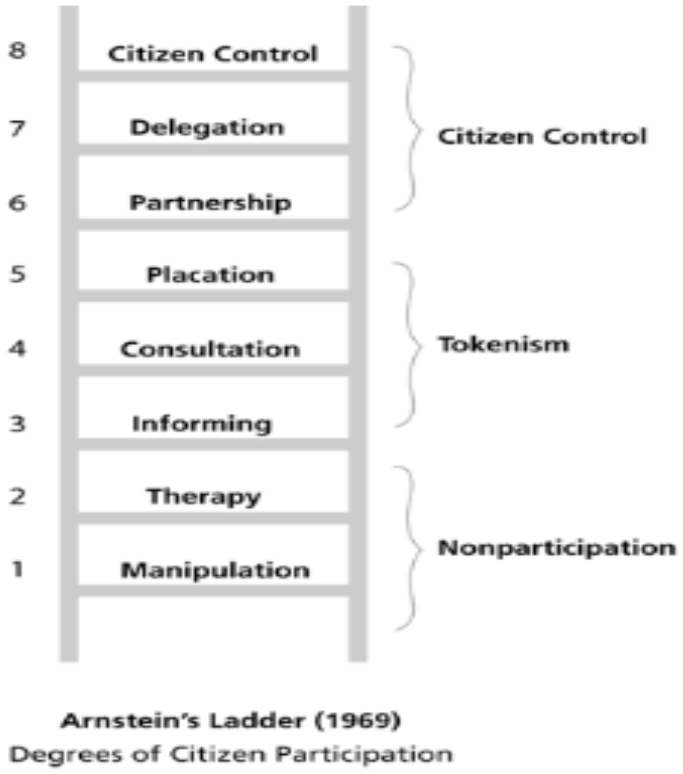
blurred (Mikkelsen, 2005). Like the concepts of mainstreaming and the RBA, participation has become a 'buzzword' of the global development industry with little consensus on its meaning, contextual use, and application. Tick-box exercises on participatory approaches are often written into project designs to meet commissioning and donor requirements, it has become a cliché (Cornwall and Jewkes, 1995).

As well as with international development, the language of participation is used within strategies and commissioning processes for service development and delivery globally. In the UK, participation is increasingly being written into statutory provision and strategies in relation to terms such as co-production, collaboration, PPI (Public and Patient Involvement), consultation, and partnerships. Citizen involvement is sought in the development of strategies or the delivery of services and programmes and legislation, white papers, and advocacy activities. Empowered citizens are also demanding meaningful involvement in strategy, service structure and delivery decisions. For example, the Disability Rights movement calls for meaningful involvement using the 'Nothing About Us Without Us' motto and movement which expresses the conviction of people with disabilities that they know what is best for them (Charlton, 2000). The 'Nothing About Us Without Us' principles are similar to the Denver Principles on which HIV activism was built. It relates to the understanding that people with lived experience of a disease or social reality should be the central voice in decision-making about directions in policy and programming that affect them (UNAIDS, 2023).

To elaborate on discourses of Participation and Empowerment, I start by presenting Arnstein's (1969) 'Ladder of Citizen Participation', which provides a framework through which practitioners and evaluators can conceptualise the depth of participation achieved within a project, or with a group of people. The ladder of citizen participation describes a

scale and associated actions from unmeaningful to meaningful participation in three categories, from Nonparticipation to Tokenism, to Citizen Control, see figure 3.

Figure 3. Arnstein (1969). Ladder of Participation. (Arnstein, 1969)



Focusing in international development, Mikkelsen (2005) distinguishes between four different types of participation (p, 65).

Passive Participation is a one-way teacher/student communication between staff and local people. Technical packages are offered for local people to adopt.

Active Participation is a dialogue and two-way communication that allows local people to interact with their 'educators'.

Participation by Subscription is where local people as small groups or individuals are given a choice to subscribe to a chain of events with the responsibility for each subsequent action

resting with the local people or local project. The local community are responsible for the organisation and execution of the work.

Participation on Local Request is where the project focuses on responding to the needs expressed by local people rather than offering them solutions conceived by outsiders. There is no project aim, timetable, or one-way chain of command from the project to the target population. As shown in chapter 7, Participation on Local Request is the approach taken by Sida in relation to engaging with civil society organisations in participating countries. Mikkelsen's different types of participation gradually move from unmeaningful participation, much like Arnstein's Nonparticipation and Tokenism, towards more meaningful participation in Participation on Local Request and Arnstein's Citizen Control.

Oakley and Marsden (1984) categorise participation as either a 'means to an end' or an 'end in itself'. As a 'means to an end', it is a tool to extract local knowledge. According to Arnstein (1969), this is Nonparticipation or Tokenism, and according to Mikklesen (2005), this is Passive Participation, Active Participation, or Participation on Subscription. As an 'end in itself', participation is transformative, enabling participating countries and citizens to influence the course of development events (Burkey, 1992, p. 58). This is citizen control according to Arnstein (1969).

In association with the concept of 'transformation mainstreaming' (Res, 2005) and ethical justifications for the RBA (Cornwall and Nyamu-Musembi, 2004), Citizen Control (Arnstein, 1969), Participation on Local Request (Mikkelsen, 2005), and participation as an 'end in itself' (Oakley and Marsden 1984), all seek to empower stakeholders to change systems of power, to command resources and increase capabilities. I will term the combination of all of these concepts as 'meaningful participation'. Meaningful participation is fundamental to the self-sustaining momentum of sustainable development (Oakley, 1995, p. 9), it also alludes to Sen's (1979a, 2001), capabilities approach, as discussed in section 1.5.

Many global, national, and local examples of meaningful participation are available to observe, learn from, and emulate. For instance, in the UK, the Social Care Institute of Excellence (SCIE) has dedicated resources on co-production, (which is another label for participation[xxvii]). They showcase guides, case studies, blogs, webinars, and support groups to be used by Local Authorities, NHS departments, Social Work Teaching Partnerships, Advocacy Groups, and Civil Society Organisations.

Within international development, Participatory Rural Appraisal (PRA) describes approaches and methods that empower local people. It entails groups of local people analysing their own contexts and choosing means to improve them. The three foundations of PRA are i) Behaviours and Attitudes, ii) Methods, and iii) Sharing, which brings knowledge about how to learn, change, organise and act. This leads to personal, professional, and organisational change which transforms both the 'system' and the 'self' (Chambers, 1994, p. 7). Although the methods of PRA have been recognised as effective in bringing forward and strengthening the voice of local citizens, it is the personal behaviours and attitudes amongst 'facilitators' which are seen as the most vital and critical ingredient for the successful practice of PRA (Kumar, 1996, p. 70). In the context of bilateral development cooperation, when we exchange the label of 'facilitators' to 'staff', it becomes the behaviours and attitudes of staff within bilateral development organisations that are vital and critical to realise and mainstream SOHR. Chapter 8 discusses the components of '*Individual Values and Skills'* of staff and '*Organisational Culture'* to realise and mainstream SOHR through bilateral development.

Historically, there are unequal power relations created through an unconscious bias of staff from donor countries who propose programmes and projects, transfer resources and knowledge, and express their power through actions within international development. This relates to the dependency model of international development, see section 1.2. Unequal

power relations can be diffused when applying meaningful participatory and empowering approaches.

Meaningful participation reduces inequalities in the relationships of power between the stakeholders. Intersectional analysis recognises axis of power and the realisation and mainstreaming of rights leads to empowerment. This is defined as:

> ‘Empowerment is the process by which people, organisations, or groups who are powerless become aware of the power dynamics at work in their life context, develop the skills and capacity for gaining some reasonable control over their lives, exercise this control without infringing upon the rights of others and support the empowerment of others in the community.’ *(McWhirter, 1991, p. quoted in Rowlands, 1997, p. 15)*

Empowerment is a debated concept. It is to be recognised either informally or formally through labels or legislation. To gain strength and skills to address inequalities, (before being recognised), is also empowerment. Oakley and Marsden (1984) describe empowerment as a challenge whose practice straddles the uneasy ground between legitimacy and opposition (p. 89). Empowerment is achieved through meaningful participation. It relates to Kabeer’s (2005) definition, that ‘empowerment recognises and challenges social justice and unequal power relations’ (p. 13–16).

Rowlands, (1997) states that ‘Power’ is the root concept of what empowerment aims to achieve, with empowerment being dynamic, changing, and varied according to circumstance. They distinguish between three types of power, ‘Power over’, ‘Power to’ and ‘Power with’ (p. 13). ‘Power over’ is controlling power exercised by dominant social, political, economic, and cultural groups. ‘Power to’ is generative or productive power, creating new possibilities without domination, such as the power to inspire ‘Power with’ is collective power, with groups tackling problems together. ‘Power over’ is an end in itself whereas, ‘Power to’ and ‘Power with’ is a process, see Oakley and Marsden (1994. p. 56). McWhirter's (1991)

definition of empowerment shows that it is about accumulating ‘Power to’ and ‘Power with’ to conquer ‘Power over’.

Friedman (1996) proposes that empowerment is the extension of social power, political power, and psychological power, with a complex inter-relationship between the three elements. Rowlands, (1997) claims that the sole attainment of psychological empowerment is insufficient alone to claim or sustain empowerment. It is a belief that needs to be verified and sustained through actions and must evolve alongside social and political empowerment. For example, through propaganda, the extension of political power by a small group may incite an extension of psychological power in others or increase economic independence (the extension of social power), which may contribute to increased individual self-confidence (psychological power) or vice versa (Rowlands, 1997, p. 110).

The meaning that bilateral development organisations and staff give to participation, participatory approaches, and empowerment influences their behaviour and actions. Increasing their knowledge and skills to apply meaningful participatory approaches is important to create the conditions through which staff contribute to the assembly and mainstreaming of SOHR. Participatory approaches are therefore an important component to realise and mainstream SOHR through bilateral development cooperation.

The behaviours, attitudes, and beliefs of staff, alongside the knowledge and skills of staff to apply participatory approaches, are therefore as important to be included in the Mainstreaming Human Rights Framework as the components of Hunt’s framework (2017).

1.11 Heteronormativity

Michael Warner first coined the term ‘Heteronormativity’ in *Fear of a Queer Planet* (Warner, 1993). He later defined heteronormativity in a co-authored article with Lauren Berlant (Berlant and Warner, 1998), which identifies heteronormativity as the extensive privileging

of heterosexuality in institutional contexts, structures of understanding, and practical orientations.

Heteronormativity is described as a fixed assumption in society that people fall into two distinct genders, each with natural roles and behaviours. According to Woods (2013), this provides subtle and unspoken ways in which the world is organised, to the exclusion of any other way. Moreover, these specific understandings of 'natural' sexuality or gender roles are quietly written into the fabric of our institutions and relationships in ways that can be exclusionary, limiting, and discriminatory.

Heteronormativity marginalises those living outside the boundaries of 'institutionalised, normative heterosexuality'. Not only does it establish a hetero/homosexual hierarchy, but it also orders relationships within heterosexuality, creating hierarchies among heterosexualities (Jackson, 2011). This results in 'hegemonic and subordinate forms of heterosexuality' (Seidman, 2005, p. 40). It sees certain forms of heterosexual relationships as deviant and to be controlled in different contexts. Examples could include sex before marriage, the fetish scene, inter-religious marriage, teenage pregnancy, or buying and selling sex. Deviancy from the 'norm' is often seen as the state's problem to control rather than valid expressions of desire. Depending on the context, forms of sex and relationships which contravene accepted norms can be met with social hostility, state sanction, and even violence (Jolly, 2011).

> *'there are hierarchies of respectability among heterosexuals, and what tends to be valorised as 'normative' is a very particular form founded on traditional gender arrangements and lifelong monogamy'. (Seidman, 2005, p. 59-60).*

The concept of heteronormativity provides a key site of intersection between gender and sexuality. It enables theorists to question the inevitability and naturalness of heterosexuality and systems which keep oppressive norms related to gender and sexuality in place, such as patriarchy, casteism, the class system, and religious fundamentalism (Sharma, 2009). Unlike

heterosexuality, which organises homosexuality as its opposite, heteronormativity has no opposite parallel. Homosexuality doesn't have the invisible, tacit, society-founding rightness that heterosexuality has. It is not possible to speak of 'homonormativity' in the same sense as 'heterosexuality' (Berlant and Warner, 1998, p. 548, footnote).

Lind (2009) describes how heteronormative thinking, associated with dominant gender and sexual norms in Western donor countries, runs through development initiatives and becomes pivotal in governing people's sexual and familial lives. She describes how (presumably heterosexual) 'mothers' have been the primary targets of anti-poverty policies, often made hyper-visible and targeted as the mothers of families, and by extension, mothers of the nation, to eradicate poor health, to control population growth, and improve access to education and economic standards among low-income families (Pigg and Adams, 2005, cited in Lind, 2009, p. 36). Non-normative individuals and families who do not fulfil prescribed gender and sexual roles are left out of development policies and initiatives and become, or remain, invisible. This translates into '*myriad forms of symbolic and material violence against them…their invisibility on paper serves as a mechanism to control their sexual lives and/or discipline them as sexual subjects*' (Lind, 2009, p. 35). Therefore, a working-class lesbian without children is invisible and remains outside of development initiatives. She does not fulfil a culturally and institutionally prescribed role in international development. She does not contribute to reproduction, is not seen as linked to the family, and therefore does not need intervention. '*She, therefore, remains outside the project of development'* (Lind, 2009, p. 34).

People who transgress dominant gender and sexual norms by forming different types of families or relationships, or choose not to have children, often face marginalisation and social exclusion, loss of employment, and challenges to accessing health or well-being services. Consequently, delivering development initiatives in compliance with dominant gender and sexual norms means this group of peoples' specific needs will not be recognised in

development initiatives. This leads to them experiencing limited access to participate in discussions and political processes, or it leads them to withdraw from situations whereby they are at heightened risk of having their sexual rights violated or denied (Armas, 2007).

Delivering development initiatives in compliance with dominant gender and sexual norms leads to inappropriate health-related projects, for example, stereotyping women regarding their reproductive role, not respecting bodily integrity, focusing on reproductive rights, and not focusing on free and informed choice and multiple forms of sexualities (SRI, 2013, p.9). It leads population initiatives to promote involuntary fertilisation or abortion, impose restrictions on abortion, and enforce specific methods of contraception (SRI, 2013, p.9). It does not enable education initiatives to recognise young people's sexuality. It denies them access to information and services, and potentially puts them at a greater risk of contracting STIs and HIV (SRI, 2013, p.13). Gender and sexuality stereotypical thinking, or heteronormative thinking, leads development projects to reinforce dominant gender and sexual norms. This creates and sustains relationships of power, contributing to the unequal distribution of financial, physical, and political resources.

International development that is delivered through a heteronormative lens, therefore, deepens poverty for both those who 'do not' fit into a gender and sexually normative lifestyle or families. It makes them invisible. It also deepens poverty for those who 'fit' into a gender and sexually normative lifestyle or families, by sustaining gender and sexual stereotypes and relations of power. Whichever way you approach it, delivering development initiatives through a heteronormative lens, reinforces dominant gender and sexual relations, deepening poverty.

The concept of heteronormativity emphasises heterosexuality as the dominant normative structure when this is not always considered the central relationship underpinning social order. It is, therefore, helpful to question the validity of heteronormativity as a useful concept

in non-Western contexts within the work of the global development industry. As an example, Jolly (2011) suggest to take Confucianism as an influential model throughout China, Korea, and Japan, which locates the husband–wife couple as just one link in the relations of duty to the extended family, society, and state (Jolly, 2011). It enshrines women's obedience to men as part of the natural order with obedience to the father, then the husband, and then the son upon widowhood. Central to the philosophical system are inter-generational obligations, filial piety (a virtue of respect for one's parents and ancestors), subordination to superiors and the state, order, hierarchy, and putting the needs of the collective before the individual (Jolly 2011).

Jackson et al., (2008) raises a concern that when the concept of heteronormativity is applied to international development across a myriad of socio-political and religious contexts, it focuses on *'Western-style intimacy, norms of the hetero-nuclear family, individualism, free choice of marriage partners and the idea that marriage should be based on love for another who complements and completes the self'* (p.16).

In her latest paper, Jolly (2022) uses the frame of heteronormativity to look at the development sector's normatives around sexuality. She clarifies that this heteronormative framework needs to include intersecting axes of inequalities if it is to provide a holistic frame useful for analysing inequality and power. For example, it needs to assess how race intersects with gender and sexuality. This aligns with Sharma's (2009) description of heteronormativity, which refers to *'norms related to gender and sexuality…as well as other systems and ideologies related to power such as religious fundamentalism, casteism, the class system, and so on'* (p.58). Jolly (2022) calls for an analytical '*integrated sexuality politics framework'* grounded in human rights and critical thinking to illuminate how dimensions of desire and sexuality intersect with dimensions of power and inequalities. Bringing together issues such as pleasure and violence, same-sex and different-sex desire, conforming and non-conforming

sexualities, gender identities, and other axes of inequality such as urban/rural geographics and how sexuality is deployed for political ends (e.g., to shift blame from governments to migrants, from abusers to abused).

Such as a specialist understanding and application of a framework raises similar concerns about the specialist skills needed by development practitioners to undertake this complex analysis alongside intersectional analysis (section 1.8), analysis of socio-political contexts (chapter 4), and citizenship analysis (section 1.8). It is a point to further question how development practitioners can gain and apply this specialism to assess contexts and apply mainstreaming practices. This is raised in chapter 8, when discussing internal mainstreaming and the knowledge and skills of staff.

1.12 Conclusion

Mainstreaming SOHR through bilateral development cooperation sits on a complex axis of discourses and theoretical frames. These include international development, human rights, Rights-Based Approaches, sexual rights, SOHR, sexuality, citizenship, mainstreaming, participation and empowerment, and heteronormativity. The application of the Mainstreaming Human Rights Framework includes identification of these theoretical frames, and analysis of their presence. Development practitioners therefore need to have knowledge about these discourses and theoretical frames, the interconnections between them, and processes of change. I, therefore, query how this complex analysis can be achieved by bilateral development staff, and then applied to devise strategies to realise and mainstream rights. I question how the Mainstreaming Human Rights Framework can be simplified yet captures this complex analysis. The framework therefore needs to be complex enough to capture the theoretical frames and approaches used by bilateral development organisations, yet not so complicated that it reduces this analysis to a ‘tick box’ exercise, as other

mainstreaming approaches have in the past. It also needs to be applied by development practitioners who are not specialists in human rights discourses and theoretical frames.

Further iterations of this framework need to be co-developed with development practitioners from the Global South and Global North to ensure that it is appropriately structured. This will enable it to bring knowledge about mainstreaming practices which can be applied alongside the demands of the development practitioner's role.

Mainstreaming SOHR through bilateral development should be based on an intersectional and heteronormativity-critical analysis rather than a specific focus on SOHR. Sexual politics worldwide has tended to focus on Western LGBT identity politics and labels. This creates global narratives which label some countries as 'modern' and others as 'backward', based on recent changes in domestic legislation of equal marriage, age of consent, and decriminalisation of same sex connections. There has been limited exploration of African-sexualities and limited literature which critiques the concepts that originate from the Global North on same sex realities in the Global South.

Concepts of sexual citizenship are known to be based on liberal Western frameworks of citizenship, which sustain heteronormative assumptions. There is a call to transform the norms of citizenship, by 'queering citizenship', decentring the focus on the Global North and SOHR. This call also seeks to question the development sector's normative assumptions around sexuality and power. Further exploration is therefore needed on how staff can analyse heteronormative structures and intersectional axes of power to strategise the realisation and mainstreaming of SOHR.

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Chapter 2. Methodology

2.1 Introduction

In this chapter I present my research question, aims and objectives, and how they influence my methodological approach. I outline my choice of data collection methods and how I chose the donor and participating countries focused on in this research. I then present my safety and ethical considerations and follow this by a reflection of my philosophical and social position and the impact that these have on my data collection and analysis. Finally, I present how I approached my data analysis.

2.2 Research Question, Aims, Objectives

This research aims for the identification key components in upholding commitments to SOHR through bilateral development cooperation. It challenges and extends Hunt's (2017) seven components to identify authentic human rights initiatives, of which mainstreaming is one. My research objective is to develop and apply a Mainstreaming Human Rights Framework to assess mainstreaming of SOHR through bilateral development, which can also be applicable in the mainstreaming of other rights in varied contexts and thematic areas. For this research I apply this framework to assess the practices of three bilateral development organisations in Rwanda to realise SOHR. This framework identifies both the progress and gaps in realising and mainstreaming rights and allows for the development of context specific strategies and action plans. It assesses the implementation and the assembly of rights by questioning and analysing contexts, components, processes, and the theoretical frames which surround the rights focused on and the approaches taken to deliver bilateral development cooperation.

To achieve my research aims and objectives and answer my research questions I adapt Hunt's (2017) seven components from the UN system to the bilateral system and use these

components as the foundation of a Mainstreaming Human Rights Framework. I critically question whether Hunt's component descriptions need to be expanded and refocused and I critically assess the contribution that they bring to a Mainstreaming Human Rights Framework. I integrate Plummer's (2006) five 'Rights works' processes within this Mainstreaming Human Rights Framework to identify the processes involved in assembling rights. Given the complexity of mainstreaming SOHR through bilateral development, I propose that internal mainstreaming and the realisation of rights within organisations is a prerequisite to external mainstreaming through programmes and initiatives. To assess internal mainstreaming, I include two additional components of '*Individual Values and Skills'* of staff and '*Organisational Culture'* within the Mainstreaming Human Rights Framework.

Bilateral development operates within geo-political and socio-political contexts. Conflicting positions between donor and participating countries on SOHR contribute to what I term as the 'complex space' within bilateral development. This research questions how bilateral development organisations navigate 'complex spaces' to realise and uphold countries commitments to SOHR.

2.3 Donor and Participating Country Choice

Focusing this research on three donor countries and one participating country provided the opportunity to identify the influence and impact of the socio-political contexts of the donor countries to realise and mainstream SOHR through bilateral development cooperation, and the different approaches that they take within Rwanda. It allowed for an analysis of the influence and impact of donor countries' legislation, political context, and dominant cultural values and norms on bilateral development cooperation. It also allowed me to observe how changes in political administrations and governments affects the focus and resources allocated to realising SOHR through bilateral development cooperation.

In 2012, I began the selection of my donor countries through a review of grey literature[7] on sexual rights, SOHR and bilateral development. From this review I ascertained that Sweden and Sida had begun to state and share their intentions realise sexual rights (SOHR) through their bilateral development work in 2006. This was when they first published their **'**Action plan for Sida's work on sexual orientation and gender identity in international development cooperation 2007–2009' (Sida, 2006). My policy analysis shows Sweden and Sida's continual commitment to realise sexual rights (SOHR) through bilateral development cooperation, as visualised through the content of their legislation, policies, and strategies (LPS) documents, see appendix K and O. This led me to consider them as a donor country to focus this research on. Observing the approaches and practices of Sida would enable me to understand how donor commitments translate into practice in Rwanda.

At this time (2012), I did not find any other country or bilateral development organisation with a long-standing commitment to realising sexual rights (SOHR). Although, in December 2011, the USA Obama Presidential administration issued a *'Presidential Memorandum, to 'Advance the Human Rights of LGBT Persons'* (President and The White House, Office of the Press Secretary, 2011)**.** This was directed to Heads of Executive Departments and Agencies. It outlined priorities for all federal agencies with international programmes and responsibilities, which included USAID and the Department of State, to advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons through international operations, see section 4.4. This Memorandum was accompanied by resources to develop and implement

[7] Defined by the Third International Conference on Grey Literature (1997) as 'information produced on all levels of government, academia, business and industry in electronic and print formats, but which is not controlled by commercial publishers' (ICGL, 1997).

action plans, strategies, and programmes, see section 7.4, and 7.5. I, therefore, chose to consider the USA and USAID as a donor country in this research to identify how leadership commitments translate into practice when realising and mainstreaming SOHR through bilateral development cooperation.

At this time (2012), I also observed that in 2011, the UK Prime Minister David Cameron indicated that development aid should be conditional on 'LGBTI rights' (BBC News, 2011). This showed that realising SOHR was considered as part of the UK's bilateral development work. However, the UK's approach to realising SOHR through bilateral development has subsequently not been clarified in policies, strategies, or action plans. This public statement was responded to by fifty-three (53) African social justice activist organisations and eighty-seven individuals (87), who signed a statement expressing concerns about the use of aid conditionality as an incentive to increase SOHR protection in Africa (African Organisations and Individuals, 2011).

In the year preceding this statement, the UK Equality Act (2010) was passed. This ensures that public services do not negatively impact on people because of their protected characteristics, with sexual orientation being named as a protected characteristic. Given that DFID is a ministerial department, a public body, delivers a public service, and accepts public funds, then DFID, and all its actions, must adhere to this legislation, whether these actions are taken in the UK or globally. I, therefore, chose to consider the UK and DFID as donors in this research, to identify how donor countries adhere to their domestic legislation through their development programmes and initiatives, when operating in participating countries.

After initially identifying the three potential donor countries, I began both to collate their Legislation, Policy, and Strategy (LPS) documents. I also began to analyse the voting patterns of countries worldwide on SOHR UN resolutions, statements, and proposals, and the SOHR domestic legislation related to SOHR discrimination, protection, and recognition worldwide,

see chapter 5. This showed the positions of Sweden, the USA, and the UK, which were congruent with other countries from the Global North and donors.

I observed that Rwanda's domestic legislation does not criminalise same sex relationships and connections through the Rwandan Penal Code (1980)[8]. Rwanda does not have anti-discrimination statutes to protect people from bias or discrimination based on sexual orientation, neither does it recognise same sex marriage, adoption, or families, see chapter 6. Domestically, the Rwandan government does not address prejudices, discrimination and the lived experiences of people based on SOHR. The authoritarian political system curtails civil society organising and media reporting. Media and international reports show that a combination of dominant cultural values and norms and the autocratic political regime, leads to human rights violations, discrimination, non-recognition, and exclusion based on peoples' sexual orientation, see section 4.2.

However, in March 2011, Rwanda backed a joint statement at the Human Rights Council to end acts of violence and related human rights violations based on Sexual Orientation and Gender Identity (SOGI), showing their commitment to supporting SOGI rights on the international stage and since, Rwanda has increasingly, yet not universally, moved to support of SOGI rights at the United Nations, see chapter 5. The Rwanda government has, therefore, acted differently to many of its neighbouring countries in the East of Africa region by not using 'politizised homophobias' to target people expressing same sex connections, relationships and in same sex families. (Paszat 2022), see section 4.2. Although Paszat

[8] Although Rwanda's domestic legislation does not criminalise same sex relationships and connections through the Rwandan Penal Code (1980), attempts were made in 2009 to introduce Article 217 to criminalise same sex activity and organising, this was promptly overturned, see section 4.2.

conducted their research after I had chosen Rwanda as a participating country, they see that Rwanda is ‘a useful case in understanding how ‘lgbt’ people organise under conditions where politicized homophobias are not the main driver of the government’s policy, but where the government remains unwilling to publicly address lgbt issues’ Paszat, (2022a. p.3). I therefore chose to consider Rwanda as a participating country, in that it does not criminalise same sex relations and connections; that the international agreements between Rwanda and donor countries provides leverage; and that this would open discussions about bilateral development organisations working with autocratic governments and discriminatory dominant cultural values and norms to realise and mainstream SOHR through bilateral development cooperation.

After tentatively selecting my donor and participating countries, to confirm my selection, I analysed the amount of Official Development Assistance (ODA) from potential donor countries to participating countries using the OECD website, QWIDS [9]. As a result, I identified that Rwanda received significant ODA funds from Sweden, the USA, and the UK in 2011 and I ascertained that the ODA funds transferred would continue to be an ongoing relationship between these donor and participating countries, see Appendix F.

It, therefore, is a combination of these factors which led me to choose Sweden, the USA, the UK as the donor countries and Rwanda as the participating country in this research.

[9] QWIDS: Query Wizard for International Development Statistics from the Organisation for Economic Co-operation and Development (OECD).

2.4 Methodological Approach

To answer my research question and meet the aims and objectives of this research, I undertook a literature and contextual review of historical and contemporary global and national contexts, I conducted semi-structured interviews, and collated Legislation, Policy, and Strategy (LPS) documents from the donor countries and bilateral organisations.

Literature and Context Review

I gathered literature on the historical and contemporary contexts, movements, and positions of sexual rights and SOHR globally, and in the four countries focused on in this research. This provided knowledge on the geo-political and socio-political contexts of donor and participating countries which impacts on the approach and work of bilateral development organisations to uphold commitments to SOHR. It also contextualises the opportunities for collaboration, relationship building, and the constraints on actions to realise SOHR. A contextual analysis is a component in the Mainstreaming Human Rights Framework.

Semi-Structured Interviews

I conducted semi-structured interviews with staff of bilateral development organisations from both head offices in Sweden, the USA, and the UK, and with staff working in the three bilateral organisations in Rwanda, who were citizens of donor countries and Rwanda.

Semi-structured interviews allowed me the flexibility to enquire about the components and the processes that are adopted within bilateral development organisations to realise SOHR. I was able to adapt my language and approach cues and ask questions which reflected an understanding of the socio-political context. This enabled me to raise sensitive questions on SOHR, as a potentially contentious subject, and capture data that I may not have captured through using other methodological tools such as a survey, or participant observation, for example. Undertaking twenty-four semi-structured face-to-face and telephone interviews

provided the opportunity to capture the actions and the approaches that bilateral development organisations take to navigate the complex space to realise and mainstream SOHR.

Qualitative research methods such as semi-structured interviews gather in-depth understandings of human behaviour and the reasons that governs such behaviour. They investigate the ‘what’, ‘where’ and ‘when’, ‘why’ and ‘how’ to understand the phenomena being investigated (Silverman, 2005). They gather data on micro-social processes based on participants’ meanings and seek to capture naturally occurring data, identify regularities, and explain patterns.

Semi-structured interviews provide a framework to ensure that topics are covered, to gather data, and provide a flexibility to adapt the interview flow. The interviewer develops several topics and questions which they ask in a systematic and consistent manner. An interview schedule is developed to guide the interview which consists of several topic areas with open and probing questions (Flick, 2006), see Appendix B. It is systematically structured to trigger the interviewee's thinking about issues and events and is closely linked to the research aims (Flick, 2011).

It is best practice to test the interview schedule before data collection (Kumar, 2011). However, rather than test the interview schedule with a fourth bilateral organisation, given the difficulty in recruiting participants and acknowledging the different understanding of sexual rights within each bilateral development organisations, I continuously tested and adapted my interview schedule throughout interviews, to identify any problems in understanding the construction of my questions. As an example, after my first interview with USAID, I learnt that staff from USAID’s head office in Washington DC had a strong objection to using the term ‘sexual rights’, using the acronym ‘LGBT Rights’ instead. I framed my questions to reflect this terminology through my subsequent interviews with

USAID staff. Whereas Sida frequently use the term ‘sexual rights’, as presented in Sida’s LPS documents, in chapter 6.

The main advantage of semi-structured interviews is the flexibility of the interview process (Berg, 2009). It allows interviewees to reply freely and extensively to questions. However, on a more challenging side, this flexibility can be interpreted as a disadvantage as it can require the interviewer to use coping techniques such as varying the order of questions, following leads, and clearing inconsistencies in answers to elicit data.

Face-to-face interviews provide the opportunity to build rapport with participants to gather detailed information about their views and experiences. It enabled the exploration of beliefs and experiences and the meanings of concepts, behaviours, perceptions, accounts, and processes. This enhances the understanding of the topic, enabling a greater understanding of what is happening in practice behind the official view. This is important when opening conversations, conducting interviews, and gathering data about sensitive, complex, and even personal topics, such as SOHR.

I recorded my face-to-face interviews after gaining consent from participants. When face-to-face I was also able to observe behaviour, expressions, and voice intonations. I was also mindful that when recording face-to-face interviews, many topics of interest are revealed after the recording equipment is switched off (Bryman, 2012). I, therefore, noted observed behaviours and these un-recorded conversations immediately after I had finished the interviews. I visited the head offices of the bilateral development organisations in Sweden, the USA and the UK, observing workplaces, available literature, and poster and notice board presentations. By undertaking face-to-face interviews and visiting offices, I gained more nuanced data and a better understanding of the cultural and socio-political contexts of the donor countries and the bilateral organisations’ head offices.

Concern about my safety as a solo Western woman researcher and opening-up conversations on SOHR guided my choice to conduct interviews with participants in Rwanda via telephone, see section 2.8. Through these telephone interviews I was not able to build the same rapport with participants nor capture nuanced interpretations of meaning, as with face-to-face interviews. In addition, telephone interviews would not allow me to gain a greater understanding of the culture within the bilateral development organisations in Rwanda through visiting their offices and observing cultures, notice boards and posters, and the cultural and socio-political context of Rwanda.

At the time of my interviews, between May 2015 and December 2017, the technologies of Skype, Zoom, and Microsoft teams were not as developed as during and following the Covid-19 pandemic of 2020. A strong internet connection was also needed to use video connections, and this could not be guaranteed in Rwanda. Whats app video conferencing required a strong internet connection and could not be recorded unless from a secondary device, which could have led to poor quality recording. The cost of direct international telephone calls was high at the time of my interviews and, like Whats app, could only be recorded from a secondary device. Therefore, I sourced a telecommunications supplier who provided secure and clear telephone connections with Rwanda and could simultaneously record both sides of the conversation to a high quality. This recording started when the number was dialled to the end of the call, to capture conversations from both sides.

I emailed participants prior to the interviews to gain their consent to record at the start of the interview. Although I could not observe behaviour and expressions throughout these telephone interviews, I could observe and note intonations in their voice and when questions were queried or repeated. I noted this nuanced data, checked understandings with participants, and, where needed, provided more clarity and/or changed my interview schedule to respond to participants.

I transcribed all interviews within one month and sent transcripts to participants to gain clarity about unclear recordings and confirm that transcripts were an accurate interpretation of our conversation. I then incorporated any comments or clarifications provided by the participants into the transcripts.

Recruitment

I used a non-probability sampling design and a snowballing approach to create a quasi-random sample to represent a larger group. Snowballing sampling has become a popular non-probability sampling strategy among researchers studying sensitive topics and difficult-to-reach populations (Lee, 2008). This is a respondent-driven sample which begins with identifying people with relevant characteristics and interviewing them. Respondents are then requested to provide information about other people in the organisation or field of study for the research, and the people they select become the basis of further data collection. This creates a chain of subjects led by the referral of one respondent to another. I used this snowballing sampling technique because of my limited contact with staff within the three bilateral organisations. This method allowed me to initially contact a few potential participants, to then be introduced or provided with contact details of other potential participants for this research.

I initially conducted an internet search of the three bilateral development organisations, gathering email contacts from policy documents and a LinkedIn search of policy advisers in thematic areas related to the wider concept of sexual rights. This approach provided me access to policy advisers and development practitioners responsible for strategy and with potential knowledge about mainstreaming practices in their thematic specialisms. It provided contact details of staff involved in areas such as SRHR, democracy, equality, sexuality, human rights, and gender.

In addition, I contacted LGBTQI staff groups within each bilateral development organisation to recruit research participants, and I attended seminars, conferences and training on sexuality and development to engage with academics and professionals working on SOHR and International Development to enquire about best practice, contacts, and policies.

Initially, I introduced my research and framed my request for participants around 'the relationship between sexual rights and international development' rather than using the complex term of 'mainstreaming SOHR'. I assumed that I would not have recruited many participants if I had explicitly asked to conduct interviews on SOHR which is a contentious subject area. I predicted that SOHR mainstreaming had not been achieved through organisation and with staff working in a variety of thematic areas, for them to associate SOHR with their work and respond to my interview request. I, therefore, presumed that only a very few staff members work directly on SOHR within each bilateral organisation would have responded.

When introducing the research subject and question at the start of my interviews, I used the term 'sexual rights' and clarified my meaning as 'human rights connected to sexuality'. This broad umbrella term enabled me to gather research data from a wider range of development practitioners, rather than those working specifically on SOHR rights, of which there are only a few staff members – possibly one or two in each bilateral development organisation. I also avoided only speaking to policy advisers or development practitioners who were responsible for realising SOHR throughout the bilateral development organisations, or who were specifically interested in SOHR, such as staff from LGBT Staff networks.

Through my interviews, I first explored the understanding, knowledge, and actions of participants in relation to sexual rights and then moved to asking specific questions about Sexual Orientation Human Rights (SOHR), after rapport had been established. Using the terminology of 'sexual rights' enabled me to gain an understanding of how SOHR were

understood and how they were being realised and mainstreamed through thematic departments, for example, alongside SRHR, gender, Governance etc.

It meant that I was able to gather insight and data on the interconnections between what staff considered to be sexual rights, and how they understood SOHR. It also provided knowledge on the connections that they made between SOHR and their work, and whether approaches to mainstream SOHR were emerging within their organisations, as discussed in chapter 7.

Immediately after contact, participants were informed about the research content through an information sheet, see Appendix C. They were informed that they could withdraw at any time and would be sent a transcript of their conversation within one month. They were informed about confidentiality and that they would be contacted when my thesis was complete and would be provided with knowledge about access, see Appendix D.

All replies to my request for participants were from policy advisers and development practitioners who connected their work to the concept of sexual rights, such as staff working on gender, SRHR, reproductive rights, Health related programmes such as HIV or maternal health, or democracy and governance. Despite attempts, I could not recruit participants who did not have a specific interest in sexual rights or did not believe that their area of work was connected to sexual rights. Therefore, I did not interview staff involved in education, infrastructure, economic development, water and sanitation, for example. This tentatively shows that the understanding of SOHR; the connections between SOHR, poverty and sustainable development; the understanding of structures of power; and therefore, the understanding of transformative approaches to realise and mainstream SOHR are at an early stage within the three bilateral development organisations, see chapters 7 and 8.

Research Schedule

Following an internet search to gather and collate Legislation, Policy and Strategy documents (LPS) from the three bilateral organisations on SOHR, I conducted semi-structured interviews in the three head offices in donor countries to capture participants' knowledge, and use of policies and legislation. This enabled me to source additional LPS documents on SOHR and to identify potential participants in both head offices and Rwanda. I, therefore, used semi-structured interviews to source additional SOHR policies and strategies from donor countries and bilateral organisations, but also to ascertain which policies and legislation were known to participants and to understand their interpretation and application of LPS documents. After an initial analysis of the domestic laws on SOHR of Sweden, the USA, the UK, and Rwanda, I conducted interviews in Rwanda and asked asking for LPS documents within my interviews. This enabled me to interpret whether research participants knew about LPS documents and provided me with the opportunity to open up questions on SOHR.

Table 6 provides a breakdown of the medium and location of my twenty-four (24) semi-structured interviews.

Table 6. Timing, Location, and Interview Participants

Timeframe. I conducted semi-structured interviews between May 2015 and December 2017
Medium. Fifteen (15) interviews were conducted face-to-face with staff from head offices in Sweden, the USA and the UK. Nine (9) were conducted over the telephone with staff working in Rwanda.
Sida. I conducted seven (7) semi-structured interviews with Sida staff between April 2017 and August 2017. Four (4) were with staff working in the head office in Stockholm, Sweden and were Swedish citizens. Three (3) were working in the Rwandan office in Kigali, two were Swedish and one was Rwandan.
USAID. I conducted eleven (11) semi-structured interviews with USAID staff between May 2015 and September 2017. Eight (8) were working in the head office in Washington

DC, USA and were North American citizens. Three (3) were working in the Rwandan office in Kigali, of whom none (0) were North American, and three (3) were Rwandan.
DFID. I conducted six (6) semi-structured interviews with DFID staff between December 2016 and December 2017. Three (3) interviews were with staff working in the head office in London, England, UK, and were British citizens. Three (3) were working in the Rwandan office in Kigali, one (1) was a British and two (2) were Rwandan.

Table 7 shows the citizenship and countries of work of my research participants. Their nationalities and countries of work correlates to their perspectives on SOHR mainstreaming. This analysis is presented in chapters 7 and 8.

Table 7. Interview Participants, Countries of Work and Nationalities.

	Number of interviews	Communication	Number of interviews	Communication
Sida: 7 semi-structured interviews. April 2017 to August 2017				
	Head Office Stockholm		Rwandan Office Kampala	
Swedish staff	4	Face to Face	2	Telephone
Rwandan staff	0	N/A	1	Telephone
USAID: 11 semi-structured interviews. May 2015 to September 2017				
	Head Office Washington D.C		Rwandan Office Kigali	
American staff	8	Face to Face	0	N/A
Rwandan staff	0	N/A	3	Telephone
DFID:6 semi-structured interviews. December 2016 to December 2017				
	Head Office London		Rwandan Office Kigali	
British staff	3	Face to Face	1	Telephone
Rwandan staff	0	N/A	2	Telephone

Given the length of my interviews, the contentions surrounding talking about sexual rights and SOHR, and that my methodological approach did not allow me to return to speak to research participants for a second interview, I sourced additional data to analyse the mainstreaming of SOHR through bilateral development cooperation in Rwanda.

Legislation, Policy, Strategy Documents

I collated one-hundred and four (104) Legislation, Policy, and Strategy (LPS) documents from the donor countries and bilateral organisations of Sweden, the USA, and the UK which relate to sexual rights or SOHR. I sourced these through an internet search and from my research participants.

Gathering and analysing one hundred and four (104) LPS documents provided me with secondary data to understand the broader macro context of realising and mainstreaming SOHR. Of these LPS documents, thirteen (13) were Legislation documents, eight (8) from Sweden, two (2) from the USA, and three (3) from the UK, see chapter 6. Ninety-one (91) were Policy and Strategy documents, twenty-four (24) from Sweden and Sida, thirty-one (31) from the US and USAID, and thirty-six (36) from the UK and DFID, see Appendices L, P, Q, R.

2.5 Positionality

Positionality refers to where one is located, in relation to our various social identities such as gender, race, class, ethnicity, ability, geographical location, etc. Our multiple identities and their intersections, which are fluid and dialogical in nature, are contextually situated, and continuously amended and reproduced. These shape how we understand and engage with the world, including our knowledges, our perspectives, and practices (Alcoff, 1988). Positionality points to the fact that our identities are always relationally shaped within hierarchies of power (Yep 2014).

As researchers we are positioned through our different personal histories, biographies, lived experiences, and identities and these influence our research. This is well-illustrated by the extensive literature on how the gender of the researcher and those being researched influences the nature of fieldwork (Oakley, 1981). The positionality and personal

characteristics of the researcher, therefore, means that they either inhibit or enable certain research insights (England, 1994). This is evident in that only a "person, without gender, personality, or historical location, … would objectively produce the same findings as any other person," Warren (1988. p.7). The identities, skills, values, hence positionality of a researcher makes them an instrument of their own research, and their tools and perspectives therefore need to be understood (England, 1994).

Locating ourselves in our research and reflecting on what influences the questions we ask, how we conduct research, and how we write about our research is imperative to enable us to produce more inclusive, flexible, and philosophically informed methodologies sensitive to the power relations inherent in conducting interviews. Although, it should be noted that reflexivity can make researchers more aware of the asymmetrical or exploitative power relations between the researcher and the research participant, and taking actions in the research process can navigate these power relations, these power relations cannot completely be removed.

From my feminist perspective, my research is influenced by the gendered relations of power in literature, policies, and practices. I have interpreted in my literature review through this perspective, and I attempted to establish a reciprocal relationship with research participants based on empathy and mutual respect and address the relationship of power in qualitative data collection. As England (1994) notes 'feminist, critical methodology does not provide a clear set of rules to follow, but a series of "maps" to guide research' (p.251). This perspective initially drew me to analyse LPS documents using the WPR approach (Bacchi 2010), which unfortunately I was unable to undertake give the number of LPS documents collated (104).

For this research, my approach and interviews were based upon acknowledgement that the knowledge of research participants would be greater than my knowledge as the researcher. I, therefore, approached my research through the stance of 'supplicant' which enabled me to

semi address the asymmetrical and power relations in my relationship with research participants (Smith, 1988). Throughout my interviews, I carefully raised questions on SOHR at an appropriate time, predominantly towards the last third of the interview, having established rapport and trust with participants. This was within the constraints of the interview, such as interview length, the medium through which they were conducted, the contentious topic of SOHR, and the location of the interview. During my interviews that included participants from both a donor country and Rwanda, I observed an unwritten process whereby the language and terminology between myself and the research participant from the UK, Sweden, or the USA was reformulated to ensure the inclusion of the participant from Rwanda, who did not have the similar cultural language in relation to SOHR.

Having previously worked in International Development across Asia and Africa, I am aware of the power dynamics between the social identities and positionality of staff members from head offices and donor countries, and staff members from participating countries. These relationships reflect the historical and contemporary colonial, neo-colonial, and neo-liberal histories, contexts, and relationships of power. Such power dynamics were recognised within this research which crosses national borders and cultures in the context of bilateral development cooperation. I was aware that I presented as a white, educated woman, from the Global North, (specifically from the UK as a colonialising nation), seeking to discuss contentious issues with research participants from the Global South (and Rwanda). I, therefore, adopted a research approach and methodology that was sensitive to the power relations inherent in this research, through understanding that both colonial and neo-colonial histories and social identities shape relations and dynamics. Taking this critical, and self-reflexive approach, enabled my understanding that both my own and my research participants ways of knowing and being are historically informed and culturally situated.

Power dynamics in research are also compounded when the subject of the research is contentious, such as SOHR. I, therefore, reflected that having previously worked in the thematic area of SOHR and equalities, I have been exposed to many discussions on SOHR in both public and private spaces. I, therefore, have been exposed to opportunities to learn, discuss, reflect, and build my understanding and research approach to SOHR, see section 3.5. This places me in a position of power when researching and discussing SOHR with research participants who have not had the same opportunities to discuss SOHR, or in locations where dominant cultural values and norms are not conducive to discussions on SOHR, see section 8.2.

Power relations between the researcher and participant can also evolve and are reinforced from the extraction of data. This data is provided by the research participant to be analysed and presented by the researcher. Using meaningful participation and co-production methodologies diffuses the relationship of power between the researcher and the research participant and therefore is included in the Mainstreaming Human Rights Framework developed with this research, see chapter 2.

For this research, I was not able to adopt a meaningful participatory approach to involve research participants in the case of research design, development, or in its dissemination. This was relational to location, time, and resource constraints. Neither did I meaningfully involve development practitioners or academics from either the Global North or Global South in the development of the first iteration of the Mainstreaming Human Rights Framework presented in this thesis. I, therefore, have produced a skeleton framework based on my skills, perceptions, and positionality. Further co-designing and co-developing this framework is a point of further research and work.

Through my other research projects, I have applied meaningful participation methodologies and sought to assemble rights through research processes which I adopt. I enable

opportunities for research participants to engage in the research design, delivery, and dissemination of research to share their perspectives. This methodological 'Rights-Based' approach is 'a *process* not just a product' (England 1994 p.244) and contributes to the assembly of rights through research practices.

My approach to separate Sexual Orientation rights and Gender Identity rights (SOGI) and focusing specifically on Sexual Orientation Human Rights (SOHR) may seem to be exclusionary given the UN focuses on SOGI rights, the prevalent literature, rights claims, and allyship. This is especially pertinent in the current global context of heightened transphobia, especially throughout the UK. My feminist perspective which engages with intersectional lenses and analyses axes of power, my values, and my supportive position on trans rights, and does not support a Trans Exclusionary Radical Feminist (TERF) perspective (Rogers, 2023). I stand in solidarity with trans people and the trans movement to realise human rights. I chose to focus specifically on SOHR for several reasons. At the start of this research in 2012, many research projects separated Sexual Orientation (LGB) and Gender Identity (T). This separation continues today, through specific research on Trans rights or the lived experiences of Lesbian women, for example. My research experience prior to 2012 focused on Sexual Orientation. This provided me with a level of competency when discussing SOHR, which guided the focus of this research. Through critical introspection and scrutiny, given the recent rise of anti-trans campaigns and transphobia, if I began this research again, I would focus it on SOGI rights rather than specifically SOHR.

My experiences of heteronormative microaggressions, prejudices and discrimination have heightened my awareness of the relationship between gender and sexual norms. I understand the lived experiences of women who experience sexually diverse relationships and the power structures which inhibit access to resources. This is combined with my awareness of working

and living in countries where legislation and dominant cultural values and norms do not recognise and discriminate against SOHR.

My multiple social positionings enables me to be open to human rights and intersectional lenses, questions, and critiques. This accommodates my intentions to engage in critical social science and to translate my academic endeavours into political action, leading to positive impact for marginalised people. My positionality therefore plays a central role in the focus of this research, my methodologies, and my applied research approaches.

2.6 Philosophical Position

The chosen social research methods are closely tied to different visions of how social reality should be situated. This links to how social scientists envision the nature of social reality and how it should be examined (Bryman, 2012). Methodology, therefore, consists of a set of philosophical positions impacting on the selection of the research design (Merriam, 2009).

Merriam (2009) presents two prevalent positions to view social science study: objective and subjective. The objective position consists mainly of functionalist theories focused on the rationality of social actors and the instrumentality of their actions. This deductively seeks to explain regularity and test hypothesis. The subjective position consists of interpretive theories such as symbolic interactionism, constructionism, critical theory, and action research, which assume that reality is socially constructed, that multiple realities exist, or there are multiple interpretations of a single event.

According to Corbin and Strauss (2008), the selection of research method is based on the nature of the research question posed, as well as the preferences of the researchers. I approached my research from a subjective position, conducted semi-structured interviews with staff from the three bilateral development organisations to identify the components and processes to implement and assemble SOHR through bilateral development cooperation.

2.7 Ethical Considerations

This research was guided by the British Sociological Association Guidelines on Ethical Research and the British Sociological Association Statement of Ethical Practice (BSA, 2017). It complies with the UK Data Protection Act (UK Government, 1998a) and was passed by the University of Essex's ethical review process.

In this research, the limited number of interviewees per organisation could have potentially negated their anonymity. I, therefore, consulted similar studies to devise a four-stage process to ensure the anonymity of participants and confidentiality. First, upon initial contact I asked participants whether they agreed for their bilateral organisations to be named in the thesis. All participants consented. Second, at initial contact and the start of interviews, I asked participants whether they consented to name their bilateral organisation in this thesis, and all agreed. Third, I informed all participants that identifying data would not be revealed in the analysis and thesis. I provided them with an information sheet and consent form and provided a paper copy where possible and an electronic copy to all, they all verbally consented to be involved in this research, see Appendix C and Appendix D. Finally, I sent a copy of our interview transcripts to all participants and asked for them to check and agree the transcript. With consent from all participants at each stage, I can explicitly name the three organisations involved in this research.

Each participant was presented with a consent form at the start of the interview, see Appendix D; the interview only commenced when this was verbally agreed, or the consent form was signed by the participant. Consent forms were stored in a locked cabinet away from research files. A spreadsheet was maintained to record participants' contact details and included the date; confirmation that the information sheet and consent form was sent; the interview, date, time, and location; and confirmation that the consent form was signed, see Appendix E. This spreadsheet was completed by hand and was stored alongside completed consent forms in a

locked cabinet away from research files. I transcribed all interviews within one month of interviews and saved the transcripts as password-protected files on my university computer as cloud-based files only accessible by myself. No other person has access to the data or passwords. Recordings were retained until the end of the research. Anonymised data/transcripts were saved as password protected files on a dedicated data-saving hard drive following the end of the research project which enables this data to be used in the future, as outlined in the consent form.

None of the participants withdrew from the research, but they were informed that if they chose to do so their data would be deleted from all documents, hard drives, and storage areas and all relating quotes would have been removed. A data management plan was developed identifying the data access, storage, security and sharing mechanisms associated with each phase of the research process.

2.8 Safety Considerations

A considered element of this study was my safety as a solo researcher conducting semi-structured interviews about SOHR in Rwanda. Holding conversations about SOHR whilst in Rwanda would have brought attention to myself. I was concerned that an inaccurate description of my research could be shared with the wider community, creating annoyance or aggravating actions towards me. I also felt that I could not secure adequate community or police protection or private protection, which would have brought attention to my research.

There are limitations on conducting research which discusses ethnicity in Rwanda (Reyntjens 2011), and although this research would not have discussed ethnicity, SOHR is a divisive issue and my research interviews may have raised contentious issues around structural systems which oppress people living in same sex relationships and connection. This could be seen as being confrontational to the Rwanda authoritarian political system, see section 4.2.

Other scholars have observed that conducting research in Rwanda is challenging (Begley 2013; Thomson 2010). Experiences of researchers studying the genocide, ethnicity, and reconciliation have been subject to state harassment from the Rwandan government which rejects domestic and international criticisms of its human rights record (Beswick 2011, p.499–500; Reyntjens 2011, p 4–7, 10–11). The Rwandan government has also refused to allow researchers to leave the country with their data (Ingelaere 2010, p49), which has led to some scholars needing to limit or change their research focus (Loyle, 2016, p. 927).

Although the University of Essex's ethical committee did not identify any risks in association with my research on SOHR in Rwanda, consultation with the UK GOV website indicates that I would not be safe to conduct research on SOHR as a solo researcher. In relation to 'LGBT issues' in Rwanda the UK government informs,

> *'Homosexuality is not illegal in Rwanda but remains frowned on by many. LGBT individuals can experience discrimination and abuse, including from local authorities. There are no specific anti-discrimination laws that protect LGBT individuals. See our information and advice page for the LGBT community before you travel. (GOV.UK, 2023a)*

Foreign travel advice by the UK government advises LGBT travellers to '*reduce the risks, prepare well and research your destination in advance, including legal restrictions and social attitudes'*. Before travel '*find out about the local laws and social attitudes towards same-sex relationships and gender expression and identity in the country and area you're visiting*', '*view online discussion forums, blogs and the LGBT+ media'* and '*check the 'Local laws and customs*' (GOV.UK, 2023a). Whilst abroad the UK government advised that '*even in LGBT+ friendly countries, violence or stigma against LGBT+ people can occur'* (GOV.UK, 2023b). This advice raised a concern for my safety given I would be talking openly about SOHR.

I also reflected on my experience of when I worked as an independent consultant for an international organisation in East Africa. During this consultancy I was not protected by

organisational mechanisms. I related this to this research and conducting interviews about SOHR as an independent researcher without organisational support in Rwanda. I concluded that I would not feel adequately safe and supported to conduct interviews face-to-face in Rwanda.

With knowledge on the socio-political context in Rwanda, dominant cultural values and norms, safety advice, and the Rwandan governments approach to contentious research, I chose not to conduct face-to-face research in Rwanda as I had in Sweden, the USA and the UK, but to interview staff from the three bilateral development organisations based in Rwanda from the UK via telephone and record interviews. I concluded that conducting research whilst not in Rwanda would ensure my safety and reduce scrutiny by the Rwanda government, which reportedly attempts to control the research that is conducted in country. (Paszat, 2022a)

2.9 Data Analysis

Data analysis in qualitative research is intended to provide an answer to the specific research question(s) (Merriam, 2009). There are three ways to analyse the data: 1) develop a narrative to describe a situation or event; 2) identify main themes from the field notes and interview transcripts and quote them accordingly; and 3) quantify the central theme to provide significance (Kumar, 2011). Qualitative data analysis is a process of searching for patterns and relationships in the data by comparing individuals' stories and experiences. It is the way of making sense of data and involves consolidation, reduction, and interpretation of what people have said, and what the researchers have seen and read. These meanings and understandings constitute the findings of the research.

Analysis of my data consists of a contextual, thematic, and policy analysis. It allows me to answer my research question and achieve the aims and objectives of this research. I selected

my research methodology to provide me with data to unpick the complexity of implementing and assembling SOHR through bilateral development cooperation in Rwanda and the interrelationships between the components and processes, theoretical frames, and values. This enabled me to identify key components in upholding SOHR. It also enabled me to identify the processes to assemble SOHR and to formulate and apply a Mainstreaming Human Rights Framework.

I conducted analyses of literature on SOHR in the global context, within bilateral development cooperation, and in the socio-political contexts of Sweden, the USA, the UK and Rwanda. I conducted a thematic analysis of semi-structured interviews with staff from bilateral organisations from the three donor countries and Rwanda to understand the components and processes of realising and mainstreaming SOHR and to develop a Mainstreaming Human Rights Framework. Finally, I conducted a policy analysis of terminology within Legislation, Policy, and Strategy documents to identify reference to leadership and policy on realising SOHR and the integration of the theoretical frames of feminism and intersectionality. This enabled me to understand the transformative approaches used by bilateral development organisations to realise and mainstream SOHR and to cross reference this understanding with my policy and contextual analysis.

Contextual Analysis

My contextual analysis shows how the debate about human rights and sexual orientation is positioned and unfolding globally, see section 1.6, 1.7 and 1.8. I initially conducted a literature review of the position of sexual rights and SOHR within international development. This outlines the associations between specific sets of sexual rights, such as SRHR, reproductive rights, HIV/Aids and body autonomy, violations, and SOHR. It provides insight on the linkages between areas of activism and civil society organisations which can form coalitions between programmes, bilateral organisations, and civil society organisations to

realise and mainstream SOHR. For example, this is shown in Rwanda through the approach to oppose Article 217 to criminalise same sex practices and activism (2009), see section 4.2.

I also conducted a contextual analysis of the historical and contemporary socio-political contexts of Sweden, the USA, the UK, and Rwanda in relation to SOHR. This shows how political environments and decisions influence the actions of bilateral development organisations. My contextual analysis of Rwanda discusses the position and approach of the government in relation to civil society organising, human rights, and freedom of the media. These contextual factors impact on the decisions and actions to realise SOHR by bilateral development organisations. It shows the importance of the presence of a contextual analysis within the Mainstreaming Human Rights Framework which both assesses and enables the development of strategies to realise and mainstream SOHR through bilateral development cooperation.

I consulted UN sources, literature, and grey materials to analyse the voting patterns of UN member states to support or oppose UN resolutions and statements on SOGI rights. I analysed the domestic legislation of countries worldwide in relation to Criminalisation, Protection and Recognition of SOHR rights over a seven-year time period to provide a perspective of SOHR in the global context, see section 1.6. Throughout my analyses I identified and highlighted the domestic legislation of DAC donor countries and non-DAC donor countries, as shown in the tables presented in Appendix G. Through identifying the positions of DAC and non-DAC donor countries, I could identify the positions of non-donor countries, which include participating countries in bilateral development cooperation. This enabled me to observe the divide and conflict between the UN voting positions on SOHR between donor and non-donor countries worldwide and the divide between the DAC and non-DAC donor countries, which are divided on dominant cultural and religious beliefs on SOHR.

In relation to my analysis of domestic legislation, I placed countries into six continental regions of Africa, Asia, Europe, Latin America & Caribbean, North America, and Oceania. This enabled me to analyse the divide between countries from different regions and the global divide between the Global North and the Global South. Importantly for this research, I was also able to analyse the divide between the donor countries of Sweden, the USA, the UK, and the participating country of Rwanda. This analysis provides evidence of the 'complex space' between the donor and participating countries involved in this research which needs to be navigated to realise and mainstream SOHR. In section 4.2 I discuss the potential strategic reasoning behind the Government of Rwanda's voting pattern to progressively support SOGI rights on an international stage.

A contextual analysis enables bilateral development organisations (as well as civil society organisation and activists), to refer to global, national, and local contexts in relation to SOHR. This provides a foundation to their strategy and action plan developments. This evidence the importance of a contextual analysis within the application of a Mainstreaming Human Rights Framework.

Thematic analysis

I thematically analysed my semi-structured interviews to identify the components and processes of implementing and assembling SOHR through bilateral development organisations. A thematic analysis is a process of careful, detailed, systematic examination and interpretation of data to identify patterns, themes, biases, and meanings (Berg, 2009). The categories in the analysis are determined inductively or deductively or by combining both. The inductive approach requires the researcher to immerse themselves in the existing documents to identify the themes pertinent to the study. The deductive approach uses categories drawn from theories and documents assessing the hypothesis. I structured my analysis around Hunt's (2017) seven components and Plummer's 'Rights Works' processes

to both inductively and deductively identify the main themes and quotes from interview transcripts and my field notes, which I present in chapters 7 and 8.

Thematic analysis is generally achieved through a coding frame (Berg, 2009). The purpose of coding frames is to organise the data and identify key findings from the open coding (David and Sutton, 2004). The main advantage of a coding frame is that it allows researchers to use words, phrases, and ideas directly from the text and capture emerging themes and explore them further in the research. I closely studied the transcription of my interviews to identify categories and themes associated with Hunt's (2017) components and Plummer's (2003, 2006) processes to code them.

Since the early 1980s, qualitative researchers have widely used computer-assisted programmes such as N-Vivo, ATLAS/ti or MAXQDA (Kelle, 2004). Computer-assisted qualitative data analysis software (CAQDAS) assists qualitative researchers in managing textual data. There has been considerable debate about the potential methodological advantages and disadvantages of CAQDAS in qualitative research. However, it has been agreed that using CAQDAS has benefited the analytical process (Spencer et al., 2010).

N-Vivo 10 has been increasingly used in analysing qualitative data mainly due to its simplicity. In addition, it includes various tools for processing extensive data records, browsing and coding, annotating, and gaining access to data records quickly and accurately. Data from my semi-structured interviews was organised, coded, and analysed using N-Vivo 10, which helped me to analyse and discuss the categorised themes.

Policy Analysis

I analysed the Legislation, Policies and Strategies (LPS) documents from donor countries and bilateral development organisations. This enabled me to identify the leadership and policy components in upholding commitments to SOHR, which are included in the Mainstreaming

Human Rights Framework. It also enabled me to understand the progression to 'articulate' SOHR in LPS documentation, as referenced in Plummer's processes (2006). This analysis enabled me to observe how SOHR was being referred to in thematic areas that were not specifically focused on SOHR, hence how SOHR was being mainstreamed and realised through development initiatives and programmes and throughout organisations.

I initially intended to collate thirty (30) LPS documents and analyse them using Bacchi's, (2012) '*What's the Problem Represented to be?*' ('*WPR*') approach. This would have enabled me to gain insight on the assumptions that underpin the LPS documents and bilateral development organisations perspectives on SOHR. The WPR approach differs from traditional policy analysis, viewing policies as a political statement constructive of 'problems' rather than a problem-solving mechanism. It gives a clear methodology, a set of six guiding questions, which provides a way to interrogate the deep-seated assumptions in policy proposals. It is built on Foucault's (1994) interest in problematisation as a fertile entry-point for thinking about thinking, and it seeks to reveal the 'complex relations of power through which we are all governed'. It is useful to,

> *'uncover the presuppositions that accompany this representation of the 'problem', it identifies possible limitations in this way of thinking about the 'problem', and encourages consideration of other possible representations of the 'problem' ('problem representations'). The goal of the analysis is to reveal the complex relations of power through which we are governed' (Bacchi, 2012, p.xii)*

I recognise that applying the WPR approach would have been fitting to reveal the intentions of bilateral development organisations regarding SOHR and to identify the normative assumptions about gender and sexuality, theoretical frames, and approaches, and to assess progression to realise and mainstream SOHR. I acknowledge that applying the WPR approach to analysis of my collated one-hundred and four (104) LPSs would have identified the intentions of bilateral development organisations in realising and mainstreaming SOHR.

However, the time to complete this would have focused my research entirely on policy analysis. It would have detracted from conducting semi-structured interviews and developing and applying the Mainstreaming Human Rights Framework to understand the components and processes of realising and mainstreaming SOHR through bilateral development cooperation. Marshall, (2012) dedicated her PhD to analysing disability mainstreaming through documents hosted on the World Bank's website. I therefore chose to analyse the occurrence of six SOHR terms, *sexual orientation, LGB, lesbian, queer, feminist, and intersectionality* within these 104 LPS documents. This was through a presumption that the use of these terms reflects the intentions of leaders and policy advisors to realise and mainstream SOHR. I present my rationale behind this choice of terms at the beginning of chapter 6. This terminology analysis builds a picture of donor countries and bilateral development organisations' positions on realising and mainstreaming SOHR. It shows changes over time and the changes in commitments to realise SOHR. This terminology analysis provides me with a foundation to analyse the Leadership and Policy components proposed by Hunt's (2017). This analysis also identifies whether there is a difference in use by staff in relation to their citizenship, the focus of their work, and the country they are working in. This contributes to the understanding of how staff navigate complex spaces to realise and mainstream SOHR.

Chapter 3. Mainstreaming Human Rights Framework

3.1 Introduction

In this chapter, I present the complex space within bilateral development cooperation which is formed through a conflict or disagreements over rights claims between the donor and participating country. I discuss how mainstreaming rights relates to the 'implementation' of rights enshrined in global, national, local, and organisational documents, and the processes to 'assemble' of rights. I present the components proposed by Hunt (2017) on the implementation of rights to assess authentic mainstreaming practices through the UN system, and the processes that Plummer (2006) proposes which leads to the assembly of rights. I adapt and use these components and process as a foundation in the development of a Mainstreaming Human Rights Framework which considers contexts, theoretical frames, and approaches, alongside these components and processes in the realisation and mainstreaming of rights.

3.2 Complex spaces

The implementation and assembly of rights within one country, where legislation guides the actions of organisations and individuals, and where actions are influenced by the same historical and contemporary geo-political and socio-political factors, is a challenging, slow, and complicated process. This challenge and complexity are multiplied when seeking to implement and assemble rights through bilateral development cooperation, which crosses the borders of countries that have different influences from historical and contemporary geo-political and socio-political factors. In relation to SOHR, this can include a conflict between the domestic legislation on SOHR of donor and participating countries, see chapter 6.

The conflict between the intentions, sought achievements, and geo-political and socio-political contexts of donor and bilateral countries in relation to SOHR creates what I term as

the ‘complex space’ between donor and participating countries. It is this conflict and complex space which needs to be navigated to achieve the development and political outcomes for both donors and participating countries. Mainstreaming rights through bilateral development cooperation therefore relates to analysing, understanding, and taking action to navigate the ‘complex space’ within bilateral development. My Mainstreaming Human Rights Framework provides a structure to navigate the ‘complex spaces’ within bilateral development cooperation, to realise and mainstream SOHR.

3.3 Mainstreaming Human Rights Framework

My methodological approach to data collection and analysis has enabled me to develop a Mainstreaming Human Rights Framework, which I apply this in chapters 7 and 8. This framework guides an assessment of the mainstreaming human rights. It can be applied to internal mainstreaming, through organisations, or external mainstreaming, though development initiatives or programmes. It can be applicable across different thematic areas, or at differing contextual levels, such as national or local, spanning global populations to small workforce teams. It identifies successes and progress to realise and mainstream rights, but also gaps. This provides knowledge from which to develop strategies and address gaps. It can also be applied periodically to identify change over time. This framework is flexible, with possibilities to assess the mainstreaming of the form of rights in different contexts, such as disability rights in theatres in the UK, or the rights of people living with dementia through Health and Social Care services in Europe.

This framework shows that the concept of mainstreaming can be understood as a ‘Value’, providing the focus of strategies and actions, such as a Rights-Based Approach; an ‘Action’, through activities such as meaningful participation; and an ‘Outcome’, achieving the integration of rights, for example. It identifies the theoretical frames and approaches which underpin mainstreaming practices and the realisation of human rights. These include Rights-

Based Approaches, co-production, citizenship, belonging, feminism and intersectional frames and perspectives. For example, it has the potential to capture that using feminist or intersectional lens to analyse contexts can lead to the identification of challenges to systems and structure of power. Or the application of meaningful participatory practices in decision making and research can lead to empowerment.

This Mainstreaming Human Rights Framework combines an assessment of the 'implementation' and the 'assembly' of the rights that are focused on. The 'implementation' of human rights refers to realising human rights that are enshrined and written in legislation, agreements, policies, and programme documents. For example, within UN Conventions at a global level; in domestic legislation at a national level; and through organisational policies at a local level. The 'assembly' of human rights refers to the processes which challenge normative assumptions, and the structures and systems of power to realise rights. The assembly of rights creates recognition of emerging human rights, often for a new group of citizens. These human rights are not enshrined in documents.

The implementation of human rights is more commonly associated with the Rights-Based Approaches of larger organisations such as UN organisations, governments, or bilateral organisations. The assembly of human rights is more commonly associated with the work and actions of activists, catalysts, and civil society organisations.

The application of the Mainstreaming Human Rights Framework is based on contextual analyses of global, national, and local contexts. This documents the socio-political contexts through which the rights that are focused on. This analysis can, and should, acknowledge multi-layered contexts from the global to the local, or organisational level. These contexts impact on the implementation and the assembly of rights. They also impact on the strategies and actions plans that are developed in those contexts. For example, human rights concerns in Rwanda impact on civil society organising. This influences the strategies and actions that

bilateral development organisations take to realise and mainstream SOHR through their initiatives and programmes, see section 4.2.

The application of this framework provides knowledge on the 'status' of the rights focused on in context and to plan the potential actions to improve lived experiences. These actions feed into the process of the assembly of rights. It leads to them becoming enshrined in documents, following Plummer's (2006) processes, see section 3.5. Rights that are assembled can then be implemented, and through the process of by being implemented, rights are assembled. This process leads to the mainstreaming of rights where they become normalised in the fabric of institutions, values, and norms, creating a culture of 'public rights' (Plummer. 1995, p.125). The 'implementation' and the 'assembly' of rights therefore feeds each other. This wave between the implementation and assembly of rights is visualised through the Mainstreaming Human Rights Framework.

The Mainstreaming SOHR therefore is unpicking heteronormative structures to form other 'normative assumptions' which do not rely on gender binaries and heterosexuality. I reference Wood's (2013) definition of heteronormativity that heteronormativity is entwined within the fabric of institutions, see section 1.11. This is also observed by Matebeni, Monro, and Reddy (2018) that action which makes sense of African queer lives needs to responds to stigmatising and heteronormative discourses to normalise lives, behaviours, and practices. (p. 13).

It is challenging to capture the 'complex spaces' and the geo-political and socio-political contexts through which bilateral development cooperation operates, especially in relation to SOHR. Historical and contemporary global, national, and local contexts continually change, being influenced by stakeholders and actors. For this research, contextual analysis relates to global LGBT rights, the global divide and divide between the participating and donor countries as shown through UN voting practices and domestic legislation, the socio-political

contexts of the donor and participating countries, regional influences and collaborations, organisational objectives skills and values and cultures, and neo-colonial and neo-liberal global structures, etc. All of these are changing factors. This complexity is enhanced when focusing on contentious rights such as SOHR.

Given the complexity involved in conducting and applying this contextual analysis, I query how complex spaces can be understood, and applied by persons using the Mainstreaming Human Rights Framework. I, therefore, propose that given the contextual complexity of identifying 'complex spaces' and the actions to navigate these to realise and mainstream SOHR through bilateral development cooperation in Rwanda, that internal mainstreaming within bilateral organisations in Rwanda, is a prerequisite to taking actions to realise SOHR through development initiatives and programmes. I also propose the addition of two additional components of '*Individual Values and Skills'* of staff and *'Organisational Culture*' in the Mainstreaming Human Rights Framework, to assess internal mainstreaming.

The process of gathering data and the dissemination of findings in the application of this framework creates 'rights arenas'. These are public and private spaces where rights are discussed. They are seen to be essential to the process of assembling rights. Discussions about rights in rights arenas create learning on lived experiences, contexts, frames, approaches, and strategies. They also create connections, support and allyship, and can enable inspiration, collaboration, and confidence. They also produce contestations and schisms which are essential components to assembling rights, see section 3.5. The creation of rights arenas therefore contributes to the process of assembling rights and rights arenas are created through the application of this framework. Applying this framework as a 'tick -box' or 'tokenistic' exercise will not produce transformative impact, see section 1.9. Its application embraces the process of 'assessment' as a 'rights arena'. It raises dialogue, and potential schisms and contestations, and shares knowledge on SOHR context, approaches and lenses,

especially when co-produced. The actual application of this framework therefore contributes to the mainstreaming of human rights.

I am conscious that I did not involve development practitioners or academics from the Global North or Global South in the development of my Mainstreaming Human Rights Framework and that the development of this framework is influenced by my positionality. This is a point of further research and work, to co-develop further the Mainstreaming Human Rights Framework. In section 3.6, I provide five diagrams to illustrate the first iteration of the Mainstreaming Human Rights Framework.

3.4 Hunt – Components and Implementation

In his paper ‘Configuring the UN Human Rights System in the "Era of Implementation": Mainland and Archipelago’ (2017), Paul Hunt proposes seven components to quality assess ‘authentic human rights initiatives’. This includes mainstreaming initiatives. These components assess the ‘implementation’ of human rights that are already enshrined in international, national and local LPS documents. Although Hunts focus is on the UN system, this relates to cross border and cross organisational mainstreaming of human rights, and therefore can be adapted to the bilateral system. This research critically analyses these seven components, identifying a refocus, or their expansion, to then include them as a foundation in the Mainstreaming Human Rights Framework.

Hunt’s (2017) paper was inspired by the UN Secretary-General Kofi Annan’s statement in 2005 that “the era of (human rights) declaration is now giving way, as it should, to an era of

implementation."[10] Hunt (2017) suggests that the 'era of implementation' is also the 'era of mainstreaming' and calls for human rights mainstreaming to be subject to some form of quality control. He proposed a form of assessment which identifies the components that evidence 'authentic human rights initiatives' through the contemporary UN system. In relation to realising human rights, he configures the UN system as 'mainland' and 'archipelago' organisations and initiatives. Mainland organisations and initiatives include the Human Rights Council, treaty bodies, OHCHR (UN Human Rights Office of the High Commissioner), specialist funds, and programmes. Archipelago organisations and initiatives are other UN bodies, specialised agencies, funds, and programmes laying beyond the UN Human Rights mainland with an emerging array of human rights initiatives. Although mainland organisations and initiatives are mandated to realise human rights mainstreaming, Hunt suggests that human rights mainstreaming must be 'owned' by all agencies and UN bodies to be realised and, therefore, needs to be owned by archipelago organisations. These organisations have an 'indispensable role to play if the UN system is to engage with the entire spectrum of human rights implementation'. (2017, p.489)

Hunt's assessment does not focus on the assembly of new forms of human rights, unlike Plummer's rights works processes (2006). It seeks to assess the authenticity, or the quality of human rights initiatives. He proposes three steps to assess whether human rights initiatives in the UN are authentic from a human rights perspective. First, he questions whether the initiative is part of 'Human Rights Standard Setting', in that it responds to or prevents human

[10] This statement reflects the speech of the UN Secretary-General Kofi Annan in 2005 when he spoke to the Commission on Human Rights, emphasising "the era of declaration is now giving way, as it should, to an era of implementation." U.N. Secretary-General, Address to the UN Commission on Human Rights. (7 April 2005). (Hunt 2017)

rights violations, contributes to human rights implementation such as mainstreaming, or provides accountability for human rights. Second, Hunt questions whether the initiative is consistent with 'The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies which UN agencies' (UNSDG, 2003). Third, Hunt suggests that authentic human rights initiatives (including mainstreaming), are evidenced by the components of 1) Leadership, 2) Policy, 3) Programming, 4) Resources, 5) Engagement, 6) Review and 7) Evaluation as described in Figure 4 below. (Hunt, 2017, p. 533-544).

To adapt these components to the bilateral system and to include in the Mainstreaming Human Rights Framework, I make an analogy between the 'mainland' and 'archipelago' organisations in the UN system and 'mainland' and 'archipelago' organisations within the bilateral system. The mainland organisations are the head offices in donor countries and the archipelago organisations are offices operating in participating countries. As within the UN system, it is both the mainland and archipelago's responsibilities to realise and mainstream human rights. Hunt's framework, therefore, establishes the components to assess the implementation of human rights in a Mainstreaming Human Rights Framework. These components are critically assessed in chapter 7.

Figure 4 adapts Hunt's framework from the UN systems to reflect the bilateral system and structures of bilateral development cooperation.

Figure 4. Hunt's Framework UN systems and Bilateral Development.

Leadership. UN system. Human rights leadership from senior officers in the relevant organisation, e.g., public statements, in support of human rights, by the chief executive.	**Leadership.** Bilateral system. Sexual Orientation Human Rights (SOHR) leadership from senior officers in the donor government and/or headquarters of the bilateral organisation. e.g., public statements, in support of SOHR, by the Head of State, Ministers, or Head of Organisation.
Policy. UN system. A human rights policy adopted by a high-level body within the relevant organisation.	**Policy.** Bilateral system. A Sexual Orientation Human Rights (SOHR) policy adopted by a high-level body within the bilateral development organisation.
Programming. UN system. The integration of this high-level policy into all phases of programming.	**Programming.** Bilateral system. The integration of this high-level Sexual Orientation Human Rights (SOHR) policy into all phases of programming.
Resources. UN system. Adequate resources to support the human rights initiative, including staff.	**Resources.** Bilateral system. Adequate resources to support the Sexual Orientation Human Rights (SOHR) initiative, including staff.
Engagement. UN system. Constructive engagement with international and national human rights bodies, such as Human Rights Council, treaty bodies, national human rights institutions, and civil society organisations.	**Engagement.** Bilateral system. Constructive engagement with the Rwandan government, other bilateral development organisations, civil society organisations and international and national human rights bodies, such as human rights institutions.
Review. UN system. A periodic independent review of the mainstreaming initiative (e.g., by a UN Special Rapporteur or other suitably qualified independent person or entity), reporting to appropriate political bodies (e.g., the executive board of the organisation responsible for the initiative and Human Rights Council); independent review is needed to help ensure the initiative appropriately applies human rights standards.	**Review.** Bilateral system. A periodic independent review of the mainstreaming initiative (e.g., by a suitably qualified independent person or entity), reporting to the Head of Service, Head of Organisations; independent review is needed to help ensure the initiative appropriately applies human rights standards.
Evaluation. UN system. From the outset, multi-disciplinary and multi-method evaluation to capture the impact (or effectiveness) of the mainstreaming initiative.	**Evaluation**. Bilateral system. From the outset, multi-disciplinary and multi-method evaluation to capture the impact (or effectiveness) of the mainstreaming initiative.

3.5 Plummer – Processes and Assembly

In his ‘Rights Works’ book, Plummer (2006) describes the processes through which how new citizens and rights are assembled, when a group with no rights at one point assembles them to be present at a later point through the ‘collective conduct and social meaning of many’ (Plummer 2006, p. 153). According to Plummer (2003, 2006), rights accrue to people whose identities flow out of communities made up of other members like themselves. A crucial part of this process is for ‘would-be citizens’ to tell personal stories about ‘their rights’ and establish ‘communities of support’ which they are heavily dependent upon and help to shape the individual and/or group rights that develop.

He suggests that the assembly of rights moves through five generic processes of first being imagined, then articulated, to gain a voice, to become habitualised, and eventually to be institutionalised into laws, ordinances, and declarations (2006, p. 152). These processes are succinctly named 1) imagining ‘rights’; 2) articulating, vocalizing, announcing ‘rights’; 3) inventing identities about ‘rights’; 4) creating social worlds of ‘rights’; and 5) creating a culture of ‘public rights’ (1995, p.125).

First new kinds of citizens are first ‘imagined, visualised, and empathised’. Second, we learn to speak a new language through ‘articulating, vocalising, announcing’ the emerging debate. Third, we invent identities by words becoming stories and people become storytellers. Identities get attached to stories through which new citizenship identities are created. Fourth, social worlds and communities of support are created where language moves beyond individuals into a community, where identities become solidified and new communities emerge. Finally, a culture of public problems is created where the once unspoken and unimagined languages become the public worlds of social movements, media, education, with a whole new world of "public issues" are brought centre stage (Plummer 2003, p.34).

Plummer's (2006) describes how rights come into being through the interpretative and activist work of social movements and a diverse range of moral crusaders and entrepreneurs, from kings, prophets and philosophers to governments, social movements, writers, and NGOs (p. 153). People and groups as claim-makers 'clarify laws, write justifications, generate reports and conferences, network in cyberspace, tell stories and generally provide rhetoric for human rights', to support the assembly of rights (2006, p.154).

According to Plummer (2006), the assembly of rights involves many people in continuous rounds of negotiated actions which attempt to interpret, rationalise, and define both identities and related rights in 'rights arenas' in public spheres. Stories are developed and told, leading to substantive claims for rights on a broad and abstract level, such as human rights claims for specific groups, such as collective rights for ethnic or indigenous groups and specific human identities (Plummer, 2006, p. 153).

Plummer's processes are based on twelve general assumptions (2006, p. 153). Rights are not given in nature, but are inventions created through symbolic interactions, involving the collective conduct and social meaning of many. Although rights have developed since French revolutionaries drew up the 'Declaration of the Rights of Man and Citizen' (1789) through the era of Enlightenment, Socialism waves, the Industrial Age, the World Wars, and through the development of International Rights, to the Global Age (Ishay, 2008). Only recently has there been a reference to SOHR in international human rights discourses and within the UN, see chapter 6.

> *'No international instrument relevant to human rights, prior to 1993, makes any reference to the forbidden 'S' word (other than 'sex' as in biological sexes); that is prior to 1993, sexuality of any sort of manifestation is absent from international human rights discourse' (Petchesky 2000, p82)*

Plummer's processes show that the recent referencing of SOHR, is not the result of a discovery of hidden natural rights, but that they evolve through the active work of many

people struggling to create better lives for themselves and others. They do not appear or are found but are the result of political and moral conflicts (Plummer, 2006, p153). This creates conflict between those who see rights as naturally given, often inscribed in religious texts, and those who see rights as constructed, built by human beings through contested struggles with changing meanings over time and across different groups.

Plummer (2003) states that all rights claims have histories of contestation with struggles taking place in local and global 'rights arenas'. He predicts that contestation helps rights to take shape and be given life. Therefore 'right wing and fundamentalists backlashes serve (sic) to make (SOHR sic) rights claims more visible' (2003, p. 39). Ironically, therefore, dialogue, opposition, and contestation over rights claims and counter-claims, animate issues in local and global arenas enabling them to thrive, to become visible, focused, and clearly argued. This helps to 'build, structure and transform 'interpretive communities' that are often linked to social movements' (Plummer 2003, p. 34). For Plummer, not only do all rights claims have histories of contestation but they are also animated by schisms and fracturing (2006, p. 154). The presence of a 'schism' within the social movement itself, builds tensions between people who have the same broad goals, which serves to 'energize social movements and give them momentum'. Without internal schisms, the assembly of rights and social movements may flounder (Plummer 2003, p. 44). Contestations on SOHR in global and local rights arenas, and schisms and fracturing within social movements are therefore seen by Plummer as a positive, animating part of an ordered process through which rights claims emerge.

Given that I propose that the internal mainstreaming of SOHR within bilateral development cooperation in Rwanda is a prerequisite to external mainstreaming, I discuss the internal mainstreaming and process of assembling SOHR within the three bilateral development organisations in chapter 8. Rights arenas within bilateral organisations are physical and reflective spaces, creating opportunities for conversations, debates, and discussions on SOHR

between stakeholders. Within bilateral development cooperation, rights arenas include activities and structures such as training, conferences, meetings, supervision, networks, and forums, see section 7.5. They also include the public spaces where development initiatives and programmes are discussed. Rights arenas can be created through simple actions such as including SOHR as an agenda item in team meetings, providing opportunities to discuss, challenge, and share best practice on SOHR. This supports the assembly of rights. Rights Arenas provide opportunities to build the knowledge, skills and confidence of staff and stakeholders; to share, discuss and understand individual and organisational policies and values on SOHR; to formulate policies and practices; to enable space for tensions, contestations, and schisms, to be discussed in public arenas; to provide opportunities to share best practices, and challenges about context specific experiences; and to negotiate the complex space on SOHR challenging dominant cultural values and norms on SOHR. They connect activists, social movements, moral crusaders, and entrepreneurs, with bilateral organisations and staff to form and engage in communities and collective movements. Rights arenas can support the development of organisational cultures which enable and encourage staff to safely challenge internal practices, or to suggest improvements that contribute to the internal realisation or mainstreaming of SOHR. The frequency of rights arenas is heavily dependent on both resources and organisational cultures. When rights arenas are not enabled, staff have fewer opportunities to learn, reflect, analyse, or re-formulate individual values on SOHR. They do not have opportunities to build strength to influence organisational values and therefore there are less opportunities and mechanisms for individual values and organisational values to become known, challenged and aligned, see section 8.5.

Plummer's five generic processes and twelve assumptions provide a framework to understand the assembly of rights. I therefore use Plummer's processes and assumptions to develop the Mainstreaming Human Rights Framework.

Figure 5 presents a visual interpretation of Plummer's assumptions and processes.

Figure 5. Visual interpretation of Plummer's Processes and Assumptions

Five Generic Processes		1) Imagining 'Rights'	2) Articulating, vocalising, announcing 'Rights'	3) Inventing identities about 'Rights'	4) Creating social worlds of 'Rights'	5) Creating a culture of public 'Rights'
Twelve Assumptions	Rights as Inventions	Rights are assembled through the collective conduct and social meaning of many.				
		Rights evolve through the active work of many people struggling to create better life for themselves and others.				
	Rounds of Negotiated Actions	Rights evolve through continuous rounds of negotiated actions that attempt to interpret, rationalise, and define both identities and related rights.				
		These struggles take place in local and global 'rights arenas' in public spheres, contributing to the search for global citizenry.				
		All rights claims have histories of contestation, animated by schisms and fracturing.				
		Schisms and fracturing between people with broadly the same goals energise social movements.				
		Rights claims and counter-claims are animated by quasi-arguments.				
		Contestations over rights claims and counter-claims in local and global arenas enable issues to thrive, to become visible, focused, and clearly argued.				
		Contestations helps to build, structure and transform 'interpretive communities' that are often linked to social movements.				
	People, Movements and Communities	Rights come into being through the interpretative and activist work of social movements and a diverse range of moral crusaders and entrepreneurs, from kings, prophets and philosophers to governments, social movements, writers, and NGOs.				
		Rights accrue to people whose identities flow out of communities made up of other members like themselves.				
		A crucial part of the process is for would-be citizens to tell personal stories about 'their rights' and establish 'communities of support' which they are heavily dependent upon and help to shape the individual and/or group rights that develop.				

3.6 Mainstreaming Human Rights Framework.

In this section I provide five diagrams to illustrate the Mainstreaming Human Rights Framework. This is its first iteration in its development phase.

Figure 6, provides a visual interpretation of the Mainstreaming Human Rights Framework outlining the key components, frames and approaches.

Figure 7, provides a comprehensive description of key components, lenses and approaches within the Mainstreaming Human Rights Framework which are disaggregated into the three lenses through which Mainstreaming can be applied (Values, Actions, Outcomes).

Figure 8, provides the Mainstreaming Human Rights Framework (Identification Document), to clarify the components and processes within the assessment. This outlines the information that is sought on the Evidence, the Gaps, the Values, and the Actions of the components.

Figure 9, provides an assessment table, linked to the Identification Document (Figure 8). This shows the assessment data that is captured.

Figure 10, provides an example of how the implementation and assembly of rights can occur concurrently and be visualised in the Mainstreaming Human Rights Framework showing progression over time.

The Mainstreaming Human Rights Framework is applied in chapters 7 and 8.

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Figure 6. Mainstreaming Human Rights Framework

This figure provides a visual interpretation of the Mainstreaming Human Rights Framework outlining the key components, frames and approaches.

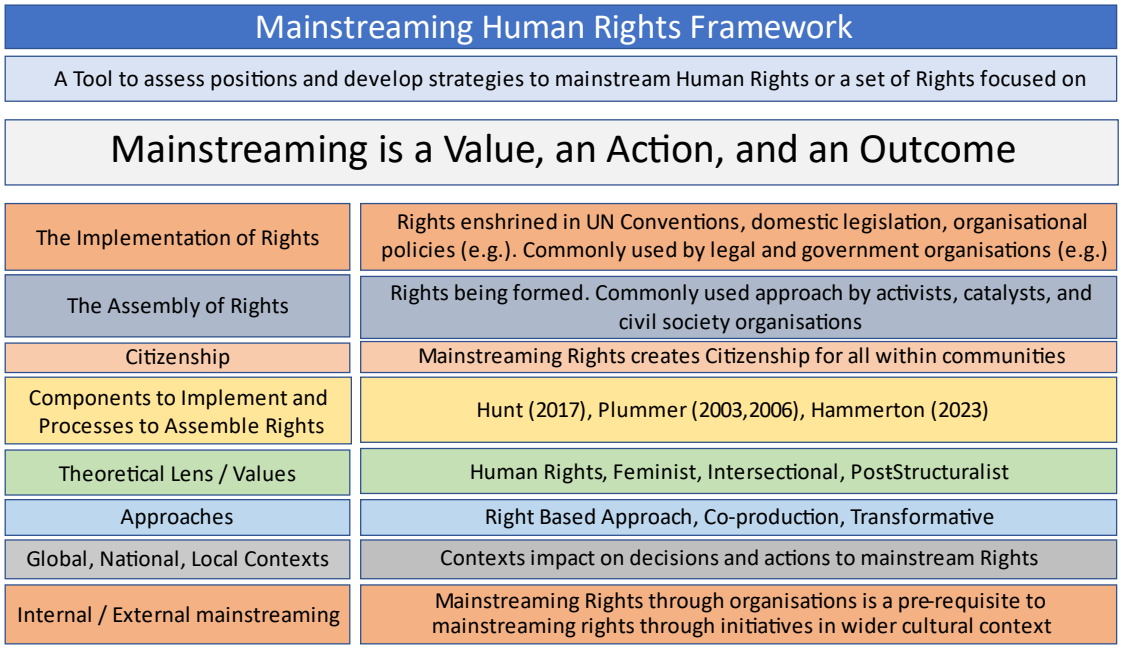


Figure 7. Key components, frames and approaches to the Mainstreaming Human Rights Framework

This figure provides a comprehensive description of key components, lenses and approaches within the Mainstreaming Human Rights Framework which are disaggregated into the three lenses through which Mainstreaming can be applied (Values, Actions, Outcomes).

Mainstreaming Human Rights Framework			
The implementation and assembly of human rights (or the specific set of human rights focused on) through global, national, and local communities, leads to the realisation of human rights and the transformation of citizenship in these communities.			
Mainstreaming is a Value, an Action, and an Outcome concurrently.			
Human rights, the Rights-Based Approach, citizenship, and co-production are also a Value, an Action, and an Outcome.			
Actions to assess and develop strategies to implement and assemble human rights includes a socio-political analysis of global, national, and local contexts. These contexts impact on the Values, the Actions, and the Outcomes of mainstreaming human rights.			
	Thematic Area	**Description**	**Theoretical Lenses**
Value	Human Rights	Human rights are indivisible. They are inherent to the dignity of every human person. They all have equal status and cannot be positioned in a hierarchical order.	Human Rights
		Human rights are the main aim of the initiative, programme, or practice. This aim is threaded through all decisions and actions.	Rights-Based Approach
	Citizenship	Citizenship is the recognition of rights and responsibilities of all within the community focused on. It is multi-layered and achieved in different communities simultaneously (global, national, local etc.)	Citizenship and Belonging.
		The realisation of human rights transforms citizenship and belonging	Citizenship and the Politics of Belonging
	Power	Structures of power creates conditions which lead to the non-attainment or violations of human rights.	Post Structuralist / Feminist / Intersectional

		System and structures of power need to change to realise human rights.	Transformative / Agenda Setting
	Participation	Meaningful participation of stakeholders in decision making and actions creates sustainable foundations of change to implementation and assemble human rights.	Co-production
	Thematic Area	**Description**	**Theoretical Lens**
Action	Context	Contextual analysis of the socio-political structures and systems of power and cultural normative assumptions in the global, national, local context impact on the implementation and assembly of human rights. Producing a position statement and approach methodology	Contextual Analysis and Position Statement
	Implementation	Human rights enshrined at the global, national, and local levels, in UN conventions, domestic legislation, organisational policies (etc.) are implemented through initiatives, programmes and practices.	Hunt (2017). Seven components to assess and develop strategies to implement Human Rights through initiatives and programmes, including mainstreaming initiatives.
	Assembly	Human rights are assembled in contexts, leading to the Citizenship and Belonging of people in communities.	Hammerton (2023). Understanding organisational cultures to build a critical mass of staff with the knowledge and skills to challenge internal structures, systems, and colleagues to enable the assembly of Human Rights, leading to the Citizenship and Belonging of all stakeholders within organisations (including staff and programme participants).

			Plummer (2003, 2006). 'Rights Works' processes and assumptions to assemble rights, leading to Citizenship in the communities focused on (International, National, Local communities).
	Participation	Active approaches to meaningfully involve stakeholders in analysis and actions to grow voice and sustainability.	Co-production
	Area	Description	
Outcome	Context	Contextual analysis provides insight on the factors which influence the implementation and assembly of human rights in the community focused upon.	
	Human Rights	Human rights are implemented and assembled (mainstreamed)	
	Organisational Culture	Growth of knowledge and skills to discuss and take action to realise human rights. Development of culture where challenges leading to the implementation and assembly of human rights is encouraged. Creation of a Critical Mass, holding others to account.	
	Citizenship	Transformation of Citizenship and inclusion in the community, contributing to and impacting on the assembly of human rights and citizenship in other multi-layered communities.	
	Power	Challenges and changes to systems and structures of power.	
	Meaningful Participation	Stakeholders involved as equal participants in decisions and operations, creating sustainable change.	

Figure 8. Mainstreaming Human Rights Framework Identification Document

This figure provides the Mainstreaming Human Rights Framework (Identification Document), which clarifies the components and processes within the assessment to provide the information that is sought on Evidence, the Gaps, the Values, and the Actions.

The Mainstreaming Rights Framework (Identification Document)

A framework to assess how '***Rights are being Implemented*** ' and '***How Rights are being Assembled*** '.

Gathering ***Evidence*** of accomplishments. Identifying ***Gaps.*** Understanding ***Values*** and Approaches (to contested concepts such as Mainstreaming, RBA, Citizenship, and Meaningful Participation). Formulating ***Actions*** and Strategies.

Components - Implementation of Rights		(Adapted Hunt 2017. Hammerton 2023)	Evidence	Gaps	Values	Actions
	Leadership	Leadership. Multi-level leadership displayed through various mediums.	Le.Ev	Le.Ga	Le.Va	Le.Ac
	Policy	Integration of Rights in Policy documents	Po.Ev	Po.Ga	Po.Va	Po.Ac
	Organisational Culture	The organisational culture is based on values which seeks to realise the Rights. It has guiding policies and structures, encourages and supports internal discussions and challenges to realise the Rights internally and shows visibility. It supports staffs identities and to take action to realise Rights through initiatives and programmes.	IC.Ev	IC.Ga	IC.Va	IC.Ac
	Programming	Programming. Integration of policy into all phases of programming.	Pr.Ev	Pr.Ga	Pr.Va	Pr.Ac
	Resources	Resources. Adequate resources to support the Rights initiative.	Res.Ev	Res.Ga	Res.Va	Res.Ac
	Individual Values and Skills	The values of staff are observed in recruitment and performance management. They gain knowledge about the Rights and socio-political contexts. They have skills to raise dialogue, undertake contextual analysis, manage conflict between differing Rights claims and policies, use participatory and empowering approaches, and strategically plan the realisation Rights through practices.	SS.Ev	SS.Ga	SS.Va	SS.Ac
	Engagement	Engagement. Constructive engagement with Stakeholders.	Rev.Ev	Rev.Ga	Rev.Va	Rev.Ac
	Review	Review. Periodic independent review of the mainstreaming initiative.	Rev.Ev	Rev.Ga	Rev.Va	Rev.Ac
	Evaluation	Evaluation. Multi-disciplinary and multi-method evaluation to capture the impact (or effectiveness) of the mainstreaming initiative.	Ev.Ev	Ev.Ga	Ev.Va	Ev.Ac
Processes - Assembly of Rights	**<<<<<<< Critical Mass Grows >>>>>>>**	(Plummer 2006)	Evidence	Gaps	Values	Actions
	Creating a Culture of Public Rights	Fifth. A culture of public problems is created where the once unspoken and unimagined languages become the public worlds of social movements, media, education, with a whole new world of "public issues" are brought centre stage	Cu.Ev	Cu.Ga	Cu.Va	Gu.Ac
	Creating Social Worlds of Rights	Fourth, social worlds and communities of support are created where language moves beyond individuals into a community, where identities become solidified and new communities emerge.	SW.Ev	SW.Ga	SW.Va	SW.Ac
	Inventing Identities about Rights	Third, we invent identities by words becoming stories and people become storytellers. Identities get attached to stories through which new citizenship identities are created.	II.Ev	II.Ga	II.Va	II.Ac
	Articulating, Vocalizing, Announcing Rights	Second. We learn to speak a new language through 'articulating, vocalising, announcing' the emerging debate	AVA.Ev	AVA.Ga	AVA.Va	AVA.Ac
	Imagining Rights	First. New kinds of citizens are first 'imagined, visualised, and empathised'	IR.Ev	IR.Ga	IR.Va	IR.Ac

a) Contextual Summary. Prior to applying this framework a short summary of the socio-political context, should be devised to provide knowledge to all stakeholders on the influences that impact on Mainstreaming the focused Rights. This summary should include insight on the Global context (Human Rights enshrined in UN treaties); the National context (domestic legislation and dominant cultural values	
b) Type of Rights focused on:-	
c) Level of focus (Global, National, Organisational, Practice):-	
d) Prevelent schisms and contestations in implementing and/or assemblying Rights:-	
e) Prevelent Change Agents, Champions, Entrepreneurs and their actions:-	

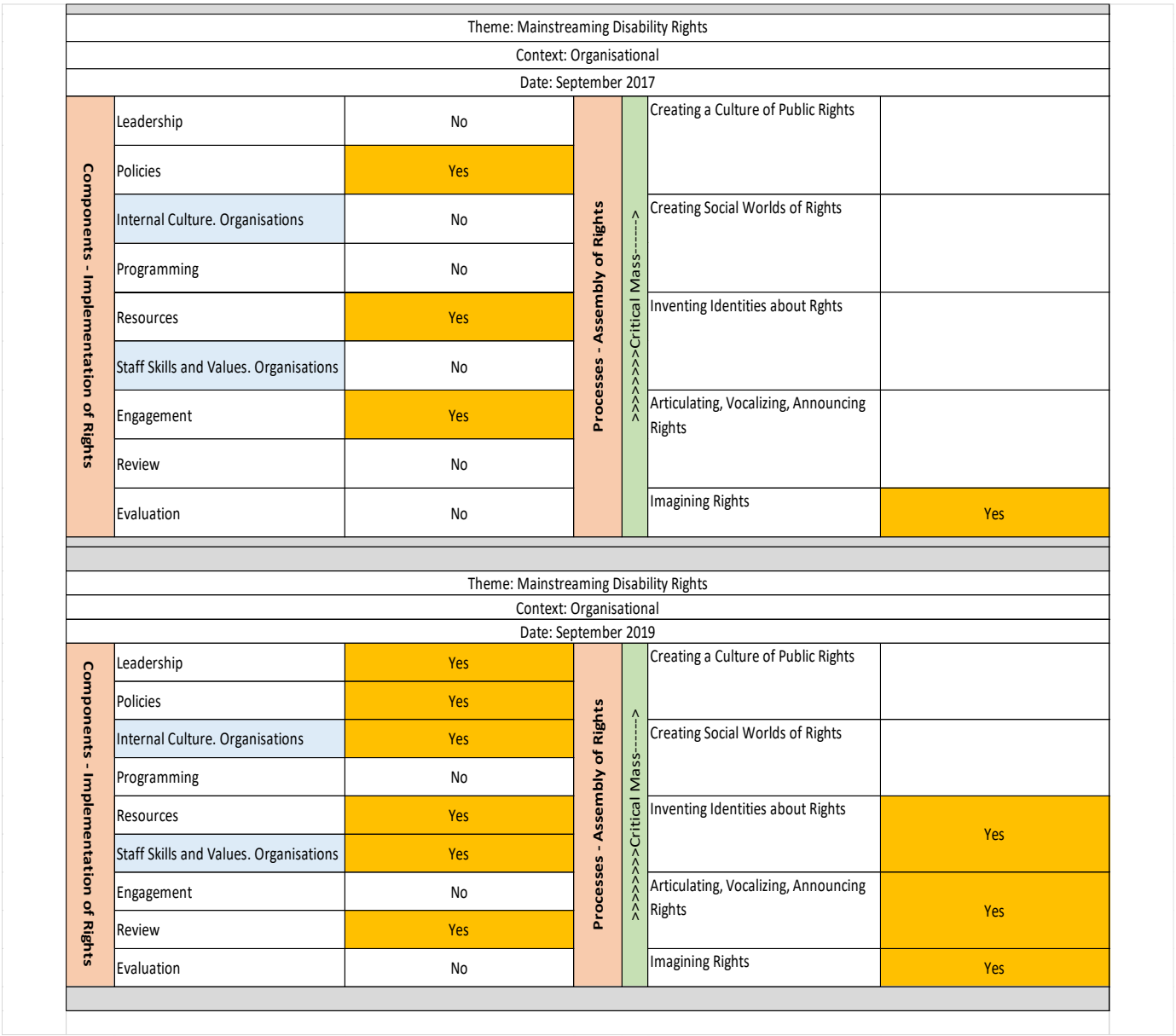
Figure 9. Mainstreaming Human Rights Framework Assessment Table

This figure provides an assessment table to complete, linked to the Identification Document (Figure 8), showing the assessment data captured.

Assessment Table 1 - Implementing Rights				
Components - Implementation of Rights	Leadership	Evidence	Le.Ev	
		Gaps	Le.Ga	
		Values	Le.Va	
		Actions	Le.Ac	
	Policies	Evidence	Po.Ev	
		Gaps	Po.Ga	
		Values	Po.Va	
		Actions	Po.Ac	
	Culture	Evidence	IC.Ev	
		Gaps	IC.Ga	
		Values	IC.Va	
		Actions	IC.Ac	
	Programming	Evidence	Pr.Ev	
		Gaps	Pr.Ga	
		Values	Pr.Va	
		Actions	Pr.Ac	
	Resources	Evidence	Res.Ev	
		Gaps	Res.Ga	
		Values	Res.Va	
		Actions	Res.Ac	
	Skills Values	Evidence	SS.Ev	
		Gaps	SS.Ga	
		Values	SS.Va	
		Actions	SS.Ac	
	Engagement	Evidence	En.Ev	
		Gaps	En.Ga	
		Values	En.Va	
		Actions	En.Ac	
	Review	Evidence	Rev.Ev	
		Gaps	Rev.Ga	
		Values	Rev.Va	
		Actions	Rev.Ac	
	Evaluation	Evidence	Ev.Ev	
		Gaps	Ev.Ga	
		Values	Ev.Va	
		Actions	Ev.Ac	
Assessment Table 2 - Assembly of Rights				
Assembly of Rights	Imagining Rights	Evidence	IR.Ev	
		Gaps	IR.Ga	
		Values	IR.Va	
		Action	IR.Ac	
	Articulating, Vocalizing, Announcing	Evidence	AVA.Ev	
		Gaps	AVA.Ga	
		Values	AVA.Va	
		Action	AVA.Ac	
	Inventing Identities about Rights	Evidence	II.Ev	
		Gaps	II.Ga	
		Values	II.Va	
		Action	II.Ac	
	Creating Social Worlds of Rights	Evidence	SW.Ev	
		Gaps	SW.Ga	
		Values	SW.Va	
		Action	SW.Ac	
	Creating a Culture of Public Rights	Evidence	Cu.Ev	
		Gaps	Cu.Ga	
		Values	Cu.Va	
		Action	Gu.Ac	

Figure 10. Mainstreaming Human Rights Framework Visual Framework

This figure provides an example of how the implementation and assembly of rights can occur concurrently and be visualised. This shows change over time.



Theme: Mainstreaming Disability Rights						
Context: Organisational						
Date: September 2017						
Components - Implementation of Rights	Leadership	No	Processes - Assembly of Rights	<----Critical Mass---->	Creating a Culture of Public Rights	
	Policies	Yes			Creating Social Worlds of Rights	
	Internal Culture. Organisations	No			Inventing Identities about Rghts	
	Programming	No			Articulating, Vocalizing, Announcing Rights	
	Resources	Yes			Imagining Rights	Yes
	Staff Skills and Values. Organisations	No				
	Engagement	Yes				
	Review	No				
	Evaluation	No				

Theme: Mainstreaming Disability Rights						
Context: Organisational						
Date: September 2019						
Components - Implementation of Rights	Leadership	Yes	Processes - Assembly of Rights	<----Critical Mass---->	Creating a Culture of Public Rights	
	Policies	Yes			Creating Social Worlds of Rights	
	Internal Culture. Organisations	Yes			Inventing Identities about Rights	Yes
	Programming	No			Articulating, Vocalizing, Announcing Rights	Yes
	Resources	Yes			Imagining Rights	Yes
	Staff Skills and Values. Organisations	Yes				
	Engagement	No				
	Review	Yes				
	Evaluation	No				

3.7 Conclusion

In this chapter I identify two different approaches to mainstreaming human rights, these are implementing and assembling rights. I show how the Mainstreaming Human Rights Framework considers the interconnections between these two approaches which complement and grow each other. I present how Hunt's components relate to the implementation of rights and Plummer's processes relate to the assembly of rights. I combine these components and processes to form the foundations of the Mainstreaming Human Rights Framework. I show that the application of the Mainstreaming Human Rights Framework creates 'rights arenas', and therefore, becomes part of a process of assembling rights.

The complexity of multi-layered contextual analysis of SOHR from the global to the local level, including historical and contemporary positions, renders it challenging and complicated to apply. Bilateral development staff would need specialist knowledge on SOHR and the theoretical frames and approaches which underpin mainstreaming to undertake this contextual analysis. I propose that internal mainstreaming within organisations is a prerequisite to external mainstreaming through development initiatives and programmes. I, therefore, integrate two additional components of '*Individual Values and Skills'* of staff and *'Organisational Culture*' in the Mainstreaming Human Rights Framework to assess internal mainstreaming.

Chapter 4. Contexts Rwanda, Sweden, USA, UK

4.1 Introduction

In the following chapter, I present the socio-political context within Rwanda, Sweden, the USA, and the UK. I also outline the bilateral approaches of Sida, USAID, DFID which are influenced by the socio-political contexts within both the donor and participating countries.

In chapters 6, 7, and 8, whilst analysing data from my interviews and policies and applying the Mainstreaming Human Rights Framework, I integrate knowledge about these socio-political contexts to show their impact and influences on the implementation and assembly of SOHR internally within bilateral development organisations within Rwanda.

4.2 SOHR in Rwanda – Legislation and Context

Rwanda's penal code, adopted in 1977, does not punish homosexuality or relations between people of the same sex (ICRC, 2023)[11]. The Rwandan Constitution adopted in 2003 and reviewed in 2015, prohibits discrimination on the basis of sex, but does not refer to sexual orientation or gender identity (Constitute Project, 2023). It states that protection from

[11] Rwandan Penal Code original text http://www.wipo.int/wipolex/en/text.jsp?file_id=221101. Section 2. Indecent assault and rape. Article: 358 Any indecent act committed or attempted without violence, trickery or threat on the person of a child of either sex of a child of either sex, under sixteen years of age, shall be punished by imprisonment from one year to fifteen years from one year to fifteen years.
Article: 362 Without prejudice to the more serious penalties provided for in other provisions of this code, shall be punished by be punished by an imprisonment from two months to three years and a fine of ten thousand francs or of one of these penalties only, whoever commits an immoral or unnatural act with an individual of his against nature with an individual of his sex aged less than eighteen years. Translated with www.DeepL.com/Translator (accessed 03.02.2023)

discrimination applies to all, and that Rwandans are born and remain equal in rights and freedoms[12].

Rwanda has an equal age of consent of 18 for different and same-sex sexual activity (ILGA, 2020)[13]. It does not have anti-discrimination statutes or legislation to protect people from bias or discrimination based on sexual orientation. Same-sex marriage is unrecognised, same-sex adoption is not allowed and all people, irrespective of their sexual orientation, can serve in the military. There are no laws on censorship of SOHR restricting discussions or activism, although censorship is experienced by activist, journalists, civil society organisations, and people who experience same sex relationships and connections in Rwanda (ILGA, 2020) (as discussed below).

Pre-colonial Rwanda was presided over by the Tutsi Kings, with Rwanda-Urundi becoming a German colony in 1899. It became a manmade territory of the League of Nations under the administration of Belgium in 1919. During the colonial era, Germany and Belgium administered Rwanda through a system of indirect rule, guiding the Hutu-Tutsi relationship into a class system. The minority Tutsi (14%) were favoured over the Hutus (85%), and were provided with privileges and western-style education to ensure and enforce Belgium rule (Destexhe and Shawcross, 1995). National identification on the basis of ethnicity was

[12] "All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law".Article 16, Protection from Discrimination. Rwanda 2003 (rev. 2015).

[13] Although without legislative change, the age of consent is reported as equal of 18 in 2020 (ILGA 2020).

introduced by Belgium in 1926[14] (Keane, 1996). This introduction contributed to political and civil unrest and violence. Belgium granted formal political independence to Rwanda on 1st July 1962, when the two territories of Rwanda and Burundi became independent states, administered separately under Tutsi monarchs (Rwandan Embassy USA, 2023). Acceptance of same-sex relationships was common from the 15th century, through the colonial years, through independence, until the 1994 genocide, when acceptance waned (Expert Africa, 2024).

The Rwandan civil war began in 1990. The assassination of the Rwandan President in 1994 ended peace agreements between the Tutsi and Hutu ethnic groups and became a catalysis for the Rwandan genocide lasting 100 days. Key Tutsi political leaders and populations were killed by Hutu soldiers, police, and militias, with most victims killed by neighbours and fellow villagers (Prunier, 1998). Scholarly estimates around 500,000 to 800,000 Tutsi deaths (Guichaoua, 2020). The genocide has had lasting and profound effects on the political governance of Rwanda, which has impacted on civil society organising and political positions regarding SOHR.

The post-genocide Rwandan government's agenda is built on reconciliation, with the goal of preventing the politicization of difference that created the conditions for the 1994 genocide. This agenda is to present the country as a secure, socially harmonious place, on its way to being a middle-income country. This agenda is coercively maintained.

[14] Different accounts on the year that national identification was introduced by Belgium exists. 1926 - (Keane, 1996) and 1935 (Rwandan Embassy USA, 2023).

Since 1994, Rwanda has been governed by the Rwandan Patriotic Front (RPF), led by President Paul Kagame, reportedly using 'authoritarian' tactics (Stroh, 2010). Human rights concerns are widely acknowledged, most formally through Rwanda's Universal Periodic Review 2021 (UPR)[15][16] , see Appendix H. In the UPR 2021, ninety-seven points of concern were individually submitted by international INGOs, and jointly submitted by collectives of organisations that combined INGOs and Rwanda civil society organisations. These joint submissions show the relationships, collective strength, expressed concerns and voice on human rights concerns. These can be observed and utilised by bilateral development organisations, to form collaborations and realise human rights in Rwanda and the African context.

Rwanda received 284 recommendations, with 160 supported recommendations from the Working Group 37 at the Human Rights Council in January 2021 (OHCHR, 2021). I categorised these into seven interrelated human rights concerns which impact on the actions of bilateral development organisations to realise SOHR. These concerns are i) enforced disappearances, arrest, and detainment in unofficial military detention centres with experiences of torture, ii) restriction of political opposition, iii) the media and freedom of

[15] The Universal Periodic Review (UPR) is a unique mechanism of the Human Rights Council that calls for each UN Member State to undergo a peer review of its human rights records every 4.5 years. The UPR provides each State the opportunity to regularly: Report on the actions it has taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights; and Receive recommendations – informed by multi-stakeholder input and pre-session reports – from UN Member States for continuous improvement. (OHCHR, 2023)

[16] The UPR process and outcomes are documented through the 'Compilation on Rwanda Report of the Office of the United Nations High Commissioner for Human Rights' (UN HRC, 2020a), the 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*'(UN HRC, 2020b), and the 'Summary of Stakeholders' submissions on Rwanda*' (UN HCR, 2020).

expression are severely and unwarrantedly restricted, iv) restriction of civil society activity, v) human rights violations against Human Rights Defenders, vi) a lack of recognition and access to legal and health services of minority populations, and vii) surveillance and search from police officers and Rwanda Utilities Regulatory Authority.

There also are reports of asylum seekers fleeing Rwanda because of persecution in relation to their sexual orientation. 'Free to Be Me' is a collection of true stories from lesbian asylum seekers and refugees in the Lesbian Immigration Support Group in Manchester, UK (Traies, 2021). Seven of these collated stories are from Lesbians from African countries seeking asylum in the UK. They fled countries such as Namibia, Zimbabwe, and Kenya. Although none of these lived experiences are from Rwandan asylum seekers, the beatings, murders, and corrective rapes of Lesbians are reportedly similar in many African countries.

Another recent summary of human rights concerns has been produced by the UK government in the comprehensive Country, Policy, and Information (CPI) note on human rights in Rwanda (May 2022). This has been produced in relation to current discussions on the UK-Rwanda Migration and Economic Development Partnership (May 2022) (McKinney, et.al,. 2024). Although this CPI note was withdrawn in December 2023. It detail the ongoing position of human rights concerns, specifically in relation to SOHR (GOV.UK, 2023c).

A Human Rights Watch report in 2021 (HRW, 2021) expressed concerns Rwandan authorities '*rounded up and arbitrarily detained over a dozen gay and transgender people, sex workers, street children, and others*' in the months before a planned Commonwealth Heads of Government Meeting (CHOGM). This meeting was scheduled in June 2020, rescheduled for June 2021, then reportedly postponed indefinitely (HRW, 2021). It took place in June 2022 (CHOGM, 2022). Detainees were reportedly held without adequate food, water,

and health care suffering frequent beatings and overcrowded rooms. None were formally charged with criminal offences, and none saw a prosecutor, judge, or lawyer before or during their detention. Detainees who identified as gay or transgender said that security officials accused them of "*not representing Rwandan values*", with other detainees beating them because of their clothes and identities. Some were held in the "delinquents" room and suffered more frequent and violent beatings by fellow detainees and guards because they presumed, they were gay or transgender.[bb]

The Commonwealth Heads of Government Meeting (COHGM) held every two years is attended by commonwealth leaders, enabling reaffirmation of Commonwealth common values (CHOGM, 2022). By hosting the CHOGM in 2022, the Rwandan President, Paul Kagame, took over as chair-in-office of the Commonwealth until 2024. As the host nation, Rwandan's human rights record came under scrutiny when twenty-four organisations, including Human Rights Watch and Amnesty International, wrote an open to letter to the Commonwealth Heads of Governments to ask them to speak up on Rwanda's human rights record (UK Parliament, 2022). They argued that failure to do so '*risks undermining the organisation's human rights mandate, as well as its integrity and credibility*' (HRW, 2022), see Appendix I. The expressed concerns and collaborations between these twenty-four organisations can be observed and utilised by bilateral development organisations in the process of collaborating to realise and mainstream SOHR in Rwanda.

Rwanda joined the Commonwealth of Nations as the 54th nation in 2009. Formerly termed the British Commonwealth, it currently consists of fifty-six states, who all, apart from Mozambique and Rwanda, were once under British colonial rule. They also all have historical colonial ties with the United Kingdom, and are mostly united by language and

history. Muhammad and Hutami (2021) analyse Rwanda's foreign policy decision to join the Commonwealth, given its historic association with Francophone countries and that it became a German colony in 1899 and subsequently a mandate territory of the League of Nations under the administration of Belgium after the defeat of the Germans during WW1 (Rwandan Embassy USA, 2023). They, and other authors, see the shift of Rwanda's foreign policy being caused by the political transition in Rwanda's domestic politics to promote trade and development following its economic condition post-genocide (1994).

The involvement of Rwanda in the Commonwealth creates a specific relationship to the United Kingdom and the commonwealth. The Commonwealth Equality Network is a 'global community of civil society organisations working to uphold the human rights of LGBTI+ people across the Commonwealth' (The Commonwealth Equality Network, 2023). It is an inclusive network with a mission to promote cooperation, understanding and solidarity among diverse LGBTI+ organisations, and to collectively defend the rights and equality of LGBTI+ people.

FADA Rwanda, formed in 2015, is a member of the Commonwealth Equality Network. Its aim is to promote and protect Female Sex Workers (FSWs) and Lesbian, Bisexual and Transgender (LBTs) rights in Rwanda. Alongside targeted work on livelihoods, health services, HIV/Aids, gender based violence and discrimination, they aim to promote gender equality and equity and provide space for dialogue, networking, to share and capacity build for vulnerable women (FADA, 2023). This involvement provides a key opportunity for FADA to work with other pan Commonwealth human rights organisations and movements. It specifically provides an opportunity to build and share a collective voice on SOHR. They provide an opportunity for bilateral development organisations to engage in their work.

In contemporary Rwanda, dominant cultural values and norms create stigma against people who experience same sex connections or relationships. This endorses discrimination, non-recognition, and exclusion of people from accessing resources and services. It leads to greater poverty and human rights violations. According to the ILGA (2019), on the basis of Sexual Orientation and Gender Identity, both '*family exclusion and discrimination is rife in the employment sector*' (p. 88). Social movements and activists report that '*violence and discrimination remain the most concerning legal and social issue facing LGB people and communities in East African Regions*' (p. 88). Out of 119 countries surveyed by Gallup (2013), Rwanda ranked a low #105 on the perceived acceptance of gay people, with #1 being the most accepting. From the Gallup survey, 90% of respondents said *'the city or area where they live is not a good place for homosexuals*'. This was also acknowledged by staff working in all three bilateral development organisations.

> *'In the Rwandan context there is significant stigma and discrimination and it's a very taboo – LGBT and sexual orientation are very taboo topics here, so it's a subject that probably doesn't get the attention that it deserves.' DFID – British – Rwanda*

In Rwanda, people who experience same sex relationships and connections experience oppression from state actions. Vagrancy and idling laws are often used to legitimate police harassment and arrests (Muguongo and Miller, 2019), who arrest people for '*disturbing the public order, threat, possession of illegal substances (drugs), and idleness in the streets*',(Iradukunda and Odoyo 2016.p12).

To address these dominant cultural values and norms and realise SOHR, one interviewee proposed that bilateral development organisations work with cultural and political influences through both a 'bottom -up' and 'top-down' approach to realise SOHR in Rwanda.

> *'I think it's also how to work smart – it's related to the cultural setting. So a big challenge is habits and cultural assumptions ……..to work with both the ground and the top because you cannot only have a top-down approach because you might meet a culture which is not open. ……. the challenge is to work with cultural issues both from the bottom up and the top down as well as you need to change laws, not one way – to work both ways.' Sida – Rwandan – Rwanda*

Public statements from the Rwandan government clarifies that they see sexual orientation as a private matter, and that they will not criminalise same sex relations and connections. In 2009, the Minister of Justice provided a 'public statement' that *"The government I serve and speak for on certain issues cannot and will not in any way criminalise homosexuality; Sexual Orientation is a private matter, and each individual has his or her own orientation – this is not a State matter at all"*[17]**.** In 2016, in a Rwandan Cultural Day address in San Francisco, the Rwandan President, Paul Kagame, stated that homosexuality *"hasn't been our problem. And we don't intend to make it our problem"*[cc]. In 2019 President Kagame maintained his claim that gay people are not harassed or arrested in Rwanda, and that sexual diversity was not a problem for him or Rwandans. He also maintained that legislating in this area would create a problem in society (Soudan, 2019). The position of the Rwandan Constitution and government is observed by my interview participants.

> *'The Rwandan constitution is clear. The laws will not be specific to LGBTI and sexual orientation; you won't find it there. Again, that is part of the culture of resistance and also maybe, part of their (the Rwandan government's) decision – their goal to go through the middle path and not try to do promotion. Because their position is it is okay if you are gay; if you are lesbian, nobody is going to hurt you or discriminate against you for that.*

[17] Rwandan *New Times*, the Minister of Justice, Tharcisse Karugarama. https://outrightinternational.org/content/rwanda-law-criminalizing-homosexuality-not-included-text-penal-code-revisions (30.10.2021)

> *But – but they are not going to get special treatment. USAID – Rwandan – Rwanda*

Domestically Rwanda does not protect people who experience same sex connection and relationship from discrimination by society and state institutions, see chapter 5. Internationally, Rwanda is increasingly, although not universally, moving its position to supporting SOHR (SOGI) inclusion in rights protections at the UN, see chapter 6. Previously, its position has aligned with neighbouring African countries. The approach of the Rwandan government to support SOGI rights internationally is presented by Paszat (2022b) as being a strategic position to enhance Rwanda's international reputation and make it stand out in the region.

> *'It is a strategic recognition…..differentiat(ing) the country from its neighbours, and this gives it power in the international system as a Global South government that is willing to support lgbt rights internationally' (Paszat 2022b p.424).*

Given that President Kagame's public comments and Rwandan's international agreements are published in English and French, the language used is inaccessible for 93% of the population (Paszat, 2022b)[18]. The intended audience of these comments and decisions is therefore not most Rwandans and amongst even officials, there is little awareness of the President's comments or statements (Paszat, 2022b). Rwanda's international decisions are, therefore, important for their relations with the Global North but do not being unpopular impact

[18] Approximately two percent (2%) of the Rwandan population speak English and five percent (5%) French.(Paszat, 2022b)

domestically. These decisions therefore '*do not cost the government anything to enhance its reputation internationally on lgbt non-discrimination'* (Paszat 2022b p. 426).

Unlike neighbouring countries in east Africa including Kenya, Tanzania, Nigeria, Uganda, Ghana, Zimbabwe, Burundi, and the Democratic Republic of Congo, the Rwandan President, the Rwandan government, and political elite decline the use of language which politicizes homophobia (Paszat 2022b p.427). Politicized homophobia is theorised by Weiss and Bosia (2013) as actions to demonize gender and sexual diversity, and therefore to target people with same sex families, relationships, or connections.

The Rwandan government's position on politicized homophobia is impacted by the legacy of the 1994 genocide. It promotes a strong stance, that it values dialogue and consensus to resolve conflict. Its focus on economic development and individual advancement, boundary the types of activism that the government will accept. It therefore limits opposition, with risk of penalties for oppositions, or to appear to oppose. This creates limited opportunity for civil society organisations, or activists (or bilateral development organisations) to pursue political and structural changes outside of this rhetoric. This limits possibilities to address real change. Civil society and bilateral development organisations working on human rights or a specifically sensitive issue such as SOHR will therefore experience difficulty in advancing this agenda, in comparison to organisations and projects that align with and advance the government's agenda (Bratton 1989; Clark 1992).

The engagement of civil society organisations with the Rwandan government is based on personal relationships and the government's preferences (Gready, 2010). These organisations are partnered to help the government realise its vision of the country. Organisations have been closed down or government supporters have taken over civil society organisations to

align them with the governments agenda (Burnet 2008.p378-379). The ruling approach by the Rwandan government, therefore, limits the actions that civil society organisations can take (Beswick, 2010). It also impacts on the actions of bilateral development organisations.

Through their research on Rwanda, Paszat (2022a) observes how civil society organisations and activists make themselves acceptable or respectable to the government and society to engage on issues. To remain active, marginalized social movements and civil society organisations engage in 'respectability politics' as a strategy to gain social acceptance from society and political structures, and to work within the Rwandan system. The focus and emphasis of change is at the individual level, rather than to address structural systems of oppression and discrimination. Layering actions on top of discriminatory structural systems enables dominant narratives and norms that stigmatize marginalised people and groups to be reinforced (Pitcan, et.al 2018).

Civil society organisations moderate their behaviour to escape state sanctions where repression exists and adopt respectability 'survival strategies' (Gershman and Allen 2006; Thomann and Currier 2018). This creates tensions between the real-life threats of marginalised people and groups, the protection of people's physical safety, and strategies which ensure that civil society organisations continue to operate. There, therefore, are costs to adopt and deviate from a respectability approach. This falls both on civil society organisations and the people experiencing the oppressions (Strolovitch and Crowder 2018). Organisations need to consider the costs to adopt respectability strategies, or to defy these strategies. Costs could be greater when provoking a negative backlash, putting both the organisation and people and groups at risk and in danger (Hildebrandt 2013; Chua 2015). This needs to be a consideration of bilateral development organisations when seeking to

realise SOHR. Bilateral development organisations are, therefore, in a similar position to civil society organisation when considering and strategising their approach to realising SOHR and raising conversations with partners, specifically the Rwandan government.

In Rwanda, the authoritarian governance limits the options that civil society organisations, bilateral development organisations, and activists can take to realise SOHR. Although, to remain legitimate and in power, governments must be seen to balance the competing interests and visions for the country, which includes expressed visions from civil society, activists, and bilateral organisations. This leaves room for organising (Levitsky and Way, 2010). There, therefore, is still space to push the boundaries of 'respectability politics' and resist within the system, even if this does not produce immediate change (Mirshak, 2019). It is the extent of this 'push' against the boundaries of 'respectability politics' which staff of bilateral organisations in Rwanda needs to gauge, strategise, and action, to realise and mainstream SOHR through their organisations and their development initiatives and programmes.

In 2009, the Rwanda government proposed Article 217 [19] of the Draft Penal Code to criminalise LGBTI groups and initiatives for the protection and promotion of their fundamental rights. This aimed to criminalise LGBTI activism for the first time in Rwanda and followed the actions of neighbouring countries such as Uganda, Burundi, and Nigeria which proposed 'Anti-Homosexuality' bills and statements, targeting SOGI rights. Although

[19] Article 217, reads: Any person who practices, encourages, or sensitizes people of the same sex to sexual relations or any sexual practice shall be liable for a term of imprisonment ranging from five to ten years, and fine ranging from two hundred thousand francs [approximately 165 GBP] to one million Rwandan francs [approximately 820 GBP].

Article 217 was eliminated within months of its introduction (Paszat, 2022a), it catalysed a cross-movement coalition and activism in Rwanda. This comprised of civil society organisations and organisers working in health, HIV/Aids, and human rights.

The coalition adopted a deliberate non-confrontational strategy to frame opposition to Article 217 corresponding to the government's existing priorities, and to work within the authoritarian political system in Rwanda, in line with the government's agenda. A coalition position paper asserted to the government that '*by targeting one minority group of Rwandans through Article 217 is practicing discrimination and would sponsor discrimination, stigmatisation, and violence against a group referred to as a "group at high risk" by the Rwandan National Strategic Plan on HIV and AIDS 2009–2011'*. Therefore, Article 217 is inconsistent with existing government commitments and priorities, mainly related to its HIV/Aids reduction plan and its commitment to non-discrimination and reconciliation (Civil Society Coalition for the Protection of LGBTI rights, 2009).

The coalition's non-confrontational strategy included neutral language aligned to the government's agenda. It rejected strategies that could be perceived as aggressive and publicly challenge the government. This enabled the adoption of rhetoric which focused on the individual rather than confrontational activism and structures. This made their work seem non-threatening to the government (Dorman 2002. Lazar 2021).

The success of the coalition to eliminate Article 217 exposed the kinds of restrictions on civil society organisations in Rwanda. This could also have implications for the work of bilateral development organisations. The attention and visibility that realising SOHR could bring to the government's international voting patterns on SOGI rights means that civil society organising is being discouraged (Paszat, 2022a).

The type of activism that the government will accept limits the kind of change advocated for and who benefits (Paszat, 2022a). For example, the Government of Rwanda is visibly willing to focus on the service delivery of HIV/Aids and extends this to sexual and gender diverse populations. This legitimises the political system through the improvement of people's lives, adhering to international agreements and targets, and gives the political system legitimacy (Brass, 2016). This correlates with my interviews, that the Rwandan government accepts the approach by bilateral development organisations to recognise SOHR through health provision and HIV programming.

> *'I know for sure that the Government of Rwanda is 100% on board when it comes to health, access to health for LGBTI groups. They are proactive about it, and they support our programmes that try to help extend HIV testing, HIV counselling and treatment and to LGBTI groups. They don't have any problem with that. I think where things become fuzzy is when you start talking about promotion, is when you start talking about, you know, recognition.' USAID – Rwandan – Rwanda*

> *The government ensures that there is no discrimination when it comes to access to health services, for instance. Because if it's protection against or fight against HIV, access to medication. But I would say that otherwise, like, you know, like getting married and others, I would say that it's still quiet or silent.' Sida – Rwandan - Rwanda*

The three bilateral organisations in this research reference work with one civil society organisation on HIV testing, counselling, and treatments, in relation to sexual and gender diverse populations. These actions quietly extend to advocacy. Prior to the introduction or Article 217, organising on SOHR was limited to one organisation, Horizon Community Association (HOCA) (Paszat 2022a p2). This organisation is referenced in Sida's country brief on 'The Rights of LGBTI people in Rwanda' (2014). Since 2003, HOCA has worked to stop discrimination, promote social services, and achieve advocacy work alongside international organisations and other regional actors, such as the Coalition of NGO Forum,

the Coalition of Human Rights Defenders, and European Union diplomats in Rwanda[20]. In the time prior to Sida's published brief, HOCA's members were harassed, with one founder being granted political asylum in Sweden, based on persecution and political activism.

Civil society organisations therefore experience severe consequences when they criticise the Rwandan government or human rights violations. Their members are detained, imprisoned, or need to flee the country (Longman, 2011). Many civil society organisations have been denied registration because their work promotes SOHR (Paszat 2022). Other organisations have not been registered and operate at risk with strict requirements (Adamczyk, 2012). Many do not formally register their association to SOHR.

When I attended the Lesbian Lives conference in Cork (2022)[dd] and talked with other academics and activists working on SOHR and International Development, I was made aware through unpublished data, that there were more civil society organisations working in Rwanda on SOHR than were revealed in my interviews. OutRight Action International's report on 'The Global State of LGBTIQ Organising' (Daly and Outright International, 2018) explains that many civil society organisations are unknown and hidden because they face legal or cultural barriers to registering their activities to support SOHR. For safety reasons, they register and share their organisational aims and objectives in a neutral language which does not identify the focus of their work.

[20] HOCA works with international organisations such as the Human Rights Watch, International Gay and Lesbian Human Rights Commission (IGLHRC), Lawyers Without Borders, Coalition of African Lesbians (CAL), International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Front line Defenders, East and Horn of Africa Independent, and International Association of Independent Journalists

> *'In 28%, 55 countries, LGBTIQ organisations exist, but they cannot legally register as LGBTIQ organisations. In these countries, disclosing an intention to serve LGBTIQ people sets up a barrier to legal registration. Thus, many organisations pursue registration using more neutral language about their aims and objectives that do not identify that they work with LGBTIQ people" OutRight Action International (Daly and Outright International, 2018)*

The arbitrary detention of journalists, as shown through the human rights concerns reported in the UPR 2021, provide examples of the obstacles that civil society organisations face if they do not conform to acceptable boundaries expressed by the Rwandan government. The socio-political context of Rwanda as expressed in the UPR 2021, provides evidence of an authoritarian political system where elections are not free and fair; with limitations on the freedoms of opposition parties; and media restrictions (Longman 2011). This provides the context and reasons as to why there is a heavily constrained civil society sector in relation to SOHR in Rwanda, which is also observed by my interviewees.

> *'There are some groups (LGBT), and I'm afraid that they are not well coordinated. So you may have some groups in Kigali, some groups in the North, some groups in the East, and some are shy to show up, so like, it's not hidden as such, but it's not really a strong community.' USAID- Rwandan – Rwanda*

A few of my interviewees talk of the 'silence' from civil society organisations around issues of SOHR discrimination in Rwanda. This is consistent with the impact of the human rights concerns reported in the UPR 2021 and is recognised within the priorities and strategies of Sida, USA and DFID in Rwanda.

> *'It's kind of silent. They don't talk about it. They say, okay, our constitution is for everyone, non-discrimination is like a key principle, so they don't have to kind of detail any group. But that's not enough with non-discrimination here; there should be like another step, but I talked to some of the LGBTI community when I was in one of the meetings, and they seemed not to complain about the policy or legislation. They were not expressing it as an issue.' USAID – Rwandan – Rwanda*

The oppressive climate in civil society organisations in Rwanda results in limited opportunities for citizens to join or build civil society organisations advocating for SOHR. It also presents limited civil society partners for bilateral organisations to work with and provides limited support to citizens to voice experiences of discrimination.

Bilateral development organisations therefore need to consider how to work within the socio-political context of participating countries, which is Rwanda for the purpose of this research. In order for staff to devise these strategic approaches they require knowledge on SOHR, on socio-political contexts, domestic legislation, UN voting patterns, and human rights concerns. Within bilateral development the strategies to realise SOHR need to evolve from the staff in participating countries. This creates context specific strategies and contributes to the assembly of rights within organisations. Internal mainstreaming creates conditions where the knowledge and skill of staff and organisation cultures enable staff to navigate 'complex spaces' and realise SOHR through development programmes and initiatives. This supports the findings of this research that mainstreaming SOHR internally within organisations is a prerequisite to external mainstreaming through development initiatives and programmes, see chapter 8.

4.3 SOHR in Sweden – Legislation and Context

According to Rainbow Europe 2023, Sweden is rated eight in the gay-friendly countries in Europe (Rainbow Europe, 2023). It presents itself as a welcoming and supported environment to discuss and advocate for continued improvements in relation to SOHR There are many civil society organisations who work to support people who experience discrimination, to promote cultural and pride events, and to support the realisation of SOHR internationally (Swedish Government, 2024).

Since Sweden announced its Swedish Feminist Foreign Policy in 2014, the government of Sweden has named themselves as a feminist government. This has influenced the direction of its foreign policy and bilateral development work[21], although in 2022, the elected Swedish government abolished the Swedish Feminist Foreign Policy, stating that gender equality and rights runs through all Foreign Office work [ee].

Sweden removed 'sodomy' provisions from its Penal Code in 1944. The Constitution of Sweden mandates '*all organs of the State to exercise and promote equality and non-discrimination in health, employment, housing, education, and social security on the basis of Sexual Orientation'* (Swedish Government, 2003). The Prohibition of Discrimination based on sexual orientation was added to the Swedish Constitution in 2011 (ILGA 2019; Swedish Government 2024). The work of Sida as an 'organ of the state' adheres to Sweden's constitutional mandate and legislation, even though their work is predominantly undertaken in participating countries and global forums.

Sexual Orientation is a protected category within the Prohibition of Discrimination Act (2003) and Discrimination Act (2009). This prohibits direct and indirect discrimination in employment, education, provision of goods and services and health, and other contexts. Adoption rights for gay and lesbian couples were introduced in 2003 and insemination rights for lesbians in 2005. In 2009, the Swedish Marriage Code was revised to be gender-neutral

[21] Although in 2022, the elected Swedish Government abolished the Swedish Feminist Foreign Policy, stating that gender equality and rights runs through all Foreign Office work. https://www.hrw.org/news/2022/10/31/swedens-new-government-abandons-feminist-foreign-policy (accessed 01.02.2023)

and in 2009, the Act on Parenting laid out the conditions for joint adoption by same-sex couples.

Sida in Rwanda

In 2023, Sida transferred 296.34 million Swedish Krona to Rwanda (Openaid, 2023). This equates to approximately £23 million pounds sterling (14.01.2024)(Currency, 2024).

In recognition of the continued effects of the 1994 genocide, the main objectives of Sida's development cooperation in Rwanda is to reduce poverty through increased employment, and the green transition; to strengthen civil society, freedom of speech and free media; to increase gender equality; and promote peace and reconciliation. It seeks to achieve this through its four thematic areas of democracy and gender equality, the environment, economic development, and research collaboration (Sida, 2024).

Sida recognises that state control and domestic legislation in Rwanda restricts freedom of speech and association. This makes it difficult for civil society organisations, journalists, and citizens to hold those in power accountable. They recognise that only a few civil society organisations have political impact, with journalists being at risk of prosecution and imprisonment if they raise sensitive social issues. Sida, therefore, supports the development of the media sector in Rwanda strengthening thirty media houses and the journalism programme at four Rwanda universities (Sida 2024). It specifically supports projects which strengthen respect for human rights and seeks to increase rights and opportunities for women; to strengthen their role in society; to address gender-based violence; and enable access to sexual and reproductive health and rights (SRHR) for young people in relation to contraception, teenage pregnancies, and abortion (Sida 2024). Sida does not specifically refer to SOHR in their programme of activities in Rwanda (Sida 2024), and Sida staff in Rwanda

did not refer specifically to activities to realise SOHR through my interviews, see chapter 7 and 8.

Sida also recognises how civil society is struggling to address critical societal issues. Through their Public Policy and Information, Monitoring and Advocacy programme (PPIMA) they contribute to increasing the participation of citizens in local decision-making and to strengthening civil society organisations working for human rights, environmental justice, and gender equality (Sida, 2024). PPIMA began in 2009 and is aimed at strengthening the interest among Rwandan Civil Society Organizations and citizens in public policy affairs. It is funded by Sida and DFID, coordinated by Norwegian People's Aid (NPA) and implemented by 15 Rwandan civil society organisations (Norwegian Peoples Aid, 2019). The Rwandan project partners work at the national level with government and other stakeholders and at the local level in targeted districts. The project structure and evaluation reports to date do not reference SOHR (Dastgeer et.al., 2012; Norwegian Peoples Aid 2019)

4.4 SOHR in USA – Legislation and Context

SOHR rights have progressed in the USA over the past fifteen years. By 2020, cultural attitudes appeared to have shifted in line with federal legislation on same-sex marriage, gay people serving in the military, and protections. A shift in cultural attitudes is shown because 39% of parents said they would be sad if they discovered their child was gay or lesbian in 2015, compared to 98% in 1985 (Gao, 2015; Pew Research Centre, 2024).

Recent laws from mainly Republican states have popped up on SOHR education, banning trans student athletes, and parents care of gender-variant children (Kane, 2022). These states are promoting rhetoric that being gay means being inherently sexualized and a threat to innocence. Many of these states are supportive of the Trump presidential campaign 2024.

The USA political divide between Democrats and Republicans impacts on the leadership and resources provided to USAID, as an agency of the Federal government. In 2011, the Obama *'Presidential Memorandum, to 'Advance the Human Rights of LGBT Persons'* **(**2011), showed clear intentions to realise SOHR through USA's work worldwide[ff]. It provided leadership and resources to inspire the development and implementation of strategies and programmes to realise SOHR through bilateral development cooperation. This continued through the Obama Administration (2007 to 2017) and was referenced in my research interviews, see chapters 7 and 8. Although my interviews concluded near to the end of the Obama administration (2017), it was acknowledged by staff that a change from the Obama administration (Democrat) to the Trump administration (Republican) would alter the allocation of resources, leadership, and subsequent actions to realise SOHR through USAID. Little was heard on SOHR and leadership from the Trump administration. In February 2021, 15 days after the end of the Trump Administration when the newly elected President Biden (Democrat) released the '*Presidential Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World for the Heads of Executive Departments and Agencies*' (2021). This reaffirmed and supplemented the principles established in the Obama Presidential Memorandum of 2011. This shows how the political leadership in donor countries, in this case the USA, affects the policy approaches and financing of bilateral development cooperation in relation to SOHR.

In the USA, each of the 50 states enacts their own Criminal Codes; although, in 2003, all sodomy statutes in all states were invalidated at the federal level by a Supreme Court

verdict[22]. Currently, only three states retain unequal laws regarding the age of consent between same-sex and opposite-sex sexual relationships[23]. The Executive Order No. 13087 of 1998 prohibits discrimination in employment by the federal government based on sexual orientation, with USAID as an agency of the federal government, adhering to this Executive Order.

From 2015, in a ruling by the supreme court, all 50 states must issue marriage licences for same sex couple and recognise same-sex marriage. In 2015, joint adoption by same-sex married couples became available in all 50 states following a Supreme Court verdict[24]. Nevertheless, some states retain laws permitting state-licensed child welfare agencies to discriminate against LGB people, including same-sex married couples (ILGA 2019; Supreme Court of the United States 2020; USA Gov, 2024).

In 2020, the United States Supreme Court decision held that the Civil Rights Act 1964 outlawed discrimination in the workplace based on race, colour, religion, sex, or national origin and protects employees against discrimination because of sexuality or gender identity[25].

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[22] In the USA in 2003 the remaining sodomy statutes, still in force in 14 States, were invalidated by the Supreme Court verdict in Lawrence v. Texas (2003) (ILGA, 2019, p. 186). (Equaldex 2024)
[23] In the USA, three states still keep laws establishing unequal laws of consent: Alabama, Kansas and Texas. (ILGA, 2019, p.186)
[24] In the USA, as a result of the Supreme Court decision in in Obergefell v. Hodges, joint adoption by same sex married couples in now available in all 50 USA states. (ILGA, 2019, p. 290)
[25] In Bostock v. Clayton County 590 US (Supreme Court of the United States, 2020)

USAID in Rwanda

In 2021, USAID provided over $147 million dollars in bilateral assistance to Rwanda (US Department of State, 2022). This equates to approximately £115 million pounds sterling (14.01.2024)(Currency, 2024).

USAID works in partnership with the Rwandan government, civil society, private sector, and communities to address challenges in health, economic growth, education, democracy, and governance (USAID, 2023). This stems from acknowledgement of highly centralised political power, non-existent political opposition, weak civil society, and limited media freedom in Rwanda (US Department of State 2022). In 2023, USAID in Rwanda commissioned five strategic partners to implement activities, whilst supporting other sub-contractors or subgrantees on awards implemented by international partners (USAID 2023).

The Rwanda Country Development Cooperation Strategy 2020 – 2025 (USAID, 2020) was informed by a gender and social inclusion analysis where LGBTI individuals were specifically referred to (USAID, 2020). Findings identify multiple opportunities for USAID in Rwanda to intentionally and comprehensively address gender and social inclusion in each development objective (USAID, 2020).

The Rwanda Country Development Cooperation Strategy shows that USAID recognises deficits in capacity and commitment with civil society. It recognises limited citizen participation on local and national issues, and the weak media capacity and effectiveness. This leads to actions to increase accountability of public institutions, foster citizens' participation and engage and train journalists on investigative reporting skills (USAID 2020; USAID 2023).

Although women have made gains at the national level in leadership in Rwanda, USAID recognises that traditional patriarchal and cultural values impede women's access to resources and opportunities. It shows that women are significantly under-represented among the ranks of managers, professionals and skilled workers and that Gender Based Violence (GBV) remains pervasive in Rwanda. USAID references that lesbian, gay, bisexual, transgender, and intersex (LGBTI) youth, alongside young people with disabilities are disproportionately exposed to stigma and discrimination, lack of employment opportunities, and homelessness.

Under their Democracy, Human Rights and Governance focus, USAID supports civil society organisations to monitor and advocate for effective government services; expand opportunities for citizen participation in decision-making; and build citizen capacity to advocate for responsive and fair government policies. They work to raise the voices and inclusion of women, youth, and other marginalized groups and to support the media. It seeks to improve the government's accountability to its citizens in alignment with peoples' priorities, needs and aspirations (USAID 2020; USAID 2023). SOHR is not, however, specifically referred to.

USAID reports to build strategic partnerships with local organisations, including Non-Governmental Organizations (NGOs), Civil Society Organizations (CSO), the private sector, and academia through its Rwandan Local Partner Engagement Strategy (USAID 2022). It acknowledges that working with local partners can lead to stronger local systems, increased local capacity, greater sustainability of results, cost savings, innovative solutions to development challenges, and increased trust, communication, and collaboration. This ultimately leads to improved and sustained development results (USAID, 2020).

4.5 SOHR in UK – Legislation and Context

Over the past 20 years, SOHR rights in the UK have developed and strengthened. This includes repeal of Section 28, legislation on equal age of consent, lifting the ban on individuals serving openly in the military, civil partnerships for same-sex couples and adoption, and same sex marriage, see below. The Equality Act (2010) ensures protections across public services for people with protected characteristics, including sexual orientation. This directs the lens through which services are delivered (including bilateral cooperation). These changes in legislation have been accompanied by changes in cultural values and norms and civil society activity.

In 2015, the UK received the highest ranking score of 86% for progress toward "*respect of human rights and full equality*" for LGBT people in Europe (ILGA Europe, 2015). In 2019, 86% of the UK agreed that '*homosexuality*' should be accepted by society (Pew Research Centre, 2024; Poushter and Kent, 2020). However, the anti-trans rhetoric and the status of transgender rights throughout the UK creates an increasing negative reputation, impacting on the UK's position on SOHR rights. In 2020, the UK had dropped to ninth place with a score of 66%. This was accompanied by a concern from the Executive of ILGA Europe about the "*hostile climate on trans rights fuelled by opposition groups*" (ILGA Europe 2020a; ILGA Europe 2020b). By 2023, the UK had fallen to 17th place, with a score of 53% (ILGA Europe, 2023).

The UK hosts an array of large and local communities and groups supporting SOHR and connection. These communities congregate in larger cities, which have enclaves of 'gay village' venues, and host festivals and pride events, but also smaller venues. There is a

strength of civil society organisations spread across the UK providing local, national, and international, advocacy and support.

Since 2021, the national census in England and Wales, has captured the sexual orientation of respondents by including an optional question on how people identify (Office for National Statistics UK, 2024a; UK Data Service, 2024). Although results are probably influenced by underreporting, in 2021, around 1.5 million people (3.2%) identified as gay, lesbian, bisexual, or another sexual orientation with 89.4% identifying as straight or heterosexual (Office for National Statistics UK 2024).

In 1967, England and Wales removed the penalty of prison or hard labour for ‘buggery’ as codified in the Offences against the Persons Act (1861) and the Criminal Law Amendment Act (1885). Scotland removed these penalties in 1981, and Northern Island in 1982. Ironically, these were the model laws integrated into Penal Codes throughout Commonwealth countries, which contributes to their position on SOHR today.

Section 28 of the Local Government Act 1988a protected against recruitment to homosexuality, stating that local authorities "*shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality*" or "*promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship*" (UK Government, 1998b). It was repealed in 2000 in Scotland and 2003 in England and Wales.

The Equality Act (2010) lists sexual orientation as a protected category, prohibiting direct and indirect discrimination in services, public functions, employment, and education. Like Sida, DFID’s actions as a public body require that they avoid direct or indirect discrimination in their delivered or commissioned activities and programmes.

The Criminal Justice Act (2003) in England and Wales empowers courts to impose enhanced sentences for offences motivated or aggravated by the victim's sexual orientation. Incitement to hatred on the ground of sexual orientation is prohibited through the Criminal Justice and Immigration Act (2008). The Scottish Offenses Act (2009) incorporates sexual orientation into reasons to award penalties, and Section 8 of the Public Order (Northern Ireland) Order 1987 was also amended in 2004 to reflect this.

In England and Wales, the Marriage (Same Sex Couples) Act (2013) states that "*marriage of same-sex couples is lawful*", and the Scottish Marriage and Civil Partnership Act (2014) defines 'spouse' as being both different as well as same-sex. Northern Ireland does not have marriage equality but adopted the UK's Civil Partnership Act in 2005 which was not rescinded when marriage equality emerged in all other parts of the UK in 2013. The Adoption and Children's Act (2002) in England and Wales establishes that joint adoption applies to same-sex couples. In Scotland, the Adoption Agencies (Scotland) Regulations (2009) recognise civil partners, and in Northern Ireland (2013), the Court of Appeal mandated that civil partners can jointly adopt, mandating that civil partners enjoy second parent adoption (ILGA 2019; GOV.UK, 2024; Stonewall, 2023)

The UK recognises its contribution to imposing penal codes on 'homosexuality' in colonialised states, see section 1.6. Although this acknowledgement is common through a rhetoric which locates sexual politics to another geographical location in the Global South (Lalor and Browne, 2018). The underpinning assumption and rhetoric through the passing of domestic laws from decriminalisation, to equal age of consent, same sex marriage, adoption and equalities, is that the UK has "progressed" on SOHR, and is, and should be, a "world leader" on the issue (Lalor and Browne, 2018). As the Minister for Women, Victoria Atkins

MP, noted in the APPG's debate to mark IDAHOT (International Day Against Homophobia, Transphobia and Biphobia) in May 2018:

> *From the equalisation of the age of consent to the introduction of same-sex marriage, successive [UK] governments have made significant progress in advancing equality for LGBT people, who now enjoy the right to marry, to start a family and to change their legal gender to match their identity*[26].

DFID (FCDO) in Rwanda

The UK government's Strategy for International Development places development at the heart of the UK's foreign policy (FCDO and GOV.UK, 2022). The Integrated Review Refresh 2023 (IR23) provides and reiterates the UK government's security, defence, development, and foreign policy priorities. It sets out how the UK will reduce poverty and reinvigorate progress towards the SDGs. It reiterates that sustainable development is central to UK foreign policy (Cabinet Office, GOV.UK 2023).

The government's Strategy for International Development references LGBT+ once, putting '*survivors (of violence) at the heart of our approach and prioritise those most at risk, including adolescent girls, women and girls with disabilities, and LGBT+ individuals'* (p.12). The IR23 does not refer to LGBT+, or sexual orientation.

The Rwandan Country Development Partnership Summary details how the IDS and IR23 will be put into practice within Rwanda (GOV.UK, 2023d). DFID's vision is to develop broad and deep partnerships to deliver both Rwandan and UK priorities. They work closely with the Rwanda government and Rwandan Civil Society Organisations to support them through

[26] HC Deb 17 May 2018, vol 641, col 533.(UK Parliament, 2024a)

grants, to support citizen engagement and accountability, advance human rights, and support progress on freedom of expression. Unlike Sida and the USAID, the FCDO (DFID) does not refer to supporting the media in Rwanda in their work. All activities are reported to include a focus on promoting gender equality, which shows gender mainstreaming intentions (GOV.UK, 2023d). In 2022 to 2023, 19% of bilateral ODA from the UK to Rwanda focuses on 'Women and Girls', with 3% on 'Governance and Institutions critical to broader development' (GOV.UK, 2023d). This Rwandan Country Development Partnership Summary references LGBT+ and wider inclusion issues once (GOV.UK, 2023d).

The amount of transfer from the UK Aid budget to Rwanda has reduced from £135.57 million in 2011 and £161,65 million in 2013[27] to £120 million in 2022 (Home Office, GOV.UK 2023). This reduction is for several reasons. The Brexit referendum in 2016 impacted the UK aid budget. The fall in the value of the pound led to considerable pressure on overseas budgets in other currencies (Lightfoot et al., 2017). It accelerated existing trends in the UK's international development policy towards a more explicit and expanded focus on UK private sector-led economic growth strategies, and economic and geopolitical interests, rather than a focus on poverty reduction *per se* (Lightfoot et al., 2017). The Brexit referendum also led to a re-balancing of forces within the Conservative party bringing aid sceptics into the Cabinet.

[27] Organisation for Economic Co-operation and Development - QWIDS: Query Wizard for International Development Statistics http://stats.oecd.org/qwids/ (accessed 10.10.2013)

The target of 0.7% GNI spend which was enacted in legislation in 2010 became increasingly questioned by right-leaning media tabloids and broadsheets. Substantial sections of the UK public alongside government ministers and advisers criticised the principle of overseas development expenditure when UK citizens were suffering from domestic austerity. It was therefore signalled by critics that UK Aid should be cut and deemed it was not providing tax payers with sufficient 'value for money' (Lightfoot et al., 2017). This aid-sceptic strain within the Conservative Party, aligned with the arguments made over several years about subsuming DFID within the Foreign Commonwealth Office (FCO) and subordinating the aid budget to wider national strategy.

The UK formally left the European Union through Brexit in January 2020, and a merger between DFID and FCO, to create a 'super-department'—the Foreign, Commonwealth and Development Office (FCDO), was announced for September 2020. This ended 23 years of institutional separation between development and foreign policy in the UK government (UK Government, 2020).

In November 2020, only a couple of months after the FCDO merger, the Conservative government announced that to alleviate the economic impact of the coronavirus pandemic (COVID-19), it intended to breach the legislated ODA target, reducing it from 0.7% to 0.5% of GNI, saving an estimated £4 billion. This cut was amongst assurances that the target would be restored when the nation's finances were stabilised. The reduction was billed as temporary and reversible (Devanny and Berry, 2022). The UK government currently state that it is not planned to return to the 0.7% GNI until at least 2027/28. Spending has subsequently fallen from its peak in 2019 from £15.1 billion, to £14.5 billion in 2020, to £11.4 billion in 2021,

and £12.8 billion in 2022, with around 29% spent in the UK hosting refugees and asylum seekers (UK Parliament, 2024b).

These decisions show that international development funding and priorities of the UK are impacted by party-political disagreements, elections, and political swings between left and right politics. It also shows the influence and impact that domestic politics within donor countries has on aid budgets and bilateral development cooperation. It evidences how political pressures and changes in leadership and resources leads to impact on realising SOHR, see section 7.3 and 7.5.

Reductions on the UK Aid budget have impacted on SOHR programming within DIFD. In 2015, DFID ended its multi-year research funding and collaboration with the Institute of Development Studies at the University of Sussex to fund the 'Sexuality, Poverty and Law' programme. Its programme spearheaded international evidence-based knowledge and new policy options to strengthen the rights of LGBTI people because of their sexuality through legal reform. The aim of this programme was also to support LGBTI people and others marginalised because of their sexuality, to establish sustainable livelihoods (IDS, 2015). This programme supported the development of the IDS Policy Briefings, and the IDS Evidence Reports that are documented and analysed in chapter 6.

Grant funding to UK Aid Connect was announced in 2017 to support consortiums of diverse organisations to come together, to create innovative solutions to complex development challenges, and deliver real change to poor people's lives (FCDO, 2019). Proposals from coalitions were encouraged to address key development challenges in eight thematic areas, including 'Addressing lesbian, gay and bisexual and transgender inclusion'.

> *"We've got this new mechanism, UK AID Connect, which is going to look at bringing people together to look at specific issues specifically the themes of LGBT, gender, violence against women, disability, and how to effect social change, how to influence social norms. …….This new funding mechanism from UK AID Connect is based on the concept that with really complex development challenges we need to work with a whole range of different organisations. So, we're going to be trying to look at how to work with a consortium; so research institutions, think tanks, foundations, private sector and NGOs. And we will certainly investigate the possibility is how we can bring all of these people together to work on LGBT rights." DFID – UK – British*

The parameters of the development challenge were outlined in the 'UK Aid Connect: Terms of Reference in Addressing Lesbian, Gay and Bisexual and Transgender Inclusion' FCDO, 2019). These stated the UK government's and DFID's perspectives on SOHR, see Appendix Y. Grants were awarded to consortiums for work in countries ranked in the bottom 50 in the Human Development Index, which includes Rwanda, and to work in countries on DFID's fragile states list (FCDO, 2019). Funding on Lesbian, Gay and Bisexual and Transgender Inclusion was to be implemented in Nigeria, Senegal, Mozambique, Kenya, and Zambia[28] (FCDO, 2019). Following the merger of DFID and the FCO in 2020 and reductions in the UK aid budget, the grant funding to UK Aid Connect was withdrawn leading to the cancellation of all programmes in 2021 (Bond, 2022).

In 2015, the UK Parliament established a dedicated All Party Parliamentary Group (APPG) on Global LGBT Rights. This seeks to "*advance LGBT rights around the world*" by providing "*a forum for parliamentarians and organisations across the public, private and*

[28] The Strong in Diversity, Bold on Inclusion - Promoting Lesbian, Gay and Bisexual and Transgender Inclusion programme included consortium partners of (*Consortium-lead)* Hivos, (C*onsortium partners)* Article 19, Workplace Pride Foundation, African Men for Sexual Health and Rights, Coalition of African Lesbians, Kaleidoscope Trust, Synergia, and the University of London (FCDO, 2019)

third sectors to work together to champion LGBT rights and push back against abuse and discrimination" (APPG, 2024). It lobbied hard to place SOHR on the agenda at the 2018 Commonwealth Heads of Government Meeting (CHOGM) (APPG, 2022). Since taking over as chair-in-office in 2018, the UK has invested over £11 million in the protection and promotion of LGBT rights. This is through acknowledgement that many LGBT people in Commonwealth countries continue to face discrimination and criminalisation. In 2021 the UK Prime Minister appointed Nick Herbert (The Rt Hon The Lord Herbert of South Downs CBE PC) as the UK's Special Envoy on LGBT rights, bringing together the government's domestic work and global leadership on the issue (GOV.UK, 2022).

In the Rwanda UPR 2021, the UK government expressed concerns about restrictions to civil and political rights and media freedoms in Rwanda (UK Parliament, 2022). They said "*we are clear that Rwanda must mirror its social and economic progress with gains in civil and political rights for its people*" (FCDO UK and Braithwaite, 2021). This view is reflected in their priorities of bilateral cooperation with Rwanda.

In June 2022, as Commonwealth chair-in-office, the UK announced £2.7 million to support grassroots civil society organisations and human rights defenders to advance equality and freedom across the Commonwealth. This funding was specifically allocated to continue to work with partners, including The Commonwealth Equality Network and Kaleidoscope Trust. It was focused to amend and repeal discriminatory laws and policies, and to safeguard progress in equalities. Funding was also available for the Pride programme in the 2022 Commonwealth Games and to support a secure data storage system for LGBT refugees from Afghanistan. It was also to fund the UK's continued work alongside the global Equal Rights Coalition as co-chairs (GOV.UK, 2022).

4.6 Conclusion

The historical and contemporary socio-political contexts of the donor and participating countries influence and impact on the priorities and practices of bilateral development cooperation. The socio-political context of Rwanda, with 'authoritarian' governance, raises human rights concerns. This inhibits the practices and focuses of civil society organisations, political opposition, Human Rights Defenders, and the media. These human rights concerns are observed in the strategies and work of bilateral development organisations. They need to be considered in the effective strategies to realise SOHR in the socio-political context of Rwanda. The analysis of socio-political contexts forms a component within the Mainstreaming Human Rights Framework.

Socio-political and geo-political factors influence development policies, ambitions, and actions. These include political influences, media influences, influences from the voting population, and budgetary constraints from global events such as pandemics, natural disasters, and wars.

In chapter 5, I present the UN voting patterns on statements and resolutions of countries worldwide and the SOHR domestic legislation of the donor countries of Sweden, the USA and the UK and Rwanda. This shows the 'complex space' which needs navigating to realise SOHR through bilateral development cooperation.

Chapter 5. SOHR in the UN and Domestic Laws worldwide

5.1 Introduction

This chapter presents the 'complex spaces' that are present between donor and participating countries worldwide and the donor and participating countries focused on in this research, see section 3.2 on complex spaces. These complex spaces are shown by the UN voting patterns of countries on SOHR statements, proposals, and resolutions. They are also shown through the domestic legislation on SOHR criminalisation, protection, and recognition of countries worldwide. It is these complex spaces which mainstreaming practices and approaches need to navigate to realise SOHR through bilateral development cooperation.

In section 5.2, I present the voting patterns on SOHR UN statements, proposals, and resolutions by all countries worldwide. I highlight the UN voting patterns of DAC donor countries, of non-DAC donor countries, and of non-donor countries, who include participating countries. This visibly shows the conflict and divide between donor and non-donor countries, including participating countries, on SOHR. I highlight the positions of Rwanda, Sweden, the USA, and the UK, revealing the 'complex space' between donor and participating countries, focused on in this research. The application of my Mainstreaming Human Rights Framework in chapters 7 and 8 seeks to understand and provide knowledge to navigate these complex spaces.

In section 5.3, I analyse the domestic laws of countries worldwide on SOHR laws in relation to criminalisation, protection, and recognition using secondary data from the ILGA State Sponsored Homophobia reports 2013 and 2020. As in section 5.2, this shows the divide and conflict and between the positions of donor and non-donor countries, including participating countries on SOHR. I highlight the positions of Rwanda, Sweden, the USA, and the UK,

which reveals the ‘complex space’ between donor and participating counties positions focused on in this research.

5.2 SOHR The United Nations.

This section presents how the debate about Sexual Orientation and Gender Identity rights (SOGI) is unfolding within the United Nations. It shows how UN member states vote to support or oppose UN statements, proposals and resolutions on SOGI rights (UN LGBTI Core Group, 2022). This shows the positions and divide between DAC donor countries, as predominantly Western and non-DAC donor countries who have Arabic / Muslim focuses (OECD, 2024). It, therefore, shows the divide between the religious and cultural focuses of countries on SOHR worldwide. It also reveals the positions of countries which are non-donor countries, including participating countries. This therefore could be interpreted as the conflict and divide between donor and participating countries on SOHR. This contributes to the ‘complex space’ which needs to be navigated by bilateral development organisations to realise and mainstream SOHR.

Reference to Sexual Orientation and Gender Identity (SOGI) in the UN first emerged through the international conferences of the 1990s. Since then, several landmark events, reports, and statements have shown the use and recognition of these terms. Discussions around Sexual Orientation and Gender Identity reveal strong motivations of some states to recognise SOHR and equal resistance to this recognition by others. This is through their voting patterns on UN resolutions and statements on Sexual Orientation and Gender Identity.

Information on UN resolutions are provided by the UN OHCHR webpage, ‘Resolutions on sexual orientation, gender identity and sex characteristics’ (UN OHCHR, 2023a). Knowledge has been sourced via the UN OHCHR database (UN OHCHR, 2023b), Human Rights

organisations and reporting agencies. Appendix K provides a separate ‘Bibliography on UN Resolutions. Sexual Orientation and Gender Identity’.

In the remainder of this section, I present the chronological order through which UN statements, proposals, and resolutions on SOHR were presented.

2003. Limited reference was made towards Sexual Orientation and Gender Identity in official UN documentation until 2003 when Brazil presented a resolution prohibiting discrimination based on sexual orientation to the United Nations Commission on Human Rights (UN General Assembly, 2003)

2006. Norway delivered a short oral statement at the Human Rights Council recognising Human Rights violations based on Sexual Orientation and Gender Identity (UN Human Rights Council, 2006) . This statement requested an opportunity at a future session to discuss violations based on Sexual Orientation and Gender Identity and was proposed on behalf of 54 states, including 18 members of the Human Rights Council (ARC International, 2006).

Table 8 highlights the position of Sweden, the USA, the UK, and Rwanda in relation to this statement. It shows that Sweden, the USA, and the UK proposed this statement and Rwanda did not. It also shows the divide between the donors and participating countries in this research on SOHR.

Table 8. Position of Sweden, USA, UK, and Rwanda on discussion at HRC on SOGI. 2006 (ARC International, 2006; UN Human Rights Council, 2006)

	Sweden	USA	UK	Rwanda
Sweden, the USA, and the UK proposed this statement. Rwanda did not.	Proposed	Proposed	Proposed	Not Proposed

Table A in Appendix G provides a list of countries which proposed the 2006 statement (ARC International, 2006; UN Human Rights Council, 2006). These countries are predominantly from the Global North, with 26 DAC donor countries and 10 non-DAC countries, totalling 36 donor countries which proposed this statement.

2008. Argentina presented a statement of thirteen principles to the General Assembly condemning human rights violations based on Sexual Orientation and Gender Identity (ARC International, 2008; ILGA Europe, 2008; Reuters, 2008). The statement condemned violations in relation to the death penalty; extrajudicial, summary, or arbitrary executions; the practice of torture and other cruel, inhuman, and degrading treatment or punishment; arbitrary arrest or detention; and deprivation of economic, social, and cultural rights, including health rights (Human Rights Watch, 2008). This statement was supported by 66 member states (Amnesty International, 2008). It was intended to be adopted as a resolution on Sexual Orientation and Gender Identity to develop recognition and support, much like the UN resolutions on other specific rights, such as CEDAW (1989), CERD (1991), CRC (1989), CRPD (2006) (Saiz, 2004). Signatories noted their disturbance that violence, harassment, discrimination, exclusion, stigmatisation, and prejudice were directed against people in all countries in the world because of Sexual Orientation or Gender Identity. Sweden and the UK supported this statement, see Table B, Appendix G.

This statement prompted an Arab League and Organisation of Islamic Cooperation-backed opposing statement which was supported by 57 members, including Rwanda (ILGA Europe, 2008; Reuters, 2008).

The USA did not support either the statement or the opposing statement because of the broad framing of the language used in the statement conflicted with US law (Reuters, 2008).

Neither the statement nor the opposing statement had sufficient votes to be passed as a UN resolution and adopted by the General Assembly. Both resolutions, therefore, remain open.

Table 9 highlights the position of Sweden, the USA, the UK, and Rwanda in relation to these statements.

Table 9. Positions of Sweden, the USA, the UK, and Rwanda. 2008

(ARC International, 2008; ILGA Europe, 2008; Reuters, 2008)

	Sweden	USA	UK	Rwanda
Sweden and the UK supported these thirteen principles. Rwanda supported the opposing statement. The USA did not sign either document.	Supported Principles	Neither	Supported Principles	Supported opposing statement

Table B and C in Appendix G provides a list of countries that supported the statement of thirteen principles (2008) and countries that supported the opposing statement (2008). Those who supported the principles are predominantly from the Global North. Those who supported the opposing statement are predominantly from the Global South and have strong religious or cultural values which do not recognise SOHR[gg]. There were 27 DAC donor countries and 10 non-DAC countries, totalling 37 donor countries who supported these principles. Conversely, there were zero DAC donor countries and four non-DAC donor countries, who supported the opposing statement, and three were from Arab states.

2011. In March, Columbia delivered a joint statement which was issued at the Human Rights Council calling on all states "*to take steps to end acts of violence, criminal sanctions, and related human rights violations committed against individuals because of their sexual orientation or gender identity*"(ARC International, 2011). 85 countries were signatories to end acts of violence and related human rights violations based on Sexual Orientation and

Gender Identity (UN Human Rights Council, 2011;U.S. Mission, 2011)**.** Rwanda and South Africa were the only African countries which supported this statement (Paszat, 2022b).

Table 11 highlights the position of Sweden, the USA, the UK, and Rwanda on the 2011 Joint Statement. All four countries signed this statement.

Table 10. Position of Sweden, the USA, the UK, and Rwanda on HRC Joint Statement. **2011**

(UN Human Rights Council, 2011a; U.S. Mission, 2011)

	Sweden	USA	UK	Rwanda
Sweden, UK, USA and Rwanda signed the joint statement.	Backed	Backed	Backed	Backed

Table D in Appendix G provides a list of countries who signed the joint statement. There is a mix of countries from the Global North and Global South with 28 DAC donor countries and 10 non-DAC countries, totalling 38 donor countries supporting this statement.

In June 2011, the Human Rights Council, led by South Africa, expressed "*grave concern*" at the discrimination and violence experienced by people worldwide because of their Sexual Orientation and Gender Identity. As a result, a resolution calling for the UN High Commissioner for Human Rights to draft a global report on discriminatory laws and practices and acts of violence against individuals based on their Sexual Orientation and Gender Identity was passed by 23 votes to 19 with three abstentions. This report would also include how International Human Rights law can be used to end violence. This was the first UN resolution passed in relation to Sexual Orientation and Gender Identity (Human Rights Watch, 2011; UN Human Rights Council, 2011b).

Table 11. Position of Sweden, the USA, the UK, and Rwanda on first UN resolution in relation to Sexual Orientation and Gender Identity

(Human Rights Watch, 2011; UN Human Rights Council, 2011b)

	Sweden	USA	UK	Rwanda
Sweden was a co-sponsor. The UK and USA in favour and Rwanda did not vote	Co-sponsor	Favour	Favour	Did not vote

Published in November 2011, this report outlined violence such as killings, rape, torture, and degrading treatment in relation to SOHR (UN OHCHR, 2011). It references discriminatory practices in employment, healthcare, education, restrictions on freedom of expression, association and assembly, discriminatory practices in the family and community, denial of recognition of relationships, related access to state and other benefits and gender recognition and related issues. It outlines discriminatory laws criminalising same-sex relations, other penalising laws, death penalties and arbitrary arrest and detentions.

Notably, the report concludes that '*in all regions, people experience violence and discrimination because of their sexual orientation or gender iden*tity' (p.3) and that '*seventy-six countries retain laws that are used to criminalise people on the basis of sexual orientation or gender identity*' (p.13) and '*in at least five countries the death penalty may be applied to offences relating to consensual, adult homosexual conduct'*(p.15) (UN OHCHR, 2011).

The UN High Commissioner for Human Rights called for domestic laws worldwide to reflect equitable age of consent laws; laws against discrimination based on sexual orientation; investigation, recording and persecution of hate incidents and crimes; repeal of laws criminalising same-sex intimate relations; and other measures to protect LGBT persons across all member states.

The report's findings formed the basis of the first United Nations intergovernmental body, a panel discussion at the Human Rights Council in March 2012 (UN Human Rights Council, 2012). The audience was divided in their response to the report, with European and Western countries from the Global North welcoming a long-awaited recognition of the experiences and discrimination of 'LGBT' people. Opposing this were countries who do not recognise or have laws to protect against discrimination concerning Sexual Orientation and Gender Identity. They were not prepared to accept the report's findings. From the panel report, some states expressed concern that the concepts of Sexual Orientation and Gender Identity had no foundation in International Human Rights law because they had not been sufficiently defined and that sexuality and sexual rights were only explicitly referred to in the Beijing Platform for Action (1995) and not mentioned in any of the international human rights instrument.

Furthermore, some states outlined the importance of considering national and religious particularities, and especially that same-sex intimate relationships were unacceptable to states when they conflict with the teachings of religions and cultural and traditional values. Imposing the concept of Sexual Orientation and Gender Identity would, therefore, breach the social and cultural rights of communities concerned. It was further suggested that devoting time to discussions of Sexual Orientation and Gender Identity was a distraction from other glaring instances of intolerance and discrimination, such as those based on colour, race, gender, or religion, and consequently the discrimination against migrants in Global North countries. Finally, a concern was expressed that drawing up a new documents or agreement which focused specifically on Sexual Orientation and Gender Identity was an attempt to create new or special rights and could lead to a splintering of human rights into groups and sub-groups.

2014. A follow-up resolution on Sexual Orientation and Gender Identity was passed at the Human Rights Council (UN Human Rights Council, 2014). This resolution requested an updated report from the UN High Commissioner for Human Rights to '*share good practice and ways to overcome violence and discrimination in application of existing Human Rights laws and standards'* (UN Human Rights Council, 2014). This resolution was supported by 25 members, in comparison to 23 in 2011. As a comparison between 2011 and 2014, 14 rejected the resolution in 2014, a reduction from 19 in 2011, and 7 abstained in 2014, which increased from 3 in 2011. The increase in abstainers shows the contentious debate around Sexual Orientation and Gender Identity within the UN. Yet, the change in these votes references the increased support for member states to support SOHR at the international level. Table 12 shows the changes in voting patterns on Sexual Orientation and Gender Identity resolutions between 2011 and 2014.

Table 12. Votes at HRC in 2011 and 2014 on SOGI resolution. 2014

(UN Human Rights Council, 2014)

Votes in 2011 and 2014 on the resolution on Sexual Orientation and Gender Identity at Human Rights Council.				
	Favour	Reject	Abstain	Absent
2011 (90 states)	23	19	3	45
2014 (92 states)	25 Increase of 2 from 2011	14 Decrease of 5 from 2011	7 Increase of 4 from 2011	46 Decrease of 1 from 2011

Table 13 shows the position of Sweden, the USA, the UK, and Rwanda. Sweden, the USA, the UK co-sponsored the resolution and Rwanda did not vote.

Table 13. Position of Sweden, the USA, the UK, and Rwanda on follow up resolution on Sexual Orientation and Gender Identity

(UN Human Rights Council, 2014)

	Sweden	USA	UK	Rwanda
Sweden, UK, and USA were co-sponsors Rwanda did not vote	Co-sponsor	Co-sponsor	Co-sponsor	Did not vote

2014. As an employer, the UN announced that it would extend equal benefits to same-sex couples at work. Rwanda voted in favour of this which suggests a movement to recognise existing rights and to instate rights (Paszat, 2022b).

2016. The Human Rights Council posted a resolution to appoint an Independent Expert on Sexual Orientation and Gender Identity to find causes of violence and discrimination and to discuss findings with governments (UN Human Rights Council, 2016) . This mandate was renewed in 2019 until July 2022 (UN Human Rights Council, 2019). It enables the Independent Expert to produce, disseminate, and discuss country and thematic reports (UN OHCHR, 2023c). Rwanda voted in favour as did South Africa. Many other African countries abstained on the mandate vote[29].

2017. The UN Human Rights Council held a vote on the question of the death penalty which included a statement condemning the death penalty as a sanction for "*consensual same-sex relations."* Rwanda voted in favour of the resolution (Paszat, 2022b).

2021. The UN General Assembly's Resolution on free and fair elections recognised limitations in accessing elections due to characteristics including Sexual Orientation and

[29] United Nations General Assembly, "Human Rights Council Forty-First Session: Agenda Item 3," 10 July 2019, A/ HRC/41/L.10/Rev.1.

Gender Identity. This is one of the two UNGA Resolutions which includes SOGI language (Outright International, 2022).

At the time of writing this thesis (2023), no further UN resolutions have been proposed.

UN resolution on Extrajudicial, Summary or Arbitrary Executions

The debate on referencing Sexual Orientation and Gender Identity in the UN resolution on Extrajudicial, Summary or Arbitrary Executions (UN, 1989) specifically shows the global tensions and conflict between countries worldwide over SOHR. As with the voting practices of countries on UN statements, proposals, and resolutions, it shows the conflict and divide between donor and participating countries in bilateral development cooperation and the complex space which needs navigating to realise SOHR.

The debate regarding referencing Sexual Orientation and Gender Identity within the UN resolution on Extrajudicial, Summary or Arbitrary Executions shows that there is severe violence and discrimination faced by people globally because of their Sexual Orientation or Gender Identity. This is also presented in the UN High Commissioner on Human Rights report (2011), and the subsequent reports of the Independent Expert on Sexual Orientation and Gender Identity (UN OHCHR 2011. p3; UN OHCHR 2023b).

In November 2010, following the statement of thirteen principles and opposing statement condemning human rights violations based on Sexual Orientation and Gender Identity in 2008, the General Assembly's third committee voted by a narrow margin to eliminate the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions. There were 79 votes in favour of the amendment (including Rwanda): 70 votes opposed to the amendment (including Sweden, USA, and the UK): 17 abstained: and 26 absent (ILGA, 2010; Sexuality Policy Watch, 2010a). The

countries in favour were predominantly from the Global South, non-donor countries, including participating countries in bilateral development cooperation. The countries who opposed were predominantly from the Global North, including donor countries.

Table E in Appendix G lists the countries that sought to eliminate the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions and those that oppose the elimination. There are zero DAC donor countries and six non-DAC donor countries, totalling six donor countries in favour of this statement, with four from Arab states. Twenty-seven DAC donor countries and eleven non-DAC donor countries, totalling 38 donor countries, opposed this statement, with no donor countries abstaining or being absent. This shows the divide between the voting patterns of the Global North and Global South, of DAC donor countries and non-DAC donor countries, and between DAC donor countries and non-donor countries, including participating countries. This contributes to the complex space which needs navigating to realise SOHR through bilateral development cooperation.

One month after this vote in 2010, the United States and the European Union galvanised support to reinstate this critical language for the final vote of the UN General Assembly. Ninety-three (93) states voted to reinstate the language against 55 to reinstate the language on Sexual Orientation and Gender Identity, with 27 abstentions and 17 absent or not voting. Rwanda officials supported this vote with Olivier Nduhungirehe, as the deputy permanent representative of Rwanda to the UN, making a statement to oppose violence and discrimination (Paszat, 2022b).

Table 14 highlights the position of Sweden, the USA, the UK, and Rwanda, showing all countries voted the same.

Table 14. Positions of Sweden, the USA, the UK, and Rwanda on SOGI reference. 2010 On the UN resolution on Extrajudicial, Summary or Arbitrary Executions. (ILGA, 2010; Sexuality Policy Watch, 2010a)

	Sweden	USA	UK	Rwanda
Sweden, the USA, and the UK and Rwanda supported the reinstatement of the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions.	Supported reinstated	Supported reinstated	Supported reinstated	Supported reinstated

In November 2012, in the General Assembly's biennial adoption of its resolution on Extrajudicial, Summary or Arbitrary Executions, the United Arab Emirates sponsored a second amendment on behalf of the Organization of the Islamic Cooperation (OIC) to remove language related to Sexual Orientation and Gender Identity. However, this was defeated by a recorded vote of 86 against and 44 in favour, with 31 abstentions and 32 absent (Sexuality Policy Watch, 2010b).

There is a distinct decline in countries voting to eliminate or remove the language in relation to Sexual orientation and Gender Identity in the resolution from 79 to 44 states between 2010 and 2012. There was also an increase in countries opposing the removal the language between 2010 and 2012, from 70 to 86. Of interest is the high increase of countries who abstained between 2010 and 2012, from 17 to 31. These instances document how Sexual Orientation and Gender Identity continues to divide the UN. It reveals the increase in state support for SOHR at the international level.

Votes on the language within the resolution on Extrajudicial, Summary or Arbitrary Executions over the three instances in 2010 (2 times) and 2012 shows that Sweden, USA, and the UK opposed the elimination or voted to reinstate the specific reference to Sexual

Orientation and Gender Identity, whereas Rwanda voted in favour of eliminating or not reinstating the language.

Table 15. Votes on language within the UN resolution. 2010 and 2012
On Extrajudicial, Summary or Arbitrary Executions.
(ILGA 2010; Sexuality Policy Watch 2010a; Sexuality Policy Watch 2010b)

The number of votes referencing Sexual Orientation and Gender Identity within the resolution on Extrajudicial, Summary or Arbitrary Executions.					
A	2010. Eliminate SOGI language (192 states)	Favour 79 including Rwanda	Oppose 70 including Sweden, the USA, the UK	Abstain 17	Absent 26
B	2010. Reinstate SOGI language (192 states)	Not Reinstate 55 Decrease of 24 from A	Reinstate 93 Increase of 23 from A	Abstain 27 Increase of 10 from A	Absent/not voting 17 Decrease of 9 from A
C	2012. Amendment to remove SOGI language (193 states)	Favour 44 Decrease of 35 from A Decrease of 11 from B	Against 86 Increase of 16 from A Decrease of 7 from B	Abstain 31 Increase of 14 from A Increase of 4 from B	Absent 32 Increase of 6 from A Increase of 15 from B

2022. The UN General Assembly adopted a resolution on Extrajudicial and Arbitrary Executions with text that focuses on the protection of all from extrajudicial killings, especially those who are most marginalized and specifically mentions Sexual Orientation and Gender Identity. This was the second UN resolution with SOGI language. It was co-sponsored by 66 states, which shows the growing, cross-regional support for the resolution.

2022 marked the twentieth anniversary of the inclusion of Sexual Orientation language in this resolution. An amendment was presented by a group of countries attempted to replace the

language on SOGI with a reference to only ‘sex’. This failed with a vote of 88 against, 51 in favour, and 26 abstentions. A vote was then called on the entirety of the Resolution. The Resolution passed with a vote of 131 in favour, 1 against, and 45 abstentions (Outright International, 2022).

In summary, there is a distinct divide between the voting patterns of Global North and Global South countries on UN statements and resolutions in relation to SOHR. This distinct divide is prevalent between DAC donor countries and non-donor countries including participating countries. It shows the divide and conflict between the donor and participating countries on SOHR. This contributes to the complex spaces which needs to be navigated to realise and mainstream SOHR through bilateral development cooperation.

5.3 SOHR Domestic Laws Worldwide

The following section provides an outline of the SOHR domestic legislation of countries worldwide which shows the conflict and divide on SOHR. It presents the positions of DAC donor countries who are mainly Wester and from the Global North, and non-DAC donor countries, who mainly have Arabic / Muslim focuses. This section, therefore, also shows the divide between the religious and cultural focuses of countries on SOHR worldwide. It shows the differences between DAC donor countries and non-donor countries, which include participating countries. I, therefore, shows the divide and conflict between donor and participating countries in relation to SOHR. This contributes to the ‘complex spaces’ which needs navigating to realise SOHR through bilateral development cooperation.

Annually, the International Lesbian and Gay Association, ILGA, publishes a State-Sponsored Homophobia report on a survey of domestic Sexual Orientation laws worldwide. I have used the surveys of 2013 (ILGA 2013) and 2020 (ILGA 2020) as a foundation to identify the

SOHR domestic laws of countries worldwide in relation to SOHR criminalisation, protection, and recognition. I then present changes between 2013 and 2020. I also refer also to the Human Dignity Trust (2024) to provide information on the domestic legislation of countries across the world. I have sourced and refer to specific secondary data from the Swedish government (Swedish Government, 2024); USA Gov Federal Laws and regulations (USA Gov, 2024); Legislation.gov.uk (GOV.UK, 2024), and the Rwandan Law Reform Commission and the Rwandan Constitution (ICRC, 2023; RLRC, 2024) to identify and capture the domestic laws of Sweden, the USA, the UK and Rwanda.

Under the category of criminalisation, I first present the countries which criminalise and do not criminalise same-sex consensual acts. I then present countries with the death penalty for same-sex consensual acts. Under Protection, I present the countries with domestic laws on Hate crimes and Hate incidents with Sexual Orientation as an aggravating circumstance, and with incitement to hatred based on Sexual Orientation. I also present countries with constitutions and employment laws that protect against discrimination based on Sexual Orientation. Under Recognition, I present countries domestic laws on same-sex marriage, equal age of consent for opposite-sex and same-sex consensual acts, and adoption by same-sex couples. In addition, I highlight The Yogyakarta Principles related to the SOHR domestic laws in each section (2006; 2017), see Appendix J.

In Appendix G, I highlight DAC donor countries in red and non-DAC donor countries in green and I categorise countries into their continental regions of Africa, Asia, Europe, Latin American & Caribbean, North America, and Oceania to show the divide between the Global North and Global South on SOHR domestic legislation and the waves of change in SOHR domestic legislation in geographical regions. It documents same sex marriage, adoption,

protection against hate crimes, protection in employment, and repeal laws that decriminalise same sex consensual acts. The trajectory of change worldwide shows a movement to decriminalise, protect, and recognise SOHR rather than to criminalise, or to decrease protection or recognition.

I deliver this as a position statement to show the ‘complex spaces’ which need to be navigated. I take care not to infer that changes in legislation leads to modernity, and lack of change equals backwardness (Lalor and Browne, 2018; Richardson, 2017), see section 1.7 and 4.5.

SOHR Criminalisation Laws Worldwide

Criminalisation. Same-Sex Consensual Acts

In 2013, there were 76 UN member states (40%) with domestic laws making same-sex consensual acts illegal. Thirty-six (36) of these countries are African and twenty-one (21) Asian (ILGA, 2013). Criminalisation is included within the Penal Codes of many of these seventy-six countries (ILGA, 2013). Many of these countries have been influenced by the countries who colonised them, with many countries who were colonialised becoming participating countries (Lennox and Waites, 2013). In 2020, 66 UN member states (35%) criminalised same-sex consensual acts (ILGA, 2020). In 2023, the number had reduced to 64 (Human Dignity Trust, 2024). Therefore, ten (10) counties have de-criminalised same-sex consensual acts over the seven years from 2013 to 2020. These include five in Africa, and one from Asia. Therefore, no DAC donor countries and four non-DAC countries which criminalised same-sex consensual acts, are all from Arab states in Asia (OECD, 2024), see Appendix G Table F, G, H.

In 2013, 114 UN members states (60%) did not make same-sex consensual acts illegal. Most were from Europe, North America, and Oceania. Rwanda is one of the seventeen African countries which does not criminalise same-sex consensual acts (ILGA, 2013; RLRC, 2024). Eleven of these have never criminalised same-sex consensual acts, including Rwanda[30]. In 2020, the number of UN members states who did not criminalise same-sex consensual acts increased to 124 (64%). There, therefore, was an increase of ten countries throughout the seven-year timespan that decriminalise same-sex consensual acts. Six of these countries were from Africa and one from Asia[31]. There are 26 DAC donor countries and 16 non-DAC countries, totalling 42 donor countries that do not criminalise same-sex consensual acts. These include Sweden, the USA, the UK, and Rwanda (GOV.UK, 2024; ILGA, 2020; OECD, 2024; RLRC, 2024; Swedish Government, 2024; USA Gov, 2024), see Tables F and G in Appendix G.

Death Penalty. Same-Sex Consensual Acts

In 2013, five UN member states (with some parts of Nigeria and Somalia) had domestic laws where same-sex consensual acts were punishable by the death penalty. In 2020, the death penalty was the legal punishment for consensual same-sex acts in six UN member states, three countries in Africa and three in Asia. This increase by one is due to reporting anomalies rather than changes in domestic laws[32], see Table H in Appendix G. The death penalty can

[30] Countries where same sex consensual acts between adults have never been criminalised, include Burkina Faso, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Madagascar, Mali, Niger and Rwanda.(ILGA, 2013)
[31] There are anomalies between the ILGA 2013 and 2020 reports in relation to the legality and illegality of same-sex consensual acts (as noted in footnotes below)
[32] These anomalies exist between the ILGA 2013 and ILGA 2020 reports.

also be imposed in five other UN member states, including Afghanistan, Pakistan, Qatar, Somalia (including Somaliland) and the United Arab Emirates. Saudi Arabia is the only donor country and non-DAC donor country which punishes same-sex acts by the death penalty. Although the death penalty can be imposed in Qatar and the United Arab Emirates, who are also non-Donor DAC donor countries (Human Dignity Trust 2024). Sweden, the USA, the UK and Rwanda do not criminalise same sex acts (ILGA 2019). There is, therefore, no significant difference in the SOHR domestic laws on criminalisation between the donor and participating countries focused on in this research.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to criminalisation and the death penalty, are 2b, 6b, 33, 33a, and 33c, see Appendix J.

Appendix G shows,

- Table F, on Countries which criminalise same-sex consensual acts. Sweden, the USA the UK, and Rwanda are not included.
- Table G, on Countries which do not criminalise same-sex consensual acts. Sweden, the USA, the UK, are included (Rwanda has never criminalised so is not included).
- Table H, on Countries which punish same-sex acts by death. Sweden, the USA. the UK, and Rwanda are not included.

SOHR Protection Laws Worldwide

Protection. Hate Crimes and Incidents

In 2013, 26 UN members states (13%) have laws against hate crimes based on Sexual Orientation as an aggravating circumstance and associated with other crimes such as murder, rape etc. There were zero countries in Africa and Asia with these domestic laws, which

includes Rwanda. The countries with these laws are from Europe, Latin America & the Caribbean, North America, and Oceania, and include DAC donor countries (ILGA 2013). Sweden, the USA and the UK have legislation which makes it a criminal offence to inflict harm or violence on a victim motivated by their actual or imputed Sexual Orientation (GOV.UK, 2024; Swedish Government, 2024; USA Gov, 2024). In 2020, 48 UN member states (25%) have these legal provisions (ILGA, 2020). There is an increase of 24 countries in the seven years between 2013 and 2020 who have passed this legislation. This is almost a 50% increase, including four countries from Africa, two from Asia, four from Latin America & Caribbean, and one from Oceania. Thirteen of these countries are from Europe and are DAC donor countries and non-DAC donor countries. There are 15 DAC donor countries and 6 non-DAC countries, totalling 21 donor countries with this legislation, see Table I in Appendix G.

In 2013, 26 UN members states (13%) had laws prohibiting incitement to hatred based on Sexual Orientation (ILGA, 2013). These countries are like the countries which consider hate crimes based on Sexual Orientation as an aggravating circumstance. European countries mainly support this legislation with one African country (South Africa), and no countries in Asia. Sweden and the UK have these laws (GOV.UK, 2024; Swedish Government, 2024). Rwanda does not (ILGA 2013; 2020), neither does the USA because of a conflict with state laws, see section 3.4, (USA Gov, 2024). In 2020, 45 UN member states (23%), one non-member state, and 20 non-independent jurisdictions had provisions prohibiting incitement to hatred, violence or discrimination based on Sexual Orientation (ILGA, 2020). There was an increase of 20 countries over the seven years timespan, between 2013 and 2020. Changes were prominent in donor countries, mainly from Europe, with one country from Africa

(Angola), five from Latin America and the Caribbean, but no changes from Asia or Oceania (ILGA, 2020, 2013). There are 19 DAC donor countries and 5 non-DAC donor countries, totalling 24 donor countries with legislation protecting against incitement to hatred based on Sexual Orientation (OECD, 2024), see Table J in Appendix G.

Hate Crimes and Incidents. The Yogyakarta Principles.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to protection from Hate Crimes and Hate Incidents, are 5,30, and 30b, see Appendix J.

Protection. Discrimination

The ILGA (2013) categorises two types of protection against discrimination based on Sexual Orientation. Constitutional protection and employment protection. Constitutions are the legal texts to collect the fundamental legal principles of a state. They set the organisational basis of the government and establish general rules that laws and regulations cannot contravene. In 2013, 7 UN member states (4%) had constitutional prohibitions of discrimination based on Sexual Orientation. Four of these countries are in Europe, one in Africa (South Africa), and two in Latin America and the Caribbean. None are in Asia, North America, or Oceania (ILGA, 2013). Sweden was the only country with constitutional protection on Sexual Orientation from the four countries observed in this research (Swedish Government, 2024). In 2020, 11 UN member states (6%) had constitutional prohibitions of discrimination based on Sexual Orientation (ILGA, 2020). There was an increase of six countries over the seven-year period between 2013 and 2020, including one country in Asia, two in Europe, two in Latin

America and the Caribbean and one in Oceania[33]. There are three DAC donor countries and one non-DAC donor country, totalling four donor countries with a constitutional prohibition of discrimination based on sexual orientation, see Table K in Appendix G.

In 2013, 59 UN member states (31%) had legislation prohibiting discrimination in employment based on Sexual Orientation. Countries with these laws are predominantly donor countries. Forty of these countries were from Europe, including Sweden and the UK, with only some states in the USA with these domestic laws (Swedish Government 2024; GOV.UK 2024; USA Gov 2024; ILGA 2013). Three countries were from Oceania. Six countries in Africa and two in Asia hold these laws but Rwanda does not (ILGA, 2013; RLRC, 2024). The countries that do not hold these laws are predominantly participating countries in bilateral development cooperation. In 2020, 79 UN member states (41%) have these laws (ILGA, 2020). There was a marked increase of 19 UN members (10%) between 2013 and 2020 with SOHR domestic laws on employment protection. The changes predominantly occurred in Latin America and the Caribbean (7), in Africa (3), Asia (3), Europe (3), including Sweden and the UK, and Oceania (3) countries[34] (GOV.UK, 2024; ILGA, 2020; Swedish Government, 2024). In the USA, following the Supreme Court ruling of 2020, Sexual Orientation is covered in the Civil Rights Act (1964) which outlaws discrimination

[33] There are anomalies between the 2013 and 2020 reports as to which countries, at the time of publishing, had constitutional protection based on sexual orientation which is shown through the footnotes in this section.
[34] There are anomalies between the 2013 and 2020 reports as to which countries, at the time of publishing, had employment protection based on sexual orientation which is shown through the number and naming of countries in table L Appendix G.

on a federal basis across the USA within employment in all sectors[35] (ILGA, 2020; USA Gov, 2024). There are 27 DAC donor countries and 9 non-DAC donor countries, totalling 36 donor countries with these laws, see Table L in Appendix G.

Bilateral development is financed from donor public funds and therefore administered in relation to the domestic laws of the donor country. Staff employed by the bilateral organisation and staff employed by commissioned partner organisations, in both donor and participating countries, are subject to the laws of the donor country in relation to public fund spending. This creates conflict and contributes to the 'complex space' when the domestic laws on employment protection differ between the donor and participating country.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to discrimination in constitutions and employment, are 2 and 12, see Appendix J.

Appendix G shows,

- Table I, on Countries with legislation on SOHR Hate Crimes and Incidents as an aggravating circumstance. Sweden, the USA, and the UK are included, not Rwanda.
- Table J, Countries with legislation on incitement to hatred based on Sexual Orientation. Sweden and the UK are included, not the USA or Rwanda.
- Table K, Countries with legislation on constitutional prohibitions of discrimination based on Sexual Orientation. Only Sweden is included, not the USA, the UK, nor Rwanda.

[35] In June 2020, the Supreme Court of the United States held in Bostock v. Clayton County that employee protections based on "sex" in Title VII of the Civil Rights Act (1964) also cover persons with diverse sexual orientations and gender identities (ILGA, 2020).

- Table L, Countries with legislation on prohibition of discrimination in employment. This includes Sweden, the USA, and the UK, not Rwanda.

SOHR Recognition Laws Worldwide

Same-Sex Marriage. Domestic Laws

In 2013, 14 UN member states (7%) legalised marriage for same-sex couples. Most of these countries are in Europe (9), with one country in Africa and no countries in Asia. In 2020, 27 UN member states (14%) legalised same-sex marriage, with one non-UN member state and 30 non-independent territories also having marriage equality. There is an increase of 13 countries over the seven years between 2013 and 2020. Most of the countries who passed this legislation in the seven-year timespan are from Europe and are donor countries. There are nineteen (19) DAC donor countries and one (1) non-DAC donor country, totalling 20 donor countries which enable marriage for same-sex couples, with seven non-donor countries that legalise marriage for same-sex couples. Sweden has domestic laws to support same-sex marriage (Swedish Government, 2024). Federal ruling from the USA Supreme Court means that all states should allow same-sex marriage (USA Gov, 2024). Same-sex marriage is legal in all parts of the United Kingdom, being recognised and performed in England and Wales since March 2014, where it repealed the Civil Partnership Act 2004. The Scottish Marriage and Civil Partnership (Scotland) Act of 2014 defines ‘spouse’ as being both different as well as same-sex. Northern Ireland does not enjoy marriage equality (GOV.UK, 2024; ILGA, 2019). Rwanda does not allow same-sex marriage (RLRC, 2024), see Appendix G Table M.

Age of Consent. Domestic Laws

In 2013, 97 UN member states (51%) had equal age of consent for opposite-sex and same-sex consensual acts. This includes eight countries in Africa, nineteen in Asia, forty-nine in

Europe, eighteen in Latin America and the Caribbean, and four in Oceania, with most parts of Australia and some parts of New Zealand. Sweden and the UK and most parts of the USA recognise equal age of consent for opposite-sex and same-sex consensual acts (Swedish Government 2024; ILGA 2020). Rwanda has an unequal age of consent according to the ILGA State Sponsored Homophobia Report 2013, yet not in 2020. The Sexual Rights Initiative Database reports this to be equal at 18 years (ILGA, 2020; SRI, 2024)

Of the countries that do not criminalise same-sex consensual acts (114 in 2013), 15 had an unequal age of consent. Of those, eight (8) were in Africa, one (1) in Asia, one (1) in Europe, one (1) in North America, and some parts of Australia in Oceania. In 2020, ten of these countries have unequal age of consent legislation. There is a decrease of five countries with an unequal age of consent between 2013 and 2020. These changes are mainly African countries (4) [36],[37]. There are 22 DAC donor countries and 14 non-DAC countries, totalling 36 donor countries with an equal age of consent for same and opposite-sex couples. There are two DAC donor countries and no non-DAC donor countries, with an unequal age of consent for same and opposite-sex couples, see Table N in Appendix G.

Child Adoption. Domestic Laws

In 2013, 12 UN member states (6%) legalised joint adoption by same-sex couples. These are mainly European, Latin American and Caribbean countries, with one in Africa, Asia, North America and Oceania. In 2020, 28 UN member states (14%) had laws enabling joint adoption

[36] Benin, Chad, Gabon and Rwanda, Chile and Greece. (ILGA, 2020).
[37] There are anomalies between the 2013 and 2020 reports as to which countries, at the time of publishing, had equality in age of consent for opposite sex and same sex consensual acts.

by same-sex couples. Most of these countries are donor countries and Sweden, the USA and UK have this legislation enabling joint adoption by same-sex couples. Rwanda does not (GOV.UK, 2024; ILGA, 2020; RLRC, 2024; Swedish Government, 2024; USA Gov, 2024). There is an increase of 16 countries between 2013 and 2020, predominantly from Europe (10), North America (2), Latin America and the Caribbean (3) and Oceania (1). This shows a movement towards legislating and enabling adoption by same-sex couples in donor countries. No countries in Africa or Asia have passed legislation for joint adoption by same-sex couples in the seven years between 2013 and 2020. There are 19 DAC donor countries and one non-DAC donor country, totalling 20 donor countries where joint adoption by same-sex couples is legal, see Appendix G Table O.

Appendix G shows

- Table M, Countries with legislation on same-sex marriage. Sweden, the USA and the UK are included, not Rwanda.
- Table N, Countries with legislation on recognition of equal and unequal age of consent for opposite-sex and same-sex consensual acts, where same sex-acts are not criminalised. Sweden, most parts of the USA, the UK and Rwanda have an equal age of consent.
- Table O, Countries with legislation on recognition joint adoption by same-sex couples. Sweden, the USA, and the UK are included. Rwanda is not.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to the recognition of same-sex families, age of consent, and adoption are 24, 24a, 24b, 24f, see Appendix J.

5.4 Conclusion

There is a divide between the voting patterns of DAC donor countries and non-DAC donor countries on SOHR UN statements and resolutions. Non-DAC donor countries and non-

donor, including participating countries are voting similarly. This shows how religious and cultural perspectives on SOHR influences UN voting patterns which can create conflict over SOHR between the donor and participating countries. This divide contributes to the 'complex space' which needs navigating to realise SOHR through bilateral development cooperation. The socio-political contexts of both donor and participating countries, therefore, need to be understood and analysed to create strategies and approaches to realise and mainstream SOHR through bilateral development cooperation. This context analysis is included in the Mainstreaming Human Rights Framework.

The different voting positions of Sweden, the USA, the UK and Rwanda on UN statements and resolutions in relation to SOGI (SOHR) are summarised in Table 16. This table shows the difference between the perspectives and voting patterns of the donor countries and Rwanda. This reveals the conflict and divide and contributes to the complex space.

Table 16. Summary of votes on UN Statements and Resolutions between 2006 and 2010 of Sweden, the USA, the UK, Rwanda.

2006. Discussion at HRC on SOGI	**Sweden**	**USA**	**UK**	**Rwanda**
Sweden, the USA, and the UK proposed this statement. Rwanda did not.	Proposed	Proposed	Proposed	Not Proposed
2008. Statement of thirteen principles to the General Assembly condemning human rights violations based on Sexual Orientation and Gender Identity and opposing				
Sweden and the UK supported these principles. Rwanda supported the opposing statement. USA supported neither.	Supported Principles	Neither	Supported Principles	Supported opposing statement
2011. HRC Joint Statement ending acts of violence and related human				

rights violations based on Sexual Orientation and Gender Identity				
Sweden, UK, USA and Rwanda signed the joint statement.	Backed	Backed	Backed	Backed
2010. UN resolution on Extrajudicial, Summary or Arbitrary Executions				
Sweden, the USA, and the UK and Rwanda supported the reinstatement of the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions.	Supported reinstated	Supported reinstated	Supported reinstated	Supported reinstated

Rwanda presents inconsistencies in its voting practices at the UN on SOHR. It oscillates from voting alongside African Groups, to voting for SOHR non-discrimination and in favour of benefits for UN families. Although Rwanda is increasingly supporting positive changes for SOHR at the UN, the rhetorical support that it provides does not translate into protection and non-discrimination domestically. It therefore differentiates between its international and domestic actions. Domestically it faces significant criticism for its human rights records regarding civil society organising, Human Rights Defenders, and media reporting, see section 4.2.

Paszat (2022b) sees that these differentials '*illustrates that there is politics in their policy decisions*' (p. 426) and discusses the reasons behind Rwanda's voting decisions to support, or not support votes in the UN. These could be that SOHR are important issues for the Global North that the Rwandan government is aligning itself with powerful international actors on an issue. It could be that it receives significant international attention or that powerful international actors will support the Rwandan government staying in power. The Global South actors become extremely powerful when they visibly support SOHR, Alternatively, it

could be perceived that their support on SOHR is in exchange for support from the Global North on issues that they care about (p.435). Nevertheless, the Rwanda government is taking a significantly different approach from its African neighbours on realising SOHR both domestically and internationally. It has not actively pursued ‘politicized homophobia’. Neither does Rwandan legislation prohibit civil society organising, although it does makes it clear that it will not easily allow SOHR visibility, see section 4.2.

Although there appears a positive trajectory for countries worldwide to vote in favour of non-discrimination on SOHR (SOGI rights) on UN statements and resolutions and their domestic legislation, this section shows the divide between donor countries and non-donor countries, including participating countries. This divide shows tensions that create the ‘complex spaces’ within bilateral development between donor and participating countries. There is conflict between the voting patterns on UN resolutions between Sweden, the USA, the UK, and Rwanda. Although this conflict is reducing as Rwanda increasingly supports non-discrimination of SOHR in its UN voting patterns. These decisions by the Rwanda government are questioned, given its unwillingness to replicate this support for SOHR domestically.

This section shows the divide between donor countries and non-donor countries, (which includes participating countries), regarding their SOHR domestic laws. This divide shows the differences and tensions between donor and non-donor countries, including participating countries worldwide, which creates the ‘complex spaces’ within bilateral development between donor and participating countries. The conflict between the domestic legislation of Sweden, the USA, the UK and Rwanda, is observable given the differences in their domestic legislation.

I provide a summary of the domestic laws of Sweden, the USA, the UK, and Rwanda in relation to SOHR in Table 17. As can be seen, Rwanda holds a significantly different position to Sweden and the UK, and often to the USA, in relation to criminalisation, protection, and recognition legislation. This shows the conflict that exists between the donor and participating countries focused on in this research and contributes to the complex space within bilateral development cooperation which needs navigation when seeking to realise and mainstream SOHR, see section 3.2.

Table 17. Summary of the SOHR domestic laws of Sweden, the USA, the UK, and Rwanda.
(GOV.UK, 2024; ILGA, 2019; RLRC, 2024; Swedish Government, 2024; USA Gov, 2024)

		Criminalisation		Protection					Recognition	
	Country	Legal – same-sex consensual acts	Equal age of consent for different and same-sex consensual acts	Sexual Orientation named in Constitution	Broad protection against discrimination	Protection against discrimination in employment	Hate Crimes aggravated by Sexual Orientation	Incitement to Hate based on Sexual Orientation	Same-sex marriage	Joint adoption for same-sex couples
175	Sweden	YES	YES	YES	YES	YES	YES	YES	YES	YES
89	USA	YES	YES	NO	LIMITED	YES	YES	NO	YES	YES
179	UK	YES	YES	NO	YES	YES	YES	YES	YES	YES
40	Rwanda	YES	NO	NO	NO	NO	NO	NO	NO	NO

Analysing the global changes in domestic laws on SOHR worldwide through the seven year-span between 2013 and 2020 shows waves of changes in regional groups. A wave in European countries to legalise same-sex marriage and same-sex couple adoption, a wave in

Latin America and Caribbean countries to protect against discrimination in employment, and a wave in African countries to repeal laws that criminalise same-sex consensual acts.

There is a positive trajectory worldwide for countries to pass domestic laws that de-criminalise, protect, and recognise SOHR. Although, this movement should not be viewed as a teleological progression, (Lalor and Browne, 2018), see section 4.5.

Further research could reveal the impact that changes in domestic legislation of donor and participating countries has on the creation or reduction of the divide, conflict, and complex space between donor and participating countries, and how these impacts on the realisation and mainstreaming of SOHR through bilateral development cooperation.

Chapter 6. SOHR Terms. Legislation, Policies, and Strategies (LPS).

6.1 Introduction

This chapter analyses the SOHR terminology used within the Legislation, Policy, and Strategy documents (LPS) of Sweden, the USA and the UK which guide their bilateral development cooperation. This data has been sourced through internet searches and interviews with staff of the three bilateral development organisations in Sweden, the USA, the UK, and Rwanda. These LPSs documents relate to bilateral development, sexual rights, SOHR, and Rwanda. Their focus was dependent upon on participant's interpretations of the term sexual rights, the thematic focus of their work, and their motivations for talking to me.

I analysed all documents referred through my interviews. This provided insight on staffs' knowledge on SOHR and how sexual rights are considered and relate to other thematic focuses such as gender, SRHR, health, and HIV. It provided insight on the approach and practices to mainstreaming SOHR through thematic departments which are not specifically focused on the realisation of SOHR. This approach also enabled me to identify the feminist and intersectional lenses being applied.

Within this chapter, I first present the legislation documents from the governments of the three donor countries and how they reference SOHR. I then present the policy and strategy documents from the three donor countries and bilateral development organisation and how they reference SOHR. There are eight (8) legislation associated documents and twenty-four (24) policy and strategy documents for Sweden; two (2) legislation documents and thirty-one (31) policy and strategy documents for the USA; and three (3) legislation documents and

thirty-six (36) policy and strategy documents for the UK. In total, I sourced one hundred and four (104) documents, as shown in Table 18, and analysed documents dated up to 2019[38].

Table 18. Number of Legislation, Policy, and Strategy (LPS) documents.

Sweden	#
Legislation documents	8
Policy and Strategy documents	24
Total	32
USA	
Legislation documents	2
Policy and Strategy documents	31
Total	33
UK	
Legislation documents	3
Policy and Strategy documents	36
Total	39
Total	
Total Legislation documents	13
Total Policy and Strategy documents	91
Total number of documents	104

I analysed the prevalence of six SOHR terms within these documents. These terms were *sexual orientation, LGB, lesbian, queer, feminist, and intersectionality.* This analysis enabled

[38] I initially aimed to analyse the 104 gathered LPS documents using Bacchi's WPR approach (Bacchi, 2012) as a critical interrogation of policies to identify the normative assumptions within these LPS documents. I did not use Bacchi's approach in my LPS document analysis because of the resource demands required to do so.

me to identify the preferred use of terminology by each bilateral development organisation, the frequency of use of these terms, the changes in the use of these terms over time, and consequently, the integration of thinking and directions regarding these terms.

I conducted this analysis in 2020 on documents which were sourced before 2019. I have not analysed documents after 2019. An analysis of the Legislation, Policy, and Strategy documents of the three bilateral organisations between 2019 and 2023 would provide important data and an understanding of the recent trajectory in the use SOHR terminology. This would indicate the progression to mainstream SOHR through bilateral development.

Sourcing and reviewing LPS documents prior to conducting semi-structured interviews enabled me to question the knowledge of participants and their use of these documents. I was able to observe the knowledge and use of these documents in relation to my participants' citizenship, role, and country of work. This difference is discussed in section 7.3.

LPS documents state the priorities, principles, values, and the political and organisational intentions which guide bilateral development cooperation. They guide organisational focus in local, national, and global forums. They persuade, support, influence, and guide staff to adhere to objectives and act in a relational way to organisational values and expectations.

The reference to SOHR terms in LPS documents indicates an organisation's intentions. It provides knowledge on leadership and policy commitments and where they evolve, either from the mainland or archipelago organisations. This policy analysis provides knowledge on the theoretical and conceptual frames and approaches which are being directed and applied. It provides data to apply within the Mainstreaming Human Rights Framework to assess mainstreaming and to identify gaps.

6.2 SOHR Terms

There are no internationally agreed labels to reference people who engage in same-sex consensual acts and relationships. Specific references to SOHR are not explicitly made within human rights instruments, see section 1.5. Although The Yogyakarta Principles (2006) and The Yogyakarta Principles Plus 10 (2017) refer to Sexual Orientation and Gender Identity (SOGI), see Appendix J. Each of the three bilateral development organisations uses their preferred terminology when talking about SOHR. I therefore chose to analyse the use of six terms related to SOHR. These are *Sexual Orientation, LGB, Lesbian, Queer, Feminist, Intersectional.* I chose ***not*** to analyse the term 'sexual rights', because this would reveal many associations which would not be specifically connected to SOHR. I justify my choice of these six SOHR terms below.

The term ***Sexual Orientation*** is often used in the Global North and therefore frequently used in the LPS documents which have been developed by the donor countries. Internationally it is used in The Yogyakarta Principles (2006) and The Yogyakarta Principles Plus 10 (2017) and is included in the title of the Independent Expert on Sexual Orientation and Gender Identity within the United Nations (UN OHCHR, 2023c). It therefore is embedded in international language, although inclusion of this term in international human rights instruments has been fiercely debated within the United Nations, see section 1.6. It is not a term uniformly used is different regions and cultures, see section 1.7.

LGB is an acronym for Lesbian, Gay, Bisexual. Restricting my analysis to LGB enabled me to capture all varied uses of this acronym, including LGB(TQ), LGB(QI), LGBT, LGB&T, LGBTI, LGBTQ, LGBTQI, LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex). It is a term frequently used in the LPS documents of donor

countries and the three bilateral development organisations. This acronym is predominantly used in Global North contents, denoting Western identities and politics, see section 1.6. Using this acronym present perspectives from the Global North (Bergenfield and Miller, 2014; Jolly, 2022). Its use could be interpreted as being an importation from the 'West', threatening to undermine social and moral order's (Ilkkaracan and Jolly, 2007, p. 18). With limited exploration of African-sexualities using this acronym with staff, Civil Society Organisation, and governments in socio-political contexts in participating countries, when it does not fit with local understandings of same-sex relationship and same-sex consensual acts, can be harmful when navigating the complex spaces within bilateral development cooperation, see section 1.6 and 1.7.

The term ***Lesbian*** is a frequently used term in the Global North, also depicting Western identities and politics. Again, like the use of the acronym LGB, with limited exploration of African-sexualities the use of this term within bilateral development cooperation can be harmful when it does not fit with local understandings of same-sex relationship and same-sex consensual acts. It refers to women whose sexualities and experiences are often distinctly different from men, yet whose experiences are often not disaggregated. Analysis of the use of this term in LPS documents provides insight as to whether the acronym LGB has been explained. The use of the term LGB without referencing the term Lesbian assumes that the acronym LGB is globally understood. This is an oversight and a misconception.

Queer is an identity term used in many contexts by Civil Society Organisations and individuals. It steers away from rigid labels and Western identities and politics. It avoids using the term LGB and allows for a description and labelling of non-normative identities and rights. In the 1980s, 'queer' evolved as an alternative term to define 'gays' and 'lesbians'.

Today, queer is whatever is at odds with the normal, the legitimate, and the dominant (Halperin, 2003). Queer theory rejects the binary distinction between homosexuality and heterosexuality, allowing us to conceptualise our sexualities as non-essential, shifting and transitional (Jolly, 2000a). Furthermore, it aims to provide an approach open to all those oppressed by the hegemony of heterosexual norms (Jolly, 2000a). In the Global North specifically, younger generations such as millennials[hh], and Xennials[ii], relate to this term rather than Generation X's[jj] and Baby boomers[kk]. It is a term more frequently used by Civil Society Organisations and individuals than more formal organisations such as bilateral development organisations. Therefore, when used, it can mean that bilateral organisations are using the language of stakeholders, especially Civil Society Organisations, and are applying meaningful participatory and empowering approaches. Including analysis of the use of this term identifies the movement towards framing SOHR in a context other than through Western identities and politics.

By identifying the use of the term ***feminist*** in the LPS documents enables and understanding whether bilateral development organisations identify structural inequalities and gendered relations of power, and how they integrate this through their work. The Swedish Feminist Foreign Policy (2014) places gender equality and rights as the focus of the feminist frame. It refers to undertaking contextual analysis through a gender and intersectional lens, to understand intersecting factors which lead to differences in identities, needs, influence, and living conditions (Government of Sweden, 2017).

Like the Sweden's Feminist Foreign Policy (2014), Jolly (2022) places gender, sexuality, and heteronormativity as the focus of the intersectional frame. I, therefore, chose to analyse the term ***intersectional*** within the LPS documents to capture a movement towards using

intersectional frames and analysis, to identify and respond to intersecting axis of power and inequalities.

6.3 SOHR Terms Legislation documents

Swedish Legislation. SOHR Terms

There are eight (8) legislation documents from the Government of Sweden in relation to Swedish bilateral development cooperation. These documents state the priorities, principles, and values which guide Swedish development cooperation and the actions of Sida.

Table 19. Swedish Government Legislation documents[39].

Swedish Government Legislation and Documents	
2003	Shared Responsibility: Sweden's Policy for Global Development. Government Bill 2002/03:122
2008	Global Challenges - Our Responsibility Communication on Sweden's policy for global development. Government Communication 2007/08:89
2014a	Aid policy framework– the direction of Swedish Government. Government Communication 2013/14:131
2014b	Sweden's feminist foreign policy. Government Offices of Sweden. Ministry of Foreign Affairs
2017	Policy framework for Swedish development cooperation and humanitarian assistance Government Communication 2016/17:60
2018a	Human rights, democracy and the principles of the rule of law in Swedish foreign policy. Government Communication 2016/17:62

[39] Appendix L provides references for the Swedish, the USA and the UK Legislation documents.

2018b	Policy for global development in the implementation of the 2030 Agenda. Government Communication 2017/18:146
2019	Handbook. Sweden's feminist foreign policy. Government Offices of Sweden. Ministry of Foreign Affairs

In 2003, the Government bill, '***Shared Responsibility – Sweden's Policy for Global Development***' was adopted by the Swedish Parliament and published by the Ministry of Foreign Affairs giving the direction and the parameters of Sweden's Development Corporation and Humanitarian Assistance. This document frames the intention of Swedish development assistance to empower rather than deliver development assistance and presents a policy for global development to support people's own efforts to improve their quality of life.

> *'The goal of Sweden's development cooperation will be to contribute to an environment supportive of poor people's own efforts to improve their quality of life. (2003: p1)*

This document presents two 'Swedish Perspectives' which permeate the focus and direction of Swedish development cooperation, 'a rights perspective', based on international human rights conventions; and 'the perspectives of the poor'**.** (Government of Sweden, 2003, p.1).

> *'the two kind of oldest and basic perspectives, which are in fact mainstreamed issues, are the perspectives of poor people to development and the rights perspective, which is basically a human rights-based approach and they overlap but they also come across as separate.' Sida – Swedish - Sweden*

This document uses the term 'sexual orientation' twice, see Appendix M and Appendix O a. b. The terms LGB, Lesbian, Queer, Feminist, and Intersectional were not referenced in this document.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2003	Shared Responsibility: Sweden's Policy for Global Development. Government Bill 2002/03:122						
	2	0	0	0	0	0	2 ref / 80 pg

In 2008, the Swedish government submitted a communication to the Parliament titled ***'Global Challenges - Our Responsibility, Communication on Sweden's policy for global development',*** sharing an understanding of responsibility and duty regarding the 2003 bill. Although this document does not reference the terms Sexual Orientation, Queer, Feminist, or Intersectional, it uses the term LGB once and refers to Lesbians twice, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2008	Global Challenges - Our Responsibility. Communication on Sweden's policy for global development. Government Communication 2007/08:89						
	0	1	2	0	0	0	3 ref / 73 pg

These three references state that the government will defend the rights of Lesbian and LGBT persons and continue to be a vigorous advocate for SRHR (Sexual, Reproductive, Health and Rights (SRHR)), see Appendix O c. Although it is important to realise the SRHR of Lesbians and LGB persons, SRHR and SOHR are two different set of rights, see section 1.5. Such a conflation and misunderstanding of terms leads to a focus on health, HIV programming, and SOHR and detracts from other SOHR focuses such as empowerment and pleasure, see section 1.5. This communication shows how in 2008 Sweden used SRHR to frame SOHR which omits an understanding of the structural barriers to realise SOHR and the transformative actions needed to realise and mainstream SOHR.

In 2014, the Swedish government released the **'*Aid policy framework– the direction of Swedish Government'*** *(2014a),* providing the principles and values that guide Swedish development cooperation.

> *'The aid policy framework is a central document in Sweden's aid policy and forms the point of departure for the government's management of Swedish aid. This Communication addresses the principles and values that are to guide Swedish aid. (2014a:pg1)*

This framework references a multidimensional view of poverty and participatory and empowering approaches to bilateral development cooperation. It references poverty as a lack of power, voice, and respect for human rights; a lack of opportunities and choice; and a lack of human security.

> *'The overarching objective of Swedish aid is to create preconditions for better living conditions for people living in poverty and under oppression. The objective derives from a multidimensional view of poverty in which people are seen as actors capable of influencing their own futures' (2014a, p.13)*

The term Sexual Orientation is referenced once in this document under the 'Fundamental principles of the rights perspective'. This states that participation enables all individuals to make their voices heard, regardless of their social position, gender, gender identity or expression, age, disability, ethnicity, religion or other belief, or sexual orientation, see Appendix O d. LGB is referenced six times and Lesbian twice, which is significantly more than the previous two documents and shows a growing awareness of and focus on SOHR, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2014a	Aid policy framework– the direction of Swedish Government. Government Communication 2013/14:131						
	1	6	2	0	0	0	9 ref / 62 pg

It states that LGB people are at the core of the Swedish Rights perspective, see Appendix O e., and it references working against discrimination in defence of the rights of Lesbian, Gay, Bisexual and Transgender (LGBT) persons, see Appendix O f. It recognises that Sweden's

work against discrimination, focuses on LGB people, see Appendix O g, it uses language which states that ‘homosexual, bisexual and transsexual people are particularly subjected to discrimination’, see Appendix O h. This is the only reference to homosexuality in the 104 LPS documents collated.

This document references that ‘*the sexual and reproductive health and rights (SRHR) of women and Lesbian, gay, bisexual and transexual (LGBT) persons are infringed upon in many places in the world’*, see Appendix O I, and that the knowledge, expertise and actions of LGBT organisations must be considered when focusing on the prevention and reduction of gender-based violence, see Appendix O j. It sees bilateral development cooperation as an efficient tool to work against growing discriminatory legislation and practices against LGB people in partner countries, see Appendix O k.

The label of ‘homosexual’ has predominantly been used to medicalise a ‘condition’ and has been used within domestic legislation and Penal Codes to criminalises same-sex acts between men. Using a term such as ‘homosexual’ identifies the person as having the ‘problem’ rather than to address society’s normative views and structures to realise SOHR. It’s use can be likened to referencing Disability Rights through the lens of the ‘medical model’ of disability (Shakespeare, 2006). The medical model of disability focuses on curing or managing illness or disability this is to enable disabled people to access a ‘normal’ life. The person’s disabilities are focused on as the ‘problem’, which need to be addressed. The socio-political, cultural, and physical structures of society label disabled people as the ‘other’. The medical model looks at enabling accessibility for people in the environment that makes them disabled. They are viewed as the minority, the non-normative, the ‘other’ with the problem to be fixed. This is akin to both labelling people as homosexual and the privileging of heterosexuality and

cisgender in institutional contexts (Berlant and Warner, 1998). It also '*others*' people in same-sex relationships or who engage in same -sex consensual acts. The '*social model'* of disability identifies systematic barriers, negative attitudes, and exclusion by society, making society the main contributor to people being disabled (Shakespeare, 2006). Therefore, society needs to be changed to support the nuanced needs and experiences of people with different physical and psychological needs, to realise all people's human rights. The social model analyses systems of access to resources, capabilities, and power. This is akin to Sen's (1979) Capabilities approach and (Chambers, 2005) Web of Poverty's Disadvantages in the view of poverty, relationships of power, and access to resources (see p. 39, Sexual Rights and Poverty). Analysis and transformational changes in environments mean that people are no longer disabled by society.

In 2014, Sweden announced, ***'The Swedish Feminist Foreign policy'*** (2014b) to guide diplomatic relations across the world. This suggested that the Swedish Foreign Service could increase gender equality and enhance the full enjoyment of human rights by women and girls by undertaking gender analysis in relevant action plans and strategies. It is accompanied by the '***Handbook – Swedish Feminist Foreign Policy'*** issued in 2016 and updated in 2019 which proposes an intersectional approach to contextual analysis, including sexual orientation[II]. This policy seeks to applying a systematic gender equality perspective throughout Sweden's foreign policy agenda (Government of Sweden and Regeringskansliet, 2019, p. 4). Its transformative agenda, based on intersectionality and is designed to elevate discussion about gender equality and rights.

> *'Sweden's feminist foreign policy is a working method and a perspective that takes three Rs as its starting point and is based on a fourth R. The implication is that the Swedish Foreign Service, in all its parts, shall strive to strengthen all women's and girls' Rights, Representation and Resources, based on the*

> *Reality in which they live. Sweden's feminist foreign policy is a transformative agenda that aims to change structures and enhance the visibility of women and girls as actors. Discrimination and gender inequality in all life's stages and contexts shall be counteracted. The policy is based on intersectionality, which means taking into account the fact that people have different living conditions, levels of influence and needs. (Government of Sweden and Regeringskansliet, 2019, p.6)*

Intersectional analysis is referred to in '***Sweden's Feminist Foreign Policy's action plan 2019 to 2022***' (Government of Sweden, 2019), which propose a full gender analysis of relevant plans and strategies including the consideration of intersecting factors which leads to differences in identities, needs, influence, and living conditions.

> *'This analysis takes into account that women, girls, men and boys are not homogeneous groups, but rather that their identities, needs, influence and living conditions differ. The analysis therefore must consider intersectional factors besides sex, such as age, place of residence, socioeconomic status, gender identity and gender expression, sexual orientation, ethnicity, functional variation, level of education, belief, and religion'* (Government of Sweden, 2019, p. 89).

Since the announcement of the ***Swedish Feminist Foreign Policy*** in 2014 the Government of Sweden has named themselves as a feminist government and state that they are proud to have developed the first Feminist Foreign Policy globally. This has influenced more than ten more countries to adopt a feminist foreign policy.

> *In 2014, Sweden was the first country to call its foreign policy feminist. This bold statement opened the door to others. Since then, at least ten other countries have followed – either announcing a feminist foreign policy or the intention to develop one. The growing list now includes France, Mexico, Canada, Spain, Libya, Luxembourg, Germany, the Netherlands, Colombia, Chile, Liberia, and Scotland'. Centre for Feminist Foreign Policy*[mm]

Swedish people self-report that they are a feminist nation. In 2024, the World Population Review reports that 46% of Swedish women identify as feminist (World Population Review, 2024). However, it must be noted that in 2022, the newly elected Swedish government

abolished the Swedish Feminist Foreign Policy, stating that gender equality and rights runs through all Foreign Office work and that the feminist label "*obscures the fact the Swedish foreign policy must be based on Swedish values and Swedish interests*" (Minister for Foreign Affairs, Tobias Billström)[nn].

The 2019 ***Handbook. Sweden's feminist foreign policy*** (Government of Sweden and Regeringskansliet, 2019) references Sexual Orientation three times and LGBTQ four times. It does not refer to the term Lesbian which is problematic having used the acronym LGB, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2019	Handbook. Sweden's feminist foreign policy. Government Offices of Sweden. Ministry of Foreign Affairs						
	3	4	0	0	283	4	294ref/116 pg

Where Sexual Orientation is referenced, it alludes to intersectional analysis and discrimination and vulnerability, see Appendix O, x. y. z. It references increased visibility of LGBTQ persons and resources for working with LGBTQ human rights, see Appendix O aa. The handbook references the term feminist two hundred and eighty-three (283) times in one hundred and sixteen pages. This is not surprising given the focus of the document. It does not reference the term Queer but references intersectional four (4) times and explicitly states that the policy is based on intersectionality, meaning that it considers peoples' different living conditions, levels of influence, and needs, see Appendix O bb. It states that analyses should have an intersectional perspective. It considers factors other than gender. In acknowledgement that women and girls, men and boys are not homogeneous groups. They each have different identities, needs, influences and living conditions, see Appendix O cc.

Sweden has joint Embassies which combine their diplomatic and bilateral development cooperation work in participating countries. The Feminist Foreign Policy therefore guides and permeates into the work of Sida[oo].

In 2017, the Swedish Government released the '***Policy Framework for Swedish development cooperation and humanitarian assistance'***. This increased the number of Swedish perspectives to five to include 'a conflict perspective', 'a gender perspective', and 'an environmental and climate perspective'. These are all to be mainstreamed through Sweden's bilateral development assistance.

Eight central thematic areas and elements are layered on top of the five Swedish perspectives to guide Swedish development thinking, processes, and practice (Government of Sweden, 2003, p.3). These are 'Respect for human rights; Democracy and good governance; Gender equality; Sustainable use of natural resources and protection of the environment; Economic growth; Social development and social security; Conflict management and human security; and Global public goods (Government of Sweden, 2003, p.22). Global thematic strategies are then developed, based on the foundation of perspectives and priority themes. Country strategies are then developed based on perspectives, priority themes, global strategies, and analysis of socio-political contexts (Government of Sweden, 2017, p.18).

This system of layering perspectives, priority themes, strategies, and country contexts, enables Sida's staff to understand the complexities and interrelationships between Swedish political priorities and the concepts of multi-dimensional poverty, which guides their development initiatives and programmes.

> *'This is how we understand poverty. This is, you know, the concept of multi-dimensional poverty and how the perspectives link……It is a bit of a, you know, pedagogical challenge…. the perspectives, the mainstreaming and the*

> *multi-dimensional poverty concept. So we have tried to make some order'.*
> *Sida – Swedish - Sweden*

This Policy Framework (2017) references Sexual Orientation four time, LGB five times, Lesbian once, Queer once and Feminist three times. This is a marked increase from previous documents, showing the progressive incorporation of SOHR into Swedish legislation documents, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2017	Policy Framework for Swedish development cooperation and humanitarian assistance. Government Communication 2016/17:60						
	4	5	1	1	3	0	14 ref / 65pg

Although this framework does not specifically reference intersectionality, it references that different power structures and dimensions work together, see Appendix O l, and that discrimination and marginalisation on grounds of gender are affected by Sexual Orientation, see Appendix O m. It also references transformative and participatory and empowering approaches to support people to attain power to 'shape society and their own lives', see Appendix O n. This policy references gender equality analysis which must be carried out systematically and that LGBTQ people are a particularly vulnerable group demanding particular attention in these analyses, see Appendix O o.

It refers to discrimination based on Sexual Orientation remaining widespread, see Appendix O p., with Sweden being a global voice in combating discrimination based on SOHR, see Appendix O q. It states that protecting economic, social, and cultural rights, irrespective of Sexual Orientation is important for reducing inequality, and for civil and political rights, see Appendix O r.

This policy references that LGBTQ people are particularly vulnerable in conflict situations see Appendix O s, and has a particular focus on the right to health, with the rights of LGBTQ

people being one of the starting points of Sweden's work on SRHR, see Appendix O t. u. As stated previously, LGBTQ peoples Sexual and Reproductive Health and Rights (SRHR) are important to be realised, however, a distinction is needed between the terms and meaning of SRHR and SOHR.

The term Queer is used in the appendix to reference an organisation which was consulted, and Feminist was mentioned in relation to the Swedish Feminist Foreign Policy (2014), and that Sweden is a powerful voice in International Development, see Appendix O v. It references that the 'Swedish Feminist Foreign and Development Policy' has raised Sweden's ambitions to give attention to gender equality throughout development cooperation, with global gender equality being essential for sustainable development, see Appendix O w. The reference that the Swedish Feminist Foreign Policy is also a 'development' policy substantiates how this policy influences the work of Sida through Sweden's joint Embassies.

In 2018, the '***Human rights, democracy and the principles of the rule of law in Swedish foreign policy'*** (Government of Sweden and Regeringskansliet, 2018a) was released focusing on the realisation of human rights. This communication references Sexual Orientation nine (9) times which includes reference to discrimination within many countries on the grounds Sexual Orientation and failing to apply discrimination legislation, see Appendix O dd. It informs that LGBTQ human rights defenders run a high risk of being subjected to abuse on the grounds of their involvement, and sexual orientation, see Appendix O ee. It references that the Swedish government will emphasis Sexual Orientation as grounds for discrimination in various intergovernmental and international flora, in the EU and UN, see Appendix O ff, and how Sweden interprets UN human rights to cover Sexual Orientation in non-discrimination principles, see Appendix O gg. hh. It also references the appointment by the

UN's Independent Expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity, see Appendix O ii, and that and that the Caro Plans of Action and Beijing Platform for Action remain globally controversial in relation to Sexual Orientation, see Appendix O jj.

This policy references LGB forty-two (42) times, although, it does not reference the term Lesbian. The authors therefore mistakenly assume that the meaning of the acronym LGB is known by all readers of the document. Authors will be politicians, leaders, aides and policy advisers from Sweden, which is the donor country. Readers will also be staff from Sida and foreign service staff who are citizens of both the Swedish and the participating countries. They will also be international, national, and local civil society organisations; commissioned partners; and governments of participating countries. Given the global misconceptions and misunderstandings about the meaning and interpretations of SOHR and SOHR terms, it is essential that the acronym LGB is explained when used in legislation and policy documents, see chapter 6 and see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2018	Human rights, democracy and the principles of the rule of law in Swedish foreign policy Government Communication 2016/17:62						
	9	42	0	0	5	0	56 ref /81 pg

This policy references feminist five (5) times, stating that Sweden's government is a feminist government with the aim for women and men to have power to shape society and their own lives, see Appendix O kk. It states that Sweden is the first country to operate a Feminist Foreign Policy, accompanied by an action plan and apply a systematic gender-equality perspective to its actions, see Appendix O ll. It does not specifically refer to the terms Queer or Intersectional.

In 2018 the '***Policy for global development in the implementation of the 2030 Agenda***' (Government of Sweden and Regeringskansliet, 2018b) was released. Disappointingly, it does not mention any terms specifically related to SOHR such as Sexual Orientation, LGB, Lesbian, and Queer. It neither mentions nor alludes to intersectional analysis, yet it mentions the term Feminist eleven times. All eleven of these references were to the Feminist Foreign Policy and its goals. They relate to its importance, its agenda for change, its foundations of rights, its representation, and resources; its integrated approach and harmonised measures with all policy areas, and that all actions need to be based on knowledge, analysis, and consultation, see Appendix M. This provides evidence that the Feminist Foreign Policy gained traction throughout the years it was present.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2018	Policy for global development in the implementation of the 2030 Agenda. Government Communication 2017/18:146						
	0	0	0	0	11	0	11 ref / 72 pg

Summary. Swedish Legislation. SOHR Terms

Except for the '***Policy for global development in the implementation of the 2023 Agenda***', (2018b), Sweden has increasingly referred to realising and assembling SOHR within its legislation documents in relation to bilateral development cooperation, see Appendix N. It increasingly uses the acronym LGB, which is problematic within bilateral development cooperation given its association with Western identities and politics. There are also instances when this acronym is referenced but the term Lesbian is not mentioned. Therefore, there is an assumption by authors, who are predominantly Western, that this acronym is widely known and understood.

Throughout these Legislation documents, there is an increased use of the terms feminist and intersectional. This shows increased intentions of the Swedish government to realise gender equality and rights, and to use an intersectional analysis framework. This is outlined in the Sweden's Feminist Foreign Policy (2014) and the subsequent actions plans for implementation in 2016 and 2019.

The impact of the Swedish Feminist Foreign Policy and Handbook is shown through an internet search of the Swedish government website which produced 269 'hits'[pp] (45 articles, 56 country and regional strategies, 26 informational materials, 3 legal documents, 34 opinion pieces, 45 press releases, 5 reports, 98 speeches, 109 statements) (November 2019).

In the 2003 Government bill, ***'Shared Responsibility – Sweden's Policy for Global Development***' (2003), and Communication, ***'Global Challenges - Our Responsibility, Communication on Sweden's policy for global development'*** (2008), there was no mention of analysis of inequalities and influencing prevailing power relationships through bilateral development cooperation. In the Policy Framework, ***'Aid policy framework– the direction of Swedish Government'*** (2014a), the intention of the Swedish government shifts to referencing 'changing institutions and social structures and encouraging the provision of opportunities for girls and boys to transcend restrictive gender norms'. The Policy Framework, ***'Policy Framework for Swedish development cooperation and humanitarian assistance'*** (2017), directs bilateral development cooperation to analyse and influence relations of power, specifically in relation to SOHR. The intentions of Swedish bilateral development to realise SOHR has therefore evolved between 2003 and 2017 and is progressively taking a transformative approach. Discussion in chapter 7 and 8 captures this approach of Sida to show that it takes a strong participatory and empowering approach to its work.

Whilst the Swedish perspectives and priority themes guide Sida's leaders, policy advisers, and development practitioners, to understand and address multi-dimensional aspects of poverty and undertake intersectional analysis, they must also have clear knowledge about the meaning of SOHR to avoid confusion and conflation with other types of sexual rights which are probably better understood, such as SRHR, see section 1.5.

USA Legislation. SOHR Terms

The USA has produced the Foreign Assistance Act on development assistance and a Presidential Memorandum on the Human Rights of LGBT Persons'[qq].

Table 20. USA Government Legislation Documents[40].

USA Government Legislation and Documents	
1961	Foreign Assistance Act of 1961 (last amended 2019 and 2022)
2011	Presidential Memorandum -- International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons

The ***Foreign Assistance Act*** was first introduced in 1961. It created the United States Agency for Development (USAID) to administer non-military, economic assistance programs through an Executive Order (10973) by President John F Kennedy. This Act guides the '*aid given by the United states to other countries to support global peace, security, and development efforts, and provide humanitarian relief during times of crisis*' (US Government, 1961). The USA make periodic alterations to the Foreign Assistance Act, with 12 amendments and

[40] Appendix L provides references for the Swedish, the USA and the UK Legislation documents.

revisions between 1961 and 2019, yet, the substantial format remains the same. It does not reference the SOHR terms in any amendments, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
1961	Foreign Assistance Act						
	0	0	0	0	0	0	0 ref / unknown pg

It is based on five goals to alleviate poverty, economic growth, civil and economic rights, economic systems, and good governance (US Government, 2023).

> *'The Congress declares that a principal objective of the foreign policy of the United States is the encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives. (Foreign Assistance Act),* (US Government, 1961)

In relation to human rights, the Act states that no assistance is to be provided to a government which: -

> *'engages in a consistent pattern of gross violations of internationally recognized human rights including torture or cruel inhuman or degrading treatment or punishment, prolonged detention without charges causing the disappearance of persons by the abduction and clandestine detention of those persons, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country."*(US Government, 1961)

In December 2011, the Obama Presidential administration issued a ***'Presidential Memorandum, to 'Advance the Human Rights of LGBT Persons'*** (President and The White House, Office of the Press Secretary, 2011). This memorandum, directed to Heads of Executive Departments and Agencies, outlines the priorities for all federal agencies with international programmes and responsibilities, including USAID and the Department of State. It was specifically devised to advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons through international operations.

This Presidential Memorandum was produced at a similar time to the signing of the bill to repeal the 'Don't Ask, Don't Tell' (2010) ending the policy banning gay and lesbians from serving openly in the American Armed Forces. It also came at a similar time to 'Ending the Legal Defense of the Defense of Marriage Act' (DOMA) (2011) and 'Respect for Marriage Act' (2011). Until this time, President Obama had said that he was against gay marriage. Following 2011, he had a positive record for supporting SOHR, reflected in leadership, policies, and the resources allocated to USAID (TIME, 2015).

This memorandum references Sexual Orientation once, LGBT twenty-four times and Lesbian four times. It does not reference the terms Queer, Feminist, or Intersectional.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2011	Presidential Memorandum -- International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons						
	1	24	4	0	0	0	29 ref / 3 pg

Within this memorandum, President Obama states *'no country should deny people their rights because of who they love, which is why we must stand up for the rights of gays and lesbians everywhere'.* He sees the '*struggle to end discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons as a global challenge'* and he was '*deeply concerned by the violence and discrimination targeting LGBT persons around the world whether it is passing laws that criminalize LGBT status, beating citizens simply for joining peaceful LGBT pride celebrations, or killing men, women, and children for their perceived sexual orientation'*.

Under his Administration President Obama wanted '*agencies engaged abroad to take action to promote the fundamental human rights of LGBT persons everywhere'* to '*combat the criminalization by foreign governments of LGBT status or conduct and to expand*

efforts to combat discrimination, homophobia, and intolerance on the basis of LGBT status or conduct', to '*protect LGBT Refugees and Asylum Seekers'* and ensure swift and meaningful U.S. responses to human rights abuses of LGBT persons abroad.

Specifically for USAID, he wanted to leverage foreign assistance to protect human rights and advance non-discrimination, to enhance '*ongoing efforts to ensure regular Federal Government engagement with governments, citizens, civil society, and the private sector in order to build respect for the human rights of LGBT persons'*, and to '*meaningfully respond to Human Rights abuses of LGBT persons and to engage International Organisations in the fight against LGBT discrimination'*, and *'report on progress'*.

Summary. USA Legislation. SOHR Terms

There are limited legislation documents in relation to US bilateral development cooperation. The first does not reference SOHR and the second is a specific public statement on LGBT Human Rights.

During the timeframe of this research (2012 to 2019) no further legislation documents were released by the USA. However, in February 2021, the newly elected President Biden released the '*Presidential Memorandum on Advancing the Human Rights of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Persons Around the World for the Heads of Executive Departments and Agencies*' (2021). It was released 15 days after the end of the Trump Administration in January 2021 (President and The White House, Office of the Press Secretary, 2021). It reaffirmed and supplemented the principles established in the Obama Presidential Memorandum of 2011.

This summary is succinct given the number of documents to observe and analyse; their limited inclusion of SOHR terms; and their lack of inclusion of terms which reference feminist or intersectional approaches.

UK Legislation. SOHR Terms

The UK has three (3) legislation documents relating to bilateral development cooperation and the delivery of public services. Two (2) International Development Acts and the Equality Act.

Table 21. UK Government Legislation Documents[41].

UK Government Legislation and Documents	
2002	International Development Act
2010	Equality Act
2014	International Development (Gender Equality) Act

The '***International Development Act***' (2002) makes provision of assistance for countries outside the United Kingdom with respect to international financial institutions and the Commonwealth Scholarship Commission. It does not reference any of the six SOHR terms, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2002	International Development Act						
	0	0	0	0	0	0	0 ref / 22 pg

[41] Appendix L provides references for the Swedish, the USA and the UK Legislation documents.

The '***Equality Act' (***2010) seeks to reduce socio-economic inequalities and to reform and harmonise equality law. Alongside the Public Sector Duty (2010) it seeks to address discrimination in the delivery of public services and the distribution of public funds with a specific focus on non-discriminatory and positive actions in relation to groups of people with protected characteristics, of which Sexual Orientation is one. It references the provision of services through public bodies and given that DFID is a public body which is financed from the treasury and receives public funds to deliver public services in the form of development cooperation, then DFID is subject to this legislation.

This document references Sexual Orientation forty-six (46) times. It does not reference LGB, Lesbian, Queer, Feminist, or Intersectional, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2010	Equality Act						
	46	0	0	0	0	0	46 ref / 251 pg

The forty-six references include a description of Sexual Orientation (p.18) and recognition that Sexual Orientation is a protected characteristic (p.4). It references discrimination (p.19), indirect discrimination (p.22), harassment (p.26), and reasonable adjustments (p.78) through the provision of services (p.28), employment (p.34), and education (p.68).

By enshrining protections for Sexual Orientation and Gender Identities (SOGI) into British law, the Equality Act is seen to create a "world leading" legal framework and is said to place Britain at the top of "rainbow" hierarchies (Lalor and Browne, 2018).

The **'*International Development (Gender Equality) Act'*** (2014) promotes gender equality in the provision of development assistance and humanitarian aid. It does not reference any of

the six terms, although it has influenced DFID staff to realise gender equality through programmes. This shows the importance of Hunt's leadership and policy components.

> *'So it's really worked (International Development (Gender Equality) Act (2014); our whole mantra, if you like, our whole reason for existence is to make sure that on any intervention that we engage in is contributing to global poverty reduction. And that is looking at the underlying causes of poverty and the impact of any intervention we have on different social and economic groups and an analysis of the different needs and rights and patterns of discrimination anywhere, and that will include the impact on the whole range of issues, including gender and all sorts of things like disability, sexuality, age, a whole range of areas that people are discriminated upon in every context really but in particular in the countries in which we work. 'DFID – British – UK*

This Act evolved amidst a longstanding commitment by DFID (FCDO) and the UK government to recognise that gender inequality is both prevalent across all aspects of life and is fundamental to achieving the Sustainable Development Goals by 2030. This is shown through the Gender Equality Action Plan (2007), and DFID's 2011 Strategic Vision for Girls and Women (2011). This Act (2014) made it a legal requirement to consider gender equality in all of the UK's Official Development Assistance expenditure (National Audit Office UK, 2020). Since, the UK Aid Strategy (2015) has promised to prioritise the needs of girls and women throughout the government's development spending, stating that "no country can successfully develop if half its population is left behind". DFID has also launched its 2018–2030 Strategic Vision for Gender Equality (2018) (National Audit Office UK, 2020).

The UK general election in 2019, as well as leaving the EU in January 2020, and the merger of DIFD with the FCO to form the FCDO in September 2020, all led to budget cuts which have had a devastating and disproportionate impact on budgeting for gender equality and support for women's rights organisations. (Care International UK, 2023).

In compliance with this Act (2014), DFID presents gender-disaggregated data to raise dialogue, engage partners, and identify actions to support and realise gender rights.

> *'With our gender equality requirements through the International Development Act, one of the keyways that we look at kind of ensuring our partners are engaged with us on women and girls is through data disaggregation. So, looking at sex, age, disability and then there are various means at which we look at kind of poverty or income or wealth or geography where that is relevant to kind of give us an idea of who beneficiaries are.' DFID – British - UK*

Therefore, neither the International Development Act (2002), nor the International Development (Gender Equality) Act (2014) which specifically guide bilateral development cooperation, includes the six SOHR terms, see Appendix M.

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2014	International Development (Gender Equality) Act						
	0	0	0	0	0	0	0 ref / 5 pg

Summary. UK Legislation. SOHR Terms

Although the International Development (Gender Equality) Act (2014) does not reference SOHR terms, it is an example of how the International Development Act (2002) can be adapted to mainstream human rights initiatives through development cooperation.

> *'The entirety of DFID from the top to the bottom, are responsible for making sure that our portfolio, all of our work is consistent with the International Development Act, but particularly, an amendment that was made in 2014, about gender equality. So, every single programme, every business that DFID has spent money that is designed, the way it's designed, the way it's delivered and the way it's programmed is required to ensure, by law, that gender equality is considered in every case in every step. And that is taken very seriously. Across the organisation the Gender Equality Act being applied has led to much greater awareness and prioritisation of women and girls within our work' DFID – British - UK*

A extension of this Act from undertaking a gender analysis, to undertaking an intersectional analysis, would include analysis of SOHR, and would reveal the underlying causes of poverty and patterns of discrimination, leading to the realisation of SOHR through bilateral development cooperation.

None of the three pieces of UK legislation refer to feminist or intersectional approaches or analysis, even though the Equality Act (2010) focuses on people with protected characteristics. It provides guidance to avoid discrimination rather than uses a transformative approach to address inequalities.

Like the summary of USA legislation documents, this conclusion is succinct given the limited legislation documents in relation to bilateral development and their limited references to SOHR terms.,

Summary, Swedish, US, UK Legislation. SOHR Terms

Sweden has four times as many legislative documents on bilateral development than USA and nearly three times as many as the UK. Of these Swedish documents, 75% (6) mention at least one SOHR term in comparison to 50% (1) USA and 33% (1) UK, although these percentages have limited meaning, when so few documents are observed. One Swedish legislation document (12.5%) refers to Intersectional and four (4) Swedish legislation document (50) refers to Feminist. Whereas no USA nor the UK legislation documents refer to these terms (0%).

This shows that Sweden is progressively referencing SOHR through legislation documents, in combination with a Feminist, Intersectional, and transformational approach, see Appendix N. This provides a comparative analysis of SOHR terms used in Swedish, US and UK Legislation documents). The USA and UK have begun their journey to reference SOHR, the

progression they are making to use SOHR through legislative documents is not as advanced as Sweden's.

6.4 SOHR Terms Policy and Strategy documents

This analysis provides insight on the leadership commitments, resources, theoretical approaches, and perceived and actual relationships between donor countries, mainland organisations, archipelago organisations, and participating countries. I triangulate data from this policy analysis with interview data and contextual knowledge of the geopolitical and socio-political factors which impact and influence bilateral development within Rwanda and Sweden, the USA, and the UK. I apply this data to the Mainstreaming Human Rights Framework to assess the mainstreaming of SOHR through bilateral development in Rwanda, see chapters 7 and 8. I present a summary of the key positions and observations of Sweden, the USA, and the UK below.

Of the 104 LPS documents that I sourced and analysed, 91 were Policy and Strategy documents from the three donor countries and bilateral development organisations. I collated and analysed twenty-four (24) Swedish, thirty-one (31) USA, and thirty-six (36) UK non-legislative Policy and Strategy documents, see Table 18.

To structure my Policy and Strategy terminology analysis, I divided these Policy and Strategy documents for each donor country and bilateral development organisations into four categories i) Policies, Strategies and Action Plans; ii) Concept Papers; iii) Programmes, Research, Review and Evaluation, and vi) Rwandan Documents. In Appendix W, I present an analysis of how each donor country and bilateral development organisation focuses on each of these four categories.

Given the large number of Policy and Strategy documents gathered and analysed, (91), I provide a bibliography of Swedish Policy and Strategy documents in Appendix P; USA's Policy and Strategy documents in Appendix Q; and UK's Policy and Strategy documents in Appendix R. I document the references to the six SOHR terms in the Swedish Policy and Strategy documents in Appendix S; the USA's Policy and Strategy documents in Appendix T; and in the UK's Policy and Strategy documents in Appendix U. I analyse and compare the use of these six SOHR terms used in these Policy and Strategy documents in Appendix V.

SOHR Terms

There is a marked difference in the number of Swedish documents (92%) and USA (87%) documents to the UK (50%) which reference SOHR. This relates to the Leadership and Policy components of the Mainstreaming Human Rights Framework.

Of the total documents and references to SOHR, there is a different of 29% between the number of Swedish documents that mention SOHR to the USA. With a difference of 45% between Sweden and the UK, and 13% between the USA and the UK. This shows that the UK and DFID are not as advanced in integrating SOHR into Policies and Strategies as Sweden and Sida and the USA and USAID.

LGB(TQI) is the preferred SOHR term used within Swedish, the USA and the UK documents, see Appendix N, O, P. However, the use of this term portrays Western identities and politics. It shows limited understanding of the neo-colonial connotations it brings to the relationship between donor and participating countries, and mainland and participating organisations. It contributes to the divide and conflict within the complex space of bilateral development cooperation.

There are five (5) Swedish document, three (3) USA documents and two (2) UK documents which use the acronym LGB but do not refer to the term Lesbian, see Appendix N, O, P. This shows a lack of recognition that LGB is an identity label, formulated and predominantly used in the Global North, without global consensus of its meaning. If the acronym LGB is used, there should be a reference to its meaning. It also shows that the documents predominantly originate from donor countries and mainland organisations. Context specific meanings of same-sex connections and relationships should be identified and presented in policy documents which evolve from organisations working in participating countries.

There was a significant number of documents from each organisation which referred to the term Queer. There were eight (8) Swedish, seven (7) USA documents and five (5) UK documents. Although these references were not with intention to expand concepts of what constitutes sexualities or move from using Western labels, these references were predominantly in Research and Evaluation documents and referred to the names of local organisations.

A high percentage of the Swedish documents, 62% (15) mention the term feminist with 38% (9) do not. Four (4) (17%) are feminist focused, meaning that feminist approaches permeate Swedish policy and strategy documents. This evolves from Swedish feminist leadership position. This is observed in the leadership and policy components and theoretical frame and approach in the Mainstreaming Human Rights Framework assessment in chapter 7. Feminist is referred to in three (3) (10%) USA documents and is not referred to in twenty-eight (28) (90%) documents or any of the specific SOHR or human rights documents (18). It can therefore be assessed that a feminist approach is not a theoretical frame and approach undertaken by the USA and USAID. Of the 36 UK documents, feminist is referenced in three

(3) (8%) and not in thirty-three (33) (92%). The non-referencing of feminist in documents shows a difference in leadership between the in Swedish documents and USA and UK documents.

Intersectional is mentioned in three Swedish documents (13%), in one USA document (3%) and one UK document (3%). Although, the limitations of a terminology analysis means that this approach could have been referred in other documents without specifically using the term intersectional. Given the low numbers of references to intersectional, it must be assumed that an intersectional approach is not being integrated within Sida, USAID and DFID. This is observed through the application of the Mainstreaming Human Rights Framework.

Sweden / Sida

In summary: -

- A high number of Sweden's documents, nine (9) (37%), were focused on Programmes, Research, Review, and Evaluation. Of these seven (7) (78%) focused on SOHR. This showed Sweden's commitment and progress to realise SOHR through development initiatives and programmes.
- Both of Sweden's Policy and Strategy documents on Rwanda and the Sub-Saharan African region (2) focused on SOHR as part of Sida's Compilation of Briefs on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons (2014), see Appendix V. These are position statements, with similar briefs collated from countries around the world. They are not included in Sida Rwanda's webpage, but on Sida's global website. They are not strategies developed from within Rwanda to realise SOHR.

- Three (3) (12.5%) of Sweden's Policy and Strategy documents related specifically to gender. This could be that I engaged staff working on SOHR, or there was content in relation to SOHR to discuss.
- Zero (0) (0%) of Sweden's documents relate specifically to Health and HIV, see Appendix W.
- A high percentage of Sweden's documents relate specifically to SOHR, or human rights (58%) (14). This is potentially due to the high number of SOHR focused documents that Sweden and Sida has produced since 2005.
- Four (4) of Sweden's documents related specifically to Feminist showing the high number of Feminist focused documents that Sweden has produced.
- Of the twenty-four (24) Swedish documents twenty-one (21) 87% mentions Sexual Orientation and three (3) 13% do not, see Appendix N.

USA / USAID

In summary: -

- Fourteen (14) (45%) of USAID's documents focused on Concept Papers and of these, eleven (11) (79%) were focused on SOHR, 5 (36%) are focused SOHR fact sheets or toolkits. This indicates that USAID has produced documents to raise awareness about SOHR which were globally or regionally focused.
- None of the USA's (1) Policy and Strategy documents on Rwanda reference SOHR (0%), see Appendix V.
- Four (4) (13%) of USA's Policy and Strategy documents related specifically to gender. Many USAID staff who I interviewed worked on Gender Equality and Women's Empowerment.

- Five (5) (16%) of USA's documents relate specifically to Health and HIV, see Appendix W. Many USAID staff who I interviewed were from the USAID LGBT staff network who integrated SOHR into their work, which could be across different thematic areas, including Health and HIV. This could account for the high number of USA documents focusing on Health and HIV.
- Sixteen (16) (52%) of USA's documents relate specifically to SOHR, or human rights.
- One (1) (3%) USA's documents related specifically to Feminist.
- Of the thirty-one (31) USA documents, eighteen (18) 58% mention Sexual Orientation and thirteen (13) 42% do not, see Appendix T.

UK / DFID

In summary: -

- DFID produced fifteen (15) (42%) Policies, Strategies and Actions plans, with only two (2) (13%) being focused on SOHR. This meant that DFID had not produced documents focused on SOHR, or my interview participants did not focus on SOHR. DFID had however collaborated significantly with partners to produce factsheet and guidance on sexuality and development, see Appendix R. This enabled eight (8) (89%) of their nine Programme, Research, Review, and Evaluation documents to be focused on SOHR.
- None of the UK's (5) Policy and Strategy documents on Rwanda focused on, nor reference SOHR (0%), see Appendix Q.
- Six (6) (25%) of the UK's Policy and Strategy documents related specifically to gender showing a strong focus on gender in the UK, see section on legislation. This

could either relate to the focus and strength of gender movements in the UK and within DFID, or the thematic focus of staff who I interviewed and agreed to talk about sexual rights. It could also be that discussions on gender compensated for a lack of understanding on SOHR and a void in SOHR focused documents.

- Zero (0) (0%) of the UK's documents relate specifically to Health and HIV, see Appendix W.
- Fourteen (14) (39%) of the UK's documents relate specifically to SOHR, or human rights.
- Zero (0) (0%) UK's documents related specifically to Feminist.
- Of the thirty-six (36) UK documents, fifteen (15) 42% mentions Sexual Orientation and twenty-one (21) 58% do not, see Appendix T. A high proportion of the UK documents, eighteen (18) (50%), do not mention any SOHR terms. This may be due to the limited number of staff within DFID working on SOHR, the lack of a strong staff network, or that a larger proportion of my interview participants worked within the thematic area of SRHR.

By triangulating my interview data and analysis I found that SOHR terms were not understood within DFID. Applying this data to the Mainstreaming Human Rights Framework shows that DFID's public statements on SOHR were not endorsed by a senior officer, and resources were not allocated within DFID to take actions, see section 7.3 and7.5. UK funding to SOHR programming through UK Aid Connect in 2017 could have impacted on these components. However, the programme did not progress because of a consequence of Brexit, cuts in UK Aid budgets, and UK government changes, see section 4.5.

Specific documents within DFID to guide bilateral development cooperation, such as the Smart Rules which guide programme delivery, the '*DFID Data Disaggregation Action Plan Better Data for Better Lives (Leave No-one Behind*)' (2017) and the '*Policy Paper. Leaving No-one behind. Our Promise'* (2019), do not mention SOHR terms. The inclusion of SOHR terms in these documents would show commitment to SOHR and movement towards realising and mainstreaming SOHR through bilateral development.

6.5 Conclusion

LPS documents can provide powerful leadership to guide staff and their actions, as seen with the Swedish Feminist Foreign Policy (2014), the USA Presidential Memorandum (2011), and the UK International Development (Gender Equality) Act (2014). These LPS documents are used to raise discussions on a feminist approach, SOHR, and gender mainstreaming. They guide staff and organisations on the priorities and values which underpin bilateral development cooperation. The terminology analysis in this chapter contributes to understanding the position of the three bilateral development organisations in relation to the Leadership and Policy components, discussed in chapter 7.

Analysing the presence and use of these six SOHR terms has enabled an understanding of the position of the three bilateral organisations in relation to SOHR. It reveals the changes in the frequency and use of these terms over time, showing how they are integrated within documents, how they guide the actions of bilateral development organisations, and how staff view these terms.

The use of language within these LPS documents is important given the geo-political and socio-political contexts and complex spaces within bilateral development cooperation. Bilateral development cooperation needs to consider the implications of using the acronym

LGB given its association with Western identities and politics. It needs to relate this terminology use to the perception that values and agendas on SOHR from the Global North are being implemented in the Global South through bilateral development cooperation. If the acronym LGB is used, then the document must reference the meaning of the term Lesbian. Without doing so means that the authors are not knowledgeable or considerate about the historical and contemporary factors in relation to SOHR between the Global North and Global South which contribute to the complex spaces to navigate within bilateral development. The use of labels such as homosexuals and homosexuality within LPS documents does not support a transformative or empowering approach to realise and mainstream SOHR.

This policy analysis shows that Sweden has produced focused documents on SOHR since 2005. It has integrated SOHR terms (Sexual Orientation, LGB, Lesbian and Queer), alongside feminist and intersectional concepts into their LPS documents, showing its intentions to realise and mainstream SOHR. Sida has both produced LPS documents focused specifically on SOHR and has referenced SOHR in LPS documents on other thematic areas and other human rights focuses. This terminology analysis shows that Sida progressively integrates reference to SOHR into its LPS documents and is on a progressive trajectory to realise and mainstream SOHR through thematic areas and bilateral development cooperation.

The Swedish Rights Perspective, which includes reference to SOHR, has been mainstreamed throughout Sida's work. Although this has not been uniformly adopted by staff in mainland and archipelago organisations. No reference was provided to policy documents or strategies developed in Rwanda which referenced SOHR. When applying this knowledge to the Mainstreaming Human Rights Framework it means that Sida Rwanda has not started to move

through the processes to imagine rights. Identification of four legislation documents which refer to feminist approaches, and one to intersectionality shows the theoretical frames which Sida's approach to bilateral development and mainstreaming is based upon.

In the USA, the Obama Administration (2007 to 2017) showed leadership on SOHR producing LPS documents focusing on the realisation of SOHR through USA's work overseas. Triangulating knowledge from these LPS documents with my interviews and applying this to the Mainstreaming Human Rights Framework shows that leadership from the US government had immense impact over a short period of time to realise SOHR through USAID. No reference was provided to policy documents or strategies developed in Rwanda which referenced SOHR and neither does documents reference feminist or intersectional approaches. This shows that USAID Rwanda has not begun to assemble or imagine SOHR. It shows that feminist and intersectional theoretical frames are not applied.

This analysis shows DFIDs limited position on realising and mainstreaming SOHR. I assessed the mainstreaming of SOHR by DFID through triangulating data from this analysis with data from my interviews in the application of the Mainstreaming Human Rights Framework. This reveals that although DFID has had extensive collaborations with Civil Society Organisations, INGO's and academic partners, which have produced highly relevant position papers, tools, and evaluations, it has not produced policy documents on its intentions to realise SOHR. DFID's leadership and policy approaches are therefore non-directive. The developed papers, tools, and evaluations can be used by development practitioners and partners, but they are not guided or resourced. My interviews show that only staff who were interested in realising and mainstreaming SOHR through their work know of and apply these LPS documents.

The leadership commitments, intentions to realise SOHR, and theoretical frames of the three donor countries and bilateral development organisations have been observed through this policy analysis. This is triangulated with interview data and applied through the Mainstreaming Human Rights Framework. It provides knowledge on where leadership and policy commitments evolve from which is an important distinction when seeking to observe progress to implement and assemble rights in different socio-political contexts, and in mainland or archipelago organisations. It also shows which organisation formulated the policies, such as the mainland or archipelago organisation. This is critical when following Plummer's processes (2006), that the assembly of rights takes place successively through each process building upon each other. Rights therefore need to be imagined and articulated in the same context to assembly of rights. They cannot be imagined and articulated in policies that are developed in one socio-political context, the donor counties, and mainland organisations, and the implemented in another, the archipelago organisations, and participating countries.

Policies developed in donor countries and mainland organisations can, however, be discussed in 'rights arenas' in archipelago organisations. This contributes to the assembly of rights when context specific policies are formed through discussions in rights arenas. This policy analysis, therefore, identifies the relationships between the mainland and archipelago organisations. It can show approaches to participation, the power in relationships between the

mainland and archipelago organisation, and how the historical and contemporary geo-political and socio-political influences are recognised[42].

Providing knowledge on the theoretical and conceptual frames and approaches provides data to apply within the Mainstreaming Human Rights Framework. This policy analysis shows the challenges in capturing organisational intentions on theoretical and conceptual approaches and frames. This is important given that specific approaches underpin successful mainstreaming, see chapter 1 on RBA, mainstreaming, participatory approaches. The challenge is therefore to capture data to populate the Mainstreaming Human Rights Framework. The framework needs to be simplified to be applied by development practitioners and to contribute to realising rights and understanding the mainstreaming of rights bilateral development cooperation.

[42] This policy analysis was completed prior to the formation of the Mainstreaming Human Rights Framework. It therefore does not capture all theoretical frames and approaches, such as participatory or co-production approaches. Undertaking a policy analysis based on the framework would therefore capture different themes. This is further research which could be undertaken, alongside an update on collated policies.

Chapter 7. Components and Processes of Mainstreaming SOHR

7.1 Introduction

In this chapter, I apply the Mainstreaming Human Rights Framework to mainstreaming SOHR through three bilateral development organisations in Rwanda. Through the application of this framework, I discus the limitations of Hunt's (2017) seven components of leadership, policy, programming, resources, engagement, review, and evaluation, to assess authentic human rights initiatives. This section also incorporates an assessment of how organisations move through Plummer's (2006) five 'Rights Works' processes to assemble rights. It also includes a discussion on how organisations apply theoretical and conceptual frames and approaches which underpin successful mainstreaming approaches. The application of this framework shows the different approaches and practices of the three bilateral development organisations and the level of impact that each has had on realising and mainstreaming SOHR.

7.2 Visual Frameworks. Sida, USAID, DFID

I apply the Mainstreaming Human Rights Framework to present the achievements and the gaps in Hunt's components and Plummer's processes to mainstream SOHR by Sida, USAID and DFID. Mainstreaming SOHR, specifically by the mainland organisations focuses on global activity. Mainstreaming SOHR by the archipelago organisations, specifically focuses on internal mainstreaming within organisations.

Figures 11 to 16 shows a visual position of mainstreaming SOHR through the three bilateral organisations.

Figure 11. Sida. Sweden – Mainland Mainstreaming

Theme: Mainstreaming Sida Global						
Context: Global						
Date: 2017						
Components - Implementation of Rights	Leadership	Yes	Processes - Assembly of Rights	>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	Yes				
	Internal Culture. Organisations	Yes			Creating Social Worlds of Rights	Yes
	Programming	Yes				
	Resources	Yes			Inventing Identities about Rghts	Yes
	Staff Skills and Values. Organisations	No				
	Engagement	Yes			Articulating, Vocalizing, Announcing Rights	Yes
	Review	Yes				
	Evaluation	Yes			Imagining Rights	Yes

Figure 12. Sida. Rwanda – Archipelago Mainstreaming

Theme: Internal Mainstreaming Sida Rwanda						
Context: Organisational						
Date: 2017						
Components - Implementation of Rights	Leadership	No	Processes - Assembly of Rights	>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	No				
	Internal Culture. Organisations	No			Creating Social Worlds of Rights	
	Programming	No				
	Resources	Yes			Inventing Identities about Rghts	
	Staff Skills and Values. Organisations	No				
	Engagement	Some			Articulating, Vocalizing, Announcing Rights	
	Review	No				
	Evaluation	No			Imagining Rights	Yes

Figure 13. USAID. USA – Mainland Mainstreaming

Theme: Mainstreaming USAID Global						
Context: Global						
Date: 2017						
Components - Implementation of Rights	Leadership	Yes	Processes - Assembly of Rights	>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	Yes			Creating Social Worlds of Rights	
	Internal Culture. Organisations	Some			Inventing Identities about Rghts	Yes
	Programming	Yes			Articulating, Vocalizing, Announcing Rights	Yes
	Resources	Yes			Imagining Rights	Yes
	Staff Skills and Values. Organisations	Some				
	Engagement	Yes				
	Review	Yes				
	Evaluation	No				

Figure 14. USAID. Rwanda – Archipelago Mainstreaming

Theme: Internal Mainstreaming USAID Rwanda						
Context: Organisational						
Date: 2017						
Components - Implementation of Rights	Leadership	No	Processes - Assembly of Rights	>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	No			Creating Social Worlds of Rights	
	Internal Culture. Organisations	No			Inventing Identities about Rghts	
	Programming	No			Articulating, Vocalizing, Announcing Rights	
	Resources	No			Imagining Rights	Yes
	Staff Skills and Values. Organisations	Some				
	Engagement	No				
	Review	No				
	Evaluation	No				

Figure 15. DFID. UK – Mainland Mainstreaming

Theme: Mainstreaming DFID Global						
Context: Global						
Date: 2017						
Components - Implementation of Rights	Leadership	No	Processes - Assembly of Rights	>>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	No				
	Internal Culture. Organisations	No			Creating Social Worlds of Rights	
	Programming	No				
	Resources	No			Inventing Identities about Rghts	
	Staff Skills and Values. Organisations	No				
	Engagement	No			Articulating, Vocalizing, Announcing Rights	Yes
	Review	No				
	Evaluation	Yes			Imagining Rights	Yes

Figure 16. DFID. Rwanda – Archipelago Mainstreaming

Theme: Internal Mainstreaming DFID Rwanda						
Context: Organisational						
Date: 2017						
Components - Implementation of Rights	Leadership	No	Processes - Assembly of Rights	>>>>>>>>Critical Mass------>	Creating a Culture of Public Rights	
	Policies	No				
	Internal Culture. Organisations	No			Creating Social Worlds of Rights	
	Programming	Yes				
	Resources	Yes			Inventing Identities about Rghts	
	Staff Skills and Values. Organisations	No				
	Engagement	No			Articulating, Vocalizing, Announcing Rights	
	Review	No				
	Evaluation	Yes			Imagining Rights	Yes

7.3 Leadership and Policy. Sida, USAID, DFID

Given the connections between the public statements and policies of the donor governments and their bilateral development organisations, I present the adapted Leadership and Policy components of Hunt's (2017) framework together and show how these components have been referred to in my interviews and are present in relation to SOHR.

In Figure 4, I adapted Hunt's Leadership and Policy components to the bilateral development system.

> ***Leadership.*** *Bilateral system. Sexual Orientation Human Rights (SOHR) leadership from senior officers in the donor government and/or headquarters of the bilateral organisation. e.g., public statements, in support of SOHR, by the Head of State, Ministers, or Head of Organisation. (Figure 4*)
>
> ***Policy.*** *Bilateral system. A Sexual Orientation Human Rights (SOHR) policy adopted by a high-level body within the bilateral development organisation. (Figure 4)*

The public statements and policies on SOHR are shown through the gathered and presented LPS documents in chapter 6 and below, where I discuss the Leadership and Policy components in relation to Sweden and Sida, the USA and USAID, and the UK and DFID.

Sweden and Sida. Leadership and Policy

Since 2005, Sweden and Sida have provided '*public statements'* by '*senior leaders'* on SOHR, which '*imagine, visualise and empathise'* and '*articulate, vocalise and announce'* SOHR, according to Plummer's first two processes (Plummer 2006).

The Swedish government has strongly communicated to Sida and their Embassies about their intentions to realise SOHR through bilateral development cooperation and foreign policy.

> *'The government can signal very strongly that something is a priority issue, and for a few years now, LGBTI issues have been something that the*

> *government, the old government, has signalled. They gave very strong signals on the importance of this to their ambassadors, and reluctant Ambassadors, or Ambassadors who didn't know how to deal with this, felt pushed to actually deal with it, which of course, made it easier for the Development Co-operation to bring this in as well. Sida – Swedish - Sweden.'*

Sida's Conceptual framework (Sida, 2017) is endorsed by Lennart Båge, Acting Director-General of Sida, as a '*senior officer in the headquarters of the bilateral organisation'*. It outlines Sida's Rights-Based Approach to development and references SOHR.

Policies such as the Feminist Foreign Policy (2014) [rr]; the action plan for the Feminist Foreign Policy (Government of Sweden, 2019, 2016) and the Feminist Foreign Policy handbook (Government of Sweden and Regeringskansliet, 2019) are '*policies adopted by a high-level body within the bilateral development organisation*' which support Embassies and Sida to work through a common language and a combined approach to raise dialogue on, and realise, SOHR.

> *'Our colleagues tell us that it's been much easier to work together at the Embassies with the Feminist Foreign policy. Gender equality has been a priority for many years in Development cooperation where it is not in security policy for example, or in trades or in the other parts of the Embassy. So now all the Ambassadors have to talk about the Feminist Foreign Policy, which makes it much easier to cooperate and to speak the same language. So, I think that's a brilliant thing about this Feminist Foreign Policy to bring this together. It has also lifted the work of our colleagues at the Embassies and suddenly, Ambassadors who wouldn't speak on gender equality or SRHR, they are now forced to.' Sida – Swedish - Sweden*

The Human Rights, Democracy, and the Principles of the Rule of Law Swedish Foreign Policy (Government of Sweden and Regeringskansliet, 2018a), is a '*policy adopted by a high-level body within the bilateral development organisation'* and signals that human rights, including SOHR, is a priority issue.

> *'There is a new communication on Human Rights Democracy and the rule of law, which we are also part of (Sida), that is covering foreign policy and LGBTI rights. It has quite a big chunk of that actually I would say as an issue itself. So the governments can signal very strongly that something is a priority issue and now this is – they've done this very strategically and structurally' Sida – Swedish – Sweden.*

Although these public statements and policies inspire Sida and Embassy staff to raise dialogue and take actions to realise SOHR, the individual values of senior leaders such as Ambassadors and Head of Development Cooperation, their organisational cultures, and the socio-political contexts which they work, impacts on the actions, and approaches of Embassies and bilateral development organisations in participating countries to realise and mainstream SOHR.

With SOHR being viewed as one of the most sensitive and controversial topics to be raised in dialogue and realised through bilateral development cooperation, it is both the leadership and the political signals from the Swedish government, as shown through public statements and policies, and captured by Hunt's components, but also, the individual values of staff and organisational cultures, and the socio-political contexts of participating countries which influences the approach to realising and mainstreaming SOHR through bilateral development cooperation. These values, contexts and approaches are not captured by Hunt's framework.

> *'It's both the political signals and the context that give that push and says what's doable……Among sexual rights, the rights of LGBT persons and safe abortion are the two most sensitive issues. And you will see that our Embassy's approach to these two controversial issues in very different, depending on the context. In some countries the Swedish Embassy Ambassador would go quite strategically for human rights for LGBT persons because that is possible in that country's context. But they wouldn't hardly touch safe abortion because that's so difficult. There are differences because of varying contexts. And you find this in high-level negotiations at the UN as well; some countries talk about human rights for LGBT people, they wouldn't touch safe abortion, and there are others who would talk about safe abortion, but they wouldn't address LGBTI for example.' Sida – Swedish - Sweden*

USA and USAID. Leadership and Policy

Activity to realise and mainstream SOHR through USAID was significant after the release of the Presidential Memorandum (2011). This provided leadership and inspiration for staff to take action during the Obama Administration.

> *'I don't think that we would necessarily have had the fire in our belly, to move some of those things forward without the Administration saying, this is a priority to make sure these issues were moving. 'USAID – American – USA*

President Obama's Memorandum on 'International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons' (President and The White House, Office of the Press Secretary, 2011) showed intentions to realise SOHR through USA's work worldwide[ss] and was a *'public statement, in support of SOHR, by the Head of State'*. It has had significant impact on strategic thinking and programming.

> *'…having the memorandum has allowed us to think more strategically about the way that we do things. Making sure that it's linked to particular goals, and not just kind of the overall inclusive development agenda but that it is also linked very closely with the administration priorities and goals and having that accountability.' USAID – American - USA*

Without Leadership from the Obama Administration and the allocation of resources, global programmes such as i) The LGBTI Global Development Partnership, to promote LGBT Human Rights abroad (2012b); ii) Testing the waters – LGBT people in the Europe and Eurasia region (2014b); iii) Toolkit for Integrating LGBT Rights activities into programming in the Europe and Eurasia Region (2014c); iv) Being LGBT in Asia (2015b); and v) Suggested Approaches for Integrating Inclusive Development Across the Program Cycle and Mission Operations (2018), would not have been devised and implemented.

In 2014, USAID issued the 'LGBT Vision for Action, Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals'(USAID, 2014). This has a

foreword presented by the Administrator of USAID, Rajiv. J. Shah. Therefore, both the Presidential Memorandum and LGBT Vision for Action show '*leadership from senior officers in the donor government and/or headquarters of the bilateral organisation'*,

Leadership within USAID is also shown by the LGBT Coordinator, as a '*senior officer in the bilateral organisation*'. The leadership actions of staff from the LGBT Staff Network, who are not necessarily '*senior officers'*, activate these public statements and policies and realise SOHR. This form of leadership is not acknowledged by Hunt's Leadership and Policy descriptions.

> *'I've never seen the policies and directives move as quickly as they did once the Administration laid out that policy. Again, a real credit to people inside mobilising to make it happen and a real recognition that it was time, which is terrific, so I give a lot of credit to the President for moving on this agenda, but I also recognise that clearly in some ways there were a lot of folks who were ahead of that curve.' USAID – American – USA*

Plummer's processes and assumptions shows how Leadership from all stakeholders can lead to the realisation of SOHR. Given that rights are inventions created through symbolic interactions and involve the 'collective conduct and social meaning of many' (Plummer 2006, p. 153).

The allocation of resources for training, conferences, staff networks, and programmes enabled these '*public statements'* to become an effective part of a process of change, to realise SOHR, see section 7.5. This in not acknowledged in Hunt's component descriptions. Therefore, both leadership from 'senior officers' alongside leadership from 'non-senior staff members', combined with 'resources' enabled SOHR to be 'imagined, visualised, and empathised' and 'articulated, vocalised, and announced' through USAID (Plummer 2003, 2006).

UK and DFID. Leadership and Policy

The UK and DIFD's public statements and policies on SOHR have been produced relatively recently compared to Sweden's and the USA's with DFID's policy approach to lesbian, gay, bisexual and transgender (LGB&T) rights was produced in 2016 (DFID, 2016a). Although this policy makes a public statement on DFID's intentions to realise SOHR, it was, ***not*** endorsed by a '*senior officer in the donor government and/or headquarters of the bilateral organisation*' or '*adopted by a high-level body within the bilateral development organisation*'. Neither was its dissemination accompanied by resources, see 7.5 Resources. The components of Leadership and Policy should be accompanied by the component of resources to be effective (see USAID above). This policy was therefore only 'imagined, visualised, and empathised' and 'articulated, vocalised, and announced' by small and selective number of staff working in mainland DFID. In my interviews this policy was only mentioned by the staff member involved in its development. It, therefore, has not been effectively shared across mainland and archipelago organisations.

In 2016, DFID made their 'Leaving No-one behind, Our Promise' pledge [43] (DFID and FCDO, 2019), which is a '*policy adopted by a high-level body within the bilateral development organisation'*. In the same year, DFID Rwanda shared their intention to trailblaze a 'Leaving No-one Behind' programme (BOND, 2018), and was the only Rwandan programme and policy on SOHR referred to by the three archipelago bilateral development

[43] Leave No-One Behind (LNOB) is the central, transformative promise of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) (UN SDG, 2016).

organisations. It shows '*leadership from senior officers in the **archipelago** bilateral organisation'*, rather than the '***headquarters** of bilateral development organisations',* and is a '*policy adopted by a high-level body within the **archipelago** bilateral development organisation'*. This makes a distinction between mainland and archipelago leadership and shows a context specific application of Hunt's Leadership and Policy components.

The Rwandan 'Leaving No-one Behind' programme was guided by DFID's 'Understand, Empower and Include' Framework[tt] a '*policy adopted by a high-level body within the bilateral development organisation'*. This sets out an overview of the UK's approach to 'Leaving No-one behind' programmes to include intersectional analysis, respond to socio-political context, and apply participatory and empowering approaches.

Although leadership was shown through the Rwandan 'Leaving No-one Behind programme', my SOHR terminology analysis in chapter 6 shows that the 'DFID Data Disaggregation Action Plan Better Data for Better Lives (Leave No-one behind) (2017) and the 'Policy Paper. Leaving No-one behind. Our Promise' (2019) does not reference SOHR terms, see section 6.4. This means that this programme did not influence the subsequent policies within DFID. Showing that SOHR were not 'articulated, vocalised, or announced' within DFID Rwanda or across DFID globally (Plummer 2003.2006).

In 2018, the UK government Equalities Office issued the LGBT Action Plan on 'Improving the lives of Lesbian, Gay, Bisexual, Transgender people'(UK Government Equalities Office, 2018). The ministerial foreword by Rt. Hon. Penny Mordaunt, Minister for Women and Equalities, shows this to be a '*public statements, in support of SOHR, by a senior officer in the donor government'*. The International section (p. 27-28) informs that '*We believe LGBT people around the world deserve at least the same rights and respect that we enjoy in the UK*

and that the UK has a special responsibility to address laws discriminating against LGBT people in the Commonwealth'. It also states that the UK will *'promote LGBT rights through multilateral organisations, the private sector and international civil society organisations*' This is the first UK public statement on SOHR internationally, endorsed by a '*senior officer'*, although it provides limited direction for DFID staff to navigate the complex space of bilateral development to realise and mainstream SOHR, see section 3.2. It was neither accompanied by resources to assist implementation.

The DFID Smart Rules and FCDO Programme Operating Framework (2022) are policies which provide direction to staff to develop and deliver programmes based on analyses of the underlying causes of poverty and conflict. These public statements and policies do no reference SOHR terms, as shown in chapter 6, and therefore do not show leadership on SOHR or provide '*Sexual Orientation Human Rights (SOHR) leadership from senior officers'* nor '*a Sexual Orientation Human Rights (SOHR) policy*', according to Hunt's Leadership and Policy components.

7.3.1 Leadership Considerations

My interviews evidence that Leadership and Policies are essential components to realising and mainstreaming SOHR through bilateral development cooperation. Public statements and policies state organisational values and trigger discussions and processes to realise and mainstream SOHR. They inspire schisms and fracturing on SOHR, which according to Plummer (2003, 2006), fuels momentum to assemble SOHR in 'rights arenas' both internally within mainland and archipelago organisations, and externally through development initiatives and programmes with local stakeholders and within Global arenas. These public statements and policies evidence that new kinds of citizens and rights are being 'imagined,

visualised, and empathised' and a new language has begun to be used through 'articulating, vocalising and announcing' SOHR within the three bilateral organisations according to the first two generic processes of Plummer's five processes (2006, p.152).

Leadership takes many forms (Northouse, 2021) and cannot be limited to '*senior officers'* in '*donor government and /or the headquarters of the bilateral organisation*' and only verbalised in '*public statements',* as Hunt's framework suggests. My interviews reveal how Hunt's narrow description of Leadership fails to capture all forms of leadership which contributes to realising and mainstreaming SOHR. Leadership is more than the presentation of '*public statements',* and is applied in different directions, such as upward and from peer-to-peer as well as top-down from '*senior officers'* or '*a high-level body'*.

Hunt's Policy component does not identify where the public statements and policies originate from, which is a significant factor when seeking to realise and mainstream SOHR through bilateral development cooperation. It does not identify the citizenship and role of staff who develop and adopt policies, neither does it analyse or seek to understand the factors which influence this adoption.

Hunt does not observe the intercorrelations between his seven components, yet these interconnections are vitally important when realising and mainstreaming SOHR. Public statements and policies become ineffective unless accompanied by resources to enable them to become known, understood, and used. Hunt's Policy component neither identifies the pathway that needs to be forged to address conflicting policy intentions and human rights claims.

The public statements and policies on SOHR presented previously in this chapter were predominantly devised by staff who are citizens of donor countries, either working within

donor governments or mainland bilateral development organisations. With the exception of DFIDS 'Leaving No-one Behind' programme, no context specific public statements or policies on SOHR were devised by archipelago staff from all three bilateral development organisations. It, therefore, is staff who are citizens of donor countries who have 'imagined visualised, and empathised' and 'articulated, vocalised, and announced' SOHR rights (Plummer 2003, 2006). The first two processes of Plummer's five processes have only occurred in donor countries and mainland organisations, not in Rwanda and archipelago organisations. Given that each of Plummer's processes follows and builds upon previous processes, the five processes need to be completed in the same socio-political contexts to build the knowledge and skills of staff to challenge dominant cultural values and norms on SOHR. The public statements and policies that are developed by citizens of donor countries in donor governments or mainland organisations cannot therefore be used in Rwandan archipelago organisations as a foundation for the following three processes. Mainland and archipelago organisations need to work through Plummer's five generic processes independently, to realise and mainstream SOHR internally within their organisations, to build the knowledge and skills of staff so that they can navigate the complex space within bilateral development in their socio-political contexts to realise and mainstream SOHR.

Plummer's processes and assumptions (2003, 2006) also describes how all people are leaders, not just '*senior officers',* given that the assembly of rights involve many people in 'continuous rounds of negotiated actions which attempt to interpret, rationalise, and define both identities and related rights in 'rights arenas' in public spheres'. Plummer also predicts that 'rights come into being through the interpretative and activist work of social movements and a diverse range of moral crusaders and entrepreneurs, from kings, prophets and

philosophers to governments, social movements, writers, and NGOs' (Plummer, 2006, p. 153).

Plummer describes how language is critical to the process of the assembly of rights, in that 'we learn to speak a new language through *articulating, vocalising, announcing* the emerging debate' (Plummer 2003, p.34). This leads to the creation of a culture of 'public rights' where the once unspoken and unimagined languages become the public worlds of social movements, media, education, with a whole new world of 'public issues' brought centre stage (Plummer 2003, p.34). Plummer also recognises that processes to develop policies are as important as the presence of policies. Only the presence of a policy is captured by Hunt's component definition. Plummer sees that policies come into being through the process of 'people and groups as claim-makers' clarifying laws, writing justifications, generating reports and conferences, networking in cyberspace, telling stories, all which provide rhetoric for, and support the assembly of rights (Plummer, 2006, p.154).

Hunt does not consider the different types of leadership actions and leaders. His narrow definition of leadership fails to acknowledge the many actions of leadership such as co-ordinating, advising, facilitating, planning, implementing, policy development, supporting staff, training, and supervision, providing protection, resource allocation, recruitment, data collection, data analysis, and reporting. These are mentioned in my interviews, as well as through the presentation of '*public statements'*.

Leaders can be all types of stakeholders, including policy advisers, coordinators, managers, champions, politicians, civil servants, development practitioners, local leaders, activists, citizens, as well as '*senior leaders'*, as Hunt defines. Leadership can be from participating governments and ministerial departments, International and local Civil Society Organisations

and NGOs, and from archipelago bilateral development organisations, as well as '*donor governments and headquarters of the bilateral organisations'*, as defined by Hunt.

Hunt's interpretation of leadership only views leadership as originating from donor countries through citizens of donor countries. He neglects to acknowledge the essential leadership provided by Rwandan staff in archipelago organisations who have in-depth understanding of the dominant cultural values and norms in Rwanda. They also have knowledge of political leadership, the Constitution, and legislation. They are positioned to identify safe and non-harmful approaches to realise SOHR by bilateral development organisations and have longstanding engagement and collaborations with the Rwandan government, Civil Society Organisations, and citizens. When raising dialogue about SOHR staff in archipelago organisations, they have the knowledge about the socio-political contexts to consider safety, but also the potential negative impact on relationships with stakeholders, including the participating government and other bilateral development organisations, international non-governmental organisations, commissioned partners, Civil Society Organisations, and citizens. Knowledge about human rights concerns in Rwanda, the freedom of the media, the approach to Human Rights Defenders, and the approach of the Rwandan government are all documented in the three bilateral development organisations development cooperation strategies in Rwanda. Local and wider knowledge and collaborations should be acknowledged and utilised as essential Leadership when seeking to realise and mainstream SOHR.

Rwandan staff understand the potential ramifications on individual and organisational reputations when raising dialogue and presenting perspectives on SOHR that challenge dominant cultural values and norms.

> *'When it comes to LGBTI people we have our own constitution that promotes everyone, everyone has the right to enjoy his life, everyone has the right to vote, everyone has the right to be a Rwandan, so like equality, everyone has rights. But if we come to implementation of those kind of things that touch on the culture or the value of the country (referring to SOHR), you have to be careful.' USAID – Rwandan – Rwanda*

My interviews show that Rwandan staff consider their actions and approaches to realise SOHR, to avoid being accused of promoting SOHR. The silences which staff and organisations display on SOHR in Rwanda reflect the human rights concerns documented in the UPR 2021. Statements from politicians from the Global North on Aid conditionality, such as those by the Prime Minister of the UK David Cameron in 2011, result in a backlash from African organisations and political figures. Seeking to realise SOHR through bilateral development, where SOHR policies are produced in donor countries, where Western LGB identities and politics are used, and where African sexualities not understood, may be seen to re-affirm colonial and neo-colonial relationships. When vocal, bilateral development organisations can be seen as vehicles to impose SOHR as a Western modernity project (Jolly, 2022). Where actions are seen as a form of 'Western Cultural Imperialism', with Western gay identities being exported (Epprecht, 2012). Although the Rwandan government does not engage in politicized homophobia, as does its neighbours, they are unwilling to visibly support SOHR domestically and inhibit civil society organising and registration. Bilateral development staff and organisations are shown to be cognisant of this geo-political and socio-political context in their approach to realising SOHR.

> *We don't explicitly go out and seek out in the way we should be doing because we don't want anyone to end up saying that we are promoting – promoting youth to be part of the community for the LGBTI. With the government saying, okay so now you are against our culture, we don't want you here no more – we no longer need your interventions – we don't want to do that. " USAID – Rwanda- Rwanda*

Staff in Rwanda are known to adapt the language of SOHR policy documents which are developed by donor countries and mainland organisations, so that they do not conflict with the domestic legislation and policies, political will, and dominant cultural values and norms on SOHR, in Rwanda.

> *'The way Sweden works in Rwanda…we don't promote. Because promotion is illegal, I would say in Rwandan law. Also, like I said there are some other laws that even our partners are careful about. For instance, I talked about marriage; and marriage in Rwandan law, in matrimonial law, is between – is between male and female. So, if we promoted, or for instance – or our partner promoted the rights of same-sex marriage, that would be against the law.'Sida – Rwandan - Rwanda*

It is also known that staff of bilateral development organisations can face danger when challenging dominant cultural values and norms in participating countries, as experienced within USAID Bangladesh and Uganda[44].

> *'We have had two instances, one where a colleague, an agency employee was murdered by activists against LGBTI in Bangladesh. We have also had issues with our HIV programme in Uganda, where we have had to take a stand as a government, as an agency, to say, "We need to provide services for these populations. We are in partnership with these, mostly men, that are incredibly courageous and are speaking out and we need to support them".' USAID – American – USA*

Leadership can, therefore, be upward through policy advice, advocacy, or peer-to-peer relationships, such as with staff teams, staff networks, or collaborative forums as well as from '*senior officers'* downwards as Hunt defines. Policy Advisers in mainland Sida regularly provide upward Leadership to the Swedish government on SOHR policies.

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[44] This concern for safety also influenced my decision to conduct all my interviews with staff working in Rwanda from the UK via telephone, see section 2.8.

> *It is easily interpreted as if the signals come only from the government to us (Sida). We, of course influence the Ministry, our colleagues there, so it's working both ways. And the LGBTI issues, Sida is much more on this issue than the government was when it showed up in development cooperation. I would say Sida actually made the pushes for it to get rolling.' Sida – Swedish- Sweden*

The boxes in red in Table 22 indicate Hunt's definition of leaders. The boxes in green relate to the leaders mentioned through my interviews. The green boxes show a broader interpretation of leaders who can take action to realise and mainstream SOHR.

Table 22. Leaders associated with bilateral development cooperation.

Type of Leader	**Location - Donor Countries**		**Location - Participating Country**	
	Sweden, USA, UK	**Nationalities**	**Rwanda**	**Nationalities**
Politicians	(A) President / Prime minister(s) / Ministers	Swedish / North American / British	(A) President / Ministers	Rwandan
Senior officers	(A) Head of Sida / USAID /DFID	Swedish / North American / British	(A) Head of Mission SIDA / USAID / Sida / DFID	Swedish / North American / British
			(A) Ambassadors Sweden / USA / UK British	Swedish / North American / British
Champions / Advisers within Sida / USAID / DFID	(A) Policy Officers at headquarters	Swedish / North American / British	(A) Policy Officers in Rwanda	Swedish / North American / British / Rwandan
Local Leaders and Organisations	(B) International NGOs	All nationalities	(C) Local Leaders (Religious, Political, Human Rights). Activists and citizens, Advocacy groups and Civil society organisations	Rwandan

Archipelago organisations and staff have oversight over the context-specific priorities, strategies, programmes, and budgets in their countries.

> *'DFID is a very highly decentralised organisation, and we will send policy advice to ministers, and ministers will set direction and goals and also parameters that we can work within to some extent ……. Although our policies come down from our ministers and their priorities are what we work on globally and at a country level. The way our kind of policy agenda works*

> *is that for me, sitting in the Policy Division, I don't have the right to tell people at the country level what to do and how to act on that. We can provide advice and guidance.' DFID– British – UK*

When applied to the Mainstreaming Human Rights Framework, this decentralised, non-directive leadership approach within DFID, as shown in the application of DIFD's LGBT Theory of Change (DFID, 2015b), shows that this type of leadership approach has not been effective in policy development, in gaining resources, devising programmes, or supporting staff in both mainland and archipelago organisations to realise SOHR.

> *"The Theory of Change is not very directive but it's as close to a directive as you are going to get on LGBT issues. So, our approach, is not very directive, and the country officers are very autonomous. There are people who are meant to be looking at how to work on these areas. So, all of those are the factors that they play in and they then direct work within their own countries within the context of the country and we have clearly identified that we need to be sensitive and understand the full complexity of the issues" DFID – British - UK*

This raises the point that a combination of the leadership approaches adopted by Sida, USAID, and DFID are needed to realise and mainstream SOHR through bilateral development cooperation. The initial leadership from donor countries and mainland staff such as is shown within Sida and USAID (during the Obama Administration), to develop and disseminate policies and allocate resources to build the knowledge and skills of staff to trigger and inspire a process of change to realise SOHR conflicts with the dominant cultural values and norms and political will in participating countries. This leadership approach then needs to become non-directive, such as described by DIFD, using participatory and empowering approaches, to enable leadership from within the socio-political contexts of participating countries to flourish. Such a non-directive leadership approach is also used by Sida in their engagement with Civil Society Organisations and commissioning partners, see

section 7.6. There are similarities between this discussion on non-directional leadership and applying the Principles of Do-No-Harm whilst realising SOHR, section 7.3.2.

The socio-political contexts within participating countries and their perspectives on the rights being realised affects the leadership approach of the bilateral development organisations. It affects their engagement with staff and stakeholders.

> *"Many countries would acknowledge that women should have the same rights as men, ……so then the issue is around enactment (of domestic legislation and policies) and, actually how does that work out in a woman's access to education, economic, employment, choice over her reproductive life and so on. ……I think LGBT is further back, and so therefore, our ability to engage on it and to push it is slightly different because if you don't have the acknowledgement from the country that something is an issue that needs to be pursued, then actually you're working further downstream and you are trying to get it to be seen as an issue that needs to be addressed before you can actually push it forward. DFID- British – UK*

Leadership approaches need to find the balance between pushing forward on realising and mainstreaming SOHR, whilst also understanding socio-political contexts of donor and participating countries and taking approaches which navigate complex spaces and therefore leading to sustainable development. Hunt's Leadership description, therefore, does not identify the negotiation that occurs in relation to the navigation of the complex spaces within bilateral development and the socio-political contexts of donor and participating countries. This description, therefore, seems to be ***more*** applicable when assessing the authenticity of human rights initiatives with the rights subject being less contentious than realising SOHR, such as gender rights.

Hunt's framework, based on the UN system and adapted to the bilateral system, does not acknowledge the impact of the geo-political and socio-political factors on political leadership. Influences from global social movements, such as feminist movements around the 1994

ICPD world conference and the 1995 Beijing Platform for Action have influenced development initiatives around gender equality and SRHR.

Hunt's Leadership description neither identifies the impact of the dominant cultural values and norms of both the donor and the participating country on the realisation and mainstreaming of SOHR through bilateral development cooperation.

> *"It is important to consider the fact that local culture and context might be a challenge to advancing the rights of minorities. Political will is something, but culture is something else. For example, in Rwanda the government seems to be open on these things but culturally many people are not open to these things, so there is a clash there." DFID - Rwandan – Rwanda*

Neither does it consider the influences of citizens on leadership, when acknowledged that citizens vote for political leaders in democratic countries and their views influence Leaders actions, who seek their votes. Voters in donor countries influence which government or administration is in power and political factions within political parties.

Political Leaders devise the legislation and policies which impact on the approaches of bilateral development organisations and funding of development initiatives and programmes to realise and mainstream SOHR. Such as the direction and resources provided to USAID through President Obamas administration, or cuts in the UK Aid budget after the general election in 2020, linked to conservative politics in the UK impacting on the funding of UK connect and on specific programmes which address SOHR, see section 4.5 and chapter 4.

> *'I would be remiss if I don't bring up the politics; I am sorry, but it is all about getting votes and getting popular support and sometimes, you know, homosexuality is a great vote mover.' DFID – British – UK*

Dominant cultural values and norms in both donor and participating countries influences political leaders.

> *'So, for LGBTI issues he (the President) has responded to questions from the media a couple of times saying, "Why do you make a fuss out of this?" .....So if I was in his position, it would be hard to act otherwise because you don't want to be the one, being the President of the country, to be the one to make this an issue when nobody has made it an issue among the people you are leading.' USAID – Rwandan – Rwanda*

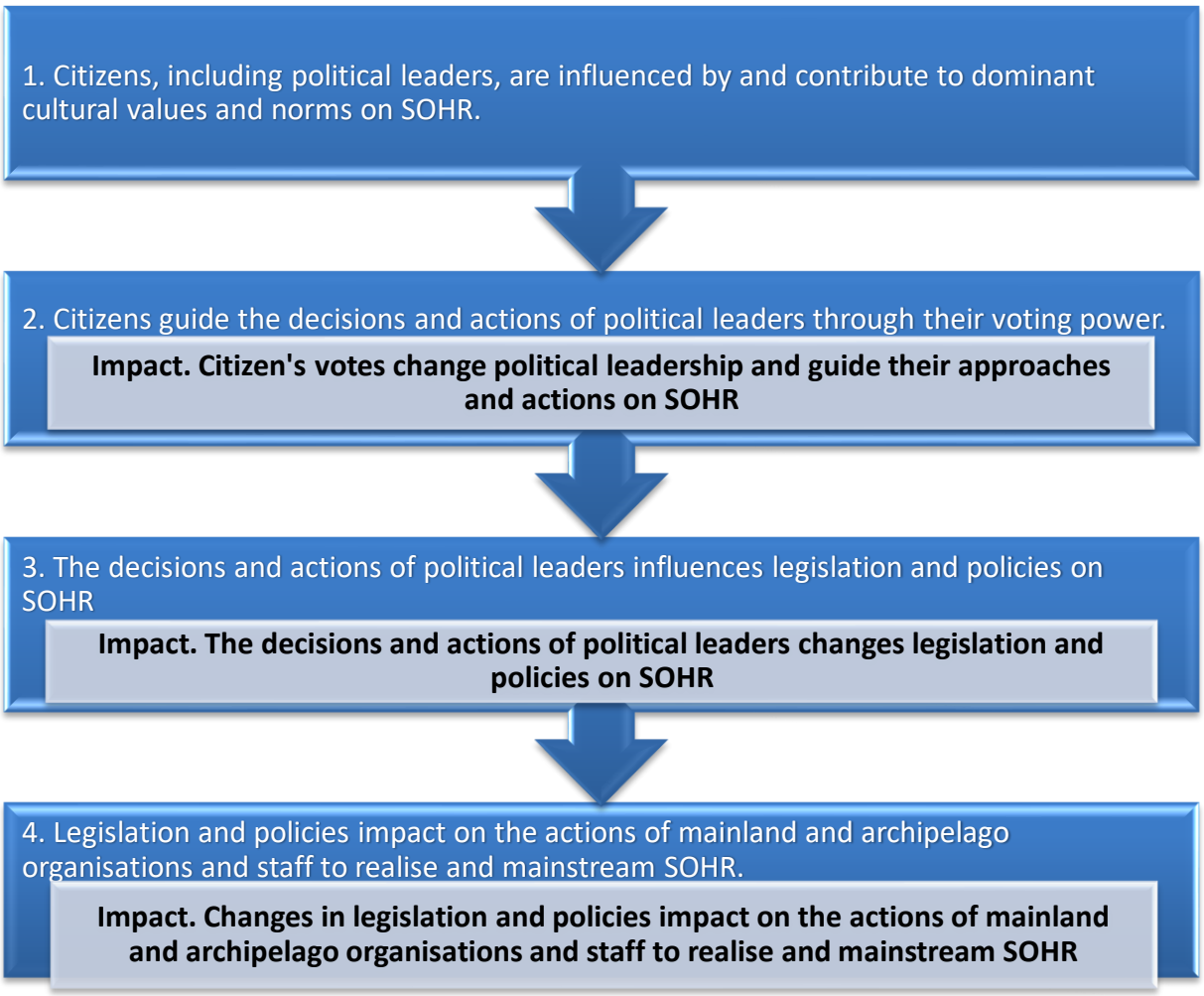
Figure 17 visualises the chain of impact from dominant cultural SOHR values and norms to the actions of bilateral development organisations.

Figure 17. Chain of Impact. Dominant Cultural Values and Norms On Bilateral Development.

Changes in the political leadership of donor countries affects the policy approaches and financing of bilateral development cooperation. This impacts on the priorities and actions of mainland and archipelago organisations and the realisation and mainstreaming of SOHR through bilateral development cooperation. This is shown through observing the political leadership within Sweden, the USA and the UK. Sweden's social democratic and 'left' political focus remains constant, even with elections every four years and changes in ruling parties and governments. This political stability has contributed to Sida's maturing focus on

realising and mainstreaming SOHR since 2006, as discussed within chapter 4 and 5. In the USA and the UK, national elections every four years have produced swings between ‘left’ and ‘right’ political focuses. These changes impact the priorities, approaches, and financing of bilateral development policies within USAID and DFID, as shown through USA’s approach during the Obama administration and change through the Trump administration, see section 7.5. Changes in political leaders both result from and affect the Chain of Impact presented in Figure 17. Citizens vote for political leaders, based on their politics which relate to their decisions and actions on SOHR, including the development and passing of legislation and policies. These legislation and policies impact on the approaches of bilateral development organisations to realise and mainstream SOHR, as shown in Figure 18.

Figure 18. New Political Leaders impact on Bilateral Development.



As well as impacting on the actions of mainland and archipelago organisations and staff, changes in the political leadership of donor countries impacts on the collaborative relationships with partner bilateral organisations, NGOs, and Civil Society Organisations.

> *'In terms of us as a donor, I think there's a challenge sometimes when there is a change in policy in the headquarters (of another bilateral organisation) with whom we could fund with. For instance, if anything changes at the headquarters in another country, and they say, "OK we don't support this". If we have a programme that we co-support, it becomes difficult for them to lose funds, and there becomes a gap in terms of funding, I would say.' Sida – Rwanda – Rwandan*

The withdrawal of support for a programme or partnership because of a change in the political leadership of a donor country sends political signals, and it impacts the resourcing or the momentum of collaborative initiatives and programmes. At the time of my interviews, there was a pending change from the Obama to the Trump Administration in the USA, causing speculation about the impact on collaborative partnerships.

> *'What we hear is, of course, that they (USAID) will continue to support LGBTI issues (following the change from the Obama to the Trump administration) and work quite extensively on that but more through a non-discrimination perspective, perhaps not as announced as LGBT issues. But then we have a problem because they are now withdrawing- and have such strong political signals, it's not so easy to see how we continue our collaborations, but that's at a very high political level. We'll just have to wait and see.' Sida – Swedish – Sweden*

7.3.2 Policy Considerations

Hunt's Policy components does not recognise that the language used in public statements and policies affects engagement and relationships with stakeholders. It can heighten historical and contemporary tensions between donor and participating countries and can impacts on the navigation of the complex spaces within bilateral development cooperation to realise and mainstream SOHR.

Consideration must be given to the language used within public statements and policies on SOHR, given that these public statements and policies on SOHR are predominantly developed by donor countries and mainland organisations. The language used, therefore, often complies with the domestic legislation of donor countries, and can conflict with the domestic legislation, the political will, and the dominant cultural values and norms of participating countries.

The analysis of LPS documents and SOHR terminology in chapter 6 shows the use of Western identity labels by donor countries and bilateral development organisations to discuss SOHR. This raises historical and contemporary concerns by countries of the Global South around Western imperialism, the imposition of Western gay identities, and attempts to use international development as a vehicle to modernise 'backward' participating countries, to accept Western homosexuality, see section 1.7 on sexuality.

The language used by the three bilateral organisations in their public statements and policies is framed through a Western lens. The three bilateral organisations state their intentions to 'advance, promote, protect, respect, empower, claim, fulfil, and realise' SOHR through bilateral development cooperation.

Sida states that '***promoting*** *and increasing* ***respect*** *for the human rights of LGBTI persons is a Swedish priority'. Accordingly, Sweden works 'on many levels to* ***advance*** *the human rights of LGBTI persons'* '*to* ***empower*** *boys, girls, men, and women to* ***claim*** *their human rights (as rights holders) and to increase the capacity of those who are obliged to* ***respect, promote, protect*** *and* ***fulfil*** *those rights (as duty bearers)'.*

USAID seeks to '***advance*** *the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons'* by ensuring '*that U.S. diplomacy and foreign assistance* ***promote*** *and* ***protect*** *the human rights of LGBT persons'.*

DFID states that the '***realisation*** *of human rights underpins sustainable development'* across work DFID '*and will seek to* ***protect*** *the human rights of LGB&T people and to* ***ensure*** *that all groups are able to share in the benefits of development, regardless of sexual orientation or gender identity',* see chapter 4 and 5. Verbs such as promoting and advancing SOHR

conflict with the Rwandan constitution, legislation, political will, and dominant cultural values and norms on SOHR.

> *'When you say promoting, you have an opposite definition when it comes to LGBTI because there is a feeling and a concern within the government of Rwanda where, you know, these are not things anybody should be promoting. They should be left to evolve on their own without someone trying to promote them from outside. Because the custom as you know in most parts of Africa is that this debate of LGBTI rights is being driven from outside and, as you know, the history with colonial regime and so on, there is always a theory that this is another war that they are waging on our customs, on our traditions and our culture and why don't they leave us or you become very spearhead of this movement.' USAID – Rwandan - Rwanda*

These verbs present connotations of imposing Western values through bilateral development cooperation from donor countries on participating countries and from mainland organisations onto archipelago organisations. It can be interpreted as colonialist, (Puar, 2007), see section 1.6. With limited knowledge about African same-sex sexualities, which are not homogenous but change according to location, it is challenging to name groups, practices, and to develop strategies, and therefore, begin to imagine and articulate people, groups, and practices, as the start of the assembly of rights (Plummer 2006), see section 1.7. The assembly of rights will not begin if African same-sex sexualities continue to be hidden and ignored using Western language. The Mainstreaming Human Rights Framework considers geo-political and socio-political contexts, but it should be more explicit in exploring the different meaning of same-sex sexualities in differing contexts.

The language within public statements and policies, therefore, needs to be mindful of the socio-political contexts and dominant cultural values and norms within participating countries. These public statements and policies developed in donor countries and mainland organisations need to be appropriately formulated when shared with staff in archipelago organisations and with commissioned partners and governments.

Hunt's framework does not acknowledge the conflict between differing human rights claims and policies, especially when delivered using heteronormative lenses, see section 1.11. One specific area of negotiation and conflict is between realising and mainstream SOHR and the application of the Principles of Do-No-Harm. The Principles of Do-No-Harm are applied across development cooperation. These monitor the intended and unintended impact of aid or development initiatives and programmes on existing conflict to prevent adverse effects or contribute to instability and violence (DFID, 2010). For example, these Principles are included within the DFID 'Smart Rules' which provide the operating framework to ensure consistent management of programmes across DFID operations (DFID, 2019).

> *'Avoid doing harm by ensuring that interventions do not sustain unequal power relations; reinforce social exclusion and predatory institutions; exacerbate conflict; contribute to human rights or safeguarding risks; create or exacerbate resource scarcity, climate change and/or environmental damage; and/or increase communities' vulnerabilities to shocks and trends. Ensure that our interventions do not displace/undermine local capacity or impose long-term financial burdens on partner governments. (DFID, 2019)*

When discussing 'DFID's approach on lesbian, gay, bisexual and transgender (LGB&T) rights' (DFID, 2016a), the Principles Do-No-Harm principles are prioritised when considering the application of this policy.

> *'You know, the first rule is to do no harm….we make sure that our interventions positively contribute because it also has got a do no harm or safeguarding aspect to them' DFID-British-UK.*

Transformative mainstreaming is a frame which underpins successful mainstreaming and therefore is a component of the Mainstreaming Human Rights Framework. It seeks to challenge dominant cultural values and norms and change the status quo. This can raise anti-human rights activism as a backlash, see section 1.6. Staff, therefore, need the individual values and skills and the support from organisational cultures, to be able to take action to

realise SOHR. They need skills to consider their safety and to commissioned partners, but also to apply the Principles of Do-No-Harm whilst they are devising strategies and taking actions to realise rights.

The relationship between the Principles of Do-No-Harm and SOHR mainstreaming specifically relate when development initiatives and programmes challenge dominant cultural values and norms, such as in Rwanda.

> *'We always try not to do more harm. We have the policy not to Do Harm. As you progress working with the LGBTI community members, we may end up harming them rather than helping them out because you know the culture issue, the cultural attitudes and norms around this kind of sexuality. In some countries like Rwanda it is kind of taboo'. USAID-Rwandan-Rwanda*

Although a perspective on this was not provided by my interviewees on SOHR, the following quote speaks about DFIDs safe abortion work, which is another contentious sexual rights initiative addressed by DFID.

> *'In the context of not doing any harm, with our own investment to fund (civil society organisations), we have a duty of care around grantee and security and safety. And a lot of our grantees working on safe abortion see an awful lot of anti-choice activism and so – I suppose it's getting the balance between pushing forward on all these issues but not being like a bull in a china shop either.' DFID-British-UK*

The Mainstreaming Human Rights Framework in its current form does not consider how to manage conflict between different rights claims when implementing and assembling SOHR. A balanced consideration needs to be taken on different levels and in different 'rights arenas' where strategies are formed to realise and mainstream rights. This includes the local, national, global levels and within organisations for internal mainstreaming.

> *'…there are different platforms, whether it is influencing debates and outcomes at a UN General Assembly in New York right down to debates and discussions at country level, yes, it's to try and inform, influence, and push*

forward all the time. But also, in the context of not doing any harm.' DFID - British- UK

7.3.3 Policy References and Citizenship of Staff

Although Hunt's Policy description references the adoption of SOHR policies by a '*high-level body within the bilateral organisations'*, the adoption of policies by all staff members contributes to realising and mainstreaming of SOHR through bilateral development cooperation. My interviews showed that the country where staff member live, works, tare citizens of, and their thematic focus of work, and seniority, as well as their affiliation to a LGBT staff 'community' (e.g., staff networks), impacts on their knowledge about policies and their application of these documents related to SOHR. The LPS documents which guide bilateral development and reference SOHR were referred to in my interviews predominantly by staff who were citizens from donor countries, both working in the mainland or archipelago organisations.

From my twenty-four interviews across the three organisations, eighteen (18) were citizens of donor countries (75%), and six (6) were Rwandan citizens (25%). Only one (1) Rwanda staff member from USAID (4%) referenced a policy which guides bilateral development cooperation on SOHR[45]. Twelve of my twenty-four interviewees (50%) did not mention public statements or policies. Of the 50% that did, the public statements and policies that focused explicitly on SOHR were referenced only by only staff who were citizens of donor countries and based in head offices. Their work also focused on realising and mainstreaming

[45] One Rwandan staff member referring to SOHR through a policy equates to 4% of all of my interviewees and 17% of my Rwandan interviewees.

SOHR, or they were interested in realising mainstreaming SOHR, such as being from the LGBT Staff Network. For example, Sweden's 'Compilation of 27 briefs on Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Persons' (Sida, 2014a) and Sida's policy of 'Sexual Rights for All' (Sida, 2010) was only mentioned by the Policy Officer involved in its development; DFID's 'Approach on lesbian, gay, bisexual and transgender (LGB&T) rights' (DFID, 2016a), and the accompanying Theory-of-Change (DFID, 2015b), was only referenced by the policy officer spearheading SOHR through DFID; and USA's Presidential Memorandum (2011) and USAID's LGBT Vision for Action (2014) were referred to by staff interested in SOHR as part of the USAID LGBT Staff Network. The only exception was one Rwandan staff member referred to the USAID's LGBT Vision for Action (2014).

The Swedish Rights Perspective was mentioned by four (4) out of seven (7) Sida interviewees (57%). All were Swedish, in senior positions working in Sweden and Rwanda. This shows that policy documents on the Swedish Perspective, which include reference to realising and mainstreaming SOHR, were not known or associated to sexual rights or by Rwandan staff.

I analysed the adoption of the USA Presidential Memorandum (2011) and the USAID LGBT Vision for Action (2014) by USAID interviewees. Six (6) of my eleven (11) interviewees (55%) referenced one or both documents. Five (5) of these eleven (11) (45%) were US citizens, and one (9%) was Rwandan. Over 45% (5 of 11) interviewees did not mention either of these policies, leading to the assumption that actions need to be taken to support the adoption of these policies within USAID to realise and mainstream SOHR. Specifically, the USA Presidential Memorandum (2011) was referenced by four (4) out of eleven (11) interviewees (36%). All of these officers were US citizens working in USAID's head office

in the USA and three of these four (27%) were from the USAID LGBT Staff Network. The USAID LGBT Vision for Action was referenced by four (4) out of eleven (11) officers interviewed (36%), three (3) were USA citizens (27%) and one (1) was Rwandan (9%). Three (3) of the four (4) (27%) were members of the USAID LGBT network and USA citizens and two (2) of the four (4) (18%) also referenced the Presidential Memorandum and were US citizens working in the USA.

The willingness of staff from the USAID LGBT Staff Network to talk about SOHR is a crucial part of the process for rights to accrue to people whose identities flow out of communities made up of other members like themselves, according to Plummer (2003,2006). This enables 'would-be citizens' to tell personal stories about 'their rights' and establish 'communities of support' which they are heavily dependent upon, to help to shape the individual and/or group rights that develop. It must also be noted that all members of the USAID LGBT Staff Network whom I interviewed were US citizens, which shows the divide between the movement to assemble rights through the mainland and archipelago organisations.

The UK's Equalities Act (2010) and International Development (Gender Equality) Act (2014) were each referenced by two (2) British staff members, one working in the UK and one in Rwanda. Of the six DFID staff members interviewed, the two (2) (33%), who referred to SOHR policies were both British citizens, none were Rwandan. The 'Leaving No-one Behind' programme in Rwanda, which was active at the time of my interviews, was referred to by both Rwandan and British staff working in Rwanda.

DFID's smart rules provide the operating framework for bilateral development programmes. It guides the analysis which they are based upon and their development (DFID, 2019). It

references protected characteristics in compliance with the Equality Act (2010), Public Sector Duty (2010) and Leaving No-one behind, Our Promise' pledge (DFID and FCDO, 2019). It was referred to by policy advisers from DFID mainland but not Rwanda. This indicates that the Smart Rules have not been adopted by Rwandan staff. This is contradictory to the view of one DFID mainland Policy Adviser who believed that the Smart Rules, hence SOHR, are being mainstreamed through development initiatives and programmes.

> *'In theory, because it's in the Smart Rules, it should happen already. People should be looking at, when they've developed a programme, they should have identified the impact on LGBT communities, and if it's in the development of the programme, they should be measuring the results of that.' DFID – British - UK*

This analysis of who references and does not reference SOHR public statements and policies shows the extent to which SOHR has been internally mainstreamed with staff working in both mainland and archipelago organisations. It shows that the internal mainstreaming of SOHR has been more achieved with staff who are citizens of donor countries than with staff who are citizens of Rwanda. This implied an influence of socio-political contexts on the realisation and mainstreaming of SOHR through bilateral development.

There are many factors which impact on the recognition of SOHR within policy documents by staff. These include the socio-political context and the controversial nature of SOHR. The ramifications of challenging dominant values and norms; the conflict between the domestic legislation and policies on SOHR of the donor countries and Rwanda; and that SOHR policies originate from donor countries and mainland organisations. The resources and time that it takes to disseminate legislation and policies through mainland and archipelago organisations, to build staffs knowledge on these documents, alongside building skills to

navigate the complex spaces within bilateral development cooperation, needs to be realistic across bilateral development organisation and their development initiatives and programmes.

> *'The Ministry works with very short deliveries, and they want results in no time at all. While we work as experts, thematic experts, and experts on Development Cooperation. For us, we want to have time, and competence development takes time, and the development results take time .....and with something like the Feminist Foreign Policy – they think, we just do an outreach on this, and we signal to the Embassies that this should happen and change will happen.* ***….****I mean Development Corporation is long-term work. We cannot expect any results in half a year. Whereas when you work in politics, you can change a law or you can do this, you can do that … I mean, it's two different worlds in many respects.' Sida – Swedish - Sweden*

In addition, as an observation from my interviews, Rwandan staff from archipelago organisations were uncomfortable or unpractised to talk about SOHR. This relates to there not being significant 'rights arenas' in public spaces and within organisations to discuss the meaning of SOHR, see sections 3.5 and 8.2.

> *Talking about the context here around LGBT, we do have these conversations in DFID Rwanda, but we find even that our local staff, for example, that this is a taboo issue for them. So this journey that we're on in terms of inclusion is within our own office as well as having an influence on the broader society here.' DFID – British - Rwanda*

Given that I was an unknown and a Western female researcher, talking via the telephone, I felt that I could not further enquire about my perception of my interviewee's uncomfortableness in interviews and that a second interview potentially could have built more trust, but was not possible within this research framework. This relates to my approach and positionality as a researcher, see section 2.5.

7.4 Programming. Sida, USAID, DFID

In Figure 4, I present Hunt's (2017) adapted Programming component in relation to the bilateral development system. In this section I present and discuss the presence of programming within the three bilateral development organisations.

> ***Programming.*** *Bilateral system. The integration of this high-level Sexual Orientation Human Rights (SOHR) policy into all phases of programming. (Figure 4)*

All three of the bilateral development organisations approach programming and the commissioning of partners differently.

> *If you now look at USAID, DFID and us (Sida), we have different approaches to what makes change happen of course…..our preferred mode of support is core support to NGOs and to multi-laterals, believing in them that they know best what will drive the change. So for us, it's not telling them, please deliver on A, B, C. Rather, they understand the reality and tell us what will need to change'. Sida – Swedish – Sweden*

Staff need to have the knowledge and skills on SOHR to navigate the complex space within bilateral development cooperation, to take action to realise and mainstream SOHR through development initiatives and programmes. Internal mainstreaming builds the knowledge and skills of staff on SOHR and is therefore a prerequisite to external mainstreaming through development initiatives and programmes, see chapter 8. As assessed through the Mainstreaming Human Rights Framework, the three archipelago organisations have not taken sufficient action to successfully internally mainstreamed SOHR internally. There therefore are limited development initiatives and programmes which seek to realise SOHR to observe.

Sweden and Sida. Programming

Sida's programming and engagement approach is participatory and empowering, which is a conceptual frame observed within the Mainstreaming Human Rights Framework. They

support the initiatives of local Civil Society Organisations and support them to take actions when aligned to the Swedish Perspectives, see section 4.3.

> *We don't design programmes. They (civil society organisations) design them, but we may disapprove of a programme proposal and say, "Well, you know, this is not in line with the strategy." And they may make changes, modify the programme, but it's still their programme, and we aim for core support, which means that we actually give and earmark funding to a lot of partners who have strategic plans and make their own priorities'. Sida – Swedish – Sweden*

The challenge with this approach arises in the socio-political context of Rwanda, where Civil Society Organisations are restricted to register, operate, and organise, especially in relation to SOHR.

> *'So, we are not deciding for the partners, what the partners should do. They have their own mandates, and it's not that we tell them, you get this funding to do this for us. We actually fund organisations who come to us with proposals.' Sida – Swedish – Sweden*

Sida's programming approach, to accept proposals from Civil Society Organisations on their identified need and then discuss how these fit with Sweden's Perspectives, including their Rights Perspective, is explicitly stated on their webpages[46], as well as through my interviews. It also relates to the position of the Civil Society sector in Rwanda in relation to SOHR, see section 4.2. This is the reason why Civil Society Organisations have not proposed programmes on SOHR within Sida.

However, there are opportunities for the bilateral organisations to source and build collaborations with Rwandan Civil Society Organisations and global social movements such

[46] https://www.sida.se/en/for-partners/partnership-with-sida/ (accessed 16.07.2023)

as through the proposed Article 217 amendment to the Rwandan constitution, see section 2.3, or the open letter to Commonwealth Heads of Governments prior to CHOGM 2022, see section 4.2. A further opportunity for collaboration is with national and international organisations who contributed to the Rwandan UPR 2021, see section 4.2, and through Rwanda's membership of the Commonwealth, FADA Rwanda is working to build and share a collective voice on SOHR, see section 4.2.

The structure of Sida's programming within the Rwanda socio-political context could lead to an inertia which impacts on the movement through Plummer's processes and the assembly of SOHR. The challenge of limited SOHR programmes proposed by partners in Sida Rwanda is exemplified when 'rights arenas' to discuss SOHR are not enabled internally, see chapter 8. Without 'rights arenas' there does not exist opportunities for staff to engage in 'continuous rounds of negotiated actions', for SOHR to be 'imagined, articulated, vocalised and announced,' for 'would-be citizens' to tell personal stories about 'their rights', to establish 'communities of support', 'to support the interpretative and activist work of social movements and a diverse range of moral crusaders and entrepreneurs', or to 'interpret, rationalise, and define identities and related rights in public spheres' (Plummer 2006, p. 153).

Opening 'rights arenas' to discuss SOHR with commissioned partners shares the values of the bilateral development organisation and enables them to move through Plummer's five processes (2006). If partners are recruited based on their SOHR values and engage in rights arenas, it enables them to secure future contracts with the bilateral development organisations, contributing to the assembly of SOHR by building the 'collective conduct and social meaning of many' (Plummer 2006, p. 153).

Commissioning partner organisations based on their SOHR values supports the realisation of SOHR. Only one interviewee referred to assessing the recruitment policies of partner organisations in relation to SOHR. This shows that this approach is not a requirement of Sida's commissioning monitoring systems.

> *"I always look through their recruitment policies so I assume other people do it, but I can't swear, and there are no specific questions in our tack system. I don't think it's a specific term that they should have, a recruitment policy relating to human rights. In my last commission I looked at the recruitment policies of the organisation to check that they had an open, transparent process but also that they had a tagline of acceptance and equality." Sida – Swedish – Sweden*

In relation to programming and realising the Swedish Perspectives, it was perceived that the Rights Perspective and Gender Perspective overlapped, yet, the distinctions made between Perspectives in Swedish legislation, alongside the traction gained to realise gender equality, meant that these perspectives should remain distinct through programming.

> *'Gender overlaps with the human rights-based approach, SRHR overlaps with all, so everything overlaps. We have gender in focus, and then we look at what does a human rights-based approach and gender mean. What does SRHR mean from a gender perspective? We need to have a focus but bring everything into the picture at the same time otherwise it disappears……we cannot blur the perspectives too much. I mean you have to be able to clearly follow what we do regarding each one of them (a gender perspective and a human rights perspective). Sida – Swedish – Sweden*

For Sida, intersectional analysis to structure programmes is referred to in the 'Sweden's Feminist Foreign Policy's action plan 2019 to 2022' (Government of Sweden, 2019), see chapter 6. Undertaking an intersectional analysis identifies the 'most poor' and 'most vulnerable' and identifies SOHR as a rights issue when applying the Rights Perspective, eradicating the need for an explicit focus on SOHR in contextual analysis or programming.

> *'If you have a context and you look at this context using the human rights-based approach, applying the principle of non-discrimination. If you do it*

> *properly you should actually, you know, come across individual sub-groups who are discriminated, the most poor, in the most vulnerable situations and so on – and among those and in a lot of contexts you should find LGBTI persons. So, if you do it correctly, it shouldn't be a problem, and if you introduce LGBTI as a human rights issue, linked to using a human rights-based approach, colleagues understand it.' Sida – Swedish – Sweden*

USA and USAID. Programming

USAID commissions strategic partners to implement development initiatives and programmes in participating countries, see section 4.4. Their approach to bringing SOHR into the work or archipelago organisations was to communicate with gender, youth, and disability advisers already in positions to embrace an intersectional approach and analysis to programming. To address the root causes of vulnerability and poverty.

> *'So, we started with the gender advisors being mostly focussed on males and females and a separate cadre of people who are champions around LGBT rights. The gender folks have been a natural audience for also taking on LGBT agenda; so many of them have willingly embraced it, and I think if you look at our policies and strategies on gender issues, they generally are fairly good, with regard to LGBT integration also' USAID – American-USA.*

Having established a competent gender focus in USAID Rwanda, actions to consult on gender issues now include consultation with LGBT community members.

> *"when we conduct any of our gender analysis, we also include LGBTI community members and leaders into our discussions, to be able to document the main issues they are facing. ……So our gender agenda includes also the LGBTI community, because I see it as being a sub-sector of gender in general. So, we don't really treat the LGBTI in isolation, we see it as an intersection of gender. So, whenever we try to do like an assessment on the gender issues in the country that the mission could take into account, we also talk to the LGBTI community members to see what they are feeling like……, We hear from them, we get their voices and we try to integrate their barriers into the interventions, if it fits well." USAID – Rwanda - Rwanda*

Combining gender and sexuality consultations supports an intersectional approach, which is a considered frame within the Mainstreaming Human Rights Framework. However, this

consultation approach used by USAID does not apply meaningful participatory and empowering approaches to gain meaningful involvement. Meaningful participatory approaches are a frame of the Mainstreaming Human Rights Framework.

UK and DFID. Programming

DFID's programming approach to bilateral development is strongly influenced by the views and actions of voting citizens. It also is influenced by the reporting of the British media. These are shown by the impact of the media and the public on UK Aid cuts, relational to Brexit and leaving the European Union, see section 4.5. These factors also influence the type of programmes that are visible and financed.

> *'People (voting citizens) are much more content to see money spent on maternal health or improving access to safe care for delivery; that's something everybody is comfortable with. People in the UK and politicians are less comfortable with getting engaged in LGBT rights or abortion and things that are a bit trickier. DFID – British – UK*

Instigating and supporting programmes which are unrecognised as typical development aid programmes is challenging for both politicians and bilateral development organisations. It is challenging when there is not a clear correlation between the financing and impact of programmes, and where data is hard to capture. This is especially pertinent in political environments, such as the UK, where there is a wide spectrum of political convictions. Politicians in government or in the opposition seek to gain support from the voting population at large. This correlation between the public, politicians, and programming is acknowledged by DFID staff.

> *'It's easier when you can say, "Well X number of people got – were fed so X children were saved against….," and those things are very accountable and deliverable and visible to the public. So, politicians will inevitably like them. Working for decades trying to influence the way the UN Population Fund engages on some of the issues you're talking about, or trying to influence*

> *change in Rwanda, that's two steps forwards and ten steps backwards. It's much harder to demonstrate the results around that. It then becomes harder to defend that type of spend and it's not always popular with the British public.' DFID – British - UK*

Information could be sourced through the LGBTI Inclusion Index, led by the United Nations Development Programme, which captures socio-economic data globally to enable the impact of programmes to be assessed (Daly et al., 2022).

In 2016, DFID Rwanda nominated itself to be a trial and test resource to apply the 'Leaving No-one Behind' pledge (DFID and FCDO, 2019). To also share learnt experiences with DFID mainland and the archipelago organisations globally.

> *'.....there was a lot of enthusiasm for the Leave No One Behind commitment across DFID but not a lot of knowledge around how do we apply this and make it practical, and make it work to improve the development that we're delivering. So, DFID Rwanda kind of stood up and said we'd like to (a) prioritise this and (b) trial a range of different approaches, so we could do looking at both our work internally and how we work with partners externally.' DFID – British - Rwanda*

DFID Rwanda made a significant public statement of intention to implement a programme which includes intersectional analysis and responds to the socio-political context, whilst upskilling staff and applying participatory and empowering approaches.

> *'Part of our conversation here in DFID Rwanda is looking at how do we broadly up skill on social inclusion and on better understanding and sectionalities and the overlaps between horizontal and vertical inequalities.' DFID – British - Rwanda*

This programme was the only programme of the three bilateral organisations to support the realisation of SOHR in Rwanda. Although, there may have been other programmes which seek to realise SOHR in Rwanda, these intentions were not specifically referenced in the LPS documents or are referred to in my interviews.

> *'A strategy covering a certain country may not mention LGBTI rights, even if it's a big problem in the country..' Sida – Swedish - Sweden*

Leave No-One Behind is the central, transformative promise of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) (UN SDG, 2016). It represents the unequivocal commitment of all UN Member States to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave people behind and undermine the potential of individuals and humanity.

> *'Leave No-one Behind covers a whole range of vulnerable and marginalised groups and, of course, the poorest. So, in terms of sexual rights, LGBT falls under our Leave No One Behind commitment, and we kind of navigate that given the context that Rwanda has politically and socially around LGBT kind of awareness, discrimination, and the legal frameworks. 'DFID – British – Rwanda*

Programmes that are developed in the socio-political contexts of participating countries, such as the Leave No-one Behind programme in Rwanda, provide the possibility for staff within archipelago organisations to 'imagine, visualise and empathise' and 'articulate, vocalise, and announce' SOHR, in accordance with Plummer's first and second processes (2003, 2006). Given that Plummer's processes incrementally build upon each other, by realising the first two processes, staff are in position to move through the following stages of Plummer's generic processes to 'invent identities', 'create social worlds' and a 'culture of 'public rights' (Plummer 2003, p.34). The Leave No-one Behind programme can, therefore, be seen as a 'rights arena' (Plummer 2006), see section 3.5. It provides the opportunity to bring staff together, to undertake an explorative journey, to increase their knowledge and skills, to understand and identify context-specific approaches to realising SOHR.

DFID Rwanda galvanised the support of staff to adopt this commitment and implement the 'Leaving No-one Behind' programme. Previous gender and youth 'champion' roles in DFID

Rwanda nominated themselves to become the ‘Leaving No-one Behind’ task team, to hold internal events, raise dialogue around Leaving No-one Behind, and devise an intersectional approach. It was staff's individual values that led them to embrace this explorative approach for Leaving No-one Behind. Such individual values are discussed in chapter 8.

> *“We have a team, which actually coordinates the Leave No One Behind agenda. First of all, we have a work plan, an annual work plan that we develop, and we support and implement across different DFID Rwanda programmes. And we have some brown bag events, we organise some dialogue meetings around Leave No One Behind. We ensure that advisors commit to monitoring and to implement a certain percentage of resources in their programmes” DFID- Rwandan – Rwanda.*

In its first year, the Leave No-One Behind team used participatory approaches to raise conversations and consult with DFID officers. These participatory approaches are observed as part of the Mainstreaming Human Rights Framework. It was envisioned that their one-year review (conducted during my interviews), would be shared across DFID Rwanda, enabling them to learn and identify ambitions and priorities, and to formulate a Theory of Change in relation to the programme. The team developed an annual work plan and supported its implementation across other thematic programmes. Managers were also encouraged to commit a percentage of their programme resources to Leave No-one Behind and to monitor implementation.

> *“To set up Leave No-one behind, the portfolio review had a lead advisor ……meeting with SROs, meeting with programme teams and meeting with the three advisory teams and a core team in DFID Rwanda to look at what more could be done or what is already happening. …..there have been regular meetings and updates between the advisory team that leads on Leave No One Behind and our senior management team. We also have a Leave No One Behind task team, which draws across the office of DFID Rwanda but also our Foreign and Commonwealth Office colleagues and that meets regularly to discuss the Leave No One Behind agenda.” DFID – Rwanda – British.*

Given that actions taken to realise and mainstream SOHR through bilateral development cooperation dependent upon the socio-political contexts of both the donor and participating country, a blueprint cannot be used to mainstream SOHR through development initiatives and programmes in participating countries. A flexible and explorative approach, such as the Leaving No-one Behind programme approach is needed to achieve sustainable outcomes.

7.4.1 Programming Considerations

Hunt's Programming component does not capture the differences in programming structures, the (non)flexibility of funding and reporting processes, and the frames through which programmes are delivered, which can either support or challenges the realisation and mainstreaming of SOHR. It does not recognise that the socio-political context significantly influences the impact of development initiatives and programmes which seek to realise and mainstream SOHR. Neither does it conceptualise that people experience discrimination and poverty based on multi-dimensional and intersectional structures of power and therefore an intersectional analysis on which to formulate development initiatives and programmes is essential to realise and mainstream SOHR. It does not recognise that internal mainstreaming is a prerequisite to external mainstreaming and needs to be achieved to build the knowledge and skills of staff before SOHR development initiatives and programmes can be developed and implemented, as discussed in chapter 8. Neither does it consider that the structure of programming, such as the pressures from the programme cycle and funding cycles and reporting requirements which are imposed on programme delivery and attached to development initiatives and programmes, impact on the realisation and mainstreaming of SOHR.

Hunt's Programming component does not identify that funding and reporting programme cycles tend not to focus on long-term outcomes, with funding cycles generally being three to five years. This makes it challenging to capture the impact of SOHR development programmes and initiatives, on the realisation of SOHR, given the complexities to navigate complex spaces within bilateral development cooperation where impact is shown over a much longer timeframe.

> *'I had somebody asking recently about longer-term impact evaluations, and unfortunately, because the cycles that we fund partners, it's usually for three to five years; it's short. If you are interested in measuring impact you would have to do it over ten years, something like that. Very few donors fund like that. So, it's a problem because what we want to see is, of course, not change for us; it's change at country level, you know, impacting poor people's realities; that's the impact that we want to see and the change' Sida – Swedish – Sweden.*

The rigid and short funding and programme cycle within bilateral development cooperation also constrict movement to realise SOHR when opportunities arise.

> *'You might suddenly have a government change or a shift in an actor who had been a blocker for a long time, and in a moment, there's a moment when you think you can make progress, that will then influence what happens, how you can work over the next decade on that issue. But unless they (civil society organisations) have the ability, the way their funding is constructed, to move on that moment, it can be lost. I do think that's a huge issue in the way development funding is constructed……'It's being able to seize the moment' DFID – British – UK.*

Therefore, the general structure of commissioning and funding development initiatives and programmes does not allow archipelago organisations and Civil Society partners organisations the flexibility to respond to context-related changes, which could support the assembly of rights. Flexibility to support the interpretive and activist work of social movements and a diverse range of moral crusaders and entrepreneurs, is therefore not avaliable (Plummer 2006, p. 153).

> *'A huge issue is around the flexibility of Development….the way of development funding, not just DFID's, anybody's work. There is usually a process of identifying some sort of need or an intervention in country and then it goes through some sort of planning process and then there's the decision-making process as to whether that money can be spent or not – and then there's probably a tender process to find somebody to spend the money … and then there's an inception process and blah, blah, blah,– it's all quite time-consuming. Often working on the type of issues (SOHR) you're looking at when the opportunities arise, and you need to be able to be quite flexible to just get in there and make the most of that opportunity or to be on the ground to – to address that challenge. And I think there is a real constraint in the way development funding works, particularly to enable that.' DFID – British – UK*

Hunt's Programming component does not identify that bilateral development organisation mechanisms to report on programme funding does not suit the structures and work of smaller Civil Society Organisations. These organisations are, therefore, at a disadvantaged in gaining funding for SOHR programmes.

> *'There is a big drive for value for money and transparency and understanding where every penny goes and there's a real consequence. It's much easier to spend through big organisations who have all the ways of counting and auditing, everything in place, than small Civil Society Organisations where they are a million miles away from us here so it's much harder to have a real handle on the ground. Yet unless you support local Civil Society, there will never be change on the issues that you were talking about, you know, because it's got to come from the bottom up, really. And so, the way development aid flows- does make it harder to work on these issues. DFID – British - UK*

According to Plummer, schisms and fracturing energises social movements, gives them momentum, and are a positive animating part of an ordered process through which rights claims emerge (2003, p. 44). Schisms and fracturing are present within bilateral development cooperation through pressures in programme cycles which often do not include the time or financial resources to realise or mainstream SOHR through development initiatives and programmes. Schisms and fracturing also occur when development initiatives and programmes are delivered using a heteronormative lens, which negates the realisation of

SOHR, see section 1.11. When funding and reporting pressures support development initiatives and programmes that are based upon dominant gender and sexuality roles and relationships, these programmes consequentially perpetuate inequalities and structural positions of power, denying access to resources (Lind, 2009), see section 1.11.

Jolly, (2022) proposes the use of a heteronormative framework with intersecting axis to look at normatives and inequalities around sexuality in the development sector. Such a framework would reveal underlying heteronormative assumptions in development practitioners thinking which inhibits the assembly of rights. This raises the conflict faced by development practitioners between realising gender rights and recognising the restraints of gender norms. Between impacting on the immediate lived experiences of women or transforming heteronormative structures which leads to inequalities. This is illustrated in the following quote, where the focus of the development practitioner is on the immediate lived experience.

> *"For my role I have to understand the social determinants of health, which includes gender rights….. I know little about how to change rights and how to push rights, that is not my skill set particularly. My skill set is about understanding a woman's position in her household, her control of finance or lack of it, her economic opportunities, the way her husband treats her, how decision-making processes in the household influences her access to health care to bring services closer to women, making sure that we are not putting financial barriers in their way, that the services we are providing are easy for her to access, even without a decision from her husband. So, my role is a response to that." DFID – British - UK*

Hunt's Programming component does not identify and capture that programme commissioning, funding, and reporting structures can be delivered using different lenses, which can impact on the realisation and mainstreaming of SOHR.

7.5 Resources. Sida, USAID, DFID

In Figure 4, I present Hunt's (2017) adapted Resources component and the resources allocated by the donor countries and three bilateral development organisations.

> ***Resources.*** *Bilateral system. Adequate resources to support the Sexual Orientation Human Rights (SOHR) initiative, including staff. (Figure 4)*

Resources are needed to open-up 'rights arenas', to discuss SOHR both internally within bilateral development organisations and externally with partners and stakeholders through development initiatives and programmes, see section 3.5 and 8.2. These 'rights arenas' enable opportunities to learn about and reflect on complex challenges to realise SOHR. They inspire the development of staff's knowledge, skills, and confidence to take action to mainstream SOHR. They provide opportunities to discuss how individual values of staff and organisational values align, how internal structures can be enhanced, and organisational cultures developed and embedded.

Resources provide the opportunities to hire dedicated staff to realise and mainstream SOHR, to devise and roll out training, to hold conferences, build networks, and develop policies and toolkits. Establishing 'rights arenas', provides opportunities to move through Plummer's five generic processes to assemble SOHR rights.

My interviews reveal that intensive resources are needed to accompany the dissemination of public statements and policies on SOHR and to ensure that mainland and archipelago staff accumulate the knowledge and skills to navigate the complex spaces to realise and mainstream SOHR through their organisations and through development initiatives and programmes. Resources increase staff's '*individual values and skills'* and develop

'organisational cultures', which inspire and enable safe discussion spaces around SOHR, essential to realising and mainstreaming SOHR.

Training Resources

Training environments are forms of 'rights arenas'. They provide the space for dialogue, the opportunity to learn about public statements and policies, and provide opportunities for perspectives on SOHR to be discussed and debated so that staff can form their individual perspectives which are supported by evidence. Training environments build staff's '*individual values and skills',* are a component of both internal and external mainstreaming. They enable staff to identify the theoretical and conceptual frames on which to approach their work, to analyse and understand the socio-political contexts in relation to SOHR, and to strategise, and take actions through development initiatives and programmes.

Within archipelago and mainland organisations, training to all staff creates allies with the tools to stand up to SOHR discrimination, develop a voice against direct and indirect discrimination and identity-based harm both inside and outside of work[uu]. Such training builds 'organisational cultures' to offer safe discussion spaces and opportunities to challenge discriminatory practices and share best practices. It supports the internal mainstreaming of SOHR, as discussed in chapter 8.

Hunt's Resource component captures a snapshot of the resources that are present at a given time, it does not capture the long-term and intensive resource commitments required to realise and mainstream SOHR.

> *'It's a constant struggle. I mean, you will always have to (deliver training), you can never sit back and think, yeah, now everybody understands this, so you have to constantly repeat the message'. Sida – Swedish – Sweden*

In Sida, resources to train staff and build competencies to understand SOHR and apply the Rights Perspective have been made available over a sustained period. At the time of my interviews, extensive training was being 'rolled out' in archipelago offices to sensitise USAID staff to the Presidential Memorandum (2011) and LGBT Vision for Action (2014) and create conversations in the workplace. These training events included role plays, workplace discrimination, engagement, programme design, implementation, and monitoring.

> *'....the purpose of the training is to sensitise the staff around what the US government policies are; so a lot of the new policies, new Executive Orders, new USA non-discrimination, that is protective of SOGI, the Gender and Sexual Minority, sexual rights, however, you want to define it broadly speaking. And then it's a way to start creating spaces within the workplace to have those conversations about what that means and what that looks like.' USAID – American - USA*

Training and learning were also expressed as an important component of DFID Rwanda's structure.

> *"One of the priorities, consistent priorities for DFID Rwanda is learning and development. So that's always at the forefront in our approach, so learning and development is reviewed quite regularly and we find ways as an office to bring issues like this (SOHR) out to the fore and have kind of cross-office trainings." DFID – Rwanda - British*

Network Resources

Staff networks, like training opportunities, create 'rights arenas' and provide the opportunity to learn about public statements and policies, to discuss and debate SOHR perspectives, and align individual and organisational values. When networks are focused on a topic which staff are personally and professionally compassionate about, such as the USAID Staff LGBT Network, they move through Plummer's processes to accrue rights throughout the organisation. They establish communities of support and share personal stories about their lived experiences and rights. They articulate, vocalise, announce rights and invent identities,

creating social worlds and a culture within the organisation of public rights. They therefore assemble rights and are a part of the 'organisational culture' component of internal mainstreaming.

Peer-to-peer support through staff networks is an important mechanism to realise and mainstream SOHR. Networks and forums establish regular conversations through online, or in person events, to bring staff from the mainland and archipelago organisations together. They provide opportunities to open 'rights arenas' on a regular and ongoing basis, to share insight and experiences, make connections with other staff and Civil Society Organisations, share knowledge and best practices and challenges, and to negotiate and formulate meanings on SOHR. Networks enable the formation of communities, where according to Plummer (2003, 2006) rights accrue to people whose identities flow out of communities made up of other members like themselves. This supportive community, alongside Leadership, is as an important factor in the movement within USAID to realise and mainstream SOHR during the Obama administration.

> *'The Obama administration, particularly with our December 2011 Executive Order on inclusion of LGBT persons in foreign policy and foreign assistance, allowed us to create this community of practice, to produce the USAID LGBT Vision for Action; to give us the political space to start to fund activities that are integrated or inclusive of LGBT populations or stand-alone programmes.' USAID – American – USA*

The communities of support within USAID produced visible resources such as the LGBT inclusive webpages and blogs (Inclusive Webpage, 2023; USAID Blog, Archived), see section 8.5. These enable the assembly of rights when 'identities get attached to stories through which new citizenship identities are created' (Plummer 2003, p.34).

The development of online technologies such as skype, zoom, Whats app, and Microsoft Teams enables 'rights arenas' to be available for staff who live in different geo-political and socio-political contexts. This provides the opportunity for staff to learn about different contexts and actions which are being taken to realise and mainstream SOHR. It creates spaces for staff to reflect on SOHR, away from the dominant cultural values and norms of the socio-political contexts in which they live and work.

Within Sida, resources are available for global staff networks within each thematic area. The Human Rights and Democracy advisory hub (which includes SOHR) meets weekly and has focal point persons based in all Embassies who receive regular information, access internal website pages, video link twice a semester, and hold a conference every second year.

> *"We have hubs, and we have networks for Human Rights Democracy, for Health and SRHR, they have the same set up. We had our SRHR physical meeting last May and those meetings, when you get together, are so much appreciated because you talk Myanmar, Bangladesh, Zimbabwe, and you can really exchange ideas. We had a longer session on sexual and reproductive rights, focussing on the rights issues with the network colleagues where we discussed 'what are they? How can we approach them? and discussing country experiences, so that's very useful." Sida – Swedish – Sweden*

The USAID LGBT Community of Practice combines staff from mainland and archipelago organisations to share information about work, research, and experiences.

> *"The community of practice is both Washington and field-based and these individuals will work with local community organisations or non-governmental organisations and so there could be meetings that happen with the local partners. Similarly, at headquarters or in the field we may often have brown bag lunches or lunch and learn type sessions where people might have different topics that they wish to discuss. ..we may host different brown bag meetings where people come and present their research and so there's opportunities made available. Sometimes we'll make it available to overseas staff via phone lines so people can participate in a phone conversation" USAID – USA – USA*

DFID has established cadres (staff networks) with focal advisors in mainland and archipelago organisations, providing face-to-face and online meetings, learning sessions, and annual conferences. Cadres are effective mechanisms to disseminate information and open-up discussions on mandated strategies by UK government ministers. However, at the time of my interviews, a cadre embracing SOHR was not resourced or in place within DFID.

> *'With something that we have ministerial sanction on, with a strong evidence base, like family planning or safe abortion, then I think probably the main channel for dissemination is through our cadres. In our health cadre we have health advisors in most of our 27 focal countries' DFID – British – UK.*

Conference Resources

Conferences bring together staff from bilateral development offices across the world. They establish 'rights arenas' providing reflective spaces and opportunities for continuous rounds of negotiated actions to enable the mainland and archipelago organisations to begin to move through Plummer's processes to assemble rights.

> *"We have annual development conferences with cadres of staff, in health, or social development, or climate or humanitarian, to meet and go through a programme of discussion. There is that sort of continuous development, in addition to peer review and processes of looking at people's business cases throughout the organisation" DFID – UK – British*

Conferences provide staff with the opportunity to engage in 'rights arena' that are away from work environments and the dominant cultural values and norms of their countries and organisations. This often provides freedom for staff to discuss, 'imagine' and 'articulate, vocalise, and announce' values and perspectives on SOHR.

All three bilateral development organisations organise annual or bi-annual global or regional conferences on thematic areas. These are generally resourced and organised by staff from the

donor countries, with participants from archipelago organisations and participating countries joining from across the world.

> *"Sometimes Washington organises regional conferences, like bringing on board all African countries whereby they could share their African experiences. So, Washington structures that kind of training and learning opportunities." USAID – Rwanda - Rwandan*

When conferences on thematic areas, such as on health or education host discussions on SOHR, this leads to opportunities for staff working in thematic areas to build knowledge on SOHR. This contributes to the internal mainstreaming of SOHR across thematic areas, and to begin the first of Plummer's processes, to 'imagine' and 'articulate, vocalise, and announce' SOHR.

USAID's international conference in 2018 brought together staff from mainland and archipelago organisations. This created a 'rights arena', providing a safe space for discussions on SOHR, about challenges and best practices, and forming connections between staff in mainland and archipelago organisations.

> *'We called together foreign national representatives from every mission around the world from 75 – 100 different countries, and we did a session on inclusion, which incorporated people with disabilities, gender issues, and LGBT issues. The presentation by the person on LGBT issues was quite direct. I was really curious about what would be the reaction to a sort of unvarnished group of cross-section officers, working in every sector, every country all around the world to the LGBT presentation. People were so interested and so eager to talk about the LGBT agenda. It made me really think about what was driving that. Was it that this was a safe international space in which they could ask any question they wanted to with their colleagues from USAID in Washington DC? Was it a commitment to what the US President has laid out as a priority in US foreign policy, and they are trying to embrace that? Was it that they were curious?' USAID – American USA*

International multi-agency conferences focusing on SOHR are valuable mechanisms to make organisational and global commitments on realising SOHR. They capture a government's

commitment on SOHR, and summary reports share these public statements on their bilateral SOHR commitments in global arenas.

> *'Through the Global LGBTI Conference, last November the US government signed a communiqué with 25 other bi-laterals and multi-laterals, talking about how all of us would be better supporting the global LGBTI space. USAID – American – USA*

Conferences on SOHR, therefore, create local, national, international, and multi-agency 'rights arenas', providing staff with the opportunity to learn about, discuss, and debate, SOHR perspectives, and to form their individual perspectives on SOHR.

Adviser Resources

The Obama Administration appointed a Senior LGBT Co-ordinator to co-ordinate USAID's actions and intentions to advance the human rights of LGBT People.

> *'There is a senior point person, who is a political appointee, appointed by the Obama administration, i.e. this person will turn into a pumpkin by January 2017. So, this person, who was appointed about a year ago, and will be here for another year and a half; this person is in charge of coordinating all of these efforts as well as liaising with the Department of State.' USAID – American - USA*

This co-ordinator established advisors on SOHR in archipelago organisations, and regions, to commission programmes and review and evaluate impact indicators. Their role was to communicate with and influence senior-level managers, and to elevate LGBT issues, providing opportunities for supervisors and managers to share ideas and challenges. They played a key leadership role in realising and mainstreaming SOHR through USAID during the time that they were appointed.

> *'Since the LGBT Co-ordinator has come on board, we have focal points that are a very light version of gender advisors that are folks in all of our different Bureaus here in Washington and all of our different Missions out in the field, to be able to help think about the integration of LGBTI community in their*

> *specific context. In creating the gender advisor-like system and the reporting requirements, our Senior LGBTI Co-ordinator has created some kind of governing body mechanisms to make sure that we're really moving forward on the vision implementation. 'USAID-American-USA*

Different human rights thematic areas within USAID are resourced with gender, youth, and disability advisers in archipelago organisations. These advisers support the dissemination of knowledge, provide advice, gather evidence, and contribute to policy development. More recently, the gender advisers in USAID Rwanda have included SOHR analysis whilst undertaking gender analysis (see section 7.4 p, 293).

Partnership Resources

Sida and DFID have dedicated resources to support academic institutions and think-tanks, to discuss practice and develop and distribute publications which increase visible materials on SOHR and International Development and discuss practice. Both organisations supported the Institute of Development Studies (IDS) Sexuality and Development Programme, and the IDS Gender, Power, and Sexuality programme at the University of Sussex UK, see Appendix R.

7.5.1 Resources Considerations

Resources are a significant component to realise and mainstream SOHR. Hunt's description captures a snapshot of resources at a given time. It does not capture fluctuating changes in resources that are allocated to realise and mainstream SOHR. These fluctuations are related to the changes and the influences of socio-political contexts in donor countries. Hunt's description does not acknowledge that changes in resource allocation often occur with changes in the political administrations and governments of donor countries. Examples are shown through the change from the USA Obama Administration to the Trump Administration in 2017 which significantly impacted the recourse allocation and subsequent

actions to deliver training, hold conferences, support staff networks, and deliver SOHR-focused programmes in USAID, see section 4.4. Although the withdrawal of funding for the UK Aid Connect did not specifically impact on UK bilateral development work in Rwanda, this withdrawal resulted from political decisions in the UK, which subsequently impacted on programmes which focused on Lesbian, Gay and Bisexual and Transgender Inclusion in development cooperation, see section 4.5.

Hunt's description neither captures factors which influence a change in resource availability such as world pandemics or change in political leadership. Neither does it distinguish between resources to deliver development initiatives and programmes, and resources to build '*individual values and skills'* of staff and '*organisational cultures'* to mainstream internally. This is because it does not distinguish between internal mainstreaming and external mainstreaming and that internal mainstreaming within organisations is a prerequisite to external mainstreaming through development initiatives and programmes, see chapter 8.

7.6 Engagement. Sida, USAID, DFID

In Figure 4, I present Hunt's (2017) adapted Engagement component and in this section, I discuss the engagement approaches of the three bilateral development organisations.

> ***Engagement.*** *Bilateral system. Constructive engagement with the Rwandan government, other bilateral development organisations, civil society organisations and international and national human rights bodies, such as human rights institutions. (Figure 4)*

The concept of 'constructive engagement' depicts useful or helpful contact or connection. It was notoriously used within U.S. foreign policy towards the apartheid regime in South Africa by the Regan Administration (University of Michigan US, 2015). The Commonwealth Foundation (2013) provides a definition of constructive engagement,

> *'Constructive engagement is an approach to advocacy for social change and transformation that seeks a reciprocal relationship between civil society and institutions in governance based on mutual respect, trust, legitimacy, transparency and competency.(Commonwealth Foundation, 2013)*

Rwandan Government Engagement

Through my interviews, both Sida and USAID state that said they had not had conversations with the Rwandan government on SOHR. The three bilateral organisations recognise the constraints on civil society organising, media and human rights defenders, as depicted in their country strategies and reports, see chapter 4. The Rwandan government's position on SOHR visibility and their willingness to act domestically, to recognise and protect SOHR, and to engage with Civil Society Organisations is also visibly documented by the Rwandan President and government. This impacts on the actions of bilateral development organisations. Staff have not been exposed to discussions about SOHR in the Rwandan context and have not gained sufficient skills to raise these discussions.

> *'....to be honest with you, I've been here now for two years, and I haven't been involved in any strategic conversation on this. Here it is very silent I would say. So I think that's also why we are a bit – not hesitant, of course, but we don't know exactly when and how to bring it up in the dialogue with both government and non-governmental parties here' Sida – Swedish - Rwanda.*

> *'I should be very honest with you – I've not participated in any political conversations or any conversations with political leaders. When it comes to the relationship, the conversation between USAID and the government on these issues, I've not heard of any of those conversations. USAID – Rwandan-Rwanda*

The ramifications on staff of raising dialogue on SOHR needs to be considered given the challenges to raise dialogue about SOHR and challenge dominant cultural values and norms.

> *"I'm sure that if, for example if I would, or we would bring it up in strategic discussions, it would cause, maybe not conflict but, some misunderstanding*

> *and dispute maybe between the Rwandan partners and ourselves". USAID – USA - USA*

Sweden's Feminist Foreign Policy (2014) directs staff of Embassies and Sida to raise dialogue on SOHR, see section 4.3 and chapter 6. At the time of my interviews, conversations about the Feminist Foreign Policy and SOHR with the Rwandan government had neither occurred. This lack of engagement could be in relation to the timing release of the Feminist Foreign Policy in 2014, the Handbook in 2015, and my interviews, May 2015 to December 2017. It was not possible to question my interviewees why they had not had conversations with the Rwandan government given the sensitivity with Rwandan staff around talking about SOHR. Follow-up interviews were neither possible within the structure of this research, see chapter 2.

> *'So far – at least I have not myself - been involved in any such dialogues yet. And after all the policy is – fairly new, the Feminist Foreign Policy, and I – not that I'm aware of - that our ambassador has thought, or she's thought such – she's new here, she's been here less than a year, I'm not aware of any such discussions or dialogue that she has had'. Swedish – Sida -Rwanda*

Engagement Guidance

At the time of my interviews, Sida had not produced tools or guidance to raise SOHR dialogue both internally with staff and externally with stakeholders, including the Rwandan government and commissioned partners. This was reflected in a concern that staff, including leaders, did not have the knowledge and skills to raise dialogue and hold continuous discussions on SOHR. This relates to building the *'Individual Values and Skills'* of staff on SOHR as an essential component to realising and mainstreaming SOHR through bilateral development cooperation.

> *'I mean, there's no guidelines on having continuous discussions or locally based discussion in all our countries on these issues and what it would be*

> *like in practice. Which, I think is very relevant both when we hire and how we maintain the discussion. It is through these networks and introductions, but I can feel we would need it more regularly here in the different offices. But its up to each manager and the group itself and not any regulation sort of thing from Sida headquarters to have a continuous discussion.' Sida – Swedish - Rwanda*

Developing guidelines and toolkits to support staff to raising dialogue and discussions on SOHR shows that Leadership, Policy, and Resources are important components to provide staff with the guidance, the knowledge, skills, and support, to raise dialogue with stakeholders, including the Rwanda government and commissioned partners.

Engagement and Participatory and Empowering Approaches

Participatory and empowering approaches are a frame which the Mainstreaming Human Rights Framework assesses. They are used by Sida in their approach to commissioning partners for their programmes, see section 7.4. DIFD's policy on their approach on lesbian, gay, bisexual and transgender (LGB&T) rights (DFID, 2016a) also refers to engagement with 'Southern voices'[47].

> *'…across our work, we will seek to protect the human rights of LGB&T people and to ensure that all groups are able to share in the benefits of development, regardless of sexual orientation or gender identity.' With the intention to, 'build clarity and narrative around non-discrimination in development, positioning LGBT as a core development issue; identifying and engaging with the Southern voices that are beginning to emerge; building new relationships (with civil society and the private sector, for example) for indirect influence on decision-makers and on society, and, developing and utilising evidence to support sustainable change'. (DFID, 2016)*

[47] It should be notes that DFID's policy on their approach on lesbian, gay, bisexual and transgender (LGB&T) rights (DFID, 2016a) was not disseminated effectively, see section 7.3.

Given that the application of participatory and empowering approaches to engage stakeholders on SOHR is key to achieving sustainable development and realising SOHR through transformative mainstreaming[48], I did not find evidence, from either my interviews or the LPS documents, that meaningful participatory and empowering approaches were a specific knowledge base or skill that staff were required to acquire and apply. Further research on how meaningful participatory and empowerment approaches are internally and externally applied through bilateral development organisations and cooperation would clarify the application of these essential skill and approaches.

Safe Engagement Approaches

To navigate the complex space of bilateral development and realise human rights, bilateral development organisation identifies the subtle ways of engaging with stakeholders and challenge dominant SOHR values and norms. Sida uses senior-level visitors from the mainland or the government to raise dialogue with government officials on controversial topics.

> *'It's easier when you have a high-level visitor from Sweden, which we have not had for a long time, but now we will have a State Secretary coming, but yes, then we plan to raise the issues, for example.'Sida – Swedish - Rwanda*

DFID works with International NGOs working in participating countries to support them to raise dialogue on controversial topics. This distances and shields DFID archipelago staff from controversial conversations and enables them to focus on their roles without possible

[48] See section 1.9 on the frames of mainstreaming approaches.

ramifications from questioning dominant cultural values and norms, legislation and policies, and political leadership in participating countries. The following quote refers to DFIDs approach on safe abortion.

> *'So basically, what we're trying to do is really make sure that our advisors in country are able to be as effective in their roles as possible. And sometimes that means not pushing them to be the ones who have the discussion on safe abortion, but actually having a regional programme where providers like Marie Stopes, or IPPF, or IPAS are also working in those countries, but they are having those discussions with government and trying to raise that agenda and working with Civil Society in some ways separately from the work the Health Advisor is doing. The Health Advisor will certainly be aware of that happening, but they won't have the prime responsibility for raising the safe abortion agenda with the government. It's a separation where it's not possible really for the advisor who is based in country to have an effective dialogue on safe abortion with the government.' DFID – British - UK*

Global Engagement

None of my interviewees from the three bilateral organisations referred to engagement with '*Human Rights bodies'* on SOHR as described in Hunt's definition of Engagement, although, these organisations, bodies, and movements, are actively present and working in Rwanda. Collaborations to engage and collaborate with global social movements have emerged, through the open letter to Commonwealth Heads of Governments prior to CGOGM 2022, see section 4.2, and organisations who contributed to the Rwandan UPR 2021, see section 4.2.

DFID assumes its role as world leader in the global development industry. This relates to its rhetoric and perceived duty to 'speak out' about its past colonial sins and progression on SOHR (Lalor and Browne, 2018), see section 1.8. One DFID policy adviser referred to how DFID uses its international reputation and its position in the Commonwealth and in international development to share its knowledge, expertise, and evidence bases, to raise dialogue on controversial topics, and to contribute to contentious discussion in global forums.

> *'The other lever we have is that, at the moment, we're still recognised as a leader in many areas of development. Even though I come with no money at the moment to WHO or to the global partnerships, I'm still invited to sit and dialogue and have a say in the global policy agenda because people want to hear DFID's voice. Partly because we've got the weight of having 27 countries and that experience. People want that collective experience to be brought to bear in discussions.' DFID – British – UK*

Sida and DFID have engaged with academic institutions and think-tanks, to develop and distribute publications which review and increase visible materials on SOHR and international development, see Appendix R, and discussed in section 7.5 and 7.7.

7.6.1 Engagement Considerations

Hunt's Engagement description identifies the amount of engagement with stakeholders but does not assess the quality, depth, or the engagement approach used. His definition does not qualify the quality of relationships, or the impact that different engagement approaches can have on navigating the complex spaces within of bilateral development cooperation to realise and mainstream SOHR. He does not reference the use of meaningful participatory and empowering approaches to engagement which supports transformative mainstreaming, leading to sustainable impact. Using meaningful participatory and empowering approaches indicates that donor countries and mainland organisations intend to engage on an equal platform and work alongside participating countries and archipelago organisations to realise SOHR, see section 1.10. Using participatory and empowering approaches when working alongside Civil Society Organisations strengthens their voice to make transformative and sustainable changes.

> *'You need to be making sure the dialogue is happening at country level in the right way, and that it is coming, again ideally from Civil Society in that country so (in relation to sexual and reproductive rights), we support Civil Society to raise these issues. If it comes from the Donor, it's a Western-driven thing, and to be honest, you just come up against a brick wall, and it has a*

> *negative impact on the other things where you could do some good.' DFID – British – UK*

Hunt's Engagement component neither acknowledges that engagement with stakeholders on SOHR may be challenged because of the socio-political context which leads to ramifications on individuals and organisations by raising dialogue on SOHR and challenging dominant cultural values and norms.

Stakeholder engagement on SOHR is influenced by the potential ramifications on citizens, and Civil Society Organisations, and bilateral organisation when questioning structures of power and dominant cultural values and norms. In socio-political contexts such as Rwanda, it remains challenging for people to be vocal about discriminatory experiences, which remain unreported. People's sexual identities remain hidden from families and the wider society, and they, therefore, choose not to engage with Civil Society Organisations working on SOHR because of potential repercussions. A lack of legislation which recognises SOHR and provides protection in Rwanda, alongside the dominant cultural values and norms create silences around SOHR.

> *"I talked to some of the LGBTI community when I was in one of the meetings and then they were not complaining. They are silent. They were not expressing anything as an issue. No one is beating them, no one if being harsh to them." USAID – Rwanda – Rwanda*

This impacts the central tenant to Plummer's Rights Works processes (2006), where rights are assembled through the interpretive and activist work of social movements and a diverse range of moral crusaders and entrepreneurs (p. 153). Silences on SOHR impacts on the frequency of conversations in public environment, including within bilateral development organisations. Limited opportunities to engage in 'rights arenas' in public and private spheres impact on the possibility for citizens to hear differing perspectives on SOHR, engage in

‘continuous rounds of negotiated actions which attempt to interpret, rationalise, and define both identities and related rights in ‘rights arenas’ in public spheres’ (Plummer, 2006, p. 153). Limited ‘rights arenas’ impact on building the knowledge and skills of staff to raise dialogue both internally and with stakeholders in relation to development initiatives and programmes.

Raising dialogue on SOHR with stakeholders is challenging where there exists conflict between the domestic legislation, political will, and dominant cultural values and norms of the donor and participating countries, as with the countries involved in this research. Engagement with stakeholders is also challenging when there is limited strength and activity of the Civil Society sector to advocate for SOHR, as within Rwanda, see section 4.2. The differences in the presence and strength of Civil Society Organisations in different socio-political contexts, and the impact that this has on realising and mainstreaming SOHR is not observed in Hunt’s framework.

Hunt’s framework does not reference the internal engagement with staff across mainland and archipelago organisations as an essential part of internal mainstreaming, as discussed in chapter 8. Neither does it show the interconnections between the components of Engagement and Leadership and that engagement depends heavily on the actions of individuals and leaders. In Rwanda, engagement between the Rwandan government and bilateral development organisations, (not specifically on SOHR), was inspired by the Rwandan Minister of Gender and Family Promotion. Their actions could be seen as that of a ‘moral crusader or entrepreneur’ leading to the assembly of rights in relation to Plummer’s processes (2006).

> *‘So we used to meet (USAID, Sida, DFID) but it’s been quite a long time. We meet frequently when we had a good forum, worked together as international development agencies. The forum was led by the Minister of Gender and Family Promotion, but currently, I don’t know, we don’t meet with them as*

> *we used to do in the past. The Minister is someone who shares information and sometimes we may find the leadership is active, the other times we find that they don't really involve other people too much.' USAID – Rwandan - Rwanda*

7.7 Review and Evaluation. Sida, USAID, DFID

I present the adapted Review and Evaluation components of Hunt's (2017) framework together and show how these components have been referred to in my interviews and are present within the three bilateral development organisations.

> ***Review.*** *Bilateral system. A periodic independent review of the mainstreaming initiative (e.g., by a suitably qualified independent person or entity), reporting to the Head of Service, Head of Organisations; independent review is needed to help ensure the initiative appropriately applies human rights standards. (Figure 4)*

> ***Evaluation***. *Bilateral system. From the outset, multi-disciplinary and multi-method evaluation to capture the impact (or effectiveness) of the mainstreaming initiative. (Figure 4)*

Chapter 6 shows that Sweden and Sida had ten reviews and evaluation LPS documents, the USA and USAID had three, and the UK and DFID had two, see Appendix X. DFID also engaged with academic institutions and think-tanks to commission a series of reviews and papers on Rwanda and Sexuality, Poverty and Law, see Appendix R. These reviews and evaluations relate to the position of the bilateral development organisation in relation to SOHR. They also include position statements and reviews of global, regional, and country contexts in relation to SOHR and evaluations of development initiatives and programmes.

Sweden and Sida. Review and Evaluation

Sweden's and Sida's ten reviews and evaluations are not '*periodic independent review*' nor do they '*capture the impact (or effectiveness) of the mainstreaming initiative*', therefore, they do not align to Hunt's component definition of Reviews and Evaluations.

These reviews and evaluations bring a focus on SOHR and show the sustained dedication that Sweden and Sida have made towards realising and mainstreaming SOHR. Since 2006 Sida has undertaken a baseline study of interventions to outline their approach and commitment to SOHR in their '*Action Plan on Sexual Orientation and Gender Identity (2007–2009)';* an '*Inventory of Swedish Development Cooperation Sexual Orientation and Gender Identity*' (2007); a '*Poverty and Sexuality Overview and Literature Review literature review'* (2010); and '*A study on Sida's work on the human rights of lesbian, gay, bisexual, transgender and intersex persons*' (2014) which took stock of developments, observed successes, and challenges, and visualised Sweden's intentions and approach. Finally, Sida compiled *'27 briefs on country positions in relation to SOHR* (2014) providing position statements on SOHR within participating countries. These can be used to analyse changes and the impact of SOHR development initiatives and programmes in the future. What is outstanding is that Sida Rwanda has not undertaken a review or evaluation of its SOHR position internally, even though my analysis of the mainstreaming of the Swedish Rights Perspective shows that SOHR is being mainstreamed through Sida's mainland and archipelago organisations.

> *'The fact that our issues are mainstreamed and are quite successfully mainstreamed is a strength. People are aware of the fact that this (SOHR) is important. ...so for LGBTI rights, for instance, it's not stated openly and specifically in a lot of strategies. It's more within the, you know, kind of fluffy language of human rights, strengthening human rights, in a general way. But through knowing that this is important to the Swedish government and to Sida and through working with LGBTI organisations within the broader framework of human rights organisations, it is known' Sida – Sweden – Swedish*

The number and the content of these reviews and evaluations show Sida's progressive and advanced position to realise and mainstream SOHR.

USA and USAID. Review and Evaluation

USAID's dedication to realising and mainstreaming SOHR has been much shorter than Sida's resulting in the production of only three review and evaluation documents. These were enabled through resources provided by the Obama administration. Unlike Sweden's and Sida's review and evaluations, these have not been reviews of participating countries contexts but of regional programmes. Like Sida Rwanda, USAID Rwanda has not conducted a review or evaluation of their internal position in relation to SOHR.

Part of the USAID's LGBT coordinator's work was to integrate reporting mechanisms on SOHR indicators into funded development initiatives and programmes. This enables reviews and evaluations to highlight progression to realise and mainstream SOHR through gathered data.

> *'I think we are now part of a structure and part of the way things get done. It is not just resources, but we're part of the reporting that needs to happen. We're part of at least the budget attributions that need to be reported on. We have indicators, and it's harder to snap your fingers and say, "It's gone away." ' USAID – American – USA*

UK and DFID. Review and Evaluation

In 2016, DFID's policy paper on 'DFID's approach on lesbian, gay, bisexual and transgender (LGB&T) rights' (DFID, 2016a), was born from the actions of the UK Parliamentary Under Secretary of State for International Development, Rt Hon Baroness Featherstone, who established a review of LGBT work within DFID in 2014.

> *'Featherstone became Minister of DFID, and she was also the crosscutting Government Equalities Minister and one of the first things she did when she came to DFID was set up a review on LGBT work, and out of the review came our LGBT, the DFID approach paper on LGBT rights.' DFID-British-UK*

DFID has not strategically disseminated this policy paper, neither have they devised processes to review or evaluate its application.

> *'There are lots of people that are equally committed, but we don't know if it's being used across the board. We need to do a lot more because (1) it's not clear if people do actually do it, and (2) we're not actually seeing if they have done it. We're not doing the monitoring. So, we need to do a lot more and set about a more systematic programme of work to do that, which we haven't.' DFID – British - UK*

A review of the 'Leaving No-one Behind' programme in DFID Rwanda was conducted in 2017, at the time of my interviews, to capture best practices and challenges to share learning across DFID Rwanda and DFID worldwide. Although, as discussed, through my analysis of SOHR terms in LPS documents, the subsequent '*DFID Data Disaggregation Action Plan Better Data for Better Lives' (Leave No-one behind*) (2017) and the '*Policy Paper. Leaving No-one behind. Our Promise'* (2019) does not reference SOHR terms, see section 6.4. This potentially means that the four explorative trailblazers 'Leave No-One Behind' programmes across DFID, they did not bring recommendations regarding SOHR and therefore DFID's approach to 'Leaving No-one Behind' post 2017 does not specifically consider, nor seek to realise or mainstream SOHR. DFID has provided resources to engage with academic institutions and think tanks to provide reviews on Civil Society and Accountability in Rwanda; Evidence on inequalities in Rwanda; Legislation and policy addressing inequality and redistribution in Rwanda; and papers on Sexuality, Poverty and Law, see Appendix R. My interviews mention limited programmes that are focused on, or associated with, SOHR by DFID. This has been impacted by political decisions to withdraw funding associated with SOHR such as the Sexuality, Law and Poverty programme at the Institute of Development Studies, University of Sussex and the UK Aid Connect grant funds, see section 4.5. Without programmes, there are limited opportunities to conduct reviews and evaluations.

Like USAID, DFID has not reviewed country-specific positions on SOHR of the participating countries where they work, and like both Sida and USAID they have not

reviewed or evaluated or undertaken an intersectional analysis of the internal position within of DFID Rwanda to identify their position on internally mainstreaming SOHR, which is considered within the Mainstreaming Human Rights Framework

7.7.1 Review and Evaluation Considerations

There are limited SOHR related development initiatives and programmes in Rwanda by the three archipelago organisation on which reviews and evaluations can be conducted. This is due to limited resources, limited commitment to SOHR programmes, but also the limited number of development initiatives and programmes. SOHR needs also to be internally mainstreamed within organisations before staff have the knowledge and skills and organisational support to challenge dominant cultural values and norms and political will on SOHR through development initiatives and programmes, see chapter 8.

Hunt's framework refers to reviewing and evaluating external development initiatives and programmes. It does not consider the internal mainstreaming of SOHR through organisations and how the impacts on external mainstreaming through development initiatives and programmes. It, therefore, does not consider reviewing and evaluating the *'Individual Values and Skills'* of staff on SOHR, and *'Organisational Cultures'*, which are two additional components prosed in chapter 8 to Hunt's components and the Mainstreaming Human Rights Framework.

Conducting internal reviews and evaluations of mainland and archipelago organisations could open discussions and 'rights arenas' on SOHR, which could also identify gaps in realising SOHR. It could identify the actions needed for mainland and archipelago organisations to realise and mainstream SOHR within their organisation and contribute to the development of a country specific strategies. It could lead to the allocation of resources to support the

realisation and mainstreaming of SOHR within mainland and archipelago organisations. Annual internal reviews and evaluations of staff's '*Individual Values and Skills'* of staff and *'Organisation Cultures'* would show the periodic impact of actions to realise and mainstream SOHR and if amalgamated, it could show the position on realising and mainstreaming SOHR internally within each bilateral development organisation globally.

7.8 Summary. Sida, USAID, and DFID

Sweden and Sida Summary

Sida has showed Leadership on SOHR by tenaciously presenting its perspectives and voice on SOHR through it public statements and policies (LPS documents) on a global stage within the global development industry, see chapter 6. Sida has '*imagined, visualised and empathised'* and '*articulated, vocalised and announced'* SOHR globally and '*invented identities'* and '*created social worlds'* according to the first four of Plummer's processes (2003, 2006), see figure 11. Alongside their strong leadership and policy approaches, Sida's participatory and empowering approach to programming and engagement creates the structures for stakeholders and commissioned partners to move through Plummer's processes to assembly rights. It also shows the application of feminist frames through the approaches, of Swedish national staff. It has significantly progressed to mainstream SOHR through its global operations as shown when applying the Mainstreaming Human Rights Framework, see figure 11. It needs to further increase the knowledge and skills of staff and supportive organisational cultures, through internal mainstreaming, for staff from differing thematic areas to be positioned to strategise and take action to realise SOHR through development initiatives and programmes.

Sida Rwanda has not begun to articulate their position and approach to realise SOHR through its organisation or work. There were limited resources to establish internal 'rights arenas' to discuss SOHR with resources for training, networks, or conferences not in place or referenced. The '*Individual Values and Skills'* of staff on SOHR and the *'Organisational Culture'* around SOHR was therefore, not being enhanced. Sida Rwanda had not engaged with the Rwandan government on SOHR. Although it has had some engagement with Civil Society Organisations, it did not have development initiatives or programmes that integrated SOHR to be reviewed or evaluated, see figure 12.

USA and USAID Summary

Leadership through the Presidential Memorandum (2011) and LGBT Vision for Action (2014) significantly impacted on realising and mainstreaming SOHR within USAID. These led to the allocation of resources which provided training and conferences on SOHR and supported the role of the LGBT Coordinator. This led to the integration of SOHR into the role of advisers in archipelago organisations and the integration of indicators on SOHR into budget allocations and programmes, which in turn, enabled reviews. The development of the LGBT Staff Network contributed to building supportive communities to devise and deliver regional programmes on SOHR. Through USAID, SOHR has been imagined and articulated with identities being developed, according to Plummer's processes. The implementation of the components of Leadership and Resources specifically have inspired the assembly of SOHR, see figure 13.

In USAID Rwanda, there was no Leadership from senior officers, with country-specific policies on SOHR not in place. Although resources were allocated through the Obama Administration, my interviewees did not mention that these had specifically impacted on

USAID Rwanda. The *'Individual Values and Skills'* of staff and the '*Organisational Culture'* on SOHR were not being enhanced and there were no specific SOHR programmes or reviews or evaluations which referenced SOHR. Engagement with the Rwandan government on SOHR had not occurred. The application of the Mainstreaming Human Rights Framework, therefore, shows that SOHR is not being realised or mainstreamed internally through USAID Rwanda or through their development initiatives and programmes, see figure 14.

UK and DFID Summary

DFID's policies SOHR are not endorsed by senior officers or high-level bodies and have not been adopted and applied. The application of the Mainstreaming Human Rights Framework shows that DFID has engaged with academic institutions, INGOs and Think Tanks to resource and commission SOHR reviews to create learning and visibility on SOHR and International Development, yet there were no resources allocated to building the knowledge and skills of staff across DFID on SOHR and there were no global or regional programmes on SOHR mentioned in my interviews, see figure 15.

The interpretation of 'sexual rights' by DIFD interviewees was associated with gender rights, reproductive rights and SRHR, more than SOHR. Consequently, discussions within my interviews and the policy documents referred to were not specifically connected to SOHR. Furthermore, my interviews did not show that SOHR was being considered in these thematic areas but showed that in some instances a heteronormative lens was being used to develop and deliver programmes in these thematic areas.

Although DFID has shown limited progression towards realising and mainstreaming SOHR, DFID Rwanda developed and implemented the 'Leaving No-one Behind' programme. This programme had limited impact given that the subsequent 'DFID Data Disaggregation Action

Plan Better Data for Better Lives' (Leave No-one behind) (2017) and the 'Policy Paper. Leaving No-one behind Our Promise' (2019) did not reference SOHR terms. The implementation of this programme opened up 'rights arenas' to discuss SOHR. It also included an intersectional analysis in Rwanda to base the programme on. DFID Rwanda, therefore, has taken steps to assemble and realise SOHR both within its organisation and through a development programme, see figure 16.

7.9 Conclusion

Hunt's components provide a valuable tool to identify both the present and the missing components involved in realising and mainstreaming of SOHR within bilateral development organisations and through development initiatives and programmes. The application of the Mainstreaming Human Rights Framework inspires discussions, analysis, and strategic planning to take actions, to realise and mainstream SOHR across global operations and within socio-political contexts, of donor and participating countries and mainland and archipelago organisations. Hunt provides a helpful distinction between mainland and archipelago organisations, and mainstreaming SOHR globally and in country-specific contexts in participating countries. Although Hunt does not recognise the distinction between internal and external mainstreaming, the labels that separate mainland and archipelago organisations enables a separate assessment of internal mainstreaming through organisations and external mainstreaming through development initiatives and programmes in different contexts. These contexts can be on global, national, local levels, and are impacted by the geo-political and socio-political contexts in which they are situated.

Hunt's components seeks evidence of authentic human rights initiatives by capturing a 'snapshot', or a position statement, at a time. Evidence is gathered on the implementation of

rights that are documented in legislation, policies, and UN agreements. This form of assessment does not analyse intentions behind these components, or the quality or depth of the components. It, therefore, does not assess the transformative intentions or elements of human rights initiatives which are essential to mainstream human rights, see section 1.9. It does not recognise that the different applications of approaches and frames can affect the impact of human rights initiatives and the navigation of the complex space within bilateral development, leading to the realisation and mainstreaming of SOHR.

Hunt's flat and narrow definition of components fails to recognise the breadth, direction, and actions of leadership, such as leadership from staff who are not senior leaders. It recognises the presence of policies, but not their content, nor their application. It does not recognise the contribution that building the '*Individual Values and Skills'* of staff and '*Organisational Cultures'* has on human rights initiatives and that programmes need to be built on intersectional analysis. It neither recognises the essential application of meaningful participatory and empowering approaches to realise and mainstream SOHR, see section 1.10. Moreover, the application of Hunt's components, as they are does not consider the impact that geo-political and socio-political factors have on the decisions and actions of donor and participating countries, and bilateral development organisations, on realising and mainstreaming SOHR. It neither recognises that there often exists a conflict or divide between the donor and participating countries involved in the human rights initiative, which creates the complex space which needs navigating to realise and mainstream SOHR. It, therefore, is shallowly equipped and structured to assess the mainstreaming of SOHR through bilateral development cooperation.

When authenticity is seen as the assessment of whether an item or experience is "true with respect to some property or dimension" (Newman, 2019), then Hunt's flat description of components in their current form is not equipped to assess the 'authenticity' of human rights initiatives, especially when they are as complex as mainstreaming SOHR through bilateral development.

To assess the authenticity the of human rights initiatives, such as mainstreaming SOHR through bilateral development cooperation, Hunt's components need to be adapted and redefined to capture their depth and meaning. The distinction between internal and external mainstreaming needs to be acknowledged and the two components of *'Individual Values and Skill'* of staff and '*Organisational Culture'* included. The conflict between different human rights claims and initiatives and the conflict that arises when mainstreaming contentious human rights initiatives across different countries needs to be acknowledged.

It appears that Hunt's components are more applicable to assess the 'authenticity' of human rights initiatives which are less contentious than SOHR, such as gender rights. For example, the Rwandan government is proud of its gender equality and mainstreaming achievements. They are the first country in the world with a female majority in parliament, at 61.3% for the Lower House in 2021 and 38.5% for the Upper House (Inter-Parlimentary Union, 2003). Their aspirations on gender rights are more aligned with Sweden's, the USA's, and the UK's, which reduces the divide and conflict within the complex space of bilateral development cooperation. When Hunt's components are applied to the mainstreaming of gender rights through bilateral development cooperation in Rwanda, there are more examples of leadership from senior officials because they are not afraid of the political ramifications of supporting gender rights. There are more policies to adopt, and resources are allocated and justified.

Programmes are established, leading to reviews and evaluations. There is more engagement and dialogue with stakeholders, and civil society organisations, who are allowed to register and function. There are more opportunities for 'rights arenas' in public and private spheres to discuss gender rights. Internal mainstreaming has begun or has been achieved with staff becoming knowledgeable about gender rights; individual and organisational values align. Raising dialogue with stakeholders is expected and welcomed, and is not contentious; UN Conventions (such as CEDAW, 1989), and the objectives of the Sustainable Development Goals (SDG) are ratified by both the donor and the participating countries. There is less conflict between the domestic legislation, dominant cultural values and norms, and political will of the donor and participating countries. The complex space of bilateral development is, therefore, less contentious.

Hunt categorises the seven component areas where the implementation of rights can be assessed. When adapted, and added to, they provide a significant foundation to the Mainstreaming Human Rights Framework. This framework needs to include an assessment of the assembly of rights. Plummer's five generic processes, provides a context specific lens to view how SOHR are assembled through bilateral development cooperation. The creation of 'rights arenas', influences changes in the knowledge and skills of staff, individual and organisational values, and organisational cultures to support the mainstreaming of SOHR, as discussed chapter 8.

The amalgamation of Hunt's components and Plummer's processes provides the foundations of the Mainstreaming Human Rights Framework. This includes assessment of the achievements and gaps, the theoretical and contextual frames which underpin successful mainstreaming, and analysis of the impact of socio-political and geo-political contexts and

influences. This enables context specific strategies to be developed and implemented to navigate the complex spaces and realise SOHR. This process contributes to the assembly of rights. In its current format the framework is complicated to apply and should be further developed to modify to ease application.

Chapter 8. Internal Mainstreaming

8.1 Introduction

In my analysis of LPS documents and semi-structured interviews, and through the application of the Mainstreaming Human Rights Framework, I observed that the '*Individual Values and Skills*' of staff and '*Organisational Cultures*', were missing components to assess the realisation and mainstreaming of SOHR through bilateral development cooperation.

These two components are situated *internally* within organisations rather than *externally* through development initiatives and programmes. This shows the distinction between internal mainstreaming of SOHR within organisations and the external mainstreaming of SOHR through development initiatives and programmes.

In this chapter, I first outline the concept of internal mainstreaming SOHR through mainland and archipelago organisations which builds the *'Individual Values and Skills'* of staff and '*Organisational Cultures'*. This builds a 'critical mass' of staff who are knowledgeable and motivated to support and challenge colleagues to realise SOHR, see the discussion on critical mass in section 8.5. I then present the meaning of 'rights arenas' within organisations and how organisational cultures provide the space and opportunities for staff to discuss SOHR, challenge and improve organisational structures, understand best practices, source support, and show visibility on SOHR. I then present the two components of '*Individual Values and Skills'* and 'O*rganisational Culture'*, the connections between organisational cultures, citizenship and belonging, and the assembly of rights. Finally, I discuss the alignment of the individual values of staff on SOHR with organisational values on SOHR to strengthen processes to realise and mainstream SOHR through bilateral development cooperation and reduce conflict in the complex space within bilateral development cooperation.

8.2 Internal Mainstreaming and Rights Arenas

The internal mainstreaming of SOHR within bilateral development organisation includes building the knowledge and skills of staff alongside organisational cultures to enable staff to navigate the complex space within bilateral development organisations to realise and mainstream SOHR, see section 3.2. As discussed in chapter 7, the three archipelago organisations have achieved limited internal mainstreaming of SOHR in Rwanda.

Rights arenas provide opportunities to acquire knowledge on SOHR, to learn and reflect, to raise dialogue, and apply intersectional analysis and participatory and empowering approaches. They enable staff to form connections and networks, share best practice, and challenge or restructure organisational practices. They also provide opportunities for staff to contribute to the development of context-specific polices on SOHR. They enable staff to engage in 'continuous rounds of negotiated actions' to assemble rights (Plummer, 2006, p. 153). At the time of my research, context-specific policies on SOHR from Rwandan archipelago organisations were not developed by the three archipelago organisations, see section 7.3.

Staff need the knowledge, skills, and values on SOHR and organisational support to navigate the complex space within bilateral development cooperation. Internal mainstreaming therefore becomes a prerequisite to external mainstreaming and taking action to realise SOHR through development initiatives and programmes. Rights arenas enable staff to assemble knowledge and skills on SOHR. They help build organisational support to navigate the complex space within bilateral development cooperation.

8.3 Additional Components: Authentic Mainstreaming Framework

The two components of '*Individual Values and Skills'* of staff and *'Organisational Culture*' are recognised as being components of mainstreaming in Oberleitner's (2008) description, which states that '*mainstreaming is when human rights norms, standards, and principles (are) . . . made part of an organisation's culture, and . . . internalised by staff'*, see section 1.9. They also relate to Plummer's (2003, 2006) five processes and assumptions in the assembly of rights.

In Figure 19, I elaborate on the definition of these two additional components in relation to the bilateral system.

Figure 19. Adapted 'Authentic Mainstreaming' framework.

Components: *Leadership, Policy, Programming, Resources, Engagement, Review, Evaluation*	Hunt (2017)
Additional Components: '*Individual Values and Skills'* and '*Organisational Cultures'*	
Individual Values and Skills. Bilateral System. Staff hold values which seek to realise SOHR which are observed in recruitment and performance management. Staff have knowledge about SOHR and its relationship to sustainable development. They have skills to raise dialogue on SOHR, undertake intersectional analysis, manage conflicting human rights claims and policies, use participatory and empowering approaches, and strategically plan the realisation of SOHR through development initiatives and programmes.	
Organisational Cultures. Bilateral System. A culture within an organisation is based on organisational values which seeks to realise SOHR and encourages and supports discussions and challenges on SOHR. It supports staff to take action to realise SOHR through development initiatives and programmes. This culture shows visibility on SOHR, policies, and structures which guide the realisation and mainstreaming of SOHR, and support staff in same-sex relationships and their families.	

These two components intercorrelate with Hunt's seven components outlined in Figure 4

For example:

- In relation to Hunt's **Leadership and Policy** components, ***Organisational values*** are expressed through public statements and SOHR policies.
- In relation to Hunt's **Programming** component, ***Staffs' knowledge and skills*** enables them to raise SOHR discussions with partners and to devise and implement SOHR development initiatives and programmes.
- In relation to Hunt's **Resource** component, Resources enable the development of 'rights arenas' where staff can discuss SOHR in meetings, training, or conferences. This builds their ***knowledge, skills,*** and ***individual values*** on SOHR. Resources enable the creation of networks and forums which provide opportunities to share best practices, to challenge internal structures and practices, and to build ***organisational values*** and ***organisational cultures***. They enable staff to reflect on their ***individual values***.
- In relation to Hunt's **Engagement** component, staff have the ***knowledge and skills*** to engage with stakeholders and partners on SOHR and to raise dialogue and use participatory and empowering approaches.
- In relation to Hunt's **Review and Evaluation** components, reviews and evaluations produce recommendations to enhance internal practices to enhance the ***knowledge and skills*** of staff and support the direction of their actions to realise SOHR and develop ***organisational cultures***.

8.4 Individual Knowledge and Skills

To mainstream SOHR, staff need to acquire the knowledge and skills to navigate the complex spaces between the donor and participating countries within bilateral development cooperation. They need knowledge on the meaning of SOHR and the skills to raise and manage dialogue on SOHR with colleagues and stakeholders, including participating governments, commissioned partners, and in local, national, regional, and international forums. They need to manage conflicting human rights claims and policies and undertake risk

assessment to ensure safety. Staff need specialist skills to undertake intersectional analysis of socio-political contexts, to strategically develop programmes and initiatives which create transformative changes and to challenge structures of power which create and perpetuate inequalities and poverty. They also need to apply meaningful participatory approaches. These concepts are challenging to convey, understand, and then implement and adopt.

As an example, the Swedish Rights Perspective, which has been discussed within Sida since 2005, remains a challenge for staff to understand and apply. Sida's policy advisers working on human rights are frequently asked for a simplified explanation of the Swedish Rights Perspective.

> *'There are still colleagues that, when I talk to them, kind of explaining that this is also a poverty issue, and I can tell them why. They say, "Yeah, right, I never thought of that." You know, it's still singled out as a bit of a separate issue to some, but we're getting there and a human rights-based and gender equality issue, of course – but it's a human rights issue basically. And I think fewer and fewer have a problem understanding it, applying a human rights-based approach properly.' Sida – Swedish – Sweden*

> *'Our colleagues get frustrated and ask, "Can't you give us an easy brief, one paper for everything (gender, SRHR, human rights perspective)?" We keep telling them, 'it's good to simplify, but this is complex, so you can't simplify where you shouldn't."' Sida – Swedish – Sweden*

To address the complexity of realising and mainstreaming human rights, DFID employ social development advisers in thematic departments to advise on mainstreaming their Rights-Based Approach.

> *'The social development advisor's job is to really have a focus on rights, make sure that all our approaches are rights-based linking in with the gender teams, making sure that where we're talking about gender-based violence, we're aware of how that affects the broader policy work that we're doing but also how we're picking up on it in terms of services as well.' DFID – British – UK*

Staff need the technical knowledge and skills to achieve their programme and funding objectives. They also require an intensive skill set to realise and mainstream SOHR through their thematic development initiatives and programmes. This skill set includes enhanced communication skills, political negotiation skills, strategic planning skills, and an understanding of structural systems of power.

> *'The challenge first of all is building the capacity within our agency, the knowledge, the capacity; every time you have a new initiative people first need to know, what is what, and how to do things.' USAID – USA – USA*

It is a continuous challenge to resource and build the knowledge and skills of staff across organisations which spans multiple countries and have a high staff turnover; the knowledge and skills of staff on SOHR is essential to the realisation and mainstreaming of SOHR, and when, not built, SOHR are not realised.

> *'In relation to competence and expertise and being able to push these questions forward. There is the acceptance and the knowledge that this (SOHR) is important for development cooperation, and we should be proud of it. We have come a long way, and people agree on that. But it's not always matched with competence and expertise in the countries, and that can sometimes create a problem. We have a very high ambition end dialogue, but then if we don't have the competencies, if we don't have the knowledge behind that high ambition, it becomes empty.' Sida – Swedish – Sweden*

Growing the competencies and skills of staff to realise and mainstream SOHR involves more than 'rolling out' public statements or policies, or providing periodic training, conferences, or network support. It consists of a process that encourages and supports staff to act and make decisions continuously based on their values and motivations to realise and mainstream SOHR. The development of staff's knowledge and skills without supporting the development of their values to realise SOHR can lead to a lack of motivation to take action to realise SOHR and take opportunities to navigate the complex spaces within bilateral

development cooperation. Therefore, staff's knowledge and skills on SOHR, their work priorities and pressures, their individual values on SOHR, and their motivation to realise SOHR, all contribute to their approach to realise and mainstream SOHR.

My interviews showed that staff working with human rights programmes – such as SRHR, gender rights, youth rights, disability rights or democracy and governance, which often conflict with dominant cultural values and norms, domestic legislation, and political will in participating countries – are more experienced in raising dialogue about contentious topics, undertaking contextual and intersectional analysis, and integrating strategic actions to achieve transformative impact. On the other hand, staff working on technical programmes or programmes focused on emergency preparedness or aid, are focused on achieving programme outcomes. They may not have the capacity or the will to take action to realise and mainstream SOHR through their programme interventions. In addition, citizens of participating countries and programme participants facing dangerous or life-threatening circumstances may neither be willing to take action to realise SOHR. This is a challenge when seeking to realise and mainstream SOHR through development initiatives and programmes.

8.5 Organisational Culture, Citizenship, and Belonging

Martins and Martins (2003, p.380) define organisational culture as 'a system of shared meaning held by members, distinguishing the organisation from other organisations'. Arnold (2005, p. 625) indicates 'that organisational culture is the distinctive norms, beliefs, principles and ways of behaving that combine to give each organisation its distinct character'. To Johnson (1990), organisational culture is therefore to an organisation what personality is to an individual. Internal mainstreaming, therefore, is to develop a collective personality within a bilateral development organisation.

Werner and Bagraim (2007, p. 25) focus on the role of organisational leaders to determine the type of culture that reflects organisational vision and values. They see that the leaders 'identify the appropriate behaviour to shape such a culture and then develop strategies to instil these behaviours across the entire organisation'. Although, like Hunt, this definition and association sees leadership as a top-down process, it shows the intercorrelations between the component of leadership and organisational cultures.

In relation to mainstreaming SOHR, organisational cultures enable and encourage the development of safe spaces to raise discussions about SOHR, challenge practices which may be discriminatory, and share best practices and insights on realising SOHR internally and externally. They support and encourage staff to take action to realise SOHR and create conditions to align individual and organisational values. They support the development of staff whose competencies and values support the realisation of SOHR. Internal mainstreaming, therefore, leads to the development of a 'critical mass' of staff to take actions to realise and mainstream SOHR through development initiatives and programmes.

The concept of 'critical mass' was created by Schelling (1978, 1971) and refers to a sufficient number of adopters of a new idea, belief, trend, or social system so that the rate of adoption is self-generating (Lenton et al., 2022). When a threshold number is achieved, a critical mass and reciprocal behaviours within collective groups, such as shared commitments, capabilities, goals, and consensuses, become self-sustaining and sustainable.'

Through the application of the Mainstreaming Human Rights Framework, mainland Sida has developed an organisational culture and a 'critical mass' of staff who seek to realise SOHR. This has been achieved through established organisational values on SOHR which are aligned to the dominant Swedish cultural values and norms. Through analysis of my interviews,

Swedish staff within Sida formed a critical mass in their engagement with the 'rights perspective' as the foundation of Swedish bilateral cooperation. This, however, emerged from being citizens of Sweden, rather than their belonging within the organisation.

An organisational culture and a critical mass of staff who seek to realise SOHR has yet to be built in mainland USAID or DFID organisations. In the USA, the political perspectives from different administrations on SOHR and the subsequent divide on dominant cultural values and norms impacts on USAID's ability to build a critical mass and an organisational culture to realise SOHR. DIFD requires more direction, time, and resources to develop a critical mass and an organisational culture. In the three archipelago organisations in Rwanda, a critical mass and an organisational culture to realise and mainstream SOHR are absent.

Across all three mainland and archipelago organisations, a critical mass was observed in relation to the rhetoric and actions taken to realise gender equality and rights. The creation of this critical mass is part of a multi-faceted and sustained approach to realise gender rights and mainstream gender. It is incorporated into SDGs, UN resolutions, national strategy plans, and organisational objectives.

Building a critical mass of staff with knowledge and intentions to structure the normative frames within their organisations around wider frames of intersectionality and queer presentations, rather than SOHR, identities and creates conditions of belonging for all. It can be observed as a 'component' to achieve mainstreaming and realise rights. It is included in the Mainstreaming Human Rights Framework.

Yuval-Davis (2006) discusses how belonging as part of the project of citizenship, includes a reflection of emotional investments and desire for attachments (p. 202), including feeling 'at home' and feeling 'safe' (p. 197). Alongside social locations and cognitive constructions of

individual and collective identities, narratives, and stories, belonging reflects how feelings and attachments are assessed, valued, and judged by the person and others (Yuval-Davis, 2016, p. 6). Creating organisational cultures where dominant normative structures can be challenged – where people who engage in same-sex relations and connections, or where 'queerness' is valued and judged positively – creates feelings of belonging. Applying intersectional, queer, and heteronormative frames to challenge organisational structures rather than focusing specifically on SOHR allows for an expansion of citizenship within organisations beyond who does and who does not belong. The focus is therefore on belonging within organisational cultures which enable the lives of all staff to be meaningful, acknowledged, and recognised. Feelings of belonging and attachment to organisations are therefore an important component of internal mainstreaming and realising SOHR. Belonging is therefore a frame included in the Mainstreaming Human Rights Framework. The challenge, however, is how this can be conceptualised and measured (Allen et al., 2021).

Internal mainstreaming opens 'rights arenas', leading to organisational cultures of support and the assembly of SOHR which are assembled through Plummer's 'Rights Works' processes (2006): to imagine, articulate, vocalize, and announce rights. It transforms citizenship within organisations where citizenship is seen as the participation or membership of communities (Gould, 1990). Staff actively participate in lived citizenship, where they negotiate rights and responsibilities and experience attachments and feelings of belonging.

Organisational Citizenship Behaviour (OCB) is also worth considering in the assembly of SOHR within organisations. OCB was first coined by (Bateman and Organ, 1983; de Geus et al., 2020). It is defined by Organ (2018) as *'individual behavior that is discretionary, not directly or explicitly recognized by the formal reward system, and that in the aggregate*

promotes the effective functioning of the organization' (p. 4). It is characterised by employees engaging in extra role activities not necessarily stipulated in their job descriptions yet in favour of organisational interests and contributes to effective functioning of the organisation and the organisational culture (Habeeb, 2019). It is a positive and constructive voluntary behaviour which improves cultures by creating healthy peer interactions and relationships. It is reflected in employees assisting other employees in their work without expecting a reward (Cem-Ersoy et al., 2015). Its foundations are in Social Exchange Theory, which sees that employees who experience positive experiences in the organisation reciprocate these feeling or experiences by contributing towards organisational objectives. The conceptualisation and dimensions of OCB may vary from culture to culture (Bakhshi et, al. 2009; Vaijayanthi, et.al. 2014), which is important in the contexts of bilateral development cooperation. Through analysis of my interviews, I did not observe a reflection of OCB within archipelago organisations. However, the USAID LGBT staff group showed OCB behaviours to undertake actions outside of their work roles. Their behaviour was not necessarily a response to USAID as an organisation but to the objective and commitments to realise SOHR across the organisation. This is more the action of a social movement rather than OCB.

As discussed in section 1.8 on citizenship, little attention has been given by social theorists to looking inside organisations at social movement activity (Sikkink, 2005). Observing OBC, therefore, does not fit as a relevant component within the Mainstreaming Human Rights Framework.

Visibility is a crucial resource in normalising SOHR and the presence of LGB people in organisations (Michelson, 2018). It is an essential component of realising and mainstreaming SOHR and building organisational cultures to support the realisation of SOHR. Visibility in

the form of news, communications, briefs, posters, brochures, webpages, blogs, policies, and the like assists to open discussions on SOHR and show the intentions of bilateral development organisations to realise SOHR.

In 2014, Sida compiled 27 briefs on Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Persons (Sida, 2014a). This provided information and guidance on applying their Human Rights Perspective in relation to SOHR in almost every country and region in which they engaged, including Rwanda. These briefs visualise the position of each country on SOHR and can be used as a baseline for future country reviews or assessments of change or impact. Furthermore, they visibly reiterate that '*promoting and increasing respect for the human rights of LGBTI persons is a Swedish priority'* (Sida, 2014a). After these briefs were published internally, Sida's partners asked for them to be shared externally.

> *'There are a number of briefs covering LGBTI rights in all the countries and regions where we've worked . . . First, these were published only on the internal website for colleagues, but then our colleagues said that they want to use this for our partners and asked "Can we spread it among our partners?" Also, partners came to us and said "We have heard that you have a brief about that," so we decided to publish on the external website . . . These briefs are tools for everybody, for those who do not work with human rights and especially with LGBTI's.' Sida – Swedish - Sweden*

The visibility of these briefs shares Sida's intentions and approach to realise SOHR. The knowledge on SOHR that these share assists in realising and mainstreaming SOHR internally within mainland and archipelago organisations and externally with partners and stakeholders.

In USAID, the USA Presidential Memorandum (2011) and LGBT Action Plan (2104) both increased demand for SOHR materials and inspired the production of visible resources which were accessible to staff and partners, such as the LGBTI Inclusive Development webpages (Inclusive Webpage, 2023) and the LGBT Impact blog (USAID Blog, archived).

Organisational cultures and environments need to show SOHR visibility and provide policy support for staff in same-sex relationships or families. In 2013, the USAID LGBT impact blog posted a case study of a female USA officer working in Nicaragua with her wife and daughter. This blog, which was published globally, visualised how USAID extends benefits to same-sex partners. It described USA's policy adopted in 2009, which announced the full range of legally available benefits and allowances to same-sex domestic partners of USA Foreign Service staff serving abroad (US Department of State, 2009). The female officer, her wife, and their daughter's presence impacted the USAID Nicaragua mission and wider circles and partners. During her employment, USAID Nicaragua passed a mission order guiding further integration of LGBT persons and priorities into its programmes. It developed its collaboration with the inter-agency LGBT Working Group in Nicaragua.

The USA policy to extend benefits and allowances to same-sex domestic partners of Foreign Service staff serving abroad was petitioned by the Gays and Lesbian in Foreign Affairs Agencies (GLIFAA), who represent LGBT personnel and their families working in foreign affairs within the US government. Their membership had grown from less than thirty members in 1992 to over 2,200 in 2009[vv]. This growing membership of the GLIFAA, alongside the development and implementation of the policy, provides visibility of same-sex partnerships and families across the USA Foreign Service and the support to same-sex couples provided by the US government. In addition, it visibly shows USA's approach towards SOHR, building organisational cultures and instigating discussions.

Between 2012 and 2016, the mission director for USAID Rwanda was openly gay and living with his male partner in Rwanda[ww]. Although it was not possible to interview him to understand his work as head of mission, and his experience of being openly gay in Rwanda,

his presence as an openly gay officer impacted USAID staff and diplomatic circles in Rwanda.

> *'Our mission director in Rwanda was Peter Malnak and he was like the first openly out mission director who brought his partner there, so I mean he got a perspective as an American living there with his partner. His entire staff has completed the gender sensitisation and the LGBT training.' USAID – USA - USA*

A potential association between his presence and impact are the reported actions of the US Embassy on SOHR by Sida in their country profile on 'The Rights of LGBTI People in Rwanda' (2014)' (Sida, 2014b).

> *'The US Embassy is rather active on LGBT rights in Kigali. In June 2013, a joint event was organised for government officials and human rights organisations, including LGBTI activists who were able to meet the cabinet officials. In June 2014, the US Embassy invited artists and human rights activities to celebrate Pride Month in Rwanda by turning the US Embassy's wall into a canvas, which was decorated on. Messages on LBTI rights were included.' (Sida, 2014b)*

8.6 Individual and Organisational Values

Cross-cultural studies show that citizens from different cultural backgrounds have different values (Hofstede, 2001) and that the dominant cultural values and norms of environments that surround people impacts on their individual values and behaviours (Vincent et al., 2011). This is specifically pertinent in relation to realising and mainstreaming SOHR through bilateral development cooperation across the socio-political contexts of the donor and participating countries.

Individual values are broad desirable goals which motivate people's actions and serve as guiding principles in their lives. They affect people's perception, cognition, and behaviour over time and across situations (Sagiv and Schwartz, 2022). They are therefore the central beliefs or tenants that guide and drive staff motivations, approaches, and actions. The

individual values of staff are influenced by dominant cultural values and norms of the countries that they are citizens of, as well as their access to ‘rights arenas’ at work.

Organisational values on SOHR are expressed in public statements and policies, which are predominantly formulated in donor countries and mainland organisations and written by citizens of donor countries expressing their values on SOHR. The language in these public statements and policies references donor ambitions on SOHR, see section 7.3.2. These often do not align with the domestic legislation and dominant cultural values and norms of the participating country, see chapter 4. SOHR public statements and policies devised in donor countries and mainland organisations by donor citizens which state the values of donor countries and citizens mean that they do not align with the individual values of staff in archipelago organisations and organisational.

The development of public statements and policies based on the values of donor countries and mainland staff means that archipelago organisations have not had the opportunity to move through the first two of Plummer’s (2006) ‘Rights Works’ processes to ‘imagine, visualise, and empathise’, and ‘articulate, vocalise and announce’ SOHR (p. 152). Without context specific policies, these first two stages of Plummer’s processes will not be undertaken in the socio-political context of the participating country. Therefore, a foundation will not be built from which the following processes of inventing identities, telling of stories, building communities, and a creating culture of ‘public rights’ can occur (Plummer, 2003, p. 34). The process of assembling rights, therefore, needs to take place in the same organisation and socio-political context.

The socio-political contexts in Sweden, USA, and the UK enable opportunities for staff to be involved in SOHR conversation both inside and outside of work in public and private arenas.

In these countries, there have been an increase in the visual depictions and references to same-sex relationships, families and desires in the media, advertising, TV, films, festivals, and events (Crees et al., 2023). There has been an increased visibility of activists, advocates, and civil society organisations who take responsibility and provide pressure to realise SOHR (Michelson, 2018). In addition, there are a growing number of people who openly identify as LGB, queer, in same-sex relationships, or state their sexual orientation. This representation leads to a normalising of same-sex relationships. They increase the frequency of conversations on SOHR, providing opportunities for citizens to gain SOHR knowledge.

Continual engagement in conversations and 'rights arenas' in donor countries enables staff to experience and be involved in discussions about SOHR. They provide opportunities to reflect on SOHR perspectives and values and to view SOHR less of a private position but as a human rights issue.

> *'We bring with ourselves as professionals a slew of experiences that shapes who we are and how we approach our work.' USAID – USA – Rwanda*

In contrast, Rwanda staff have not been exposed to SOHR 'rights arenas' in public and private spheres both inside and outside of work. This leads to limited opportunities to develop SOHR knowledge and to consider their individual values on SOHR. The frequency and content of conversations that staff have on SOHR in their work environments and in public and private spheres outside of work, therefore, impacts their individual values and perspectives on SOHR.

Both inside and outside of work, dominant cultural values, and norms on SOHR are continuously presented in public and private spaces through conversations, storytelling, observed practices, and language. Visual interpretations of SOHR or the lack of visual

interpretations in work life and everyday life and liaisons with families, friends, work colleagues, and community networks continually affirms dominant cultural values and norms.

Staff from donor countries, working in mainland organisations and residing in donor countries, are presented with similarities between organisational values and dominant cultural values and norms both inside and outside of work.

Staff who are citizens of donor countries and are employed in participating countries and within archipelago organisations maintain close associations with Western colleagues within and beyond the workplace. This often fosters strong ties with mainland staff and periodic visits to their home country for work or leisure. Consequently, they retain close familiarity with the cultural values and norms on SOHR in donor countries.

There is a correlation between organisational values on SOHR expressed in public statements and policies which evolve from donor countries, as well as the values on SOHR outside of work. For Rwandan staff, organisational values which evolve from donor countries do not align with dominant cultural values and norms on SOHR where they live. Rwandan staff, therefore, need to navigate the differences in their organisational values on SOHR whilst at work and the dominant cultural values and norms in their nonwork public and private environments. The individual values of Rwandan staff may therefore not align with organisational values, given that organisational values originate from donor countries.

> *'So, it's your business, you need to be aware of it, and nobody is going to go after you, but don't try to make a big deal out of your sexual orientation in what the authorities see as an attempt to recruit other people into these movements.' USAID – Rwandan - Rwanda*[xx]

In Sweden, the dominant cultural values and norms make discussions about SOHR uncontroversial, supporting the alignment between the individual values of Swedish staff with the organisational values of Sida.

> *'It's very uncontroversial in the Swedish context to talk about LGBTI rights. . . It's not a big thing . . . very few people that would at least openly say that they don't agree, and you will hardly find these people at SIDA, I think.' Sida – Swedish - Sweden*

In USAID, mainland staff presume that USAID organisational values are known by staff in both the mainland and archipelago organisations and that these organisational values influence staff's decisions to both apply for roles and to remain working for the bilateral development organisations even after changes in political leadership. I think this is an inaccurate assumption that staff apply for positions or choose to continue their employment based on their knowledge of organisational values and the alignment of these with their individual values.

> *'The US government have administrations; so right now, we are in the Obama administration, so if anyone chooses to work with the government, they understand that at that particular time and a particular political administration is in office, so when people apply for jobs they understand the overall tenor of a particular administration and what their belief systems are; so people are welcome to choose to work at USAID or not. I would say, at this point, the Obama administration has been very clear on human rights and the inclusion of all people, so I would say currently, the message should be fairly clear to people.' USAID – USA – USA.*

Like USAID mainland staff, DFID mainland staff predict that Rwandan staff know about DIFD's organisational values, and if their individual values do not align, then they choose to not work with DFID.

> *'I am sure that broadly speaking, people who apply to work at DFID Rwanda or at the British High Commission align with UK values because if they didn't, they probably wouldn't want to work here.' DFID – British – Rwanda.*

It is debatable as to whether the politics of donor administrations and governments and organisational values on SOHR deters candidates from applying for jobs in archipelago organisations, considering that staff within archipelago organisations are not aware of public statements and policies on SOHR, see section 7.3.2. It is also debatable as to whether Rwandan employees – who have invested heavily in their education, gaining employment within bilateral development organisations in highly competitive environments, with limited employment opportunities, who have been hired under one administration or government – would give up their employment, their financial security, stability, status, and rewards offered by a bilateral development organisation because of changes in the politics of the administration or governments of donor countries.

Recruiting employees without knowing their values on SOHR can impact the alignment between individual and organisational values and the realisation and mainstreaming of SOHR. Without assessing values in recruitment, organisations may recruit employees with good technical skills but without the values which enable them to take action to realise SOHR through their work. This creates barriers to mainstreaming SOHR.

Understanding a potential employee's individual values on SOHR through 'value-based recruitment' (VBR) can diminish barriers to internally mainstream SOHR. VBR is a prevalent approach within NHS England to attract and recruit students, trainees and employees on the basis of their individual values and behaviours which align with the NHS values (Dixon-Woods et al., 2014).

There are various value-based models of recruitment across cultures which could inform bilateral development organisations on this practice and process (Ma and Allen, 2009). For example, sharing recruitment packs with applicants before the interview including

information on SOHR organisational values and the potential of being asked about their individual values in interview is a potential mechanism to undertake VBR in Rwanda. Although raising questions on SOHR in interviews in socio-political contexts where it is controversial to talk about SOHR, such as in Rwanda, is challenging for all staff. My interviews showed that staff who are citizens of donor countries are more prepared to ask questions about SOHR in interviews. This may be based on the opportunities that they have had to explore their individual values on SOHR and to engage in rights arenas in donor countries. These staff members are also more often in leadership roles in archipelago organisations and have acquired more knowledge about organisational values, donor legislation, and public statements and policies on SOHR from donor countries, as seen from their adoption of policy documents, see section 7.3.2. This may motivate them to recruit based on individual values as well as technical skills.

Internally mainstreaming SOHR by building the knowledge and skills of staff and organisational cultures on SOHR could, therefore, lead to the development of context-specific recruitment policies and processes, to undertake VBR practices to understand the individual values of candidates on SOHR in interviews.

My interviews also reveal that some staff recruited to archipelago organisations were recruited through an agency. If recruited in this way, staff need the knowledge and skills to assess the organisational values of recruitment agencies on SOHR, like commissioning partner organisations in programming, see section 7.4.1.

Through my interviews, I questioned the recruitment practices of the three bilateral development organisations in both mainland and archipelago organisations to understand whether and how the individual values of potential employees were understood. Advisers in

mainland DFID and Sida organisations recognised that developing recruitment policies to guide recruitment processes could enable the engagement of staff with individual values that supports the realisation and mainstreaming of SOHR.

> *'It would be good to ask some specific questions during the recruitment as a recommendation.' DFID – British - UK*

> *'It is interesting to talk to you, because what we have basically indicated is that there is a little gap there, you know, 'walk the talk', that doesn't necessarily follow internally with some staff what we do externally.' Sida - Swedish – Sweden*

My interviewees gave their perspective of staff being questioned in interviews about their individual values on SOHR. Swedish mainland staff perceived that archipelago staff are questioned on Swedish values in recruitment.

> *'When we recruit national programme officers, they have to be able to represent Sweden and the values and what we stand for. We always included questions about LGBT, human rights for LGBT people, abortions, etc.,. in interviews'. Sida – Swedish - Sweden*

They also perceived that the Swedish staff's values align with the Swedish culture and, therefore, with the organisational values of Sida on SOHR.

> *'It's very uncontroversial in the Swedish context to talk about LGBTI rights . . . it's not a big thing . . . very few people that would at least openly say that they don't agree, and you will hardly find these people at SIDA, I think.' Sida – Swedish - Sweden*

USAID mainland and archipelago staff question the technical ability of candidates in interviews but do not question individual values on SOHR. They then introduce new employees to organisational policies and values after starting their roles.

> *'They are judged on their technical qualifications as related to their particular job that they need to fulfil, and then once on the job they are then made aware of our gender strategy, gender policy, the LGBT policy as well as the workplace related policies.' USAID – USA – USA*

> *'So when new staff are recruited, they don't really go into their personal values but kind of keep it neutral, but as you implement the programmes, then they open you up to the new realities.' USAID – Rwandan - Rwanda*

DFID mainland staff expect questions on SOHR in interviews because of the UK's Equality Act (2010), see section 4.5. These interviewees did not mention a distinction in their expectations of archipelago staff.

> *'All recruitment as part of the UK civil service would fall under the requirements of the Equality Act 2010.' DFID – British – UK*

According to my interviews, none of the Rwandan staff from the three organisations were asked about SOHR values in their recruitment. Neither were they prepared to ask questions about SOHR in future interviews that they conduct.

> *'The way I see it actually is that asking such questions it might become too sensitive or you might be seen as actually discriminatory.' Sida – Rwandan – Rwanda*

Given Sida's longstanding commitment to realising SOHR since 2006 and their changing meaning of SOHR over time, organisations need to decide how to manage the ongoing employment of staff and their expectations of staff's values with changes in their organisational values.

> *'We had a programme officer working on SRHR who was not comfortable with abortion issues. As a manager, I said she could not represent us externally. She can do programme work inside the office because she had been recruited a long time ago and we couldn't fire her. But today I think it's increasingly apparent for heads of development corporation at our embassies that values are something you have to take into consideration when you recruit people.' Sida – Swedish - Sweden*

Without aligning individual and organisational values on SOHR, staff may take actions which comply with organisational policies that they don't personally commit to. This non-meaningful application of policies means that staff will not be committed to take challenging

actions to realise and mainstream SOHR through their work. Actioning SOHR policies without aligning individual values becomes tokenistic, a ‘tick box’ exercise.

When organisational values are an expression of the values of donor countries, as are the organisational values on SOHR of the three bilateral development organisations, then it is understandable that the organisational values and individual values of Rwandan staff in archipelago organisations do not align. It is imperative for each archipelago to ‘imagine, visualise, and empathise’ and ‘articulate, vocalise, announce’ their values on SOHR through public statements and policies, according to Plummer’s first two processes (2006, p.153).

A strong correlation between individual values of staff and organisational values establishes organisational cultures with shared values, beliefs, and assumptions about behaviours to realise SOHR. This supports staff to navigate the complex spaces of bilateral development to realise and mainstream SOHR. The less aligned individual and organisational values, the less strength and support there is within the organisation to take action to realise and mainstream SOHR.

8.7 Conclusion

To uphold commitments to SOHR as stated in the domestic legislation and policies of donor countries, and to respond to the influences and impact of global and national, geo-political and socio-political contexts, I propose that mainstreaming SOHR is split into two categories. Internal mainstreaming through organisations with staff and external mainstreaming through development programmes and initiatives with stakeholders. Internal mainstreaming is a prerequisite to external mainstreaming. It creates internal reflective discussion spaces, increasing the knowledge and skills of staff, and builds organisational cultures of support. Building the components of ‘*Individual Values and Skills’* of staff and *‘Organisational*

Culture' to internally mainstream SOHR leads to the realisation and mainstreaming of SOHR through bilateral development cooperation. This enables movement through Plummer's processes to assemble SOHR internally within organisations, moving to assemble rights through the 'collective conduct and social meaning of many' (2006, p. 153) and intercorrelate with Hunt's seven components. This positions staff working in Rwanda with the knowledge, strength, and support to create and enact visions and strategies to realise SOHR based on contextual knowledge and the application of approaches. It enables them to navigate 'complex spaces' to realise SOHR through bilateral development programmes and initiatives in Rwanda.

The creation of 'rights arenas' within mainland and archipelago organisations enables a shared understanding about SOHR and leads to the development of context-specific policies in archipelago organisations, which are imperative to realise and mainstream SOHR through bilateral development cooperation. The development of policies on SOHR expressing context-specific organisational values written by archipelago staff would ease the complexity of aligning individual and organisational values on SOHR in Rwanda and navigating the complex space.

Policies support the creation of organisational cultures. They lead to application of value-based recruitment and support staff living in same-sex relationships and their partners and families working in archipelago organisations. They build 'communities of support' (Plummer 2006) and enable a culture to safely challenge practices and discrimination, or to suggest improvements. All these factors feed into the development of a critical mass of staff who are motivated to take action to realise and mainstream SOHR both internally through organisational structures and externally through development initiatives and programmes.

Realising and mainstreaming SOHR through development initiatives and programmes and navigating the complex spaces within bilateral development cooperation needs to use the organisations support plus the motivation and strength of staff to find and pursue opportunities to realise SOHR through their work. Without influencing the individual values of staff to realise SOHR, the application of organisational policies to realise SOHR can become tokenistic.

Realising and mainstreaming SOHR requires that all staff gain specialist knowledge and skills to raise contentious topics which conflict with dominant cultural values and norms and take action to achieve transformative mainstreaming. Given the conflict between realising SOHR and the dominant cultural values and norms in Rwanda, it is a complicated and a high ambition process to support staff to take action to realise and mainstream SOHR through bilateral development cooperation in Rwanda.

The focus of mainstreaming rights needs to expand beyond descriptive labels of SOHR or LGBT which are associated with the West, to create organisational cultures which address heteronormative structures or open the mainstreaming practices to focus on intersectional analysis or queer African sexualities. Mainstreaming SOHR internally through organisations can create internal visibility, change language, and continually build structures of support. Building organisational cultures where people feel valued and attached creates feelings of belonging. Focusing on SOHR can separate and ‘other’ individual staff members who engage in same-sex connections and relationships, detracting from feelings of belonging. Movement through Plummer’s (2006) processes to assemble rights therefore assembles rights for all members of the organisation, rather than narrowly focusing on a select few and solely on SOHR.

Conclusion

This research successfully identifies key components involved in upholding SOHR commitments through bilateral development cooperation. It has developed and applied a Mainstreaming Human Rights Framework and assessed the SOHR mainstreaming practices of Sida, USAID, and DFID, both globally and in Rwanda. It concludes that both the implementation of rights, which are documented in agreements, legislation, and policies, and the assembly of rights, occur simultaneously. They complement and form each other and are both included in the assessment of SOHR mainstreaming.

The development and application of the Mainstreaming Human Rights Framework has enabled identification of components which contribute to upholding and realising SOHR through bilateral development cooperation in Rwanda. This framework adapts and includes Hunt's (2017) seven components of leadership, policy, programming, resources, engagement, review, and evaluation. It also incorporates Plummer's (2006) five processes which identify how rights are assembled: by being imagined, articulated, vocalised, announced, and habitualised, consequently becoming institutionalised into laws, ordinances, and declarations.

Hunt's (2017) seven components provides a solid foundation to form this framework; however, they need to be challenged and extended to provide a fuller and more in-depth understanding and assessment of SOHR mainstreaming practices and achievements. I argue that they also need to include the additional components of '*Individual Values and Skills'* of staff and *'Organisational Culture*' to assess the internal mainstreaming of SOHR within bilateral development organisations.

I use research data from my semi-structured interviews and policy analysis to apply the Mainstreaming Human Rights Framework and assess the mainstreaming of SOHR through bilateral development cooperation in Rwanda. This application provides five insights. First, it identifies the achievements and gaps in mainstreaming SOHR by the three bilateral organisations, both globally and in Rwanda. Second, it identifies the components and processes which contribute to the implementation, the assembly, and therefore, the mainstreaming of SOHR through bilateral development cooperation in Rwanda. Third, it identifies that the internal mainstreaming of SOHR within bilateral development organisations enhances individual and organisational knowledge and strength and is therefore a prerequisite to mainstreaming SOHR through development programmes and initiatives. Fourth, it shows that mainstreaming SOHR through bilateral development is heavily influenced and impacted by historical and contemporary geo-political and socio-political contexts. Finally, it enables an assessment of the applicability of this framework in its current form.

Applying this framework has shown that Sweden upholds SOHR through its bilateral development cooperation globally. It applies theoretical and conceptual approaches that underpin successful mainstreaming to both realise and assemble SOHR. In contrast, both USAID and DFID experience fluctuating activity to uphold SOHR through their global operations. These fluctuations are influenced by domestic political factors, such as changes in leadership and ruling governments, the allocation of resources, and the development of legislation and policies.

The application of this framework shows that all three bilateral development organisations operating in Rwanda have achieved limited SOHR mainstreaming, even with emerging

opportunities to collaborate with national and international social movements and organisations who seek to realise SOHR.

My policy analysis shows that policy objectives to realise SOHR through bilateral development have been presented and progressed by the three bilateral development organisations. However, these policies are predominantly devised in donor countries and observed and applied by staff who are mainly citizens of donor countries and/or whose roles focus on the realisation of human rights.

Mainstreaming SOHR through bilateral development cooperation sits on a complex axis of theoretical and conceptual frames which underpin successful mainstreaming. These are key components in upholding SOHR. They include participatory and Rights-Based Approaches, as well as transformative, feminist, intersectional, and queer perspectives. They are identified within the first iteration of the framework; however, they need to be further specified to be better positioned to assess mainstreaming practices. This research, therefore, only provides the first exploration of the Mainstreaming Human Rights Framework, and this framework needs to be developed further.

To realise SOHR through bilateral development and navigate the ‘complex spaces’ that house cultural and political disagreements between donor and participating countries on SOHR, I propose that mainstreaming SOHR through bilateral organisations is a prerequisite to taking action to realise SOHR through development initiatives and programmes. This builds a critical mass of staff with knowledge and skills on SOHR, and cultures and environments of support that drive momentum for change. Internal mainstreaming opens ‘rights arenas’ providing the opportunity for reflexive conversations and challenges between peers. This builds knowledge, skills, and confidence to open conversations on SOHR through

development initiatives and programmes, to assess socio-political contexts, and to strategise approaches. The internal mainstreaming of SOHR also leads to the transformation of citizenship and belonging within organisations.

Creating organisational cultures where dominant (hetero)normative structures are challenged, allows for an expansion of citizenship within organisations beyond who does and who does not belong. Encompassing frames of intersectionality and queer presentations rather than focusing on SOHR and LGBT identities and politics with their connotations of being Western constructs, creates feelings of belonging for all, valuing all forms of gender and sexual diversity. This enables the lives of all staff to be meaningful, acknowledged, and recognised. Feelings of belonging and attachment within organisations is therefore an important component of internal mainstreaming and a frame to be included in the Mainstreaming Human Rights Framework. The challenge is how to conceptualise and measure organisational belonging.

Activities to realise SOHR through bilateral development initiatives and programmes in Rwanda are significantly influenced and impacted by the historical and contemporary geo-political context and socio-political contexts. This includes the Rwandan government's approach to civil society organising and SOHR visibility. These activities are also impacted by dominant cultural values and norms on SOHR. An analysis of contexts and influences is therefore an essential component of mainstreaming SOHR, which impacts on strategies and actions to realise SOHR.

The Mainstreaming Human Rights Framework has the potential to be applied periodically overtime in the same location to show movements to progress the mainstreaming of rights and gaps. If properly contextualised, it can be modified and developed to apply to other rights

focuses such as gender, disability, ethnic minorities, etc. It can help to evaluate human rights mainstreaming across different geographical locations, or the work of different teams or programmes, relating to different scales (such as nationally, locally). It, therefore, contributes to knowledge on the mainstreaming and assembly of rights through bilateral development and through other disciplines. In its current format, it is complex and challenging to apply. Its application requires specialist knowledge on the theoretical and conceptual frames and approaches involved in mainstreaming. Staff with limited knowledge, or who are technically focused and/or pressured to deliver programme objectives, may be reluctant to apply it, given the pressures of funding cycles and reporting mechanisms within development cooperation. It, therefore, needs to be reformulated with reduced complexity to be usable as a participatory action research tool, to gather data, open conversations, identify strategic opportunities and actions, and contribute to the assembly of rights.

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Appendices

Appendix A - Research Summary

Research Question

What role do 'people' play in realising and mainstreaming SOHR through bilateral development cooperation?

Bilateral Development Organisations

- Sida - Sweden's government agency for development cooperation.
- USAID - United States Agency for International Development
- DFID - The UK Department for International Development (which was replaced by the Foreign, Commonwealth & Development Office (FCDO) in September 2020.

Frameworks

Two frameworks identify the components and processes used to realise and mainstream SOHR through the bilateral development cooperation of three bilateral organisations in Rwanda.

a) Plummer (2003) and (2006)

- Intimate Citizenship. Private Decisions and Public Dialogues. University of Washington Press. Plummer (2003)
- Rights Work: constructing lesbian, gay, and sexual rights in late modern times (Chapter 8 Plummer). Lydia Morris (Eds) Sociology and Human Rights 2006)

b) Hunt (2017)

- Configuring the UN Human Rights System in the "Era of implementation": Mainland and Archipelago. (*Human Rights Quarterly* 39 (2017) 489–538)

Data

a) Primary Data

Primary was collected through 24 semi-structured interviews with leaders, policy advisers, and development practitioners who are citizens of donor countries and Rwanda and working in donor countries and Rwanda.

- Sida - 7 total. Four are based in Stockholm, all Swedish. Three are working in Rwanda, 2 Swedish and 1 Rwandan. 6 Swedes were interviewed. Four in Stockholm 2 in Rwanda.
- USAID – 11 total. Eight are based in Washington, DC, and all American. Three are based in Rwanda, all Rwandan. 8 Americans were interviewed. All eight were based in

Washington, DC. N.B. It was not possible to find or interview Americans working in Rwanda. The Head of Office recently changed, and the structure of USAID development cooperation means that they commission and work with delivery partners to execute programmes.

- DFID - 6 total. Three are based in London, all British. Three working in Rwanda, 1 British and 2 Rwandan. 4 British nationals were interviewed. Three in the UK and 1 in Rwanda.
- 5 Rwandans were interviewed from the three organisations. All are based in Rwanda.

The interviewees' roles ranged from Director of Departments and Head of Office through lead and senior policy specialists, co-ordinators and officers, advisers and co-ordinators, programme managers technical and strategy officers. In addition, lead LGB coordinators within their organisations and LGB network members were also interviewed.

Areas of specialism and expertise of interviewees included Gender Equality, Women's Empowerment, Health, Sexual and Reproductive Health and Rights (SRHR) (including Maternal and Newborn Health and Safe Abortion), Population and Reproductive Health, Orphans and Vulnerable Children, Human Rights and Democracy, Governance (including Domestic Accountability), Diplomacy, Social Development, Training, and Communications.

The content of the semi-structured interviews was influenced by the interviewee's roles, focus, pressures, priorities, country of work, nationalities, and countries of origin and cultures. (List of interview questions Appendix B)

Whilst retaining the confidentiality of interviewees, this analysis identifies whether there is a difference in the knowledge they have, the information they receive, and their perspectives about mainstreaming SO Human rights initiatives in Rwanda through development cooperation which could be influenced by their organisation, the country where they are based, their nationality, and the cultural norms in which they live.

b) Secondary Data

One hundred three pieces of legislation, policy, and strategy documents were collected and analysed to reveal the use of SOHR terms and the transformative, intersectional, and participatory approaches.

Appendix B - Interview Schedule

Script

- Provide information about the research – topic, purpose, dissemination, storage of data
- Informed consent
- Alleviate any concerns
- Build rapport
- Outline confidentiality
- Confirm contact details
- Inform about transcription and checking
- Ask for policies
- Ask for contacts in Rwanda and the donor country to interview potentially
- Inform about the end of the research and where to find the thesis
- Name your bilateral organisation in this research, given that I will be undertaking approximately 24 interviews in total, with approximately eight being from your organisation?

About the participant

1. What is your role in (X organisation)?
2. How long have you worked for (X organisation)?

Sexual Rights

3. What work have you done, are doing in relation to sexual rights?
4. Who have you worked with on sexual rights? (partners, colleagues)
5. What policies are available on sexual rights?
6. What resources are available on sexual rights?
7. Do you think there are any connections between gender rights and sexual rights?

How do you think your work connects to Sexuality / SOHR?

8. How would you describe your country's approach to SOHR?
9. How would you describe your organisation's approach to SOHR?
10. What do you think about your organisation's approach to SOHR?
    a. What policies are available?
    b. What documents have you had sight of on SOHR?
    c. What strategies have been taken?
11. How do you think SOHR should be incorporated within development initiatives?
12. What are the challenges of bringing SOHR into your work?

Organisation

13. What training have you received or been involved in on SOHR?
14. How does your organisation ensure development practitioners have the correct values to effect change in challenging environments?
15. How are development practitioners supported to link SOHR into their work?
16. How are LGB development practitioners supported within your organisation?
    a. What kind of Staff Networks are there?
    b. What types of LGB awareness-raising sessions are there?
    c. What supportive policies are available?
    d. What strategies have been taken?
    e. How are same-sex and opposite-sex partners of development practitioners supported in the same way?
    f. How are LGB development practitioners' security protected?
    g. What visual presentations are there of same-sex couples in your organisation?

    -
17. Please tell me about any examples of development initiatives that include sexual rights within Rwanda.
18. Do you know of any best practice examples of SOHR initiatives?
19. Do you know of any leaders, catalysts, or advocates who conduct best practice in bringing SOHR into development?
20. Who else do you think I should interview for this research?

Thank you for your time.

I will contact you within one month with a transcript of this conversation.

Appendix C - Information Sheet

Dear

Thank you very much for agreeing to participate in this research. This information sheet explains what the study is about and how we would like you to take part in it.

The purpose of this research is to understand the relationship between sexual rights and international development. I would therefore like to ask you a few questions about your views and experiences. If you agree, I would like to audio record the interview to be able to document it accurately. The information provided by you in the interview will be used for research purposes. It will not be used in a manner that would allow identification of your individual responses. I will therefore send you a summary of the transcript with all personal identifiers removed for you to agree. Throughout this research, all research data will be anonymised and saved securely in line with the UK Data Protection Act 1998.

This research has been considered and approved by an Institutional Ethics Committee at the University of Essex.

If you have any questions about the research at any stage, please do not hesitate to contact me.

Once again, I would like to thank you for agreeing to take part in this research.

Yours Sincerely

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Appendix D - Consent Form

Research on Sexual Rights and International Development

- I have read and understood the Information sheet provided
- I have been given the opportunity to ask questions about the research
- I understand that taking part in the research will include being interviewed and audio recorded
- I have been given adequate time to consider my decision and I agree to take part in the research
- I understand that my personal details such as my name and position will not be revealed to people outside the project.
- I understand that my words may be quoted in publications, reports, web pages, and other research outputs but my name and position will not be used.
- I understand that research transcripts will be anonymised and securely saved to enable them to be used in the future.
- I agree to assign the copyright I hold in any material related to this project to Clare Hammerton
- I understand that I can withdraw from the research at any time and will not be asked any questions about why I no longer want to take part.

Name of Participant:_____

Signature of Participant: _____
Date:_____

Name of Researcher:_____

Signature of Researcher: _____
Date:_____

Appendix E- Contact Recorder

Contact Recorder											
	Name	Email	Telephone	Address	Info sheet sent. Date	Interview. Date. Time	Interview. Location	Consent to record. Y/N	Transcribed Date	Summary transcript sent. Date	Agree transcript Y/N. Date
1											
2											
3											
4											

Appendix F - ODA Sweden, the USA, the UK, and Rwanda

I analysed the amount of bilateral Official Development Assistance (ODA) from donor countries to participating countries using the OECD website, QWIDS: Query Wizard for International Development Statistics from the Organisation for Economic Co-operation and Development (OECD)[yy]. As a result, I identified that Rwanda received significant funds in 2011 from Sweden, the USA and the UK, see Table AA.

Table AA. Bilateral ODA from Sweden, USA, and UK to Rwanda. 2011

Sector(s):	Total Bilateral Aid To All Sectors
Flow(s):	ODA
Donor(s):	Sweden / US / United Kingdom
Flow Type(s):	Disbursements
Amount:	Current Prices (USD millions)
2011	Rwanda
Sweden	
All Recipients, Total	5603.13
All Developing countries	3651.56
Sweden to Rwanda	33.25 (USD millions)
% of All Recipients, Total (to Rwanda)	0.6%
% of All Developing Countries (to Rwanda)	0.9%
United States	
All Recipients, Total	30966.35
All Developing countries	27293.41
United States to Rwanda	177.66 (USD millions)
% of All Recipients, Total (to Rwanda)	0.6%
% of All Developing Countries (to Rwanda)	0.7%
United Kingdom	
All Recipients, Total	13832.36
All Developing countries	8473.54
United Kingdom to Rwanda	135.57 (USD millions)
% of All Recipients, Total (to Rwanda)	1.0%
All Developing countries (to Rwanda)	1.6%

I then compared the percentage of bilateral ODA received by the top-ranking participating countries, from these three potential donor countries in 2013 which showed that Rwanda received significant funds from all three potential donor countries, see Table BB.

Table BB. Percentage of bilateral ODA to top-ranking countries from Donor Countries. 2013

Flow(s):	ODA			
Donor(s):	Sweden / USA / United Kingdom			
Flow Type(s):	Disbursements			
Amount:	Current Prices (USD millions)			
2013	Rwanda	Ethiopia	Afghanistan	Somalia
Sweden	29.65	29.79	125.52	57.57
% of All Recipients, Total	0.5%	0.5%	2.2%	1.0%
United States	155.89	678.78	1694.07	245.13
% of All Recipients, Total	0.5%	2.2%	5.4%	0.8%
United Kingdom	161.65	515.06	331.23	167.72
% of All Recipients, Total	0.9%	2.9%	1.9%	0.9%

From this data between 2011 and 2013, I predicted that Rwanda would consistently receive bilateral ODA from the three donor countries. In the future, in 2020, after analysing the amount of ODA from the donor countries to Rwanda, I confirmed there are sustained bilateral relationships and bilateral ODA funding between the three donor countries of Sweden, the USA and the UK and Rwanda, see Table 23.

Table 23. Bilateral ODA from Sweden, USA, UK to Rwanda between 2013 and 2020[zz]

Sector(s):	Total Bilateral Aid To All Sectors							
Flow(s):	ODA							
Donor(s):	Sweden / USA / United Kingdom							
Flow Type(s):	Disbursements							
Amount:	Current Prices (USD millions)							
Sweden	2013	2014	2015	2016	2017	2018	2019	2020
All Recipients, Total	5827.29	6232.72	7089.3	4892.91	5563.25	6000.04	5204.71	6348.35
Rwanda	29.65	39.02	32.22	28.64	28.52	31.15	25.92	22.13
% of All Recipients, Total	0.5%	0.6%	0.5%	0.6%	0.5%	0.5%	0.5%	0.3%
USA	2013	2014	2015	2016	2017	2018	2019	2020
All Recipients	31266.7	33095.6	30985.5	34421	34732	33787.1	32980.7	35396.4

Rwanda	155.89	157.46	198.04	176.75	176.83	168.72	184.92	188.99
% of All Recipients, Total	0.5%	0.5%	0.6%	0.5%	0.5%	0.5%	0.6%	0.5%
United Kingdom	2013	2014	2015	2016	2017	2018	2019	2020
All Recipients	17844	19263.2	18552.9	18052.8	18093.3	19434	19344.6	19253.3
Rwanda	161.65	79.07	154.76	92.89	76.58	73.02	79.18	54.35
% of All Recipients, Total	0.9%	0.4%	0.8%	0.5%	0.4%	0.4%	0.4%	0.3%

Appendix G - SOHR UN and Domestic Legislation

United Nations Statements and Resolutions

2006. In 2006, Norway delivered a short oral statement at the Human Rights Council recognising Human Rights violations based on Sexual Orientation and Gender Identity (UN Human Rights Council, 2006) . Table A provides a list of countries which proposed the 2006 statement (ARC International, 2006). These countries are predominantly from the North, Western and donor countries with 26 DAC donor countries and 10 non-DAC countries, totalling 36 donor countries that proposed this statement (OECD, 2024).

Table A. Country support for SOGI discussion at HRC on SOGI. 2006 (ARC International, 2006; UN Human Rights Council, 2006)

2006 Statement at the Human Rights Council recognising the Human Rights violations based on Sexual Orientation and Gender Identity.
Proposed on behalf of 54 States, including 18 members of the Human Rights Council.
Proposed by Albania, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Netherlands, New Zealand, Panama, Peru, Poland, Portugal, the former Yugoslav republic of Macedonia, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Spain, Slovakia, Slovenia, **Sweden**, Switzerland, Timor-Leste, Ukraine, the **United Kingdom**, the **United States of America**, Uruguay, and Norway.

2008. In 2008, Argentina presented a statement of thirteen principles to the General Assembly condemning human rights violations based on Sexual Orientation and Gender Identity (ARC International, 2008). This statement prompted an Arab League and Organisation of Islamic Cooperation-backed opposing statement supported by 57 members, which Rwanda supported (ILGA Europe, 2008; Reuters, 2008).

Table B. Countries supporting the statement condemning SOGI violations. 2008 (ARC International, 2008; ILGA Europe, 2008; Reuters, 2008)

2008 Statement on thirteen principles condemning human rights violations based on Sexual Orientation and Gender Identity to General Assembly.
Supported by 66 member states
Supported by Albania, Andorra, Argentina, Australia, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Columbia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia Germany, Greece, Guinea-Bissau, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Montenegro, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Romania, San Marino, Sao Tome and Principe, Serbia, Spain, Slovakia,

Slovenia, **Sweden**, Switzerland, former Yugoslav Republic of Macedonia, Timor-Leste, the **United Kingdom,** Uruguay, and Venezuela.

Table C. Countries supporting the opposing statement on SOGI violations. 2008 **(ARC International, 2008; ILGA Europe, 2008; Reuters, 2008)**

2008 Opposing Statement to thirteen principles
Supported by 57 members
Supported by Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei, Darussalam, Cameroon, Chad, Comoros, Cote d'Ivoire, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Fiji, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Nigeria, Oman, Pakistan, Qatar, **Rwanda**, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Solomon Islands, Somalia, Sudan, Swaziland, Syria Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, and Zimbabwe

2011. In March 2011, a joint statement was issued at the Human Rights Council signed by 85 countries on ending acts of violence and related human rights violations based on Sexual Orientation and Gender Identity (UN Human Rights Council, 2011;U.S. Mission, 2011)**.**

Table D**.** Countries supporting the HRC Joint Statement. 2011 (UN Human Rights Council, 2011a; U.S. Mission, 2011)

2011. Joint statement on ending acts of violence and related human rights violations based on Sexual Orientation and Gender Identity.
85 countries signed the joint statement
Delivered by Colombia on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia, Brazil, Bulgaria, Canada, the Central African Republic, Chile, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lichtenstein, Lithuania, Luxembourg, the former-Yugoslav Republic of Macedonia, Malta, the Marshall Islands, Mexico, Micronesia, Monaco, Mongolia, Montenegro, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Poland, Portugal, Romania, **Rwanda**, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, **Sweden**, Switzerland, Thailand, Timor-Leste, Tuvalu, the **United States of America**, the **United Kingdom**, Ukraine, Uruguay, Vanuatu and Venezuela.

UN resolution on Extrajudicial, Summary or Arbitrary Executions

In November 2010, following the statement of thirteen principles and opposing statement condemning Human Rights violations based on Sexual Orientation and Gender Identity in 2008, (ARC International, 2008; ILGA Europe, 2008; Reuters, 2008), the General Assembly's third committee voted by a narrow margin to eliminate the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions.

Table E. Position of Countries on SOGI reference. 2010 on UN resolution on Extrajudicial, Summary or Arbitrary Executions. (ILGA, 2010; Sexuality Policy Watch, 2010a)

2010. To eliminate the mention of Sexual Orientation and Gender Identity from the resolution on Extrajudicial, Summary or Arbitrary Executions.
79 votes in favour of the amendment to remove Sexual Orientation and Gender Identity: 70 votes opposed to the amendment: 17 abstained: 26 absent.
79 Votes in Favour:- Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belize, Benin, Botswana, Brunei Dar-Sala, Burkina Faso, Burundi, Cameroon, China, Comoros, Congo, Cote d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of Congo, Djibouti, Egypt, Eritrea, Ethiopia, Ghana, Grenada, Guyana, Haiti, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Morocco, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, **Rwanda**, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Senegal, Sierra Leone, Somalia, South Africa, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zambia, Zimbabwe
70 Votes Oppose:- Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bhutan, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (FS), Monaco, Montenegro, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, **Sweden**, Switzerland, Former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, **United Kingdom, United States**, Uruguay, Venezuela
17 Votes Abstained:- Antigua-Barbuda, Barbados, Belarus, Cambodia, Cape Verde, Colombia, Fiji, Mauritius, Mongolia, Papua New Guinea, Philippines, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Tuvalu, Vanuatu
26 Votes Absent:- Albania, Bolivia, Central African Republic, Chad, Dominica, Equatorial Guinea, Gabon, Gambia, Guinea, Guinea-Bissau, Honduras, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Marshall Island, Mauritania, Nauru, Nicaragua, Palau, Sao Tome Principe, Seychelles, Solomon Islands, Togo, Tonga, Turkey, Turkmenistan

SOHR Domestic Laws Worldwide

Criminalisation. Same-Sex Consensual Acts

Summary of change 2013 to 2020

# UN member states criminalise same-sex consensual acts					
		DAC	non-DAC	Africa	Asia
2013	76			36	21
2020	66	0	4	31	20
Change	minus 10			minus 5	minus 1

Table F. Countries who criminalise same-sex consensual acts [49]. (ILGA, 2020, 2013)

2013. Countries that criminalise same-sex consensual acts **Africa**:- Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Nigeria, São Tomé and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe. **Asia**:- Afghanistan, Bangladesh, Bhutan, Brunei, Iran, Kuwait, Lebanon, Malaysia, Maldives, Myanmar, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, Sri Lanka, Syria, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen. **Latin America & Caribbean**:- Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Trinidad and Tobago. **Oceania**:- Kiribati, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu **Entities:-** Cook Islands (New Zealand), Gaza (in the Occupied Palestinian Territory), Turkish Republic of Northern Cyprus (internationally unrecognised), South Sumatra and Aceh Province (Indonesia) **Unclear legal status:-** Iraq; India
Changes between 2013 and 2020. Countries with decriminalising changes in domestic law. **Africa:-** Angola (2021), Botswana (2019), Gabon (2020), Mozambique (2015), Seychelles (2016) **Asia:-** India (2018)

[49] In these tables, the year in brackets refers to the year when the reform came into force. If no year is stated, either there has never been any regulation in the relevant area or no information could be found about the year the law took effect. Unless indicated otherwise, the number of countries in the bracket of each heading only includes the UN members states, while not covering the unrecognized countries and the cities, provinces, or associates of a state.

Latin America and Caribbean:- Belize (2016), Trinidad and Tobago (2018)
Oceania::- Nauru (2016), Palau (2014)

Summary of change 2013 to 2020

# UN member states ***NOT*** criminalise same-sex consensual acts					
		DAC	non-DAC	Africa	Asia
2013	114			17 Rwanda	0
2020	124	26 Sweden, USA, UK	16	23	1
Change	plus 10			plus 6	plus 1

Table G. Countries which do not criminalise same-sex consensual acts. (ILGA, 2020, 2013)

2013. Countries which do not criminalise same-sex consensual acts.
Africa:- Benin, Burkina Faso, Cape Verde (2004), Central African Republic, Congo, Chad[50], Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Bissau (1993), Lesotho (2012) ,Madagascar, Mali, Niger, **Rwanda**, South Africa (1998).
Asia:- Bahrain (1976), Cambodia, China (1997), East Timor (1975), most parts of Indonesia, Israel (1988), Japan (1882), Jordan (1951), Kazakhstan (1998), Kyrgyzstan (1998), Laos, Mongolia (1961), Nepal (2008), North Korea, Philippines (1870), South Korea, Taiwan (1896), Tajikistan (1998), Thailand (1957), Vietnam, as well as the West Bank (1951) in the Occupied Palestinian Territory.
Europe:- Albania (1995), Andorra (1990), Armenia (2003), Austria (1971), Azerbaijan (2000), Belarus (1994), Belgium (1795), Bosnia and Herzegovina (1998-2001), Bulgaria (1968), Croatia (1977), Cyprus (1998), Czech Republic (1962), Denmark (1933), Estonia (1992), Finland (1971), France (1791), Georgia (2000), Germany (1968-69), Greece (1951), Hungary (1962), Iceland (1940), Ireland (1993), Italy (1890), Kosovo (1994), Latvia (1992), Liechtenstein (1989), Lithuania (1993), Luxembourg (1795), Macedonia (FYROM) (1996), Malta (1973), Moldova (1995), Monaco (1793), Montenegro (1977), Netherlands (1811), Norway (1972), Poland (1932), Portugal (1983), Romania (1996), Russia (1993), San Marino (1865), Serbia (1994), Slovakia (1962), Slovenia (1977), Spain (1979), ***Sweden (1944),*** Switzerland (1942), Turkey (1858), Ukraine (1991), ***United Kingdom*** **(1967-1982),** Vatican City (1890).
Latin America and Caribbean:- Argentina (1887), Bahamas (1991), Bolivia, Brazil (1831), Costa Rica (1971), Chile (1999), Colombia (1981), Cuba (1979), Dominican

[50] In the 2013 ILGA report, Chad was named as a country without criminalising same sex consensual act laws (ILGA, 2013). However, in the 2020 ILGA report, it is reported that there is a 2-year imprisonment penalty for same sex consensual acts (ILGA, 2020).

Republic (1822), Ecuador (1997), El Salvador (1800's), Guatemala (1834), Haiti (1791), Honduras (1899), Mexico (1872), Nicaragua (2008), Panama (2008), Paraguay (1880), Peru (1836-1837), Suriname (1869), Uruguay (1934), Venezuela (1800's) **North America:-** Canada (1969), ***the United States*** (1962-2003) **Oceania:-** Australia (1975-1997), Fiji (2010), Marshall Islands (2005), Micronesia, New Zealand (1986), Vanuatu and the New Zealand associates of Niue (2007) and Tokelau (2007)
2020. Additional countries which do not criminalise same-sex consensual acts. **Africa:-** Angola (2021), Botswana (2019), Gabon[51], Sao Tome & Principe (2012), Seychelles (2016), Trinidad and Tobago (2018). **Asia:-** India (2018) **Latin America and Caribbean**:- Belize (2016), **Oceania:-** Nauru (2016)

Death Penalty. Same-Sex Consensual Acts

Summary of change 2013 to 2020

# UN member states death penalty same-sex consensual acts					
		DAC	non-DAC	Africa	Asia
2013	5				
2020	6	0	1	3	3
Change	plus 1		plus 1 (?)		

Table H shows the confused knowledge about the death penalty in relation to same-sex consensual acts, although, what is clear that in 2020, Sudan repealed laws on the death penalty to imprisonment up to seven years for a second offence of sodomy and life imprisonment upon a third conviction.

Table H. Countries which punish same-sex acts by the death penalty. (ILGA, 2020, 2013)

2013. Countries with same-sex acts punishable by the death penalty. **Africa:-** Mauritania, Somalia (As well as some parts of Nigeria (12 northern states) and Sudan (southern parts)). **Asia:-** Iran, Saudi Arabia, Yemen
2020. Countries with same-sex acts punishable by the death penalty. **Africa:-** Brunei[52], Mauritania, Nigeria (varies by state) **Asia:-** Iran, Saudi Arabia and Yemen The death penalty **may** be imposed in five other UN member states of Afghanistan, Pakistan, Qatar, Somalia (including Somaliland) and the United Arab Emirates.

[51] In the 2013 ILGA report, Gabon was named as a country without criminalising same-sex consensual act laws (ILGA, 2013). However, in the 2020 ILGA report, the laws in Gabon criminalising same-sex consensual act were repealed in 2020 (ILGA, 2020).

[52] Brunei was not reported as having legislation to issue the death penalty in the 2013 ILGA report but did in the 2020 ILGA report. ILGA, 2020).

Changes between 2013 and 2020
In Sudan (2020) repealed laws on the death penalty to imprisonment of up to seven years for a second offence of sodomy and life imprisonment upon a third conviction.

Protection. Hate Crimes and Incidents
In 2013, 26 UN members states (13%) have legislation which makes it a criminal offence to inflict harm or violence on a victim motivated by their actual or imputed Sexual Orientation, or they provide the judicial powers to enhance criminal punishment when the offence is motivated by the victim's Sexual Orientation(ILGA, 2013).

Summary of change 2013 to 2020

# UN member states Protection Hate Crimes and Hate Incidents								
		DAC	non-DAC	Africa	Asia	Europe	LA &C	Oceania
2013	26			0	0			
2020	48	15 Sweden, USA, UK	6					
Change	plus 24			plus 4	plus 2	plus 13	plus 4	plus 1

Table I. Countries with legislation on SOHR Hate incidents and crimes as aggravating circumstances. (ILGA, 2020, 2013)

2013. Legislation on hate crimes based on Sexual orientation as an aggravating circumstance.
Europe:- Albania (2013), Andorra (2005), Belgium (2003), Croatia (2006), Denmark (2004), France (2003), Georgia (2012), Greece (2008), Malta (2012), Netherlands (2003)[53], Portugal (2007), Romania (2006), San Marino (2008), Spain (1996), **Sweden** (2010), **United Kingdom** (2003-2010).
Latin America & Caribbean:- Bolivia (2011), Chile (2012), Colombia (2011), Ecuador (2009), Honduras (2013), Nicaragua (2008), Uruguay (2003), and some parts of Mexico.
North America:- Canada (1996) and the **United States** (2009).
Oceania:- New Zealand (2002)

2020. Additional countries with legislation that consider hate crimes based on Sexual orientation as an aggravating circumstance.
Africa:- Angola (2021), Cabo Verde (2015), Chad (2017), Sao Tome and Principe (2012)

[53] The ILGA 2020 report states that in the Netherlands, neither the Criminal Code nor the Criminal Procedure Code provide for aggravating circumstances based on the victim's sexual orientation. However, the *Instruction on Discrimination* (2007) issued by the Public Prosecution Service establishes that prosecutors must increase the sentence they demand by 25% when such motivation is present in any given case (p. 249). Rick Lawson et al., *Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation – Netherlands* (Leiden, 2008)(ILGA, 2020)

Asia:- East Timor (2009)[54], Mongolia (2017)
Europe:- Austria (2016), Bosnia and Herzegovina (2010-2017), Cyprus (2017), Finland (2011)[55], Hungary (2013), Kosovo (2012), Lithuania (2009)[56], Monaco (2019), Montenegro (2013), North Macedonia (2018), Norway (2004)[57], Serbia (2013), Slovakia (2013),
Latin America & Caribbean:- Argentina (2012), Brazil (2019), El Salvador (2015), Peru (2017).
Oceania:- Samoa (2016)

In 2013, 26 UN members states (13%) had laws prohibiting incitement to hatred based on Sexual Orientation (ILGA, 2013). These countries are almost similar to the countries which consider Hate Crimes based on Sexual Orientation as an aggravating circumstance. European countries mainly support this legislation, with one African country (South Africa) and no countries in Asia.

Summary of change 2013 to 2020

# UN member states Incitement to Hatred based on Sexual Orientation								
		DAC	non-DAC	Africa	Asia	Europe	LA &C	Oceania
2013	26			1	0	21	5	
2020	45	19 Sweden, UK	5	2	0	35	10	0
Change	plus 20			plus 1		plus 14	plus 5	

Table J. Countries with incitement to hatred based on Sexual Orientation. (ILGA, 2020, 2013)

2013. Countries with incitement to hatred based on Sexual orientation prohibited.
Africa:- South Africa (2000).
Europe:- Albania (2013), Belgium (2003), Croatia (2003), Denmark (1987), Estonia (2006), France (2005), Iceland (1996), Ireland (1989), Lithuania (2003), Luxembourg (1997), Malta (2012), Monaco (2005), Netherlands (1992), Norway (1981), Portugal (2007), Romania (2000), San Marino (2008), Serbia (2009), Spain (1996), ***Sweden*** (2003), ***the United Kingdom*** (2004-10)

[54] East Timor was not mentioned as having sexual orientation as an aggravating circumstance in domestic legislation (2009) in the 2013 ILGA report. (ILGA, 2013)
[55] Finland was not mentioned as having sexual orientation as an aggravating circumstance in domestic legislation (2011) in the 2013 ILGA report. (ILGA, 2013)
[56] Lithuania was not mentioned as having sexual orientation as an aggravating circumstance in domestic legislation (2009) in the 2013 ILGA report. (ILGA, 2013)
[57] Norway was not mentioned as having sexual orientation as an aggravating circumstance in domestic legislation (2004) in the 2013 ILGA report. (ILGA, 2013)

Latin America & Caribbean:- Bolivia (2011), Colombia (2011), Ecuador (2009), some parts of Mexico, and Uruguay (2003). **North America:-** Canada (2004) **Oceania**:- Some parts of Australia
2020. Additional countries with incitement to hatred based on Sexual orientation prohibited. **Africa:-** Angola (2021), **Europe:-** Austria (2011)[58], Bulgaria (2004)[59], Cyprus (2015), Finland (2011)[60], Greece (2014), Hungary (2013), Kosovo (2019), Liechtenstein (2013), Moldova (2019), Montenegro (2013), San Marino (2008)[61], Slovakia (2017), Slovenia (2008)[62], Switzerland (2020), **Latin America & Caribbean**:- Brazil (2019), Honduras (2013), Mexico (2014), Peru (2017), Suriname (2015).

Protection. Discrimination

In 2020, 11 UN member states (6%) had constitutional prohibitions of discrimination based on Sexual Orientation (ILGA, 2020).

Summary of change 2013 to 2020

# UN member states Constitutional Protection								
		DAC	non-DAC	Africa	Asia	Europe	LA &C	Oceania
2013	7			1		4	2	
2020	13	3 Sweden	1			6		
Change	plus 6				plus 1	plus 2	plus 2	plus 1

Table K. Countries with a constitutional prohibition of discrimination based on Sexual Orientation. (ILGA, 2020, 2013)

2013. Countries with a constitutional prohibition of discrimination based on sexual orientation. **Africa:-** South Africa (1994 and 1997)

[58] Austria was not mentioned as having sexual orientation as incitement to hatred in domestic legislation (2011) in the 2013 ILGA report. (ILGA, 2013)

[59] Bulgaria was not mentioned as having sexual orientation as incitement to hatred in domestic legislation (2011) in the 2013 ILGA report. (ILGA, 2013)

[60] Finland was not mentioned as having sexual orientation as incitement to hatred in domestic legislation (2004) in the 2013 ILGA report. (ILGA, 2013)

[61] San Marino was not mentioned as having sexual orientation as incitement to hatred in domestic legislation (2008) in the 2013 ILGA report. (ILGA, 2013)

[62] Slovenia was not mentioned as having sexual orientation as incitement to hatred in domestic legislation (2008) in the 2013 ILGA report. (ILGA, 2013)

Europe:- Kosovo (2008)[63], Portugal (2004), **Sweden** (2003), Switzerland (2000)[64], as well as some parts of Germany **Latin America & Caribbean: -** Bolivia (2009), Ecuador (2008), some parts of Argentina, some parts of Brazil, the United Kingdom associate of British Virgin Islands (2007) **Oceania:-** None (Fiji's previous constitution, adopted in 1997, included such a provision, but this constitution was repealed in 2009)
2020. Additional countries with a constitutional prohibition of discrimination based on sexual orientation. **Asia:-** Nepal (2015) **Europe:-** Malta (2014), San Marino (2019) **Latin America & Caribbean:-** Cuba (2019), Mexico (2011) **Oceania:-** Fiji (2013)

In 2013, 59 UN member states (31%) had legislation prohibiting discrimination in employment based on Sexual Orientation. Forty of these countries were from Europe. Three countries were from Oceania. Countries with these laws are predominantly donor countries (OECD, 2024). Six countries in Africa and two in Asia hold these laws (ILGA 2013).

There was a marked increase of 19 UN members (10%) between 2013 and 2020 with SOHR domestic laws on employment protection. The changes predominantly occurred in Latin America and the Caribbean (7), then in Africa (3), Asia (3), Europe (3), and Oceania (3) countries[65]. (ILGA, 2020, 2013)

Summary of change 2013 to 2020

# UN member states Discrimination in employment									
		DAC	non-DAC	Africa	Asia	Europe	LA &C	NA	Oceania
2013	59			6	2	40		Some States USA	3
2020	79	27, Sweden, USA, UK	9	9	5	43		1	6

[63] In the 2013 report Kosovo is named as a country with constitutional prohibition (ILGA, 2013, p. 27). In the 2020 report, it is named as a non-UN Member jurisdiction (Kosovo). (ILGA, 2020, p. 189).
[64] Article 8 of the Swiss Constitution includes the expression "way of life" as a prohibited ground of discrimination. Even though this expression had been largely interpreted as encompassing "sexual orientation". In 2019 the Swiss Federal Court issued a judgment saying the Equality Act does not include "homosexual persons" and, therefore, there would not exist protection against discrimination based on sexual orientation. (ILGA, 2020).
[65] There are anomalies between the 2013 and 2020 reports as to which countries, at the time of publishing, had employment protection based on sexual orientation which is shown through the number and naming of countries in table 28.

Change	plus 20			plus 3	plus 3	plus 3	plus 7	plus 1	plus 3

Table L. Countries with a prohibition of discrimination in employment based on Sexual Orientation. (ILGA, 2020, 2013)

2013. Countries with a prohibition of discrimination in employment based on sexual orientation **Africa:-** Botswana (2010), Cape Verde (2008), Mauritius (2008), Mozambique (2007), Seychelles (2006), South Africa (1996) (Namibia repealed such a law in 2004) **Asia:-** Israel (1992), some parts of the Philippines, and Taiwan (2007) **Europe:-** Albania (2010), Andorra (2005), Austria (2004), Belgium (2003), Bosnia and Herzegovina (2003), Bulgaria (2004), Croatia (2003), Cyprus (2004), Czech Republic (1999), Denmark (1996), Estonia (2004), Finland (1995), France (2001), Georgia (2006), Germany (2006), Greece (2005), Hungary (2004), Iceland (1996), Ireland (1999), Italy (2003), Kosovo (2004), Latvia (2006), Lithuania (2003), Luxembourg (1997), Macedonia (FYROM) (2005)[66], Malta (2004), Moldova(2012), Montenegro (2010), Netherlands (1992), Norway (1998), Poland (2004), Portugal (2003), Romania (2000), Serbia (2005), Slovakia (2004), Slovenia (1995), Spain (1996), Switzerland (2000), ***Sweden*** (1999), ***United Kingdom*** (2003) **Latin America & Caribbean:-** Bolivia (2011) The city of Rosario (1996) in Argentina, some parts of Brazil, Colombia (2007), Costa Rica (1998), Ecuador (2005), Mexico (2003), Nicaragua (2008), Venezuela (1999), El Salvador (2010), Uruguay (2004) **North America:-** Canada (1996), some parts of the ***United States*** **Oceania:-** Australia (1996), Fiji (2007), New Zealand (1994)
2020. Additional countries with a prohibition of discrimination in employment based on sexual orientation. **Africa:-** Angola (2021), Liberia (2015), Sao Tome and Principe (2020). **Asia:-** Mongolia (2017), Nepal (2015), Thailand (2004)[67] **Europe:-** Liechtenstein (2016), San Marino (2019), Ukraine (2015), **Latin America & Caribbean:-** Barbados (2020), Chile (2017), Cuba (2014), Honduras (2020), Peru (2017), St Lucia (2006)[68], Suriname (2015) **North America:-** United States (2020)[69] **Oceania:-** Kiribati (2015), Marshall Islands (2019), Micronesia (2018)

[66] In the ILGA 2020 report the Former Yugoslavian Republic of Macedonia is named North Macedonia. (ILGA, 2020).
[67] Thailand was not mentioned in the ILGA 2013 report as having protection against discrimination in employment based on sexual orientation (ILGA, 2013).
[68] St Lucia was not named in the ILGA 2013 of having laws protecting again discrimination in employment based on sexual orientation (ILGA, 2013).
[69] In June 2020, the Supreme Court of the United States held in Bostock v. Clayton County that employee protections based on "sex" in Title VII of the Civil Rights Act (1964) also cover persons with diverse sexual orientations and gender identities (ILGA, 2020).

Same-Sex Marriage. Domestic Laws

In 2013, 14 UN member states (7%) legalised marriage for same-sex couples(ILGA, 2013)

Summary of change 2013 to 2020

# UN member states Legalise same-sex marriage									
		DAC	non-DAC	Africa	Asia	Europe	LA &C	NA	Oceania
2013	14			1	0	9	3		
2020	27	19, Sweden, USA, UK	1			16	7		
Change	plus 13					plus 7	plus 4	plus 1	plus 1

Table M. Countries with legislation enabling marriage for same-sex couples. (ILGA, 2020, 2013)

2013. Marriage for same-sex couples. **Africa:-** South Africa (2006) **Europe:-** Belgium (2003), Denmark (2012), France (2013), Iceland (2010), Netherlands (2001), Norway (2009), Portugal (2010), Spain (2005), **Sweden** (2009) **Latin America & Caribbean:-** Argentina (2010),117 some Parts of Mexico (2010), Uruguay (2013) **North America:-**Canada (2005), as well as **some parts of the United States** **Oceania:-** New Zealand (2013)
2020. Additional countries with marriage for same-sex couples. **Europe:-** Austria (2019), Finland (2017), Germany (2017), Ireland (2015), Luxembourg (2015), Malta (2017), ***United Kingdom*** (2014 to 2020) **Latin America & Caribbean:-** Brazil (2013), Columbia (2016), Costa Rica (2020), Ecuador (2019), **North America:-** ***United States of America*** (2015) **Oceania:-** Australia (2017)

Age of Consent. Domestic Laws

In 2013, 97 UN member states (51%) had equal age of consent for opposite-sex and same-sex consensual acts. This includes eight countries in Africa, nineteen in Asia, forty-nine in Europe, eighteen in Latin America and the Caribbean, and four in Oceania, with most parts of Australia and some parts of New Zealand. Sweden and the UK and most parts of the USA recognise equal age of consent. Of the countries that do not criminalise same-sex consensual acts (114 in 2013), 15 had an unequal age of consent. Of those, eight (8) were in Africa including Rwanda[70] (ILGA, 2013)

Summary of change 2013 to 2020

[70] The unequal age of consent in Rwanda, reported in the ILGA 2013 report was not reported in the ILGA 2020 report. (ILGA, 2013; ILGA, 2020). See Rwandan Penal Code https://www.wipo.int/wipolex/en/text/221101.(accessed 03.02.2023)

# UN member states Equal age of consent									
		DAC	non-DAC	Africa	Asia	Europe	LA &C	NA	Oceania
2013	97	22, Sweden, most parts USA, UK	14	8	19	49	18		4, most parts Australia and some parts NZ
# UN member states Un-equal age of consent (of 114 who do not criminalise same-sex consensual acts)									
2013	15			8 Rwanda	1	1, and some UK associates	4	1, and two states in USA	some parts of Australia
2020	10	2	0	4	1		3		
Change	minus 5			minus 4			minus 1		

Table N. Countries positions on unequal and equal age of consent. (ILGA, 2020, 2013)
For opposite-sex and same-sex acts where same-sex acts are not criminalised.

2013 Countries with an equal age of consent for the opposite sex and same-sex consensual acts (15)

Africa:- Africa Burkina Faso (1996), Cape Verde (2004), Democratic Republic of Congo (2006), Djibouti, Equatorial Guinea (1931), Mali (1961), Guinea-Bissau (1993), South Africa (2007)

Asia:- Cambodia, China(1997-2006), East Timor (2009), Israel (2000), Japan (1882), Jordan (1951), Kazakhstan (1998), Kyrgyzstan (1998), Laos, Mongolia (1961), Nepal (2007), North Korea, Philippines, South Korea, Taiwan (1896), Tajikistan (1998), Thailand (1957), Vietnam, as well as the West Bank (1951) in the Palestinian Authority

Europe:- Albania (2001), Andorra, Armenia (2003), Austria (2002), Azerbaijan (2000), Belarus (2000), Belgium (1985), Bosnia & Herzegovina (1998-2001), Bulgaria (2002), Croatia (1998), Cyprus (2002), Czech Republic (1990), Denmark (1976), Estonia (2002), Finland (1999), France (1982), Georgia (2000), Germany (1994/89), Hungary (2002), Iceland (1992), Ireland (1993), Italy (1890), Kosovo (2004), Latvia (1999), Liechtenstein (2001), Lithuania (2003), Luxembourg (1992), Macedonia (1996), Malta (1973), Moldova (2003), Monaco (1793), Montenegro (1977), Netherlands (1971), Norway (1972), Poland (1932), Portugal (2007), Romania (2002), Russia (1997), San Marino (1865), Serbia (2006), Slovakia (1990), Slovenia (1977), Spain (1979), ***Sweden*** (1978), Switzerland (1992), Turkey (1858), Ukraine (1991), ***United Kingdom*** (2001-2008), Vatican City.

Latin America & Caribbean:- Argentina (1887), Bolivia, Brazil (1831), Colombia (1981), Costa Rica (1999), Cuba, Dominican Republic, Ecuador (1997), El Salvador, Guatemala, Haiti, Honduras, Mexico (1872), Nicaragua (2008), Panama (2008), Peru (1836-37), Uruguay (1934) and Venezuela

North America:- ***most parts of the United States***

Oceania:- Most parts of Australia, Fiji (2010), Marshall Islands, Micronesia, Vanuatu (2007) and some parts of New Zealand (1986)
2013 Countries with un-equal age of consent for opposite-sex and same-sex consensual acts (15) **Africa:-** Benin (1947), Chad, Congo (1947), Côte d'Ivoire, Gabon (1969), Madagascar, Niger, **Rwanda**[71] **Asia:-** Indonesia **Europe:-** Greece, as well as *some United Kingdom associates* **Latin America & Caribbean**:- Bahamas, Chile, Paraguay, Suriname. **North America**:- Canada, two states of the United States Oceania:- Some parts of Australia (1899)
2020. Countries with remaining Unequal age of consent (8) **Africa:-** Congo[72], Côte d'Ivoire [73], Madagascar[74], Niger[75], **Asia:-** Indonesia[76], **Latin America & Caribbean:-** Bahamas[77], Paraguay[78], Suriname[79] **North America:-** Canada[80], some states in United States of America[81]

Child Adoption. Domestic Laws

In 2013, 12 UN member states (6%) legalised joint adoption by same-sex couples. These are mainly European, Latin American and Caribbean countries, with one in Africa, Asia, North

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[71] ILGA report 2013 references Articles 358 and 362 of the Code Pénal in Rwanda where there is 16 age of consent for opposite sex and 18 for same-sex acts (ILGA, 2013). https://www.wipo.int/wipolex/en/text/221101. (accessed 03.02.2023

[72] Congo. Article 331 establishes a higher age of consent: 21 for same-sex as opposed to 18 for different-sex sexual acts. (ILGA, 2020, p. 91)

[73] Côte d'Ivoire. The age of consent differs under sections 413 and 414 of the Penal Code (1981): 15 for different-sex, and 18 for same-sex sexual acts (ILGA, 2020).

[74] Madagascar. Criminal Code (2005) article 331 sets the age of consent at 14 for different-sex sexual acts and 21 for same-sex sexual acts. (ILGA, 2020).

[75] Niger. Penal Code (2003) Sections 278 and 282 specify that the age of consent differs: 21 for same-sex sexual acts, and 13 for different-sex. (ILGA, 2020).

[76] Indonesia. Articles 290 and 292 of the Penal Code, as well as the Law on Child Protection (2002), establish a higher age of consent for same-sex sexual acts than for different-sex sexual-acts. (ILGA, 2020).

[77] Bahamas Sexual Offences Act (1989) Under Section 16(1)(2) of the act the age of consent differs for same-sex (18) and different-sex (16) sexual acts. (ILGA, 2020).

[78] Paraguay Article 138 of the Penal Code currently in force specifies that the age of consent for "homosexual acts" is 16, while it is set at 14 for different-sex sexual acts. (ILGA, 2020).

[79] Suriname Section 302 of the Criminal Code (1910) stipulates that the age of consent for same-sex sexual acts is 18 (limit established at "minority age"), while it is 16 for different-sex sexual relations. (ILGA, 2020).

[80] Canada In 1988, Section 159(2)(b) of the Criminal Code replaced the buggery law altogether but retained a different age of consent: 18 for "acts of anal intercourse" and 16 for non-anal sex. This provision was impugned by five provincial courts. (ILGA, 2020).

[81] USA Age of consent laws also vary across the USA.60 Act No. 2019-465 (2019) amended Section 13A-6-62 of the Code of Alabama (1975), equalising the age of consent in the state. Unequal ages of consent remain in force in Texas. (ILGA, 2020).

America and Oceania. In 2020, 28 UN member states (14%) had laws enabling joint adoption by same-sex couples. Most of these countries are donor countries. (ILGA, 2013)

Summary of change 2013 to 2020

# UN member states Joint adoption same-sex couples									
		DAC	non-DAC	Africa	Asia	Europe	LA &C	NA	Oceania
2013	12			1	1	7, some parts UK	2, some parts Mexico	most parts Canada, some parts USA	1
2020	28	19, Sweden, USA, UK	1			17	5	2	2
Change	plus 16					plus 10	plus 3	plus 2	plus 1

Table O. Countries where joint adoption by same-sex couples is legal. (ILGA, 2020, 2013)

2103. Countries where joint adoption by same-sex couples is legal.[82] **Africa:-** South Africa (2002) **Asia:-** Israel (2008) **Europe:-** Belgium (2006), Denmark (2010), Iceland (2006), Netherlands (2001), Norway (2009), Spain (2005), ***Sweden*** (2003), and ***some parts of the United Kingdom*** (2005 **Latin America & Caribbean**:- Argentina (2010), Brazil (2010), Some Parts of Mexico (2010) **North America:-** Most parts of Canada ***and some parts of the United States*** **Oceania**:- Some parts of Australia, New Zealand (2013)
2020. Additional Countries where joint adoption by same-sex couples is legal. **Latin America & Caribbean**:- Columbia (2015), Costa Rica (2020), Uruguay (2013), **Europe:-** Andorra (2014), Austria (2016), Finland (2017), France (2013), Germany (2017), Ireland (2015), Luxembourg (2015), Malta (2014), Portugal (2016), ***all parts of United Kingdom (2005 to 2013).*** **North America:-** Canada (1996-2011)[83], **United States of America** (2015)[84] **Oceania:-** Australia (2002 -2018)[85]

[82] Second-parent adoption, but not full adoption, by same-sex couples is also legal in Finland (2009), Germany (2005) and Slovenia (2010), Tasmania (2004) in Australia, Alberta (1999) in Canada, as well as Montana and Pennsylvania in the United States. (ILGA, 2013).

[83] Joint adoption by same-sex couples is legal in all Canadian provinces and territories. Every jurisdiction has its own laws and regulations on the matter: (ILGA, 2020, p.310)

[84] As a result of the Supreme Court decision in *Obergefell v. Hodges* (2015), joint adoption by same-sex married couples is available in all 50 states. However, there are several states that have laws permitting state-licensed child welfare agencies to discriminate against LGBT people, including married couples. (ILGA, 2020, p. 310).

[85] Australia. Joint adoption by same-sex couples is currently possible in all Australian States and Territories (ILGA, 2020, p. 314)

Appendix H - Rwanda UPR 2021

Civil Society Individual Submissions

ADF ADF International, Geneva (Switzerland);
AHR Advocates for Human Rights, Minneapolis (United States of America);
AI Amnesty International, London (United Kingdom);
ECLJ European Centre for Law and Justice, Strasbourg (France);
FN Freedom Now, Washington DC (United States of America);
HRW Human Rights Watch, Geneva, (Switzerland);
JAI Just Atonement Inc., New York, (United States of America);
JC Jubilee Campaign, Surrey (United Kingdom of Great Britain and Northern Ireland);
MAAT Maat Foundation for Peace Development and Human Rights, Cairo (Egypt).

Joint Submissions
JS1 ARTICLE 19, London (United Kingdom of Great Britain and Northern Ireland), and Access Now (Joint Submission 1);

JS2 Center for Reproductive Rights, Health Development Initiative (Joint Submission 2);

JS3 CIVICUS, Johannesburg (South Africa) and East and Horn of Africa Human Rights Defenders Project (Joint Submission 3);

JS4 Communauté des Piers du Rwanda, Kigali, Rwanda and Hope for Community Development Organization, Kigali (Rwanda) (Joint Submission 4);

JS5 Health Development Initiative, Ihorere Munyarwanda Organisation, Rwanda NGO Forum on HIV /AIDS and Health Promotion, Strive Foundation Rwanda, Amahoro Human Respect Organisation, My Rights, Safe Friendly Society, Horizon Community Association, Building hope future, RIFA, Bright Future Organization, Hope and Care, Joint Action for Bright Future, Pride Ark Organization, Health and Rights organization, ABAHUJUMUGAMBI, One for All, INDATWA, ABISHYIZE HAMWE and IGITEGO, Kigali (Rwanda) (Joint Submission 5);

JS6 Small Media, London, (United Kingdom of Great Britain and Northern Ireland) and Collaboration on International ICT Policy in East and Southern Africa, Kampala (Uganda) (Joint Submission 6);

JS7 Ecumenical Network Central Africa, Berlin (Germany) (Joint Submission 7);

JS8 African Sex Workers Alliance, Nairobi (Kenya) and Sexual Rights Initiative, Geneva (Switzerland) (Joint Submission 8);

JS9 Coalition Umwana ku Isonga comprising of: AGR, AJPRODHO JIJUKIRWA, ARCT RUHUKA, Association BAMPOREZE, AVP, BLAO, CLADHO, CVT, CHRD,

COPORWA, HAGURUKA, Association KANYARWANDA, VCO, UMUSEKE Association. Collectif TUBAKUNDE, WATOTO VISION FOR AFRICA, SAFI Life Organization, Lawyers of Hope, UMUHUZA Organization, Kigali (Rwanda) (Joint Submission 9);

JS10 La Ligue des Droits de la personne dans la région des Grands Lacs, L'Association Rwandaise pour la Promotion des Connaissances en Droits de l'Homme, Le Conseil National des Organisations Syndicales Libres au Rwanda, Hope for Community Development Organisation, Syndicat des Travailleurs Indépendants de l'Economie Informelle (Rwanda) (Joint Submission 10);

JS11 The Legal Aid Forum, Center for Human Rights and Development, Center for Rule of Law Rwanda, Fight Illiteracy Youth Organisation, Strive Foundation Rwanda, Rwanda NGO Forum on HIV/AID, Never Again Rwanda, National Union of Disability Organisations of Rwanda, Faith Victory Association, Hope for Community Development Organisation, Ihorere Munyarwanda Organisation, Association des Jeunes Avocats du Rwanda, Action pour le Développement du Peuple, Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques, Association de la Jeunesse pour la Promotion des Droits de l'Homme et du développement, Association Rwandaise pour la Défense des Droits de l'Homme, Communauté des Potiers du Rwanda, Human Rights First Rwanda Association, Inara Legal Aid Services, Independent Institute of Lay Adventists of Kigali- Legal Aid Clinic, Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme, The Network of Lawyers of Hope Rwanda, Mouvement des Peuples pour l'Education aux Droits Humains, Non Crime Rwanda, UMUSANZU Newspaper, IMPAMO Newspaper, IMANZI Newspaper, RUGALI Newspaper, AMAHORO Newspaper, PAX PRESS and Media Press House, Kigali (Rwanda) (Joint Submissions 11);

JS12 African Initiative for Mankind Progress Organization, Kigali (Rwanda), First People Development Organization, Kigali (Rwanda), Minority Rights Group International, London (United Kingdom of Great Britain and Northern Ireland) and Women's Organization for Promoting Unity, Kigali (Rwanda) (Joint Submission 12).

National Human Rights Institution

National human rights institution: NCHR National Commission for Human Rights, Kigali (Rwanda).

Regional Intergovernmental Organisations

Regional intergovernmental organization(s): AU-ACHPR African Union – African Commission of Human and Peoples Rights Banjul, (The Gambia)

The UPR process and outcomes are documented through the 'Compilation on Rwanda Report of the Office of the United Nations High Commissioner for Human Rights' (UN HRC, 2020a), the 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*'(UN HRC, 2020b), and the 'Summary of Stakeholders' submissions on Rwanda*' (UN HCR, 2020).

I categorise seven interrelated focuses of human rights concerns which impact on the actions of bilateral development organisations to realise SOHR.
In summary, i) Disappearances and abuse includes enforced disappearances, arrest, and detainment in unofficial military detention centres with experiences of torture. There are reports of the military frequently detaining and torturing people, beating them, asphyxiating them, using electric shocks and staging mock executions in military camps. There is also a reported failure to conduct credible and effective investigations into allegations of extrajudicial executions, enforced disappearances, arbitrary detention, torture, and ill-treatment and to prosecute alleged perpetrators.
ii) In relation to the restriction of political opposition, the political landscape is allegedly heavily tilted in favour of the ruling party, the RPF. Independent observers of the 2017 election cite a climate of fear and intimidation, and report harassment, threats, arrests, and forcible disappearance of opposition candidates. This election was reportedly conducted in a context of closed political space, where websites and independent news outlets were restricted. Rwanda had reportedly limited the ability of civil society groups, the media, international human rights organisations, and political opponents to function freely and independently at this time.
It is reported that fair trial standards are routinely flouted in sensitive political cases, with security-related charges being used to prosecute prominent Government critics. There are reported irregularities observed in some politically motivated trials, with the interference of the Executive in politically motivated cases. There is also a challenge in the process of registering political parties and the requirement of prior approval from the authorities to hold meetings for members of political parties.
iii) The media and freedom of expression are reported to be severely and unwarrantedly restricted. While the ruling party dominates public broadcasts, there are reports of restricted access to public broadcasting imposed on opposition political parties and civil society organisations who are critical of the Government. Journalists report concerning levels of harassment and intimidation and have been unable to engage in investigative reporting on politically sensitive issues for fear of reprisals and related prosecutions. When they have spoken out, they have been routinely persecuted. This leads to few journalists challenging official Government narratives and policies, or investigate allegations of human rights abuses, especially against senior Government officials. Harassment, suspicious disappearances, and the fear of prosecution has therefore pushed many journalists to engage in self-censorship. The Rwanda Media Commission had been unable to function as an independent, self-regulatory body because it lacked recognition in Media Law. This lacks compliance with international standards on freedom of expression and privacy.
iv) The restriction on civil society activity is prevalent despite Rwanda's commitment to ensure the right to freedom of association and to guarantee an adequate environment for the opposition and increase space for civil society. Legislation governing non-governmental organisations and registration process remains overly burdensome. With the recommendations from the UPR (2015) unimplemented. Civil society is therefore weak due to onerous registration requirements and bureaucracy which prevents human rights groups from operating effectively through sustained intimidation and interference.
v) Speaking out against the Government has led to human rights violations against Human Rights Defenders with a lack of policy and law to protect their work. Human Rights Defenders reportedly face threats, arbitrary arrests, intimidation, harassment, and face smear and intimidation campaigns.

vi) Through a lack of recognition and access there is an omission of transgender, lesbians and intersex persons in the Government's policies and strategies. There is a reported lack of adequate legislative protection against gender-based violence for LGBTI persons and legal aid services are inadequately coordinated and funded, producing a gap between the high demand and low supply of legal representation services for the poor. LGBTI persons face difficulties in accessing health services due to their perceived behaviour and physical appearance. The Fourth Health Sector Strategic Pan (2018-2024), which set out the strategic direction for the health sector in Rwanda, does not make specific mention of LGBTI persons or their health needs.

vii) In relation to surveillance, police officers and Rwanda Utilities Regulatory Authority have the authority to search, seize and/or inspect electronic communication systems or equipment, including radio communications without judicial oversight. Rwandan law places a mandatory obligation on intermediaries to equip the electronic communications network and service with technical instruments and features that allow and facilitate the lawful interception of electronic communications and monitoring. The mandatory SIM card registration process heightens the Government's ability to monitor and access data on mobile phone users, which threatened to undermine the confidentiality of digital communications and place restrictions on digital anonymity.

Appendix I - CHOGM June 2022

24 Organisations (HRW, 2022)

1. Action des chrétiens pour l'abolition de la torture (ACAT-France)
2. Afghan Canadian Civil Society Forum (ACSF)
3. African Centre for Democracy and Human Rights Studies (ACDHRS)
4. Amnesty International
5. Article 20 Network
6. Botswana Watch Organization
7. Center for Civil Liberties (Ukraine)
8. Centro de Alternativas al Desarrollo (CEALDES - Colombia)
9. Committee to Protect Journalists
10. Commonwealth Human Rights Initiative
11. Commonwealth Journalists Association in the UK
12. Freedom Now
13. Human Rights Concern - Eritrea (HRCE)
14. Human Rights Foundation
15. Human Rights Watch
16. Institute of Commonwealth Studies
17. International Service for Human Rights (ISHR)
18. One Future Collective
19. Protection International Africa
20. Réseau des Organisations de la Société Civile pour l'Observation et le Suivi des Élections en Guinée (ROSE)
21. Robert F. Kennedy Human Rights
22. The Daphne Caruana Galizia Foundation
23. The International Federation for Human Rights (FIDH)
24. Commonwealth Journalists Association (international)

Appendix J - Appendix Yogyakarta Principles

Criminalisation. The Yogyakarta Principles

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to criminalisation and the death penalty, are 2b, 6b, 33, 33a, and 33c.

Yogyakarta Principles 2(b) and 6(b). 'States shall repeal criminal and other legal provisions that prohibit or are, in effect, employed to prohibit consensual sexual activity among people of the same sex who are over the age of consent.'

Yogyakarta Principle 33. 'Everyone has the right to be free from criminalisation and any form of sanction arising directly or indirectly from their actual or perceived Sexual orientation, gender identity, gender expression or sex characteristics'.

Yogyakarta Principles 33(a). 'States shall ensure that legal provisions, including in customary, religious and indigenous laws, whether explicit provisions, or the application of general punitive provisions such as acts against nature, morality, public decency, vagrancy, sodomy and propaganda laws, do not criminalise Sexual orientation, gender identity and expression.'

Yogyakarta Principle 33(c). Pending repeal, cease to apply discriminatory laws criminalising or applying general punitive sanctions on the basis of Sexual orientation, gender identity, gender expression or sex characteristics.

Hate Crimes and Incidents. The Yogyakarta Principles.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to protection from Hate Crimes and Hate Incidents, are 5,30, and 30b.

Yogyakarta Principle 5. Everyone, regardless of sexual orientation, gender identity, gender expression or sex characteristics, has the right to security of the person and to protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group. States shall: […] Take all necessary legislative measures to impose appropriate criminal penalties for violence, threats of violence, incitement to violence and related harassment, based on the sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 30. Everyone, regardless of sexual orientation, gender identity, gender expression or sex characteristics, has the right to State protection from violence, discrimination, and other harm, whether by government officials or by any individual or group.

Yogyakarta Principle 30(b). States shall: […] Take appropriate and effective measures to eradicate all forms of violence, discrimination and other harm, including any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity, gender expression or sex characteristics, whether by public or private actors […].

Discrimination. The Yogyakarta Principles.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to discrimination in constitutions and employment, are 2 and 12.

Yogyakarta Principle 2. Everyone is entitled to enjoy all human rights without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics. Everyone is entitled to equality before the law and the equal protection of the law without any such discrimination whether or not the enjoyment of another human right is also affected. The law shall prohibit any such discrimination and guarantee to all persons equal and effective protection against any such discrimination. [...] States shall adopt appropriate legislative and other measures to prohibit and eliminate discrimination in the public and private spheres on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

Yogyakarta Principle 12. Everyone has the right to decent and productive work, to just and favourable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics. States shall take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration.

Recognition. The Yogyakarta Principles.

The Yogyakarta Principles which apply Sexual Orientation and Gender Identity to Human Rights Law in relation to the recognition of same-sex families, age of consent, and adoption are 24, 24a, 24b, 24f.

Yogyakarta Principle 24. States shall ensure that laws and policies recognise the diversity of family forms […] and take all necessary legislative, administrative and other measures to ensure that no family may be subjected to discrimination […]. Everyone has the right to found a family, regardless of sexual orientation, gender identity, gender expression or sex characteristics. […].

Yogyakarta Principle 24(a). States shall take all necessary legislative, administrative and other measures to ensure the right to found a family, including through access to adoption […].

Yogyakarta Principle 24(b). States shall ensure that laws and policies recognise the diversity of family forms, including those not defined by descent or marriage, and take all necessary legislative, administrative and other measures to ensure that no family may be subjected to discrimination […].

Yogyakarta Principle 24(f). States shall take all necessary legislative, administrative and other measures to ensure that any obligation, entitlement, privilege, obligation or benefit available to different-sex unmarried partners is equally available to same-sex unmarried partners.

Appendix K - Bibliography on UN Resolutions. Sexual Orientation and Gender Identity

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Appendix L - Bibliography of Swedish, USA, and UK Legislation documents

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Appendix M - Reference to SOHR Terms. Swedish, USA, and UK Legislation documents

Sweden: Terminology reference in Government Legislation and Documents

Swedish Government Legislation and Documents							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2003	Shared Responsibility: Sweden's Policy for Global Development. Government Bill 2002/03:122						
	2	0	0	0	0	0	2 ref / 80 pg
2008	Global Challenges - Our Responsibility. Communication on Sweden's policy for global development. Government Communication 2007/08:89						
	0	1	2	0	0	0	3 ref / 73 pg
2014a	Aid policy framework– the direction of Swedish Government. Government Communication 2013/14:131						
	1	6	2	0	0	0	9 ref / 62 pg
2017	Policy Framework for Swedish development cooperation and humanitarian assistance. Government Communication 2016/17:60						
	4	5	1	1	3	0	14 ref / 65pg
2018	Human rights, democracy and the principles of the rule of law in Swedish foreign policy Government Communication 2016/17:62						
	9	42	0	0	5	0	56 ref /81 pg
2018	Policy for global development in the implementation of the 2030 Agenda. Government Communication 2017/18:146						
	0	0	0	0	11	0	11 ref / 72 pg
2019	Handbook. Sweden's feminist foreign policy. Government Offices of Sweden. Ministry of Foreign Affairs						
	3	4	0	0	283	4	294ref/116 pg

US: Terminology reference in Government Legislation and Policy documents

US Government Legislation and Documents							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
1961	Foreign Assistance Act						
	0	0	0	0	0	0	0 ref / unknown pg
2011	Presidential Memorandum -- International Initiatives to Advance the Human Rights of Lesbian, Gay, Bisexual, and Transgender Persons						
	1	24	4	0	0	0	29 ref / 3 pg

UK: Terminology reference in Government Legislation and Policy documents

UK Government Legislation and Documents							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2002	International Development Act						
	0	0	0	0	0	0	0 ref / 22 pg
2010	Equality Act						
	46	0	0	0	0	0	46 ref / 251 pg

2014	International Development (Gender Equality) Act						
	0	0	0	0	0	0	0 ref / 5 pg

Appendix N - Analysis. Reference to SOHR Terms. Swedish, USA, and UK Legislation documents

Swedish, US, and UK Legislation SOHR term reference analysis

Numbers #	Swedish	US	UK
# of Legislation and Government Documents	8	2	3
# of documents that mention at least one SOHR term (Sexual Orientation, LGB, Lesbian, Queer)	6 (75%)	1 (50%)	1 (33%)
# of documents that mention just SOHR terms (Sexual Orientation, LGB, Lesbian, Queer)	3 (38%)	1 (50%)	1 (33%)
# documents mention feminist	4 (50%)	0	0
# of documents mention intersectional	1 (12.5%)	0	0
# of documents mention Queer	1	0	0
# of documents mention LGB but not Lesbian	1	0	0
# of documents do not mention any terms	0	1	2
# of documents mention all terms (Sexual Orientation, LGB, Lesbian, Queer, Feminist, Intersectional)	0	0	0
# of documents mention all terms but intersectional (Sexual Orientation, LGB, Lesbian, Queer, Feminist)	1	0	0
Specific documents			
# of specific Human Rights docs including SOHR	1 (12.5%)	1 (50%)	1 (33%)
# of specific Feminist documents	2 (25%)	0	0
# of SOHR or Human Rights documents that mention feminist	1	0	0
# of SOHR or Human Rights documents that mention intersectional	0	0	0
The highest number of references in documents			
Sexual Orientation	9	1	46
LGB	5	24	0
Lesbian	2	4	0
Queer	1	0	0
Feminist	283	0	0
Intersectional	4	0	0

Swedish Legislation Documents. A summary of the inclusion of the six SOHR terms in the eight Swedish Legislation documents.

Of the eight Swedish legislation documents:-
• No documents mention all six terms.
• No documents fail to mention at least one of the six terms.
• There are no specifically focused SOHR documents
• 6 out of 8 documents (75%) refer to at least one SOHR term (Sexual Orientation, LGB, Lesbian, Queer). Of these six documents, three refer to only SOHR terms and three refer to Feminist, meaning that in three these concepts and practices are being discussed together, alluding to an intersectional approach
• One specific Human Rights focused document refers to the term Feminist but not Intersectional.
• One document mentions LGB but does not mention Lesbian, which is contentious given the ambiguity regarding the SOHR terminology amongst both authors and readers.
• 4 out of 8 (50%) refer to the term Feminist, with two (25%) being specifically Feminist focused and mentioning the term Feminist a high number of times.
• 1 out of 8 (12.5%) refers to Intersectional which is a Feminist focused document
• 1 out of 8 (12.5%) refers to Queer in the capacity of naming an organisation.

USA Legislation Documents. a summary of the inclusion of the six SOHR terms in the two USA legislation documents.

Of the two USA legislation documents:-
• No documents mention all six terms.
• One document (50%) does not mention any of the six terms.
• There is one specific SOHR document. This does not refer to the terms Feminist, Queer or Intersectional. It prefers to use the acronym LGBT, which it refers to twenty-four times.

UK Legislation Documents. a summary of the inclusion of the six SOHR terms in the two USA legislation documents.

Of the three UK legislation documents:-
• No documents mention all six terms.
• Two do not mention any terms (66%). These are the two legislation documents that guide bilateral development cooperation.
• One document, on the delivery of public services, refers to Sexual Orientation.
• There are no specific SOHR documents

Appendix O - SOHR text references within Swedish Legislation

a. ‘People must be able to enjoy their rights regardless of sex, age, disability, ethnic background and **sexual orientation’** (Government of Sweden, 2003, p. 21)
b. More attention should be paid to the dignity and rights of all human beings regardless of age, sex, ethnic background, beliefs, origins, **sexual orientation** or disabilities (Government of Sweden, 2003, p. 23)
c. The work of defending and promoting the rights of women and girls and the fight against harmful traditional customs and practices continues, as does defence of the rights of **lesbian**, gay, bisexual and transgender (**LGBT**) persons. The Government will therefore continue to be a vigorous advocate for SRHR in international policy negotiations’ (Government of Sweden, 2008, p. 18)
d. ‘participation enables all individuals to make their voices heard, regardless of their social position, gender, gender identity or expression, age, disability, ethnicity, religion or other belief, or sexual orientation’. (Government of Sweden, 2014, p12).
e. **‘LGBT persons’ rights** are core aspects of the rights perspective’ (Government of Sweden, 2014, p12).
f. Defence of the rights of ***lesbian***, gay, bisexual and transgender (***LGBT***) persons’ (Government of Sweden, 2014, p18).
g. Sweden’s work against discrimination focuses on… ***LGBT persons***’ (Government of Sweden, 2014, p19).
h. ***Homosexual, bisexual and transsexual people (LGBT persons),*** for example, are particularly subjected to discrimination’ (Government of Sweden, 2014, p20).
i. In many places in the world, above all in poor parts of the world, the sexual and reproductive health and rights of women, and ***lesbian***, gay, bisexual and transsexual (***LGBT***) persons are infringed upon’ (Government of Sweden, 2014, p35).
j. The knowledge, expertise and actions of LGBT organisations must be considered when focusing on the prevention and reduction of gender-based violence (Government of Sweden, 2014, p35).
k. Bilateral aid is also an efficient tool for working against the tide in individual partner countries. This, for example, may involve gender equality, sexual and reproductive

health and rights, the rights of LGBT persons (2013 pg47/48) (Government of Sweden, 2014, p. 47/48).

l. Women and girls, men and boys, are not homogeneous groups but individuals with different identities, needs, circumstances and influence. Different power structures and dimensions work together (Government of Sweden, 2017, p.22/23)

m. Discrimination and marginalisation on grounds of gender are also affected by age, origin, class, social status, gender identity and gender expression, **sexual orientation**, disability, ethnicity and religious belief, and this must be taken into account. (Government of Sweden, 2017, p.23)

n. Women and men, as well as girls and boys, must have the same power to shape society and their own lives. Power is about rights as well as opportunities (Government of Sweden, 2017, p.22/23)

o. Gender equality analysis must be carried out systematically and incorporated in development cooperation planning, implementation, monitoring and reporting development cooperation……Gender equality analyses should also contain an assessment of the other prevailing power relationships affecting different individuals and groups in the context in question. ***LGB***TQ people are a particularly vulnerable group and demand particular attention in these analyses (Government of Sweden, 2017, p.23)

p. Many countries are failing to uphold the rights of indigenous people. Discrimination on the basis of sex, age, gender identity and gender expression, **sexual orientation**, disability, ethnicity and religion or other beliefs remains widespread (Government of Sweden, 2017, p.9)

q. Sweden will be a global voice in combating discrimination in all its forms, whether on the basis of sex, age, gender identity and gender expression, **sexual orientation**, disability, ethnicity, or religion or other belief (Government of Sweden, 2017, p.19/20)

r. Protecting economic, social and cultural rights is important for reducing inequality, but also for civil and political rights. These rights includes the right to education, health, participation in cultural life, social protection, work, unionisation and to decent and fair working conditions irrespective of sex, **sexual orientation,** gender identity or gender expression (Government of Sweden, 2017, p.21)

s. **LGBTQ people** can also be particularly vulnerable in conflict situations (Government of Sweden, 2017, p.29)
t. Sweden will continue to defend all people's right to health with a particular focus on sexual and reproductive health and rights. Young people's needs and points of departure must be highlighted, as must respect for the **rights of LGBTQ people** (2016. p38) (Government of Sweden, 2017, p.38)
u. The healthcare needs of women and young people linked to SRHR, menstrual hygiene and maternity care need to be highlighted, as does respect for the **rights of LGBTQ people.** Sweden's work on SRHR must be founded on international commitments. These include the Declaration and Programmes of Action from the UN's International Conference on Population and Development in Cairo in 1994 and the World Conference on Women in Beijing in 1995. **The rights of LGBTQ people** are one of the starting points of Sweden's work on SRHR (Government of Sweden, 2017, p.38)
v. Sweden is to continue to be a powerful voice in the world and in international development policy. The Government's **feminist** foreign policy adds backbone to this work (Government of Sweden, 2017, p.3)
w. Swedish development cooperation is also to be based on a gender perspective. Attention to gender equality throughout development cooperation is well established, but with its ***feminist*** foreign and development policy Sweden has raised its ambitions. The initiative seeks to enhance both gender equality and the full enjoyment of human rights by all women and girls, as global gender equality is essential for sustainable development. (Government of Sweden, 2017, p.15)
x. Analyses, therefore, need to consider factors other than gender, such as age, geographic domicile, socioeconomic status, gender identity and gender expression, ***sexual orientation***, ethnic origin, functional variation, level of education, declarations of faith and religion (Government of Sweden, 2019, p.38)
y. Gender discrimination is also reinforced by discrimination and vulnerability linked to other factors such as poverty, conflict, migration, climate effects, ethnic origin, functional variation and ***sexual orientation*** or gender identity (Government of Sweden, 2019, p.20)
z. Increase their expertise and strengthen their prevention work against discriminatory rules, norms and stereotypes in relation to gender, gender identity, gender expression and ***sexual orientation*** (Government of Sweden, 2019, p.80)
aa. Set aside resources for working with gender equality and women's, girls' and ***LGB***TQ persons' human rights, including human resources and expertise for gender equality work (Government of Sweden, 2019, p.80)
bb. The policy is based on ***intersectionality***, which means taking into account the fact that people have different living conditions, levels of influence and needs. (Government of Sweden, 2019, p.11)
cc. Analyses should have an ***intersectional*** perspective and should take into account the fact that women and girls, men and boys are not homogeneous groups but have different identities, needs, influence and living conditions. Analyses therefore need to consider factors other than gender (Government of Sweden, 2019, p.38/39)
dd. Many countries lack legislation prohibiting discrimination on the grounds of ***sexual orientation*** and gender identity and many countries also fail to apply existing discrimination legislation.(Government of Sweden and Regeringskansliet, 2018a, p10)

ee. Human rights defenders who are women and/or ***LGB***TI (#13), as they run a particularly high risk of being subjected to abuse on the grounds of their involvement and their gender, ***sexual orientation*** or gender identity. (Government of Sweden and Regeringskansliet, 2018a, p. 26)
ff. The Government intends to: – emphasise ***sexual orientation*** and gender identity as grounds for discrimination in various intergovernmental and international fora, in the EU as well as the UN. (Government of Sweden and Regeringskansliet, 2018a, p. 30)
gg. The United Nations Committee on Economic, Social and Cultural Rights, the Council of Europe, the European Court of Human Rights and the United Nations Human Rights Council have also explicitly laid down that ***sexual orientation*** and gender identity are covered by the principle of non-discrimination in the central human rights conventions.(Government of Sweden and Regeringskansliet, 2018a, p. 31)
hh. Sweden and other EU states also work to ensure that express references to the ban on discrimination due to ***sexual orientation*** and gender identity are introduced and become more generally accepted in the UN system and in other international fora. (Government of Sweden and Regeringskansliet, 2018a, p. 30)
ii. United Nations Human Rights Council decided to appoint an Independent Expert on protection against violence and discrimination based on **sexual orientation** and gender identity (Government of Sweden and Regeringskansliet, 2018a, p. 31)
jj. Questions such as safe abortions, sex and relationship education, and ***sexual orientation*** and gender identity remain controversial from a global perspective. (Government of Sweden and Regeringskansliet, 2018a, p. 33)
kk. The aim of Sweden's ***feminist*** Government is for women and men to have the same power to shape society and their own lives. (Government of Sweden and Regeringskansliet, 2018a, p. 30)
ll. Sweden is also the first country to operate a ***feminist*** foreign policy, which means that the whole of foreign policy is to apply a systematic gender-equality perspective (Government of Sweden and Regeringskansliet, 2018a, p. 30)

Appendix P - Bibliography of Swedish Policy and Strategy documents

Swedish Policy and Strategy Documents

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Appendix S - Reference to SOHR Terms. Swedish Policy and Strategy documents

Twenty-four (24) non-legislation Swedish Policy and Strategy documents were collated and analysed (see Table 18). Of these:-

- Twenty-two (22) (92%) mention a SOHR term (Sexual Orientation, LGB, Lesbian, Queer)
- Fourteen (14) were Human Rights or SOHR focused and of these seven (7) mention the term Feminist, which means that feminist is being considered, alluding to the use of intersectional approaches.
- There are a high number of non-SOHR focused documents which include a reference to SOHR terms which indicates consideration of SOHR through documents that focus on gender and SRHR thematic areas.
- Seven (7) mention just SOHR terms and not Feminist or Intersectional.
- Fifteen (15) mention Feminist and three (3) mention Intersectional. With only four (4) documents being feminist focused, this means that a Feminist and intersectional focus is permeating policies and approaches.
- One (1) document mentions all of the terms and one documents mentions all but intersectional. It could be that many more documents allude to an intersectional approach but are not specifically using the term intersectional and therefore has not been observed through this terminology analysis.
- Eight (8) documents mention Queer, with these documents are mostly in the Research and Evaluation category, and refer to local organisations, using local language.
- Five (5) documents mention LGB but not Lesbian and as previously discussed, this means that the acronym LGB is not being properly presented, contributing to confusion around SOHR, see 6.2 SOHR Terms.
- The term sexual orientation and the acronym LGB(TQ) are used interchangeably, with LGB(TQ) being the preferred SOHR term used within these documents. As discussed previously, the use of this term portrays Western LGBT identities and politics stating a divide between donor and participating countries, the North and South, and Western and non-Western perspectives and contributing to the complex space of bilateral development cooperation.

Terminology reference Swedish Policy and Strategy documents

Swedish Policies, Strategies, and Action Plans							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2006	Action plan for Sida's work on sexual orientation and gender identity in international development cooperation 2007–2009. Sida's work on Lesbian, Gay, Bisexual, and Transgender issues in international development cooperation						
	6	41	8	0	0	0	55 ref / 12 pages
2015	Strategy for sexual and reproductive health and rights (SRHR) in Sub-Saharan Africa 2015 – 2019						
	1	9	0	0	0	0	10 ref / 4 pages
2016	Swedish Foreign Service action plan for feminist foreign policy 2015–2018 including focus areas for 2016						
	2	61	0	0	43	2	47 ref / 27 pages
2018	Strategy for Sweden's Development Cooperation for Global Gender Equality and Women's and Girls' Rights 2018-2022						
	1	1	0	0	2	0	4 ref / 4 pages
2017	Strategy for Sweden's development cooperation in the areas of human rights, democracy and the rule of law 2018–2022						
	1	0	0	0	0	0	1 ref / 10 pages
2019	The Swedish Foreign Service action plan for feminist foreign policy 2019–2022, including direction and measures for 2019						
	2	6	0	0	37	1	46 ref / 26 pages

Swedish Concept Papers							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2006	Concept Note Power Analysis – Experiences and Challenges						
	1	0	0	0	3	0	4 ref / 36 pages
2008	Sida Concept Paper. Sexuality: A Missing Dimension in Development						
	12	19	12	0	0	0	43 ref / 50 pages
2010	Poverty and Sexuality: What are the connections? Overview and Literature Review						
	14	51	43	3	12	1	124 ref /48 pages
2010	Sexual Rights for All						
	4	6	1	0	2	0	13 ref / 24 pages

2012	Human Rights of Lesbian, Gay, Bisexual and Transgender persons Conducting a Dialogue						
	20	99	7	1	0	0	127 ref / 8 pages
2017	How Sida Works with Gender Equality						
	0	0	0	0	1	0	1 ref / 2 pages
2019	A feminist government ensures that decisions promote gender equality						
	0	0	0	0	8	0	8 ref / 2 pages
Swedish Research, Review, and Evaluation							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2005	Sexual Orientation and Gender Identity Issues in Development. A Study of Swedish policy and administration of Lesbian, Gay, Bisexual and Transgender issues in international development cooperation						
	111	574	122	4	3	0	814 ref / 86 pages
2007	An inventory of Swedish Development Cooperation Sexual Orientation and Gender Identity						
	27	300	43	30	1	0	401 ref / 46 pages
2010	Evaluation of Sida's Action Plan on Sexual Orientation and Gender Identity in Swedish Development Cooperation 2007–2009						
	20	480	13	1	1	0	515 ref / 60 pages
2014	Study on Sida's work on human rights of lesbian, gay, bisexual, transgender and intersex persons						
	18	316	21	0	0	0	355 ref / 44 pages
2015	Human Rights Based Approach at Sida Compilation of Briefs on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons						
	153	1416	168	6	7	0	1750 ref / 135 pages
2015	Evaluation of Policy Dialogue as an Instrument in Swedish Development Cooperation – the case of Gender Equality						
	0	0	0	0	0	0	0 ref / 3 pages
2017	Evaluation of the Sida supported RFSL projects "LGBT Voices" and "Rainbow Leaders"						
	8	262	13	7	1	0	291 ref / 92 pages
2017	Sweden's feminist foreign policy Examples from three years of implementation						
	1	2	0	0	20	0	23 ref / 20 pages
2019	Evaluation of the Strategic Plan 2014–2018 of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)						
	26	183	17	1	0	7	234 ref / 95 pages
Swedish Rwandan Documents							

	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2014	The Rights of LGBTI People in Rwanda						
	9	47	9	0	0	0	65 ref / 5 pages
2014	The Rights of LGBTI People in Sub Saharan Africa						
	12	70	12	1	4	0	99 ref / 6 pages

Appendix T - Reference to SOHR Terms. US Policy and Strategy documents

Of USA's thirty-one (31) non-legislative USA Policy and Strategy documents collated and analysed:-

- Twenty-seven (27) mention a SOHR term (Sexual Orientation, LGB, Lesbian, Queer).
- Nine (9) were not SOHR or Human Rights focused, meaning that there is consideration of SOHR across gender, SRHR, health and other thematic areas.
- Four (4) documents do not mention any of the terms and one document mentions all the terms.
- A high number of these documents, twenty-four (24) mention just SOHR terms, not Feminist or Intersectional.
- Feminist is referred to in three (3) documents and intersectional in just one (1). Feminist is not referred to in any of the specific eighteen (18) SOHR or Human Rights documents.
- One (1) document mentions all of the terms but Intersectional, although they could use the approach but not specifically refer to the term. Given the low numbers of references to intersectional, it must be assumed that an intersectional approach is not being integrated within these documents.
- LGB(T) is the most frequent SOHR term used within these documents. It is referenced 1058 in one a 79 page document, a Toolkit for Integrating LGBT Rights (USAID 2014c).
- Three (3) documents use the acronym LGB (T) but do not refer to the term Lesbian. As stated previously, this does not acknowledge knowledge about the acronym os not uniformly known and does not support a participatory or empowering approach to realising and mainstreaming SOHR in the complex space of bilateral development cooperation.

Terminology reference US Policy and Strategy documents

USA Thematic Strategies, Policies and Action Plans							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2011	Better Health for Development. USAID's Global Health Strategic Framework						
	1	1	5	0	0	0	7 ref / 56 pages
2011	Technical Guidance As part of PEPFAR's overall prevention strategy, this guidance document addresses prevention programs for Men Who Have Sex with Men Combination HIV Prevention						
	7	2 (bibliog)	0 (4 gay 2 in bib)	0	0	0	9 ref / 21 pages
2012	Strategy to Prevent and Respond to Gender-Based Violence Globally						
	0	4	3	0	0	0	7 ref / 60 pages
2012	USAID Gender Equality and Female Empowerment Policy						
	4	0	2	0	0	0	6 ref / 28 pages
2012	Youth in Development. Realizing the Demographic Opportunity Policy						
	1	2	1	0	0	0	4 ref / 36 pages
2013	USAID Strategy on Democracy Human Rights and Governance						
	0	8	0	0	0	0	8 ref / 48 pages
2014	LGBT Vision for Action. Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals						
	12	211	17	2	0	0	240 ref / 23 pages
2014c	Toolkit for Integrating LGBT Rights activities into programming in the E and E Region						
	38	1058	84	10	1 (named person)	1	1192 ref / 79 pages
2014	PEPFAR 3.0. Controlling the Epidemic: Delivering on the Promise of an AIDS-free Generation						
	3	3	2	0	0	0	8 ref / 32 pages
2017	PEPFAR Strategy for Accelerating HIV/AIDS Epidemic Control (2017-2020)						
	0	0	0	0	0	0	0 ref / 12 pages
2018	Suggested Approaches for Integrating Inclusive Development Across the Program Cycle and in Mission Operations						
	6	28	5	1	0	0	39 ref /29 pages
2016	United States Strategy to Prevent and Respond to Gender Based Violence Globally 2016 Update						
	4	29	9	0	0	0	42 ref / 64 pages

USA Concept Papers							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2012	Factsheet to Prevent and Respond to Gender-Based Violence Globally						
	0	0	0	0	0	0	0 ref / 2 pages
2012b	The LGBTI Global Development Partnership						
	1	30	6	1 (name)	0	0	28 ref / 2 pages
2013	USAID Announces new partnership to promote LGBT Human Rights abroad						
	0	11	5	0	0	0	16 ref / 1 page
2013	Blog. Accelerating Progress with LGBT Global Development Partnership						
	0	22	2 (name)	0	0	0	24 ref / 2 pages
2013	Advancing the Human Rights of Lesbian, Gay, Bisexual and Transgender Persons Worldwide:						
	1	14	2	0	0	0	17 ref / 1 page
2013	Factsheet - USAID Strategy on Democracy, Human Rights and Governance						
	0	1	0	0	0	0	1 ref / 2 pages
2014	Obama Administration Brings Global LGBTI Community Together to Advance Human Rights and Development						
	0	14	2	0	0	0	16 ref / 2 pages
2014	what-we-do/democracy-human-rights-and-governance/protecting-human-rights/lgbti-programs						
	0	28	5	1 (name)	0	0	34 ref / 2 pages
2014	FACT SHEET: Advancing The Human Rights Of LGBT Persons Globally						
	3	55	3	0	0	0	61 ref / 4 pages
2017	Inclusive Development: Advancing LGBTI Human Rights						
	2	25	1	0	0	0	28 ref / 2 pages
2015	Democracy, Human Rights and Governance Human Rights Grants Program (HRGP)						
	0	0	0	0	0	0	0 ref / 1 page
2016	FACT SHEET: Promoting and Protecting the Human Rights of LGBT Persons						
	4	69	3	0	0	0	76 ref / 3 pages
2019	Policy Brief. Operationalizing a Feminist Foreign Policy. Recommendations for the US Government						
	0	0	0	0	35	0	35 ref / 8 pages
2019	Fact Sheet: Promoting the Rights of Persons with Disabilities						
	0	1	0	0	0	0	1 ref / 1 page

USA Programmes, Research, Review, and Evaluation							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2014b	Testing the waters: LGBT People in the Europe and Eurasia Region						
	124	895	97	18	2 (in Bibliog)	0	1136 ref / 95
2014	The relationship between the LGBT inclusion and economic development. An analysis of emerging economies						
	72	349	47	4	0	0	472 ref / 76 pages
2015b	Being LGBT in Asia						
	1	27	1	0	0	0	29 ref / 3 pages
2018	PEPFAR 2018 PROGRESS REPORT PEPFAR Strategy for Accelerating HIV/AIDS						
	0	0	0	0	0	0	0 ref / 16 pages
USA Rwandan Documents							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2018	Rwandan 2018 Human Rights Report						
	3	2	1	0	0	0	6 ref / 39 pages

Appendix U - Reference to SOHR Terms. UK Policy and Strategy documents

Of the UK's thirty-six (36) non-legislation UK Policy and Strategy documents:-

- Eighteen (18) mentioned a SOHR term (Sexual Orientation, LGB, Lesbian, Queer),
- Thirteen (13) mention just SOHR terms.
- Given that fifteen (15) are specific SOHR or Human Rights documents, this would indicate that SOHR and intersectional analysis was not being used across thematic areas.
- A high proportion of these documents, seventeen (17), do not mention any of these SOHR terms. This may be due to the limited number of staff within DFID working on SOHR, the lack of a strong LGBT staff network, and that a larger proportion of my interview participants who responded to my request to talk about Sexual Rights worked within the thematic area of SRHR.
- Three (3) documents mentioned Feminist and one mentioned Intersectional.
- Five documents mentioned Queer, these documents were predominantly those in the Research and Evaluation category and produced by the Institute of Development Studies at the University of Sussex.
- As with Sweden and USA, the acronym LGB is the most frequently used term, with its associated connotations of Western politics and identities, inferring a Western and non-Western distinction, as described with Sweden and USA.
- There are two (2) documents which use the acronym LGB but do not mention the term Lesbian, this feeds into confusion about SOHR for the reader and author.

Terminology reference UK Policy and Strategy documents

UK Thematic Strategies, Policies and Action Plans							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2011b	UK aid: Changing lives, delivering results published by the Department for International Development.						
	0	0	0	0	0	0	0 ref /39 pages

2011	Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward						
	10	164	14	0	0	0	188 ref / 22 pages
2011a	DFID A new strategic vision for girls and women: stopping poverty before it starts						
	0	0	0	0	0	0	0 ref / 6 pages
2012	Managing public money (with annexes revised 2018)						
	0	0	0	0	0	0	0 ref / 61 pages
2015b	DFID The Strategic Vision for Girls and Women: Three Years On						
	0	0	0	0	0	0	0 ref / 18 pages
2015	UK aid: tackling global challenges in the national interest						
	0	0	0	0	0	0	0 ref / 28 pages
2016	Policy paper DFID's approach on lesbian, gay, bisexual and transgender (LGB&T) rights						
	2	8 (maybe 9)	0	0	0	0	10 ref / ? pages
2017	DFID Data Disaggregation Action Plan Better Data for Better Lives (Leave No-One behind)						
	0	0	0	0	0	0	0 ref / 4 pages
2019	UK Aid Connect						
	0	0	2	0	0	0	2 ref / 2 pages
2017	Inclusive Data Charter Action Plan						
	0	1	0	0	0	0	1 ref / 5 pages
2018	The Green Book Central Government Guidance on Appraisal and Evaluation						
	0	0	0	0	0	0	0 ref / 132 pages
2018b	DFID Strategic Vision for Gender Equality. A Call to Action for Her Potential, Our Future						
	2 (sexuality)	0	0	0	0	0	0 ref / 22 pages
2019	Policy Paper. Leaving No-one behind. Our Promise						
	0	0	0	0	0	0	0 ref / 2 pages
2019	DFID Smart Rules - Better Programme Delivery (Version XI: effective 1st April 2019 until 1st October 2019)						
	0	0	0	0	0	0	0 ref / 117 pages
2004b	DFID Talking about health, sex and pregnancy DFID's approach to promoting sexual and reproductive health and rights in developing countries						
	0	0	0	0	0	0	0 ref / 12 pages
UK Concept Papers							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total

2004a	DFID Sexual and reproductive health and rights A position paper						
	0	0	0	0	0	0	0 ref / 30 pages
2007	DFID Sexual Orientation Script (Between 2007 and 2010)						
	21	19	5	0	0	0	45 ref / 2 pages
2010	An FCO programme for promoting the human rights of LGBT people						
	37	79 (4 sexual minorities)	10	0	0	0	126 ref / 15 pages
2012	Gender and Development Network (GADN) Briefing 2 DFID's Strategic Vision for Girls and Women.						
	0	0	0	0	0	0	0 ref / 7 pages
2013	DFID Violence against Women and Girls CHASE Guidance Note Series						
	6	0	4	0	4	0	14 ref / 21 pages
2015a	DFID LGBT Theory of Change						
	0	11	0	0	0	0	11 ref / 1 page
2019	UK Support for Human Rights Defenders						
	0	2	1	0	0	1	4 ref / 8 pages
UK Programmes, Research, Review, and Evaluation							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
	Institute of Development Studies (IDS). University of Sussex. Sexuality and Social Justice: A Toolkit. Strategies for making sexuality rights real. 1 Issues and Debates						
	25	52	8	7	5	0	97 ref / 24 pages
	Institute of Development Studies (IDS). University of Sussex. Sexuality and Social Justice: A Toolkit. Strategies for making sexuality rights real. 2. Policy and the Law						
	23	45	22	0	0	0	90 ref / 56 pages
	Institute of Development Studies (IDS). University of Sussex. Sexuality and Social Justice: A Toolkit. Strategies for making sexuality rights real. 3 Taking Action						
	6	58	21	6	1	0	92 ref / 22 pages
	Institute of Development Studies (IDS). University of Sussex. Sexuality and Social Justice: A Toolkit. Strategies for making sexuality rights real. 4 Practical Tools						
	2	18	3	0	0	0	23 ref / 19 pages
	Institute of Development Studies (IDS). University of Sussex. Sexuality and Social Justice: A Toolkit. Strategies for making sexuality rights real. 5 Information and Resources						
	4	7	4	2	0	0	17 ref / 8 pages
2013	Stonewall. Engaging with the UK Government: A Guide for Lesbian, Gay, Bisexual and Transgender Activist Worldwide						

	3	55	8	0	0	0	66 ref / 36 pages
2016	Stonewall. LGBT Inclusion and the Sustainable Development Goals						
	5	118	16	3	0	0	142 ref / 10 pages
2015	Foreign and Commonwealth Office (FCO) Diversity and Equality Report 2014-15 in response to the Equality Act 2010						
	14	34	8	1	0	0	57 ref / 22 pages
2016	Human Rights and Democracy. The Foreign and Commonwealth Office Report						
	1	29	2	0	0	0	32 ref / 68 pages
UK Rwandan Documents							
	Sexual Orientation	LGB(TQI)	Lesbian	Queer	Feminist	Intersectional	Total
2018	Helpdesk Report K4D (Knowledge, Evidence, and Learning for Development). Linkages between poverty, inequality and exclusion in Rwanda						
	0	0	0	0	0	0	0 ref / 16 pages
2018	Helpdesk Report K4D (Knowledge, Evidence and Learning for Development) Evidence on inequalities in Rwanda						
	0	0	0	0	0	0	0 ref / 21 pages
2018	Helpdesk Report K4D (Knowledge, Evidence and Learning for Development) Legislation and policy addressing inequality and redistribution in Rwanda						
	0	0	0	0	0	0	0 ref / 23 pages
2018	Helpdesk Report K4D (Knowledge, Evidence and Learning for Development) Civil Society and Accountability in Rwanda						
	0	0	0	0	0	0	0 ref / 16 pages
2018a	DFID Rwanda profile						
	0	0	0	0	0	0	0 ref / 2 pages

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Appendix V - Analysis. Reference to SOHR Terms. Swedish, US, and UK Policy and Strategy documents

Swedish, US, and UK Policy and Strategy SOHR term reference analysis

	Swedish	US	UK
# of non-Government documents (Policies, Strategies, Action Plans, Concept Papers, Research, Review, Evaluation, Rwandan)	24	31	36
# of documents that mention at least one SOHR term (Sexual Orientation, LGB, Lesbian, Queer)	22 (92%)	27 (87%)	18 (50%)
# of documents that mention just SOHR terms (Sexual Orientation, LGB, Lesbian, Queer)	7	24	13
# documents mention feminist	15 (63%)	3 (10%)	3 (8%)
# of documents mention intersectional	3	1	1
# of documents mention Queer	8	2	5
# of documents mention LGB but not Lesbian	5	3	2
# of documents do not mention any of the terms	1	4	17 (47%)
# of documents mention all terms (Sexual Orientation, LGB, Lesbian, Queer, Feminist, Intersectional)	1	1	0
# of documents mention all terms but intersectional (Sexual Orientation, LGB, Lesbian, Queer, Feminist)	4	1	2
Specific documents	24	31	36
# of specific Human Rights docs (including SOHR)	14 (58%)	18 (58%)	15 (42%)
# of specific Feminist documents	4	1	0
# of SOHR or Human Rights documents that mention feminist	7 (29%)	0 (0%)	1 (2.7%)
# of SOHR or Human Rights documents that mention intersectional	1	1	1
The highest number of references in documents			
Sexual Orientation	153	124	37
LGB	1416	1058	118
Lesbian	168	97	22
Queer	30	18	7
Feminist	43	35	5
Intersectional	2	1	1

Appendix W - Analysis. Categories of Swedish, US, and UK Policy and Strategy documents

The number of documents in each category specifically focused on SOHR

	Swedish	Swedish SOHR focused Documents	USA	USA SOHR focused Documents	UK	UK SOHR focused Documents
# of non-Government documents (Policies, Strategies, Action Plans, Concept Papers, Research, Review, Evaluation, Rwandan)	24	14 (58%)	31	16 (52%)	36	14 (39%)
# of Policy, Strategy, and Action Plans	6 (25%)	2 33% of 6	12 (39%)	3 25% of 12	15 (42%)	2 13% of 156
# of Concept papers	7 (29%)	3 43% of 7	14 (45%)	10 71% of 14	7 (19%)	4 57% of 7
# of Programme, Research, Review, Evaluation documents	9 (37%)	7 78% of 9	4 (13%)	3 75% of 4	9 (25%)	8 89% of 9
# of Rwandan Documents	2	2 100% of 2	1	0 0% of 1	5	0 0% of 5

Appendix X - Reviews and Evaluations on SOHR.

Sida Reviews and Evaluations on SOHR		
1	2005	Sexual Orientation and Gender Identity Issues in Development. A Study of Swedish policy and administration of Lesbian, Gay, Bisexual and Transgender issues in international development cooperation
2	2006	Action plan for Sida's work on sexual orientation and gender identity in international development cooperation 2007–2009. (Baseline data)
3	2007	An inventory of Swedish Development Cooperation Sexual Orientation and Gender Identity
4	2010	Evaluation of Sida's Action Plan on Sexual Orientation and Gender Identity in Swedish Development Cooperation 2007–2009
5	2010	Poverty and Sexuality: What are the connections? Overview and Literature Review
6	2014	Study on Sida's work on human rights of lesbian, gay, bisexual, transgender and intersex persons
7	2015	Human Rights Based Approach at Sida. Compilation of Briefs on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons
8	2017	Sweden's feminist foreign policy. Examples from three years of implementation
9	2017	Evaluation of the Sida supported RFSL projects "LGBT Voices" and "Rainbow Leaders"
10	2019	Evaluation of the Strategic Plan 2014–2018 of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)
USAID Reviews and Evaluations on SOHR		
1	2014b	Testing the waters: LGBT People in the Europe and Eurasia Region
2	2014	The relationship between the LGBT inclusion and economic development. An analysis of emerging economies
3	2015b	Being LGBT in Asia
DFID Reviews and Evaluations on SOHR		
1	2015	Foreign and Commonwealth Office (FCO) Diversity and Equality Report 2014-15 in response to the Equality Act 2010
2	2016	Human Rights and Democracy. The Foreign and Commonwealth Office Report

Appendix Y - UK Aid Connect Development Challenge. LGBT Inclusion.

(FCDO, 2019)

Everybody has the right to be included in development and treated fairly and with respect.

- The UK Government raises its voice wherever discrimination occurs.
- The UK has a longstanding tradition of upholding human rights around the world.
- The UK believes all people have a right to be included in development, no matter what their background or sexual orientation.

The UK Government has a policy of inclusive development for all socially excluded groups.

- Discrimination is against the core principles of international development and humanitarian aid. Aid must be impartial and not based on sexuality, gender, nationality, race, religion, or political point of view. It must be based on need alone. Discrimination damages not only societies but holds back economies.
- Countries cannot fully develop while they oppress minorities. By excluding certain groups countries hold back their potential. Communities are stronger when they stand together and include all their elements.
- Homophobia not only has a human cost, it's bad for business as well. As the President of the World Bank has pointed out, institutionalised discrimination is bad for economies. When productive people are excluded from the workforce, GDP suffers.
- In terms of development, homophobia also has a negative impact on access to education, health care, and land rights. It causes violence, desperation, substance abuse and suicide.

DFID approach to Lesbian, Gay and Bisexual and Transgender (LGBT) rights can be found in https://www.gov.uk/government/publications/dfids-approachon-lesbian-gay-bisexual-and-transgender-lgbt-rights (Page not found 15.01.2024) (DFID, 2016b)

[i] Official Development Assistance (ODA) https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/official-development-assistance.htm

[ii] There are 2 main delivery channels for ODA: bilateral and multilateral. **Bilateral ODA** is earmarked spend, i.e. the donor has specified where and/or what the ODA is spent on – this is usually ODA going to specific countries, regions or programmes. There are 2 types of bilateral ODA:'Bilateral through multilateral': this is ODA provided by a donor for a specific purpose or fund, using a multilateral organisation as its channel of delivery. For example, support to the World Food Programme's (WFP). 'Other bilateral': is ODA provided by a

donor for a specific purpose which is given directly to recipient governments or delivered by through other partners, such as Non-Governmental and Civil Society Organisations, research institutions and universities. For example, delivering family planning services across Malawi through an NGO. **Core multilateral ODA** is un-earmarked funding from national governments to multilateral organisations, which is pooled with other donors' funding and disbursed as part of the core budget of the multilateral organisation. For example, the UK's contribution to the World Bank International Development Association. Core contributions will fluctuate year-to-year in part due to the payment schedules of the receiving multilateral organisation.
https://www.gov.uk/government/statistics/statistics-on-international-development-final-uk-aid-spend-2020/statistics-on-international-development-final-uk-aid-spend-2020 (accessed 03.02.2023)

[iii] Multilateral organisations are formed by three or more countries that work together on issues of common interest and global priorities. These organisations using funding from multiple governments to support various projects. (https://www.igi-global.com) (accessed 05.01.2023).
Multilateral organisations, particularly the United Nations, are integral in coordinating and mobilising both the international development and foreign policy goals of Governments and global support to achieve global development goals, such as the Sustainable Development Goals. https://ghbb.globalhealth.org/briefs/global-health-and-multilateral-organizations/ (accessed 05.01.2023).

[iv] A Non-Governmental Organisation, NGO, is an organisation which aims to achieve social or political aims but is not controlled by a government. An International Non-Governmental organisation, INGO, is an NGO which operates on an international, or global, scale. https://www.studysmarter.co.uk/explanations (accessed 05.01.2023)

[v] https://www.britannica.com/topic/Development-Assistance-Committee (accessed 03.02.2023)

[vi] https://stats.oecd.org/qwids/ (accessed 03.02.2023)

[vii] https://stats.oecd.org/qwids/ (accessed 03.02.2023)

[viii] https://www.britannica.com/topic/Development-Assistance-Committee (accessed 03.02.2023)

[ix] The OECD QWIDS website is a Query Wizard for International Development Statistics https://stats.oecd.org/qwids/ (accessed 03.02.2023)

[x] https://stats.oecd.org/qwids/ (accessed 03.02.2023)

[xi] *Chinese Taipei* is the term used in various international organizations and tournaments for groups or delegations representing the Republic of China. It is used in the OECD Query for International Development Statistics website https://stats.oecd.org/qwids/

[xii] East Timor is officially the Democratic Republic of Timor-Leste.

[xiii] T*urkey* will be known as *Türkiye* at the United Nations from 2022 following a formal request.

[xiv] https://www.worldometers.info/geography/how-many-countries-in-africa/#:~:text=There%20are%2054%20countries%20in,the%20United%20Nations%20official%20statistics). (accessed 03.02.2023)

[xv] https://www.worldometers.info/geography/how-many-countries-in-asia/#:~:text=There%20are%2048%20countries%20in,the%20United%20Nations%20official%20statistics). (accessed 03.02.2023)

[xvi] https://www.worldometers.info/geography/how-many-countries-in-europe/#:~:text=There%20are%2044%20countries%20in,the%20United%20Nations%20official%20statistics). (accessed 03.02.2023)

[xvii] https://www.worldometers.info/geography/how-many-countries-in-latin-america/(accessed 03.02.2023)

[xviii] https://worldpopulationreview.com/country-rankings/countries-in-north-america (accessed 03.02.2023)

[xix] https://www.nationsonline.org/oneworld/oceania.htm#:~:text=In%20the%20vast%20area%20of,(see%20the%20list%20below).&text=The%20region%20consisting%20of%20Australia,sometimes%20referred%20to%20as%20Australasia. (accessed 03.02.2023)

[xx] Although African countries might be included in the 'Other donors countries' list in the non-DAC category, with smaller transfers. https://stats.oecd.org/qwids/(accessed 03.02.2023)

[xxi] With smaller transfers, Latin American and Caribbean countries might be included in the 'Other donors countries' list in the non-DAC category. https://stats.oecd.org/qwids/(accessed 03.02.2023)
[xxii] https://www.un.org/en/global-issues/human-rights (accessed 01.01. 2022)
[xxiii] Chukwuemeka, E.S.C., 2020. 6 Essential Characteristics of Human Rights of Citizens. Bscholarly. URL https://bscholarly.com/characteristics-of-human-rights-6-important-characteristics-of-human-rights/ (accessed 5.12.22).
[xxiv] IGO The term intergovernmental organization (IGO) refers to an entity created by treaty, involving two or more nations, to work in good faith, on issues of common interest. https://hls.harvard.edu/bernard-koteen-office-of-public-interest-advising/about-opia/what-is-public-interest-law/public-service-practice-settings/international-public-interest-law-practice-setting/intergovernmental-organizations-igos/ (accessed 01.01.2022)
[xxv] I this context 'development organisations' or 'international agencies' refers to NGOs INGOs, UN organisations, Multilateral and Bilateral organisations.
[xxvi] As an example, Gender and Mine Action produces a mainstreaming tool for mine action managers titled Gender & Diversity in Contracting and Grants Management. his document is toolkit that has been developed to assist mine action stakeholders to mainstream gender and diversity in contracting and grants management documentation and practices. https://www.gmap.ch/wp-content/uploads/2021/06/Gender-and-diversity-in-contracting-and-grants-management-2015.pdf
[xxvii] https://www.scie.org.uk/co-production/
[bb] https://www.hrw.org/news/2021/09/27/rwanda-round-ups-linked-commonwealth-meeting (30.10.2021)
[cc] Kigali Today https://www.youtube.com/watch?v=j8WgV6lAGAk (30.10.2021)
[dd] Lesbian Lives 2022. https://www.ucc.ie/en/lesbianlives2022/ (accessed 16.05.2023)
[ee] https://www.hrw.org/news/2022/10/31/swedens-new-government-abandons-feminist-foreign-policy (accessed 01.02.2023)
[ff] See FACT SHEET: Obama Administration's Record and the LGBT Community (The White House, Office of the Press Secretary, 2016).
[gg] The divide between Secular countries and Theocracy countries, countries whose state leader must be from a certain religion, or a country with strong religious norms in relation to SOHR and the impact on bilateral development cooperation is a further piece of research to elaborate this chapter further.
[hh] Millennials - a person born between the early 1980s and the late 1990s; a member of Generation Y. (Oxford Languages. Accessed 16.02.2023)

[ii] Xennials - a member of an age group born after Generation X and before the millennial generation (specifically in the late 1970s and early 1980s). (Oxford Languages. Accessed 16.02.2023)

[jj] Generation Xs - the generation born after that of the baby boomers (roughly from the early 1960s to late 1970s), typically perceived to be disaffected and directionless. (Oxford Languages. Accessed 16.02.2023)

[kk] Baby boomers - person born in the years following the Second World War, when there was a temporary marked increase in the birth rate (Oxford Languages. Accessed 16.02.2023)

[ll] The Feminist Foreign Policy as a document cannot be sourced. The framework is incorporated within Sweden's Feminist Foreign Policy handbook (Government of Sweden and Regeringskansliet, 2019)

[mm] https://centreforfeministforeignpolicy.org/2022/12/25/press-release-sweden-government-scrapping-of-feminist-foreign-policy-is-a-setback/ (accessed 30.03.2023

[nn] https://www.hrw.org/news/2022/10/31/swedens-new-government-abandons-feminist-foreign-policy (accessed 01.02.2023)

[oo] https://www.swedenabroad.se/en/embassies/rwanda-kigali/about-us/embassy-staff/ (accessed 17.02.2023)

[pp] Search conducted 24.11.2019 https://www.government.se/search/?query=feminist%20foreign%20policy

[qq] Presidential Memorandums memorandum is a type of directive issued by the president of the United States to manage and govern the actions, practices, and policies of the various departments and agencies found under the executive branch of the United States government. It has the force of law and is usually used to delegate tasks, direct specific government agencies to do something, or to start a regulatory process. ("The Difference Between an Executive Order and a Presidential Memorandum" (Video). ABC News. Retrieved January 26, 2017.)

[rr] https://www.government.se/492c36/contentassets/fc115607a4ad4bca913cd8d11c2339dc/handbook---swedens-feminist-foreign-policy---english.pdf (31.11.2021) (Page not found as of 15.05.2023)

[ss] See FACT SHEET: Obama Administration's Record and the LGBT Community (The White House, Office of the Press Secretary, 2016).

[tt] DFID's 'Understand, Empower and Include' Framework is not available (01.02.2023). Since the merger of DFID and FCO (see Footnote 1 **(UK Government, 2020)**) the FCDO has been guided by FCDO Programme Operating Framework (PrOF) which sets the standard for how the Foreign, Commonwealth & Development Office (FCDO) delivers its programmes and projects (UK Government, 2022a) and the UK government's strategy for international development. This strategy sets out the UK government's new approach to international development (UK Government, 2022b)

[uu] https://protectionapproaches.org/hate-crime (accessed 24.02.2023)

[vv] https://glifaa.org/ Founded in 1992 with fewer than a dozen employees in January 2009. GLIFAA handed the Secretary of State Clinton a letter in 2009 signed by 2200 foreign affairs employees requesting that key benefits be extended to same-sex domestic partners of LGBT personnel at the State Department and other foreign affairs agencies.

[ww] https://www.linkedin.com/in/peter-malnak-89b83aa0/ (29.10.2021)

[xx] The concept, that people will be recruited into 'movements', was used as a justification in the UK in 1998 to enact Section 28 of the Local Government Act 1998a, which stated that local authorities "shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality" or "promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship" (UK Government, 1998b). This legislation was repealed in Scotland in 2000 and in England and Wales in 2003 Similarly, the UK Armed forces ban on LGBTQI people serving in the UK military was lifted in 2000. By presenting this analogy between the UK and Rwanda I am not suggesting that participating countries will follow the trajectory of the UK and Western countries on SOHR using what Klaaper (2018) refers to as a homo-developmentalist framework.

[yy] Organisation for Economic Co-operation and Development - QWIDS: Query Wizard for International Development Statistics http://stats.oecd.org/qwids/ (accessed 10.10.2013)

[zz] Organisation for Economic Co-operation and Development - QWIDS: Query Wizard for International Development Statistics http://stats.oecd.org/qwids/ (accessed 04.02.2023)