



## Uniting Church **LGBTIQ** Network

welcoming and celebrating lesbian, gay, bisexual, transgender,  
intersex and queer (LGBTIQ) people, couples and families  
in the life of the Uniting Church in Australia

### Policy and Issues Paper for UnitingWorld regarding sexual orientation, gender identity and intersex status

March 2018<sup>1</sup>



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#### Introduction, purpose and terminology

The *Uniting Church LGBTIQ Network* is the national network for lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) people, our families, friends and allies within the Uniting Church in Australia (UCA). Our vision is that the Church become a safer place which welcomes and celebrates LGBTIQ people, our families, partners, children and friends. Our particular mission includes working with a wide range of UCA agencies to achieve this vision, which we believe arises from faithfulness to the Gospel of Christ Jesus.<sup>1</sup>

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The purpose of this paper is to contribute to a discussion which might lead to a policy framework for UnitingWorld to consider all international development matters with a perspective which respects the God-given dignity of all human beings - explicitly including LGBTIQ people. In the 2006 affirmation of the Uniting Church Assembly:

*...the Uniting Church believes that every person is precious and entitled to live with dignity because they are God's children, and that each person's life and rights need*

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<sup>1</sup> Paper approved by the Uniting Church *LGBTIQ* Network national Executive. The paper is a submission to UnitingWorld. The views contained are those of the Uniting Church *LGBTIQ* Network. Executive members thank national secretary, Warren Talbot, for his contribution to researching and drafting of this paper.



*to be protected or the human community (and its reflection of God) and all people are diminished.<sup>ii</sup>*

UnitingWorld already works within a framework based on deep respect for the God-given dignity of all human beings and creation itself, expressed in the following words from “Who we are”:

*We work for a world where lives are whole and hopeful, free from poverty and injustice. Because every person matters. Because every person is beloved by God and invited to enjoy the rich blessing of abundant life...our programs include all people regardless of their faith, sexuality, ethnicity, ability or gender.<sup>iii</sup>*

Thus this Paper aims to extend the current approach but in a more direct way with regard to LGBTIQ people and communities.

Uniting Network is an LGBTIQ organisation. In the Australian context it is appropriate for that terminology to be used. For the purposes of this proposal, however, we are suggesting the general use of the term “sexual orientation, gender identity and intersex status” (SOGIIS or SOGII status) for reasons mentioned below. SOGIIS or SOGII status are currently unfamiliar terms. This does not suggest that LGBTIQ is never appropriate in the context of international development. For example a number of internationally funded projects use the term “LGBT”.<sup>iv</sup>

## **Guiding Principles**

That all individuals, couples, families and communities be accorded the same respect and dignity as all other individuals, couples, families and communities regardless of SOGII status.

That both generalist and specialist policies, programs and projects are required to ensure that individuals, couples, families and communities receive equal treatment without regard for SOGII status.

That Uniting World will endeavour to enact these principles in all projects, include specific projects with partner churches as circumstances permit.



## International aid and development

- The overwhelming purpose of international development is to reduce poverty. Poverty impacts on all people, including people of diverse sexual orientation, gender identities and intersex variations.
- Discrimination and violence impacts on all people, but assumes particular forms when individuals, couples or groups are targeted due to SOGIIS.
- This is strongly linked to empowerment and human rights (“rights-based development”). This needs to include equal rights without regard for SOGI status.
- There is a strong emphasis in international development on women and girls, which needs to include women who may identify as lesbian, bisexual, transgender or intersex.
- Inclusive and diverse development will respect cultural differences with regard to diverse sexualities, gender identities and physical sex characteristics.

### “Sexual orientation, gender identity and intersex status”

Language in this area is very important, subject to ongoing change and revision, and will vary between and within different cultures and sub-cultures. Australia’s HIV/AIDS programs, domestic and international, have used a range of terminology reflecting the fact that, for example, sexual behaviour and sexual identity are different and not necessarily consonant. For example, Australia’s Seventh National HIV/AIDS Strategy refers to “gay and other men who have sex with men”.<sup>v</sup> Some of the factors which must be weighed up include:

- Australia’s Sex Discrimination Act (Amendment, 2013) does not refer to LGBTI people but “sexual orientation, gender identity and intersex status” in the same way it refers to “sex” and not women though the overwhelming intention of the Act when introduced in 1984 was to protect women from unlawful discrimination.<sup>vi</sup> Australian Regulations and policies which give priority to particular populations, such as aged care special needs categories and mental health programs, do refer to LGBTI people.<sup>vii</sup>
- There is a problem with the simple use of LGBTIQ as a concept in non-Western contexts. It may deny or silence the richness of sexual, gender and bodily diversity in other cultures.<sup>viii</sup> Other terms may be currently in use or may evolve over time.



- SOGI is used increasingly in international aid documents, though LGBT (and, less commonly, LGBTI) are also. There are some variants on SOGI as well.
- Intersex people are often ignored as in the use of “SOGI” only or “LGBT” only. The Australian Government and national NGOs such as Intersex Human Rights Australia and the National LGBTI Health Alliance have been leaders in this field.<sup>ix</sup> As a result, Australia is one of the few countries to have national legislation covering people with an intersex variation, which is one reason why we use the term LGBTI and not solely LGBT.<sup>x</sup>
- However, a major note of caution or qualification is required. A forward-looking Pastoral Letter in 2016 from the Moderator and General Secretary of the Communion of Churches in Indonesia (PGI) uses the term “LGBT”.<sup>xi</sup> We should not assume that Western concepts of LGBTIQ identity are entirely invalid and may not play a role in development for SOGI diverse people in non-Western contexts – and not only because of the pervasiveness of Western influences. LGBTI identity may also be emerging, in some contexts, as an essential part of universal human rights (such as in developments under ICCPR, ILO, etc.)<sup>xii</sup> In Asia Pacific countries individuals active in the area of SOGI status might themselves choose to use one or more of the L,G,B,T,I, Q or other terms. There are numerous diverse terms already in use for transgender and other gender diverse individuals in Asia and the Pacific listed in a UNDP report. This is partly, though not solely, because they are language specific.<sup>xiii</sup>

### **LGBTIQ health issues in international aid contexts**

- There is significant international aid work in HIV/AIDS. This is good work, and has been very aware of diverse sexual behaviours and identities.
- HIV/AIDS responses are, properly, driven by epidemiological patterns and are not the same as the wide range of health concerns impacted by SOGI status. There is, however, some overlap in those countries or regions where gay and bisexual men are a major at risk population. These are not only Western countries. UNAIDS reports that the prevalence of HIV infection amongst gay and other men who have sex with men in Indonesia is 25.8%.<sup>xiv</sup>
- Health, welfare, housing, education and legal issues for people of diverse sexualities, gender identities and intersex variations are likely to include exclusion, marginalisation, discrimination, mental health, suicide, ageing and lack of



family/clan/kinship support. These have been documented since 2014 in the *Being LGBTI in Asia* project including a range of specific country reports.<sup>xv</sup>

## Criminality and social status

- Over 70 countries around the world still maintain criminal sanctions against sexual behaviour between consenting males as a stark example of State-sponsored homophobia.<sup>xvi</sup> Many are in the Asia Pacific region, with the laws reflecting, in part, British colonial rule. Indonesia is considering introducing criminal penalties for same-sex sexual behaviour for the first time (outside the province of Aceh).<sup>xvii</sup> At a policy level there is a need for national governments and international aid agencies to oppose the criminal sanctions against homosexual sexual behaviour.
- This criminal status has a direct impact on those LGBTI people who had sought refuge and asylum in Australia and have been exiled by the Australian Government to Nauru and Papua New Guinea.<sup>xviii</sup> UNHCR Guidelines have specific provisions regarding sexual orientation and gender identity.<sup>xix</sup>
- Related to criminality are social attitudes of rejection including from family, tribe, clans, and village if people are open about diverse SOGII status. Nonetheless there is a small but growing discussion of tolerance or acceptance of diverse gender identity in some cultures as documented in *Being LGBTI in Asia*. This includes the formation of peer-based support, education and advocacy groups.<sup>xx</sup>

## Change in the international aid and development frames

There have been major policy developments in terms of explicit LGBTIQ policies coming from the USA, Europe and a wide range of UN agencies.<sup>xxi</sup>

The changes cover:

- leadership statements;
- guiding policy documents;
- internal non-discrimination in HR matters;
- internal non-discrimination in project allocation;
- external conditions attached to project allocation (though this controversial);



- USAID, UNDP and others have funded individual nation reports in a range of countries.

## Role of UnitingWorld

As an agency of the Uniting Church in Australia, UnitingWorld seeks to uphold the highest ideals of the Christian Gospel which we believe includes support LGBTIQ individuals and communities in their aspirations for wholeness and dignity.

In providing this Paper the following preliminary thoughts are offered as a contribution to further considerations:

- Appreciate the size and scope of UnitingWorld as a UCA agency.
- Recognise and be sensitive to: (1) continued diversity and stages of understanding in the UCA itself, particularly on the understanding of marriage; and (2) the current understandings and approaches in our partner churches and agencies.
- Affirm that as a Uniting Church agency, Uniting World accepts the overwhelming policy and practice of the UCA to welcome and affirm LGBTIQ people as equal members, as stated in a recent pastoral letter from the UCA President.<sup>xxii</sup>
- Consider options to commence dialogue with partner churches and agencies on matters relating to SOGII status, with a focus on the current understandings of partners.
- Learn what other organisations are doing (for example, ACFID members, international NGOS such as IPPF, as well as our partner churches, national ecumenical bodies, the Christian Conference of Asia and the Pacific Conference of Churches).
- Consider medium term options for a LGBTIQ project with a partner in the Asia Pacific region.
- Amend the UnitingWorld Governance Manual to recognise some of the issues raised in this Paper. The Governance Manual has, for some years, included a reference to “sexual orientation”, as does the Strategic Plan for 2014/15-2016/17. The Manual and future Plans need to be expanded to include gender identity and intersex status with additional text.



## Endnotes

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<sup>i</sup> Various resources can be seen at [www.unitingnetworkaustralia.org.au](http://www.unitingnetworkaustralia.org.au) .

<sup>ii</sup> “Dignity in Humanity: Recognising Christ in Every person”. In Cynthia Coghill and Elenie Poulos, (Eds), *For a World Reconciled*, Uniting Church in Australia Assembly, Sydney, 2016, pp 127-131.

<sup>iii</sup> <https://www.unitingworld.org.au/who-we-are/> [accessed 14 Jan. 2018].

<sup>iv</sup> For example: UNDP, USAID, *Being LGBT in Asia: The Philippines Country Report*, Bangkok. The Report is a “Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Individuals and Civil Society”, 2014.

<sup>v</sup> Australian Government, *Seventh National HIV/AIDS Strategy 2014-2017*, Canberra, Department of Health, 2014, p.14.

<sup>vi</sup> Sex Discrimination Act Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Cth). The Act removed “marital status” and substituted it with “sexual orientation, gender identity, intersex status, marital or relationship status”.

<sup>vii</sup> Allocation Amendment (People with Special Needs) Principles 2012. This instrument amends the Allocation Principles 1997 to specify the further class of people, namely people who are lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) as people with special needs within the Allocation Principles.

<sup>viii</sup> For a discussion by a leading gay writer who has reservations about the use of “LGBTI” see Dennis Altman <https://theconversation.com/the-term-lgbti-confuses-desire-behaviour-and-identity-its-time-for-a-rethink-90175> , 19 Jan.2018 [accessed 12 Feb. 2018]. See also Rachel Bergenfield and Alice M. Miller, “Queering International Development? An Examination of new “LGBT” Rights, Rhetoric, Policy and Programming among International Development Agencies”, *LGBTQ Policy Journal*, Harvard Kennedy School, pp. 1-25.

<sup>ix</sup> Various documents from Intersex Human Rights Australia <https://ihra.org.au/> and National LGBTI Health Alliance <https://lgbtihealth.org.au/> .

<sup>x</sup> Unlike the Commonwealth Sex Discrimination Act which, of necessity uses generic concepts, LGBTI people are explicitly included in national aged care legislation and regulations as a “special needs” population for aged care resource allocation.

<sup>xi</sup> Communion of Churches in Indonesia, *A Pastoral Letter from the Communion of Churches in Indonesia (PGI) Concerning the LGBT Community, June 2016*. [https://www.globalministries.org/a\\_pastoral\\_letter\\_from\\_the\\_communion\\_of\\_churches\\_in\\_indonesia\\_concerning\\_the\\_lgbt\\_community](https://www.globalministries.org/a_pastoral_letter_from_the_communion_of_churches_in_indonesia_concerning_the_lgbt_community) [accessed 14 Jan. 2016].



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<sup>xii</sup> For an overview of the UN and its specialised agencies see Office of the High Commissioner for Human Rights, *“The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity: A Programmatic Overview”*, 12 Nov. 2014.

<sup>xiii</sup> Health Policy Project, Asia Pacific Transgender Network, United Nations Development Programme, *Blueprint for the Provision of Comprehensive Care for Trans People and Trans Communities*, Washington, DC: Futures Group, Health Policy Project, 2015. [http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2015-asia-pacific-trans-health-blueprint.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2015-asia-pacific-trans-health-blueprint.pdf) [accessed 14 Jan. 2018].

<sup>xiv</sup> <http://www.unaids.org/en/regionscountries/countries/indonesia> [accessed 12 Feb. 2018].

<sup>xv</sup> *Being LGBT in Asia*.

<http://www.asia-pacific.undp.org/content/rbap/en/home/operations/projects/overview/being-lgbt-in-asia.html> [accessed 14 Jan. 2018]

<sup>xvi</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll, A. and Mendos, L.R., *State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition* (Geneva; ILGA, May 2017). [https://ilga.org/sites/default/files/ILGA\\_State\\_Sponsored\\_Homophobia\\_2017\\_WEB.pdf](https://ilga.org/sites/default/files/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf) [accessed 14 Jan. 2018]. See also UN Human Rights Council, *Report of the United Nations Commissioner for Human Rights on Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, Geneva, UN Human Rights Council, 2011.

<sup>xvii</sup> Stanley Widiyanto, *Indonesia is about to outlaw homosexual sex. Can we stop it?* 14 Feb. 2016. <https://www.theguardian.com/commentisfree/2018/feb/14/indonesia-is-about-to-outlaw-homosexual-sex-can-we-stop-it> [accessed 15 Feb. 2018]

<sup>xviii</sup> Warren Talbot, “Background Information on LGBTIQ Asylum Seekers and Refugees”, Background Paper for UNA and Pitt Street Uniting Church. Feb. 2018. <http://www.unitingnetworkaustralia.org.au/wp-content/uploads/2013/06/LGBTIQ-Refugees-Background-v2-24-Feb-2016.pdf> [accessed 14 Jan. 2018]. See also LGBTIQ media reports such as <http://www.starobserver.com.au/news/local-news/new-south-wales-news/fears-for-gay-refugees-on-manus-island/114562> [accessed 14 Jan. 2018].

<sup>xix</sup> UNHCR, 2012, *UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the Refugee Convention and/ or its 1967 Protocol relating to the Status of Refugees*, UN High Commissioner for Refugees, HCR/GIP/12/09, 23 October 2012. <http://www.unhcr.org/509136ca9.pdf> [accessed 14 Jan. 2018].



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<sup>xx</sup> A range of what are called “participating LGBT organizations” are listed in the *Being LGBTI in Asia* country reports. (See notes iv and xv above.)

<sup>xxi</sup> For an overview of the UN and its specialised agencies see Office of the High Commissioner for Human Rights, *The Role of the United Nations in Combatting Discrimination and Violence against Individuals Based on Sexual Orientation and Gender Identity: A Programmatic Overview*, 12 Nov. 2014.

<sup>xxii</sup> Stuart McMillan, Pastoral Letter on Theology of Marriage, 14 Aug. 2015. <https://assembly.uca.org.au/news/item/1734-president-s-pastoral-letter-on-theology-of-marriage-discussions> [accessed 12 Feb. 2018]. For a historical overview of the Uniting Church and LGBTIQ people see Warren Talbot, *LGBTIQ Pilgrims and the Uniting Church in Australia*, June 2017. <http://www.unitingnetworkaustralia.org.au/wp-content/uploads/2018/02/LGBTIQ-Pilgrims-Final-text-Jan-2018.pdf> [accessed 12 Feb. 2018].

