

IWDA POSITION PAPER ON TRANS RIGHTS, RECOGNITION AND SELF DETERMINATION¹

IWDA is a Trans inclusive organisation. We recognise that the achievement of gender equality for all is predicated on equality for trans, gender diverse and non-binary people everywhere.

The effort to transform the rigid, binary gender norms which hold us all back is a shared struggle between women (both trans and cis) and trans, gender diverse and non-binary people, as well as men who are allies of the cause. Inclusive and interconnected movements are critical as we work towards our shared vision of gender equality for all.

Trans, gender diverse and non-binary people have long fought for gender equality, and have been at the forefront of many of the gains of women's rights and feminist movements throughout history. However, too often trans people have been excluded from women's rights and feminist movements.

As a feminist organisation working towards the goal of gender equality for all, IWDA affirms that trans women are women, and as such have an equal place in women's rights and feminist movements. Additionally, trans-led organisations and movements – including those for and led by trans women, trans men, non-binary and gender non-conforming people – are closely connected with women's rights and feminist movements. Similarly, organisations and movements led by intersex people, who may or may not identify as trans, share many of the goals and struggles of trans and feminist movements, as do broader LGBTQIA+ movements.

IWDA's Strategic Plan commits us to working with mutual allies including LGBTQIA+ movements in the fight against patriarchy.

In this position paper we outline the ways in which patriarchal systems of oppression intersect with colonialism, capitalism and white supremacy to oppress people of all genders, but especially women, trans, gender diverse and non-binary people.

We then apply these lessons to the primary spaces IWDA operates in – feminist movements and the international development sector – and make recommendations to actors and donors in these spaces.



TRANSFORMING PATRIARCHAL SYSTEMS OF POWER IS A SHARED GOAL

Feminist movements have long identified the ways in which social and cultural gender norms restrict women's ability to live freely, and the way that these norms intersect with other systems of oppression. Understanding patriarchy in this way – as a system of power which defines and polices people into binary gender roles and limits their ability to live freely – makes clear the need to transform patriarchal structures in order to achieve gender equality for all.



RIGID GENDER NORMS HARM EVERYONE

Assumptions about the roles that people will play based on their gender are harmful. These norms are deeply intertwined with other systems of oppression such as capitalism, colonialism, and ableism.

Women who push the boundaries of what are understood to be "women's roles" are punished by systems of patriarchy in an attempt to maintain this hierarchy of power. For example, gendered stereotypes about leadership mean that women leaders are often perceived as being bossy, domineering, or aggressive.² At the extreme end, physical and sexual violence against women is an attempt to maintain the binary and hierarchical power relationship between men and women.³

In the same way, LGBTQIA+ people who actively, or are perceived to, transgress the boundaries of binary gender expression are met with discrimination, harassment and violence.⁴

Under patriarchal systems of oppression, femininity is viewed as lesser than masculinity. Because of this, boys and men who display feminine traits in their dress, mannerisms, voice or other characteristics are often bullied and discriminated against – including through physical and sexual violence. Writer and trans-rights activist Julia Serano coined the phrase "trans misogyny" to refer to this phenomenon, highlighting the intimate connection between misogyny and transphobia.⁵

On the other hand, lesbian or bisexual women and trans men may challenge the boundaries of femininity by rejecting feminine clothes, appearances, mannerisms and stereotypes. This can lead to discrimination, bullying and violence. Gender diverse and non-binary people who reject the binary altogether may also face societal, or legal, punishment for transgressing gender norms. For intersex people whose bodies challenge the binary categorisation of sex, this can take the form of "forced and coercive medical interventions, designed to make [their] bodies more typically female or male," and ongoing stigma and discrimination if they are perceived to fall outside this binary.⁶

Cis men can be agents of patriarchy, and often play a role in upholding and policing binary gender norms. They also have the most to gain from the patriarchal system which affords them power and privilege. At the same time, men are also victims of patriarchy which disincentivises them from accessing or displaying core parts of their identity such as showing affection with friends, experiencing sadness or other emotions, engaging in activities which are assumed to be 'for women.' Cis women can also act as agents of patriarchy, policing gender norms for both men and women, and excluding the concerns of transwomen and other trans and non-binary people from feminist movements. This is why it is critical to differentiate the system of patriarchy from men themselves, even though men as a whole benefit from patriarchy.

Rigid gender norms are a problem for all people, and transforming the systems of power which uphold them is a shared priority of feminist and trans-led movements.





BINARY GENDER IDENTITY HAS A COLONIAL HISTORY

Across countries and cultures, binary gender norms are intricately connected to the history of colonisation and the valorisation of whiteness.

Diverse gender identities are found in Indigenous cultures around the world. In Asia and the Pacific where IWDA supports the work of women's rights and feminist organisations there are many examples of non-binary gender identities which have existed throughout history. Examples of these identities are included on page 10.

Marginalisation of people based on difference can be found everywhere. However, modern attitudes of transphobia and homophobia were often imported by colonising nations, including through the promotion of a narrow brand of Christianity, leading to the criminalisation of homosexuality and trans, gender diverse and non-binary identities.⁷ For example, in some pre-colonial cultures gender diverse people were revered as spiritual leaders and priests – such as the bissu in modern-day Indonesia or the hijra in India – posing a direct threat to the expansion of Christianity. The existence of gender diversity in Indigenous cultures was often presented as evidence of their inferiority to white and European cultures, who often sought to repress gender diversity with violence.⁸

The erasure of trans, gender diverse and non-binary people and identities through colonisation is both a historical injustice and an ongoing manifestation of colonialism and white supremacy. Expanding our understanding of gender identity and pursuing a decolonising approach are mutually reinforcing aims.

EXCERPT FROM IWDA FEMINIST MOVEMENT STRENGTHENING FRAMEWORK 9

Resilient and vibrant feminist movements, including those led by trans, intersex and nonbinary people, racialised people, indigenous women, women and people with disability, young feminists, and other historically excluded and marginalised people, are critical to defending and advancing gender equality. Resourcing and contributing to resilient and vibrant feminist movements will move IWDA towards achieving our vision of gender equality for all.



TRANS INCLUSION IN FEMINIST MOVEMENTS

Trans inclusion and solidarity is critical to ensuring resilient and vibrant feminist movements. IWDA's Feminist Movement Strengthening Framework outlines five key elements of strong feminist movements, and the variety of roles we play in these movements by stepping up, standing with, and stepping back. These elements provide a guide for feminist movements to explicitly include diverse trans people and perspectives in their work, and practice solidarity.



FEMINIST MOVEMENTS MUST BE EXPLICITLY INCLUSIVE

Too often, women's rights and feminist movements have excluded trans, gender diverse and non-binary people, and failed to hear their voices or prioritise their concerns. Sometimes this exclusion has been explicit, but it has also come in the form of implicit exclusion – the failure to be actively inclusive, or the failure to challenge exclusionary practice by others. This exclusion has contributed to less diverse, less intersectional and therefore weaker and less effective feminist movements.

If feminist movements are not openly inclusive and actively working to ensure safe spaces for trans, gender diverse and non-binary people, then by default, they are excluding people.

Feminist organisations and movements need to prioritise explicit inclusion of trans, gender diverse and non-binary people within their organisational policies, practices and physical spaces to ensure equal and safe participation. They need to stand up to trans exclusionary radical feminists (TERFs) and all other groups which seek to exclude and oppress trans, gender diverse and non-binary people.

Stepping up: Use the power you have to create access for trans, gender non-conforming and non-binary voices and issues. Use actively inclusive language and challenge exclusionary groups.

Standing with: Open doors for trans movements wherever you can. Amplify the work of trans-led organisations and movements and stand in solidarity.

Stepping back: Know when cis women need to ensure space for trans, gender non-conforming and non-binary people to lead, and practice stepping back.



FEMINIST MOVEMENTS MUST PRIORITISE THE CONCERNS OF TRANS PEOPLE

Feminist movements also need to create space for and listen to the concerns of trans, gender diverse and non-binary people, and prioritise them. Organisations should ensure trans inclusive language in all aspects of their communications, advocacy and reporting.

Feminist organisations and movements should amplify the work of trans-led organisations and stand in solidarity with these movements. We also need to be mindful of power dynamics within movements, and create spaces to navigate difference and diversity.





DECOLONISING SOLIDARITY

Just like the experience of women differs across contexts and cultures, gender diversity also looks different across the world. Although they may share common struggles, the concerns of trans men in Australia may appear very different to the issues faced by Fa'afafine in Samoa. The complexities of working across cultures, particularly for people from Minority World / Global North countries working in Majority World / Global South contexts, must be front of mind.

Being informed and aware of what gender diversity looks like in different cultures, and understanding colonial history is critical to navigating the sensitivities of cultural change for outsiders. Work in partnership with people who are doing the work from within a culture is critical to avoiding recolonising approaches, and to ensuring the safety of gender diverse people.

RECOMMENDATIONS FOR FEMINIST MOVEMENTS:

IWDA's Feminist Movement Strengthening Framework outlines 5 key elements of strong feminist movements. We apply these elements here to outline recommendations for feminist movements to become more inclusive and demonstrate solidarity with trans-led movements.

Connection to Constituency: Feminist movements should actively connect with trans, gender diverse and non-binary groups and actors to inform their advocacy priorities, projects and campaigns.

Leveraging Diversity: To ensure inclusive spaces for trans, gender diverse and non-binary groups and people, feminist movements should prioritise resourcing for training, consciousness raising and rigorous partnership design processes that acknowledge and address power and difference when embarking on partnerships or coalitions. Feminist organisations and movements should also ensure that their physical and virtual meeting spaces are inclusive for trans, gender diverse and non-binary people.

Relationships of Trust: Feminist movements should actively cultivate and nurture relationships of trust with trans, gender diverse and non-binary groups and actors so that when opportunities and threats arise, relationships of trust are pre-existing and can be leveraged to respond.

Intersectional, Feminist Analysis: Feminist movements should ensure that tools and frameworks developed and used for analysis do not reinforce a binary understanding of gender and that trans, gender diverse and non-binary perspectives and issues are included in intersectional analysis.

Collaboratively Realising a Common Vision for Change: Feminist movements should use the power they have to create access for trans, gender diverse and non-binary voices and issues in feminist collaborations, coalitions and campaigns.



TRANS RIGHTS IN INTERNATIONAL DEVELOPMENT

Trans, gender diverse and non-binary people – along with LGBTQIA+ people – experience compounding marginalisation and discrimination.

This includes greater risk of violence, barriers to accessing essential services – including in humanitarian crises – and risks around privacy and visibility. Ensuring that international development efforts are inclusive and advance the rights of trans, gender diverse and non-binary people is critical to delivering human security and development for all.



TRANS RIGHTS ARE HUMAN RIGHTS

Conversations about the inclusion of trans, gender diverse and non-binary people – as well as lesbian, gay and bisexual people – in international development have intensified over the last 20 years. In 2006, a collective of international human rights lawyers, scholars and activists developed the Yogyakarta Principles, which outline the application of international law to the rights of sexual and gender minorities, positioning the issue firmly within a human rights framework.¹⁰

The Yogyakarta Principles +10 expand upon this issue and emphasise the duties of States to uphold and promote the rights of trans, gender diverse and non-binary people across all areas of human rights law.¹¹



TRANS INCLUSION IN INTERNATIONAL DEVELOPMENT

International development and humanitarian response has often excluded trans, gender diverse and non-binary people. This is especially important for feminist and women-focused organisations to confront, as the prioritisation of 'women' has sometimes contributed to this exclusion. A lack of disaggregated data beyond the gender binary obscure the needs of trans, gender diverse and non-binary people.

For example, programs in humanitarian contexts which prioritise distribution of supplies to womenled households – in recognition of their marginalised status – can unintentionally exclude gay men and trans communities. ¹² It also places first responders in the position of having to make assumptions and judgements about identity and need based on appearance, and risks replicating societal biases in humanitarian response. ¹³ For example, trans men who menstruate and require sanitary products may struggle to access them if the distributor assumes that only cis-women menstruate. ¹⁴

Conflation of the focus on 'women' with a broader focus on gender identity and marginalisation within the Women, Peace and Security agenda hide the unique experiences of trans, gender diverse and non-binary people in conflict situations, and their potential contribution to peacebuilding.¹⁵

While they may be excluded from formal channels, trans, gender diverse and non-binary people find strength and resilience in chosen family and community networks. Tapping into these networks can extend the reach of development and humanitarian initiatives into these communities and ensure they are not excluded.¹⁶





FOCUS BY INTERNATIONAL DEVELOPMENT DONORS

Major international development donors such have begun to place priority on LGBTQIA+ inclusion in development.¹⁷ However, it is critical to position this within the colonial history of many Minority World/Global South countries, which have played a role in the criminalisation of homosexuality and trans identity in many cultures around the world.¹⁸

Australia has been active in advancing these issues through the multilateral system, with DFAT citing "equal rights for LGBTI people" as a core objective of Australia's tenure on the UN Human Rights Council.¹⁹ However greater focus is needed to ensure inclusion of trans, gender diverse and non-binary people across all international development initiatives.



FEMINIST APPROACHES AND DOING NO HARM

Inclusion of trans, gender diverse and non-binary people in development is critical, but donors must take care to ensure that this work does not contribute to unintended consequence and backlash against marginalised communities.

Consultation with, and leadership of, LGBTQIA+ people in development initiatives targeting these communities is crucial, and ensuring funding for LGBTQIA+ organisations, especially trans-led organisations and movements, is critical to ensuring they are resourced to engage in this work.²⁰ Applying a feminist analysis to the underlying and intersecting systems of oppression such as patriarchy, colonialism, capitalism and ableism is critical to moving "from an inclusion agenda to a transformative one."²¹

RECOMMENDATIONS:

Donors governments should:

Recommendation 1: Recognise grounded principles and non-negotiables such as Do No Harm in all programs and policies.

Recommendation 2: Provide core, flexible and sustainable funding to trans and LGBTQIA+ led organisations and movements, including across the Pacific and Asia.

Recommendation 3: Consult with trans and LGBTQIA+ people and organisations in the development, implementation, monitoring and evaluation of all international development programs.

Recommendation 4: Ensure intersectional feminist analysis – including trans feminism – of all development initiatives which includes consideration of how to shift harmful binary gender norms, while mitigating the potential for backlash against women, trans, gender diverse and non-binary people.

Recommendation 5: Invest in programs which explore the intersection of women's rights and trans rights and which seek to build solidarity and connection between movements.

Recommendation 6: Take action to advance anti-racist and decolonial development practice within the donor or government agency, assessing how structure, funding models, risk appetites and compliance regimes can be adapted to advance inclusive and transformative approaches.



KEY DEFINITIONS:22

Cisgender: Describes people with a gender identity that matches the gender that is culturally affiliated with the sex assigned to them. It is a term often used to describe people who are not transgender or gender diverse.

Gender: A set of social processes 'by which we differentiate and judge, using historical and cultural understandings, norms, expectations and values about masculinities and femininities.'²³

Gender Affirming Treatment: Refers to any of a number of genders affirming interventions, including hormone replacement therapy, surgery, hair removal, interventions for the modification of speech and communication, and behavioural adaptations such as genital tucking or packing, or chest binding. These procedures have been defined as medically necessary by the world professional association for transgender health.²⁴ While not all transgender or gender diverse individuals seek gender affirming treatment, those who do can encounter significant barriers in accessing appropriate care.

Gender Diverse: Is an umbrella term used to encompass some of the wide variety of gender identities and expressions, particularly those in the global economic south and east that are not represented within the term 'transgender'.

Gender Expression: Refers to external manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behaviour, voice, or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine and feminine changes over time and varies by culture. Typically, people seek to make their gender expression align with their gender identity, regardless of the sex they were assigned at birth.

Gender Identity: Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expression of gender, including dress, speech and mannerisms.

Gender Justice: The systemic redistribution of power, opportunities, and access for people of all genders through the dismantling of harmful structures including patriarchy, homophobia, and transphobia.²⁵

Gender Non-Conforming: Describes people who do not conform to societal gender norms. They may or may not identify as transgender.

Feminism: IWDA embraces an understanding of feminism that goes beyond a belief in the equality of the genders to transforming patriarchal systems that perpetuate injustice and exploitation in order to achieve a future that is genuinely just, equitable and sustainable, politically, socially, economically, culturally and environmentally.

Intersex: Intersex people have innate sex characteristics that don't fit medical and social norms for female or male bodies, and that create risks or experiences of stigma, discrimination and harm.²⁶

Legal Gender Recognition: Refers to the legal recognition of a person's gender identity in official documentation, such as, passports, driving licenses. When a Transgender or Gender diverse person's official documentation does not reflect their gender identity, a typically causes significant impediments to their daily lives. Incongruent documentation and personal records can potentially exclude transgender or gender diverse people from health services, the right to move or freedom of movement. In addition, documents that disclose that someone is transgender or gender diverse often lead to discrimination in vital interactions such as enrolling in schools, applying for jobs, renting accommodation, or opening a bank account.

LGBT, LGBTQIA+: Is an acronym for Lesbian, Gay, Bisexual, Transgender, Intersex, Assexual, and Queer.



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Misgendering: Can be understood as referring to someone (often a Transgender or Gender Diverse person) using a word, especially a pronoun or form of address, that does not correctly reflect their gender.

Non-binary: A term used to describe gender identity that does not conform to traditional gender norms and may be expressed as other than woman or man, including gender neutral or androgynous. Many non-binary people also identify as transgender, as they hold a different gender identity than the one, they were assigned at birth.²⁷

Sex: Describes the classification as male, female or intersex based on a combination of bodily characteristics: chromosomes, hormones, internal and external reproductive organs, and secondary sex characteristics. At birth, infants are assigned sex, usually based on the appearance of their external reproductive organs only.

Sex Assigned at Birth: Refers to the process by which individuals are assigned a sex when they are born depending on the appearance of their external genitalia. A person's assigned sex may not conform with their gender identity, which develops over time.

Sexual Orientation: Describes an individual's capacity for enduring physical, romantic/ or emotional attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender. Gender Identity and Sexual Orientation are not the same. Transgender and gender diverse people's sexual orientation is as diverse that of a cis-gendered person and they may identify as heterosexual, bisexual, gay, or lesbian.

Transgender, Trans: Is an umbrella term for people whose gender identity defers from the gender that is culturally affiliated with the sex assigned to them at birth. This includes people who present themselves or identify differently from the cultural gender expectations of the sex assigned to them at birth, including, all of those who intend to undergo, or are undergoing, or have undergone gender affirming treatments as well as those who will not undergo medical treatments. A person's gender identity is independent from their sexual orientation. Just as a cisgender person can be lesbian, gay, bisexual or heterosexual, so can a transgender or gender diverse person. Trans is often used as shorthand for transgender.

Trans Man: Refers to a man who was assigned female at birth or a trans person with a male identity.

Trans Woman: Refers to a woman who was assigned male at birth or a trans person with a female identity.

Women: All people who identify as women.



EXAMPLES OF PACIFIC INDIGENOUS IDENTITIES:

Aikāne (Hawai'i): In Native Hawaiian culture an aikane was an intimate same-sex friend of a chief. This person often, though not always, had a sexual relationship with the chief.

Akava'ine (Cook Islands): In Cook Islands Māori this word refers to an individual, usually male, who "behaves like a woman". May refer to a third-gender and may be similar to transgender women (male to female).

Brotherboys and Sistergirls (Australia)²⁸: Terms used by Aboriginal and Torres Strait Islander people to describe gender diverse people. Sistergirls have a female spirit and take on female roles within the community. Brotherboys have a male spirit and take on male roles within the community.

Fa'afafine (Samoa): In Samoan culture a third-gendered individual. A recognized and integral part of traditional Samoan culture, Fa'afafine, born biologically male, embody both male and female gender traits.

Fa'afatama (Samoa): Contemporary Samoan word for a woman who identifies as a lesbian or Transmasculine.

Fafafine (Niue): In Niuean culture a third-gendered individual. May be born biologically male and embody both male and female gender traits.

Fakaleiti / Fakeleti / Fakalati / Fakafefine (Tonga): In Tongan culture a male who behaves in the manner of a woman. May also be considered a third gender. Similar to mahu, Fa'afafine, and raerae.

Mamflorita (Guam): A word for homosexual.

Māhū (Hawai'i): In Native Hawaiian culture this refers to an individual who may be considered thirdgendered with characteristics of both sexes, usually a male to female. In contemporary Hawai'i the word is also used to describe people who are transgender, or gay.

Mengol a otaor (Palau): A phrase for homosexual.

Moe aikāne (Hawai'i): An individual who slept with another individual, both of the same sex or gender.

Pinapinaaine / Binabinaaine (Tuvalu and Kiribati): A man who might regard himself as, or be regarded by others as, a woman.

Raerae / Māhū / Māhūvahine (Tahiti): In Tahiti this refers to an individual who is male but identifies and lives as a female. Perhaps considered a third gender.

Takatapui (Maori): A devoted partner of the same sex, in contemporary Aotearoa it has become an umbrella term for Maori LGBTI people.

Vaka sa lewa (Fiji): In Fijian culture this refers men who may present themselves, or live their lives as, women. May also be considered a third-gender similar to transgender women (male-to-female).

Whakawahine (Maori): A term used to describe men who live as women either through sex reassignment surgery, hormone therapy, or even men who are born effeminate. May also be considered a third gender very much like fa'afafine, fakaleti, and māhū.

Wininmvan (Chuuk): A word for homosexual.



- ¹ IWDA thanks Lady Miki Charlamagne (Director Haus of Khameleon & Co-Chair International Lesbian Gay Association (Oceania)) for reviewing and providing input on this position paper.
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