

PRIDE WITH **PURPOSE**



HOW BUSINESSES CAN SUPPORT
THE GLOBAL MOVEMENT FOR
LGBTQI HUMAN RIGHTS



GiveOut

This report has been developed by GiveOut in partnership with Boston Consulting Group, Goldman Sachs and Latham & Watkins.



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Foreword by Lord John Browne

The freedom to be oneself is the most fundamental of human rights, but it is often denied through the application of law, the influence of custom, or the impact of experience. In my own case, growing up in the United Kingdom, homosexual acts were illegal until I was almost 20 years old. Unsurprisingly, this influenced my decision to remain in the closet, as did my mother's experience as an Auschwitz survivor. She counseled me that the majority always hurts the minority, and that sharing secrets always leads to people using them against you. As a result, I became convinced that my sexuality was best kept hidden.

That conviction was reinforced by my subsequent business experience. When I joined BP in 1969 as a graduate trainee in Anchorage, Alaska, it would have been a career-ending move to come out as gay. Men lived their lives on the oil rigs or in the bars, which were macho and sometimes homophobic environments. I felt that I had to conform, and if anybody challenged me, I evaded them or changed the subject.

By the time I became chief executive, I regarded personal discretion as vital to the company's interests. I thought that a CEO was the public face of a corporation, and must maintain productive relationships with governments, suppliers and other CEOs, not all of whom treat LGBT people with the respect they show to straight colleagues. I was terrified that if I came out, I would lose respect, friends and business contacts, and so concluded that keeping my professional and personal lives separate was better for each of them.

I had failed to realise that the world around me was changing. Attitudes towards LGBT people in many countries had improved significantly. In corporate life, the importance – both moral and financial – of uncompromising inclusion was becoming clear. Today, it is at the top of any serious corporate executive's agenda. In these environments, young executives in their 20's should be free of the fears which plagued me for over 40 years. But in London, New York or San Francisco, it is easy to become complacent about the pace of change. As *Pride with Purpose* reminds us, the job of LGBT inclusion is far from complete. Constant vigilance is needed.

When I give talks about my experiences as a closeted gay man and as a global business leader, one of the questions I am most commonly asked is: what should companies do in countries where it is difficult or unsafe to identify as a member of the LGBT community? This question is more important than ever following the enormous changes wrought to our personal, social



and professional lives by the global pandemic, which has disproportionately affected those who are already marginalised. I am delighted that GiveOut has chosen to explore this important aspect of LGBT inclusion, and that it has presented a series of practical recommendations to help companies play a role in supporting LGBT rights and inclusion worldwide.

Business sometimes clings to the past and lags behind the rest of society. But at its best, it is the engine of human progress. From apartheid to the fight against climate change, and from equal pay to equal marriage, business has been at the forefront of social change. Long may that continue.

Lord Browne of Madingley

Former CEO, BP plc, and author of *The Glass Closet: Why Coming Out is Good Business*

Executive summary



The Other Foundation kopano in South Africa, 2019.

“The influence of business can accelerate the pace of change. Companies all over the world – big and small, local and multinational – have the chance to use their leverage and their relationships with a variety of local stakeholders to help move the dial in the direction of greater equality for LGBTI people.”

Zeid Ra'ad Al Hussein, the then UN High Commissioner for Human Rights, in his introduction to the Standards of Conduct²

As the world seeks to “build back better” and at the same time is hit by devastating new waves of COVID-19, corporate support for Lesbian, Gay, Bisexual, Trans, Queer and Intersex (LGBTQI) equality is crucial. For those businesses that have made progress on LGBTQI inclusion internally, now is the moment for them to consider their impact externally, especially in those places where it is most difficult to be LGBTQI. The year 2021 is when businesses should start marking Pride with Purpose, supporting the movement for LGBTQI human rights and equality worldwide.

Based on interviews with businesses and LGBTQI organisations and desk research conducted between July 2019 and January 2021, this report has been prepared to help businesses play a more significant role in supporting the global LGBTQI human rights movement. It sets out research findings on the resource needs of the movement, the case for providing support and emerging legal standards, and best practices and challenges in this regard. The report concludes by proposing a 5-step approach for businesses to follow to further and better support the global LGBTQI movement.

Under-resourced global LGBTQI movement

LGBTQI people worldwide are subject to human rights abuses on a regular basis. The COVID-19 pandemic has made matters worse, with LGBTQI people affected in intensified and unique ways.

Across the world, LGBTQI activists and their organisations are defending their communities against human rights abuses and campaigning courageously for equality. But the movement is critically underfunded – LGBTQI funding makes up less than 4 cents out of every \$100 of international development efforts and assistance, or just 0.04%.² The economic fallout of the pandemic has significantly impacted the already limited funding that LGBTQI organisations receive.

The case for supporting LGBTQI human rights

Beyond the human rights principle of non-discrimination, and the important moral case for supporting LGBTQI equality as the right thing for businesses to do, LGBTQI inclusion leads to economic benefits, both at the level of an individual business and on a wider macroeconomic basis. Providing resources to support the LGBTQI human rights movement is one way for businesses to unlock these benefits, and in doing so, follow international standards for business and human rights that have developed over the past two decades.

The Standards of Conduct for Business, published in 2017 by the UN High Commissioner for Human Rights, apply the business and human rights framework to the LGBTQI context. The fifth standard calls on businesses to ‘act in the public sphere’, which includes providing financial and in-kind support to LGBTQI organisations.³

Best practices from the field

One of the ways businesses can show their true and authentic commitment towards equality and inclusion is through supporting LGBTQI organisations working in the most difficult places to be LGBTQI. The research identified several best practices for doing so:

i Take the lead from LGBTQI organisations

In most contexts, local LGBTQI organisations will be closer to the struggles of their communities than businesses.

ii Provide flexible resources, not directives

Support should not be conditional on work following a particular strategy or set of strategies.

iii Make the most of your expertise

Businesses can provide a wide range of diverse skills, expertise, and experience through delivery of in-kind support.

iv Select causes that have a good strategic fit

When LGBTQI causes align with the strategic agenda of a business, engagement is more effective and clearer.

v Build sustainable long-term partnerships

Businesses offering long-standing relationships will be better placed to support the global LGBTQI movement.

vi Collaborate with other businesses to amplify impact

Business coalitions have the benefit of bringing together broader voices and perspectives.

vii Agree on how to publicise partnership and raise visibility

Where there are partnerships between LGBTQI organisations and businesses, clear parameters should be established in terms of visibility.

Overcoming obstacles

Despite a clear desire to support global LGBTQI causes, many businesses find it difficult to translate these commitments into action. Several obstacles, both perceived and real, were highlighted through our interviews with businesses. Those obstacles and potential solutions or considerations to address them include:

“ Supporting LGBTQI rights organisations is seen as a political move

Businesses have spoken out, quite openly, in defending LGBTQI rights. Partnerships with local LGBTQI organisations can take a variety of forms, including direct financial and in-kind support.

“ We are concerned about the safety and security of LGBTQI employees

Employee safety is a legitimate concern and companies should not take public positions that may jeopardise staff. Supporting LGBTQI rights and equality does not always mean speaking out in public.

“ We don't know where to start: it is difficult to navigate the LGBTQI civil society space

Businesses should listen to local LGBTQI organisations and take the lead from them, working in partnership with like-minded businesses.

“ It's difficult to directly fund LGBTQI organisations

Businesses can use trusted organisations to act as an intermediary, such as GiveOut.

“ We don't have the capacity and resources

This is a matter of leadership and ensuring that the foundations are in place to enable the business to play this role.

Recommendations: Actions for impact

The report concludes by proposing a 5-step approach for businesses to follow in order to further and better support and resource the global LGBTQI movement; starting with the basics by building solid foundations and gradually expanding actions as the business builds capability and learns from experience:

i Build solid foundations

A fundamental starting point to offering authentic support to the global LGBTQI movement is to ensure that LGBTQI employees feel "safe" and protected, regardless of the location they work in.

ii Make a clear public commitment to LGBTQI human rights and equality

There are many ways to achieve this – one common route is by signing up to the UN Standards of Conduct for Business.

iii Set-up your business to take external action

As a preparatory step to taking external action, businesses should set up the right internal structures and governance. This could include setting up a functional LGBTQI affinity group, which encourages staff participation at all levels, and/or a diversity leadership committee, in each case that combine expertise from multiple parts of the business.

iv Create impact through effective engagement

The foundation of this approach is listening to and responding to LGBTQI activist organisations. This includes consulting with LGBTQI organisations about their needs and resources and committing to provide support in the medium to long term.

v Collaborate with other businesses

The overall impact of external action can be amplified through collaborating with, and learning from, other businesses and their experiences.

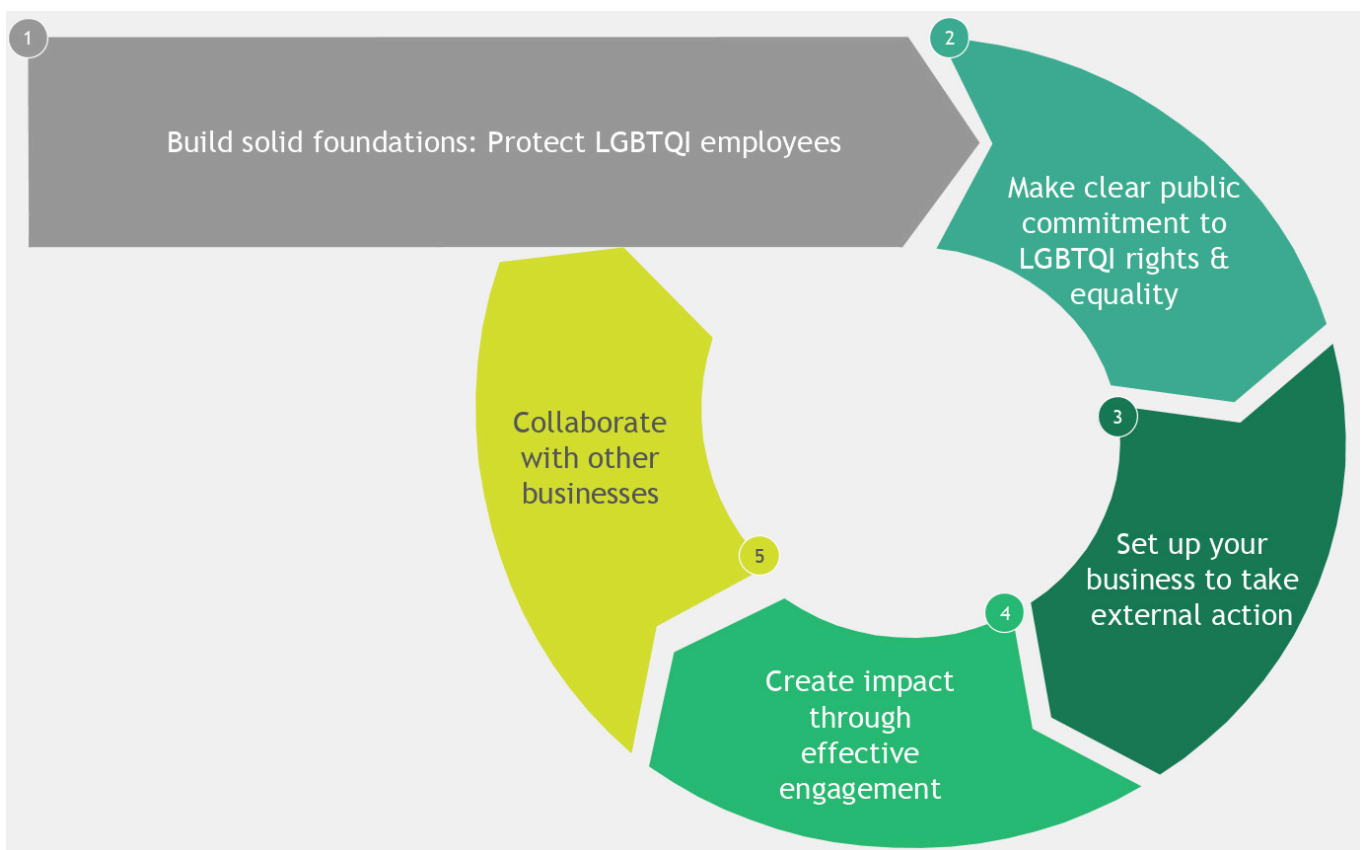


Figure: 5 practical steps for businesses to effectively support the global LGBTQI human rights movement

1 Introduction

“Across East Africa, LGBTQI activists and groups are pushing us closer to equality. Yet, a lack and unequal distribution of funds and resources hinders the full potential of our movements. Businesses are uniquely placed to unleash that potential through sustainable support.”

Mukami Marete, Co-Executive Director, UHAI-EASHRI

Around the world, the COVID-19 crisis has disproportionately affected those who are already marginalised. In addition to refugees, migrants and ethnic minorities for example, LGBTQI people have been adversely impacted in many different ways.

The pandemic has drawn resources away from equality initiatives by effectively deprioritising them. In an atmosphere of rising unemployment and increased stigmatisation of those who do not conform to the mainstream, marginalised groups have even been attacked, exacerbating already existing vulnerabilities. In many countries, LGBTQI people are bearing the brunt of these attacks, with reports suggesting an increase in homophobic and transphobic rhetoric.⁴

The LGBTQI movement is resilient - this is not the first crisis it has faced. LGBTQI organisations have adapted, providing online support groups and social spaces, coordinating volunteer networks to help their communities access healthcare information and services, and conducting research and advocacy to ensure that the specific needs of LGBTQI people are accounted for, as countries adjust and develop their responses to the pandemic.⁵

But LGBTQI organisations continue to lack the resources they need to do their vital work. The LGBTQI movement worldwide remains woefully under-funded, especially in the Global South and East where it is even more difficult for LGBTQI organisations to access support.⁶ The pandemic and its aftermath are likely to make funding even harder to come by. Internationally, there is concern because development budgets are being further cut or reprioritised, in the context of massive government debt.

More than ever, as the world seeks to “build back better,” the LGBTQI human rights movement will rely on the support of the LGBTQI community globally and business allies. With many facing economic insecurity, it will require those that are able to do so – including businesses – to give more and offer more concrete support.

For those businesses that have made progress on LGBTQI inclusion internally, now is the moment for them to consider their impact externally, especially in those places where it is most difficult to be LGBTQI. The year 2021 is when businesses should start marking Pride with Purpose, supporting the struggle for LGBTQI human rights and equality worldwide.

Purpose of this report

This report has been prepared to help businesses to play a more significant role in resourcing the global LGBTQI human rights movement. The report sets out research findings on the resource needs of the movement, the case for providing support and emerging legal standards, and best practices and challenges in this regard. The report concludes with a series of recommendations and action items for businesses.

Methodology and acknowledgements

The findings of this report are based on interviews and desk research conducted between July 2019 and January 2021. The research and interviews were undertaken by the Boston Consulting Group, led by Pavlos Papaefstathiou, Jessica Colston, and Raphael Estripeau; Goldman Sachs, led by Adam Regan and Nina Haefele; Latham & Watkins, led by Matthew Brown, Danni Davies, and Bryce Williams; and GiveOut, led by Rupert Abbott, Cal Birch and Fae Vincent. We are also grateful to Richard Rogers of Global Diligence, Kathryn Dovey of Open for Business, and Salil Tripathi, who co-wrote the Office of the UN High Commissioner for Human Rights (OHCHR)/Institute for Human Rights and Business report, *Standards of Conduct for Business*, for their support in finalising this report.

Desk research included a review of relevant international law and standards, media reports, reports from local and international LGBTQI NGOs, and reports by the OHCHR and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI).

To better understand what businesses are doing today to support the global LGBTQI human rights movement, we shared detailed questionnaires and conducted interviews with 18 businesses across a wide variety of sectors including consumer goods, professional services, finance, media and technology. Between them the businesses that we spoke to have an annual turnover in excess of \$100B and employ nearly half a million people. Most of these businesses were multinational corporations (MNCs) operating in several jurisdictions, with many of those jurisdictions presenting significant challenges for LGBTQI human rights.

We also conducted interviews with 19 LGBTQI NGOs to capture their experiences and to understand, from their perspective, how businesses can most appropriately, effectively and safely support them. We spoke not just with organisations working across the full spectrum of the LGBTQI community, but also those representing specific marginalised groups within the community, including lesbian and bi women, trans people, intersex people, and sex workers.

We extend our thanks to all those who were interviewed and who contributed information for this report.

About GiveOut

GiveOut is an award-winning international LGBTQI community foundation working to bring more resources into the global LGBTQI movement. We provide a platform for our community and corporate allies to give in one place to support LGBTQI human rights activism worldwide. We pool the donations we receive to provide grants to LGBTQI activist organisations around the world, ensuring they have more of the resources they need to defend our communities, tackle inequality and campaign for lasting change.

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GiveOut 100 Circle gathering, 2019.

Under-resourced global movement for LGBTQI human rights



United Caribbean Trans Network distribute emergency COVID-19 supplies, 2020.

“In 2017–2018, global LGBTI funding from donor governments again made up less than 4 cents out of every \$100 of international development efforts and assistance, or 0.04%.”

The 2017–2018 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender, and Intersex Communities, 2020⁷

Widespread human rights abuses

LGBTQI people around the world are subject to human rights abuses on a regular basis, including as a result of homophobic and transphobic attitudes and the lack of adequate legal protection. Discrimination can occur anywhere, including in offices, other places of business and public locations, such as schools and hospitals. Abuses include physical attacks, which often result in serious harm or death.

Consensual, private same-sex sexual activity remains illegal in 71 countries, while in 11 of those jurisdictions it is punishable by death.⁸ Additionally, at least 15 countries criminalise the gender identity or expression of trans people.⁹

LGBTQI people also often experience intersecting oppressions on the basis of other personal characteristics, including their nationality, race, religion or belief, and socio-economic status.

Underfunded LGBTQI movement

Across the world, LGBTQI activists and organisations are defending their communities against human rights abuses and campaigning courageously for equality. They are advocating with decision makers, conducting research to expose discrimination and violence, and providing vital services to their communities. Their efforts have brought about progress in law, policy and practice.

Despite this momentum, the LGBTQI movement is critically underfunded worldwide. LGBTQI funding from donor governments makes up less than 4 cents out of every \$100 of international development efforts and assistance, or just 0.04%.¹⁰ Those activists and organisations working in the Global South and East in particular face heightened challenges in accessing funds and resources, receiving less than one-third of all funding for LGBTQI issues globally.¹¹

At the same time, donor governments and other funders often favour LGBTQI organisations with a more general focus, at the expense of those supporting specific and often more marginalised groups within the community. Funding for LGBTQI issues outside the United States specifically focused on transgender, genderqueer, and non-binary communities, for example, represents just 11% of all funding for LGBTQI issues, while for intersex communities it is just 2%.¹²

Where LGBTQI organisations can access funds and resources, the support given by donor governments and other funders is often tied to the delivery of specific projects or otherwise restricted. These restrictions

“At this time, real solidarity towards LGBTQI communities is imperative. The pandemic is causing severe challenges to the survival and wellbeing of our communities across Southeast Asia.”



Lini Zurlia, Advocacy Officer, ASEAN SOGIE Caucus

ASEAN SOGIE Caucus, a network of LGBTQI organisations working across Southeast Asia, is making small “rainbow reachout” grants to grassroots LGBTQI groups as they adapt to the COVID-19 crisis and provide emergency support to their communities.

may, for example, prevent funds being used to cover essential costs like paying for office space, salaries and supporting staff well-being, or to provide emergency support. They also may restrict the use of funds by the organisation if it works on certain issues – for example, funds provided by a donor that forbids use of resources for pro-choice advocacy may indirectly exclude LGBTQI organisations that provide critical HIV/AIDS and other sexual and reproductive health services. Funding often also carries a large degree of bureaucracy and oversight for good reasons, including ensuring transparency and accountability, but which can impede the recipient organisation’s ability to act fast in emergency situations and divert time and capacity away from supporting LGBTQI communities. The risk of the process taking over from the impact is real.

These challenges can be seen as opportunities for businesses and gaps for them to fill. Businesses are in a position to provide financial and in-kind resources to the movement with creativity and flexibility. LGBTQI organisations worldwide are looking to diversify their funding sources and build new alliances and constituencies. Seeking support from their communities locally and globally, they are calling on the private sector to support their work advancing LGBTQI human rights and equality.

COVID-19 exacerbating vulnerabilities

As noted above, while COVID-19 has had an unprecedented impact on all communities, LGBTQI people have been affected by the pandemic in intensified and unique ways. In its wake, it has exacerbated pre-existing risks of domestic violence, homelessness, lack of healthcare and unemployment, while also giving way to anti-LGBTQI rhetoric across the globe.

LGBTQI people have been blamed for the pandemic by politicians in countries such as the Cayman Islands and by religious figures in countries including Iraq, Israel, Liberia and the United States of America.¹³ In Uganda’s capital Kampala, police used COVID-19 directives to arrest 23 people living at an LGBTQI shelter.¹⁴ In Hungary, the State of Emergency was used to propose a decree that would prevent transgender people from legally changing their gender in identity documents.¹⁵

Compounding the crisis, the economic fallout of the pandemic with understandably modified health priorities threatens the already limited funding that the international LGBTQI movement receives. Internationally, there is concern that development budgets might be further cut in the context of massive government debt and that initiatives supporting LGBTQI communities will suffer.



Access Chapter 2, South Africa, 2020.

3 The case for supporting LGBTQI human rights



Dr Akkai Padmashali & the Centre for Law and Policy Research celebrate the decriminalisation of same-sex relations in India, 2018.

“Our global reach means that we do business in countries where LGBT+ inclusion is challenging and where LGBT+ people face discrimination every day. Our company and employees perform better in societies that are open and inclusive, and our dedication to LGBT+ inclusion is truly global.”

Karl Von Rohr, President, Management Board Member, Deutsche Bank AG⁶

Beyond the human rights principle of non-discrimination, and the important moral case for supporting LGBTQI equality as the right thing to do, there are clear economic benefits of LGBTQI inclusion, both at the level of an individual business and on a wider macroeconomic basis. Providing resources to support the LGBTQI human rights movement is one way for businesses to unlock these benefits, and in doing so, follow international standards for business and human rights that have developed over the past two decades.

The business case for supporting LGBTQI human rights

Winning the war on talent - A serious commitment to LGBTQI human rights beyond the office walls or factory floor is essential for recruiting and retaining the best talent, and for growing and retaining a productive workforce.

Research shows that visible signs of *both* internal and external commitment to the LGBTQI cause are crucial for both recruitment and retention, in particular for LGBTQI individuals and allies.

A recent BCG study in the UK showed that employees who don't believe their organisation is fully committed to diversity are *three times more likely to leave* within the next three years than those who do (48% compared with 16%).¹⁷ Despite this, only just over half (56%) of employees in the UK view their organisation as committed to diversity and inclusion (“D&I”), despite a significant expansion of D&I programmes in the UK in recent years. Among LGBTQI respondents, only 39% see their employer as committed.

This has bottom-line implications. According to the Society of Human Resource Management, the cost of hiring and training a new employee is equivalent to six to nine months of the employee's annual salary. A perceived lack of D&I commitment therefore is likely to impose significant financial costs on businesses.¹⁸

Conversely, BCG's research shows that companies that are able to recruit and retain diverse leaders are both more innovative and more profitable.¹⁹ Yet the benefits of diversity go far beyond senior leadership: individuals working in open, diverse, and inclusive environments are more motivated, more likely to perform beyond what is expected of them, and have higher productivity.

Growing your brand and market - Support for LGBTQI human rights also brings clear benefits for a business' brand and reputation.

The Open For Business coalition has highlighted through its research that businesses that are more diverse and inclusive are better able to anticipate the needs of all customers, and to access a broader client base.²⁰ Furthermore, such businesses are better placed to benefit from the large, growing, global spending power of LGBTQI consumers, and have greater brand appeal and loyalty with consumers who favour socially responsible brands. As such, a clear external commitment to LGBTQI inclusion can support client engagement, customer loyalty and, ultimately, revenue growth.

For one financial institution we interviewed, their active support of LGBTQI organisations was instrumental to their aim of driving prosperous communities in which they operate. Their support helps reflect their diverse client base, attract a wide range of customers, and tailor products to them. Another business we interviewed noted that its support for LGBTQI causes globally has been motivated partly by the diverse make-up of its employees and clients, as well as local suppliers that shared their ethos.

The wider economic case for supporting LGBTQI human rights

In addition to the case for individual businesses, there is mounting evidence that a developing policy commitment to diversity and inclusion is not only a social imperative, but generates benefits for economies overall. Many key economic indicators are positively correlated with LGBTQI inclusion. For instance, LGBTQI inclusive economies tend to have higher GDP per capita,²¹ and score higher in competitiveness rankings such as the World Bank's annual Ease of Doing Business surveys.²²

Studies show that these correlations are not coincidental. A recent report by the Open For Business coalition estimated that discrimination against LGBTQI people in Kenya cost the economy between 0.2% and 1.7% of its GDP.²³ These economic costs are primarily driven by three factors: (1) losses in innovation and productivity, (2) increased public health costs, and (3) reduced access to international flows of money, goods, and tourism.²⁴

Losses in innovation and productivity are the result of reduced and inefficiently allocated human capital, and lower labour force participation. Members of the LGBTQI community often attain lower levels of education than their ability commands, face discrimination in the labour market, and as a result have lower participation rates. They may work in jobs that do not make use of their full potential. Existing studies estimate a resulting productivity loss of approximately 10% for those participating in the labour market, before taking into account lower participation rates.²⁵

Public health costs are a large contributor to the overall economic costs of discrimination. For example, while HIV and depression affect many people, prevalence rates are much higher among LGBTQI people in many countries. This disparity is often due to criminalisation and discrimination: discriminatory laws and social attitudes worsen mental health and reduce LGBTQI access to preventative healthcare.^{26,27}

Governments also suffer economic drawbacks. Reduced investment, trade, and tourism has an adverse impact on the GDP and income flows. Research has shown that how a country is perceived internationally has measurable impacts on foreign direct investment flows,²⁸ as well as exports.²⁹ In addition, many people (whether LGBTQI or not) would not travel to countries with anti-LGBTQI laws or unwelcoming attitudes – with resulting impacts on tourism revenues.^{30,31}

Emerging standards and the legal case

A series of indices rank businesses on LGBTQI inclusion, including Human Rights Campaign's Corporate Equality Index (US and global), Stonewall's Workplace Equality Index (UK and global), Community Business's LGBT Inclusion Index (Hong Kong and Asia) and Workplace Pride's The Global Benchmark (Netherlands and global). Many of these indices include criteria that assess businesses' engagement with LGBTQI communities externally and support for LGBTQI charities.

There have also been important developments in international human rights law and standards. Traditionally, under international law, sovereign states have the primary obligation to protect human rights within their territories.³² Nevertheless, there is growing recognition of the significant impact businesses have on human rights through their direct operations, in the marketplace, and in the community more broadly. The transnational nature of modern business means these impacts are rarely confined to a particular territory, or subject to the control of a single sovereign state. Many businesses have recognised their responsibility for these impacts, including through broader corporate sustainability initiatives.³³

As a result of the impact of business on human rights, international legal norms have developed over the past two decades that identify and clarify human rights-related responsibilities on businesses – either directly, or through the states in which they operate or are domiciled.

The core responsibility of businesses is to *respect* human rights.³⁴ This obligation has evolved from a general statement of principle (in the 2000 UN Global Compact)³⁵ to a basic framework that can be adapted by businesses of all sizes and sectors (reflected in the 2011 UN Guiding Principles on Business and Human Rights (UNGPs)).³⁶ The UNGPs rest on three pillars: the state has an obligation to protect rights; business has the responsibility to respect rights; and where there are gaps, there is need for remedies which can take different forms, and may be judicial, quasi-judicial, or non-judicial, depending on the gravity of the impacts. Under the UNGPs, businesses should, at a minimum, develop a policy commitment to human rights, conduct human rights due diligence to identify and address any adverse human rights impacts, and develop an effective grievance mechanism to provide redress for these adverse impacts.

This responsibility to *respect* human rights applies to all, without discrimination.³⁷ However, it has

assumed particular importance in the area of sexual orientation and gender identity,³⁸ where discrimination and other human rights violations are “continuing, serious and widespread”.³⁹

The UN Standards of Conduct for Business (the Standards of Conduct)⁴⁰, developed by the OHCHR and IHRB and published in 2017, apply the business and human rights framework to the LGBTQI context, and progressively develop the framework by recognising the responsibility and opportunity for businesses not only to *respect* human rights, but also to actively *prevent* human rights abuses in their supply chains, and *promote* the human rights of LGBTQI people in the community. As with the UN Global Compact, businesses voluntarily adhere to the Standards, and can publicly report upon their compliance with the Standards.

The Standards of Conduct recognise that businesses can take a range of measures to comply with the Standards, and that the approach taken by businesses needs to be adapted based on the local context and the needs of the local LGBTQI community. The fifth standard calls on businesses to ‘act in the public sphere’, which includes providing financial and in-kind support to organisations advancing LGBTQI human rights. Acting in the public sphere does not always mean speaking out in public. The Standards acknowledge that partnerships with local LGBTQI organisations can take a variety of forms, from direct financial support (including matching staff donations), to in-kind support (including volunteers, office space and/or pro bono professional services), as well as public recognition of the local organisation’s work and discreet lobbying.

As at the date of publication of this report, over 300 businesses have signed up to the Standards of Conduct.⁴²

UN Standards of Conduct for Business

1. Respect human rights at all times
2. Eliminate discrimination in the workplace
3. Provide support in the workplace
4. Prevent other human rights violations in the marketplace
5. Act in the public sphere (that is, in the community)

“The companies involved in this initiative are leading by example when it comes to the rights of LGBTQ people and I support their efforts to extend the initiative to a greater number of private sector actors, as well as to engage with civil society.”

Michelle Bachelet, United Nations High Commissioner for Human Rights⁴¹

4

Best practices from the field



The TransWave team, 2019.

“If trans people are to survive and thrive in Jamaica, businesses should form close partnerships with trans organisations and provide forms of sustainable support to ensure we are adequately funded and resourced.”

MX Williams, Associate Director, Communications & Outreach, TransWave Jamaica

In the Global North there has been tremendous positive progress in recent years, with many businesses actively supporting local LGBTQI causes, ranging from sponsoring Pride events to campaigning for marriage equality. Many groups and individuals (including LGBTQI activists, employees, and consumers) continue to exert pressure on businesses to authentically support LGBTQI equality and inclusion. However, the challenge for multinational companies lies in implementing

those policies uniformly and internationally. For real and lasting change and to avoid accusations of "pinkwashing", businesses need to behave in this way both consistently and in all countries of operation (whether LGBTQI friendly or not).

One of the ways businesses can show their true and authentic support for LGBTQI equality and inclusion is through supporting LGBTQI organisations working in the most difficult places to be LGBTQI. We outline below some of the noteworthy practices around business support for LGBTQI human rights organisations identified through our research.

Take the lead from LGBTQI organisations

In most contexts, local LGBTQI organisations will be closer to the struggles of LGBTQI communities than businesses. Local insight and knowledge can be vital to ensure the success of local action and avoid counter-productive interventions – or even backlash against LGBTQI groups. Local organisations have the requisite knowledge and can be astute at navigating the local complexities.

Some of the businesses that we interviewed acknowledged the challenges in this context. Involvement in public advocacy is often carefully considered, including whether it is safe to do for LGBTQI people in-country (including those not working with the business or associated with it), the views of any local LGBTQI organisations/networks, and any planned activity of clients or other leading LGBTQI inclusive employers in the region/country.

Case Study: Sustainable Support in South Africa

“It is vital that your support is guided by the expertise and insights of LGBTQI activists and organisations on the ground – only then will the partnership be safe and lead to genuine, long-term change. Nothing about us without us.”

Shekeshe Mokgosi, Head of Operations, The Other Foundation

In 2018, Shell invited The Other Foundation (a Southern African charitable organisation that advances equality and freedom through grant making, with a particular focus on sexual orientation and gender identity) and other LGBTQI organisations to take a permanent seat at a new roundtable group with businesses. The initiative aimed at ensuring meaningful collaboration and coordination of sustainable support for the LGBTQI movement in South Africa. The creation of the group was inspired by the African proverb: “If you want to go fast, go alone. If you want to go far, go together.”

The roundtable has proven important not only in sharing knowledge and best practices to improve the internal diversity and inclusion policies of participating businesses, but has also acted as a springboard to provide long-term financial and in-kind support to LGBTQI organisations. At the roundtable LGBTQI organisations can voice which forms of support are appropriate and most needed, and businesses can fill those gaps and pool their resources together, so that they go further and have the most impact. The diversity of sectors and perspectives

present at the roundtable – including financial, legal and technological – combined with input from participating LGBTQI organisations, has allowed for innovation and the development of more effective forms of partnership. The types of support that have come out of the roundtable include:

- Offering free classes and workshops to LGBTQI entrepreneurs;
- Developing technological solutions, such as building databases;
- Providing grants to LGBTQI organisations;
- Providing resources and expertise for a ‘Queer Women in Business’ Summit.

Over time, the roundtable has also acted as a safe space for constructive conversations to address the potential challenges of collaboration and support, including around “pinkwashing”. For example, they have recently begun discussions on how businesses can begin to provide resources in an ethical manner to smaller rural pride events in the country, in a way which has appropriate boundaries around visibility and does not take away from the true ethos and purposes of these events.

The Other Foundation believes that this roundtable can be replicated and adapted to different contexts. Their key advice is that LGBTQI organisations should always have a permanent seat at the table, so that they can guide the collaboration and support and ensure that it is safe and always in line with the needs of the community.

Provide resources, not directives

A consistent theme from our interviews with LGBTQI human rights activists was their call for those that offer support to provide the resources they require, and which they can actually use, for their work. Support should not be conditional on work following a particular strategy or set of strategies. These organisations are closer to the needs of the

local LGBTQI communities and have developed specific objectives based on their understanding and experience. They need resources that are not restricted in terms of how they can be used, and need to be flexible, so that they can use them to meet these objectives.

Case study: COVID-19 LGBTQI fundraising appeals

“During this crisis, our communities around the world are relying more than ever on the support – and protection – of LGBTQI organisations. And these organisations are relying more than ever on the support of our community globally.”

GiveOut COVID-19 LGBTQI Global Solidarity Fund

In response to the impact of COVID-19 on LGBTQI communities, GiveOut, OutRight Action International and other international LGBTQI organisations launched fundraising appeals, some focused on individual donors and businesses and others on institutional donors.

Through these appeals, thousands of donors – small and large – provided emergency and humanitarian funding to LGBTQI communities and their organisations in the context of the pandemic.

Several multinational businesses donated to GiveOut’s COVID-19 LGBTQI Global Solidarity Fund, including Macquarie, TSB, BCG, Goldman Sachs, Travers Smith, Simmons & Simmons and Reed Smith. GiveOut pooled the donations to provide flexible grants to LGBTQI organisations around the world, as they worked to support their communities in the face of the crisis. These organisations included:

- Access Chapter 2, South Africa: Working on the frontline, the organisation has provided LGBTQI-focused contact tracing work, ensuring that LGBTQI people have access to information and services, and advocating for LGBTQI human rights during the pandemic.
- United Caribbean Trans Network, Caribbean: Delivering emergency supplies to trans individuals, including food, masks and hand sanitisers, and phone cards to stay in contact in the event of illness, human rights abuses or other difficult circumstances during the pandemic.
- ASEAN SOGIE Caucus, Southeast Asia: Providing “rainbow reachout” micro grants to grassroots LGBTQI organisations across Southeast Asia, as they adapted to the COVID-19 crisis and provided emergency support to their communities.

Make the most of your expertise - in-kind support

Besides financial support through direct funding of projects or institutional donations, businesses can provide a wide range of diverse skills, expertise, and experience to the global LGBTQI movement through delivery of in-kind support. These may range from professional services (such as accounting, legal, or project consulting support) to providing event space at no or low cost. Businesses that already provide such services to their commercial clients have the competence and internal structures to extend them to LGBTQI organisations.

Our interviews showed other examples of in-kind support companies have provided. These include assistance with validation of strategies, approach and plans (such as preparing a business plan on how to deliver services for LGBTQI communities), public relations advice and support in shaping campaigns to push back against anti-LGBTQI rhetoric, and facilitating access to trans-friendly mental health services.

Many activists have expressed the need for training on, and legal support with, matters such as corporate registration, contracts, and compliance with GDPR.

This is an area where companies, particularly law firms, can provide pro bono support. These legal activities can be beyond the capacity of most LGBTQI organisations and, if not provided on a pro bono basis, can draw resources away from their more substantive work.

Many law firms we interviewed are involved in public advocacy for LGBTQI rights, or offer legal advice to local organisations involved in promoting LGBTQI rights. This includes supporting LGBTQI human rights cases in the courts. In one example, this included acting for a non-binary individual in relation to changing the record of their gender on their birth certificate, which involved advocating for legislative reform in relation to the applicable country's gender reassignment laws.

One media organisation offers in-kind support for LGBTQI causes by providing access to advertising sites globally. Another organisation has partnered with an international LGBTQI human rights campaigning group and frontline LGBTQI activists to develop digital security tools for human rights defenders. Yet another organisation has hosted discussions amongst LGBTQI civil society organisations in India and following that, offered to help those activists build their online presence.⁴³

Case Study: Livelihood Projects in India

“Together, LGBTQI organisations and businesses can join forces to work to alleviating the social and economic vulnerabilities faced by our communities. Businesses should look inwards to think of the expertise they have to offer, as well as areas where they can learn, in such partnerships.”

Shubha Chacko, Executive Director, Solidarity Foundation

In India, the LGBTQI community face significant barriers in accessing their social and economic rights – from education, to healthcare, to housing. This is particularly the case for those who face discrimination on multiple axes, including trans people. This creates a cycle of poverty which impedes the livelihoods and wellbeing of many members of the LGBTQI community.

Solidarity Foundation is a registered trust based in India which supports sex workers and gender and sexual minorities. It does this through leadership building, livelihood initiatives, spotlighting overlooked issues, as well as through fellowships and grants.

In 2018, Solidarity Foundation initiated the Arise Trans(forming) Project with financial and technical support from global engineering firm Altran. The partnership aims to enhance the social and economic options and overall wellbeing of the LGBTQI community in Bangalore and nearby districts. This project provides holistic support to LGBTQI community members including securing employment and providing mentorship and psychosocial support in their new roles, as well as offering support on developing skills around leadership and mental well-being.

Solidarity Foundation leads and guides the scope of the project in consultation with members of the community, to ensure that the needs and rights of the community members are at the heart of the project.

Select causes that have good strategic fit

When LGBTQI causes align with the strategic agenda of a business, the business' engagement is likely to be more effective and clearer. For some businesses, the support they provide needs to be tied to their specific business objectives. Other businesses have actively developed their business off the back of their public support of LGBTQI causes. One respondent in the public relations industry noted that their support for LGBTQI causes had driven demand from new and existing clients for advice around LGBTQI issues. Another respondent in the insurance industry observed that their LGBTQI-focused products had driven demand both from LGBTQI and non-LGBTQI customers. A media company has built platforms to give a greater impact and reach for underreported news items on the LGBTQI community globally.

Case Study: Amplifund

“I fundamentally believe that we all want to be seen for who we are. Amplifund will enable our partners to continue their work, empowering queer people to feel understood, recognised and heard in all the places we call home.”

Tag Warner, CEO, Gay Times.

Amplifund is a partnership between Gay Times, the world's longest-running LGBTQI magazine, and GiveOut. Through the fund, GiveOut makes grants to LGBTQI organisations around the world to support their campaigning and media work. Gay Times sponsors the fund and provides in kind support to the LGBTQI organisations supported through it, to amplify their work.

In one example, Gay Times funded a grant to J-FLAG, Jamaica's leading LGBTQI organisation, and supported their communications campaign around Pride. In another example, Gay Times funded a grant to IraQueer, Iraq's first LGBTQI organisation, and provided in kind support for the launch and publication of the organisation's report on media coverage of LGBTQI issues.

Build sustainable long-term partnerships

Many of the LGBTQI organisations we interviewed stressed the need for sustainable partnerships. There is a common concern that businesses often give resources as a one-off or they only provide support during or around specific events. This short-term, sporadic support has only a limited overall benefit for the beneficiary organisation. It can also create the perception that the business has sought the partnership to improve its visibility and secure reputational advantage, rather than develop a long-term strategic partnership or relationship with the LGBTQI community.

In almost all contexts, LGBTQI organisations survive on project-based grants, where donors give funds and the organisation delivers specific outcomes. These grants often fail to cover essential organisational costs, such as salaries, rent, and staff development and well-being. Where they do cover essentials, they are often short-term and provide no organisational security. As a result, many organisations across the globe are run exclusively by volunteers, or are only able to recruit people on a short-term basis, with no promise of continued work.

Businesses offering long-standing relationships can better benefit the global LGBTQI movement. There are good examples of longer-term partnerships - ranging from continued pro-bono legal services support to ongoing support for cultural events that have positively impacted the LGBTQI community.



Glenroy Murray (J-FLAG) and MX Williams (TransWave) attend the launch of Amplifund, 2019.

Case Study: Legal Support in Colombia

“Whatever their field, businesses are uniquely placed to offer their own expertise to LGBTQI organisations. This support is vital, as it frees up activists' time and resources to conduct their own vital work.”

Juan Felipe Rivera, Colombia Diversa

Colombia Diversa was founded in 2004 and has since become one of Colombia's leading LGBTQI rights organisations. Its goals include fostering the inclusion of LGBTQI people, improving their access to justice, and amplifying their political impact.

The organisation has expertise and experience in strategic litigation on sexual orientation and gender identity issues. It has successfully taken cases to the Constitutional Court of Colombia. The organisation regularly receives queries from members of the LGBTQI community in Colombia on more general but nonetheless important legal problems, such as housing issues, citizenship, migration, and access to health. It also receives requests from NGOs and local governments for training. As in many other countries, LGBTQI people are disproportionately affected by poverty and often less likely to be able to access legal aid, resources, and support.

Colombia Diversa receives regular pro bono legal support from Fundación ProBono Colombia, a network of law firms. Fundación ProBono Colombia has been helpful in taking up cases passed on from Colombia Diversa on day-to-day legal issues that the latter may not have the capacity or relevant expertise to settle. This support has been essential for Colombia Diversa in fulfilling its mission of ensuring that the LGBTQI community obtains the support it needs, while providing it with the flexibility to focus its energy and resources on strategic litigation and other vital work.

Colombia Diversa has also found allies in law firms to support their strategic litigation work. These firms have collaborated and consulted with Colombia Diversa on several occasions, and supported the organisation by filing amicus briefs.

Collaborate with other businesses to amplify impact

Business coalitions have the benefit of bringing together broader voices and perspectives, amplifying the messages of the constituent parties by being 'stronger together.' The Open for Business non-profit coalition is a good example of how high-profile businesses from a number of sectors (including technology, professional services, banking, healthcare and consumer products) can come together to advance LGBTQI inclusion globally, by promoting the economic and business case for equality of opportunity for everyone anywhere in the world.

As a result, the impact of Open for Business' work is greatly amplified, with access to high-profile events and platforms to advocate for equality: its research has featured at the World Economic Forum at Davos, at the Federation of Indian Chambers of Commerce & Industry, and other organisations.

Some of the businesses we interviewed highlighted the value of sharing best practices. For example, two organisations with offices in the Middle East engaged internally and with each other to share information

and solicit views on responses to the Government of Brunei's implementation of laws that made certain LGBTQI relations punishable by stoning to death. One business also noted that it often shares with other organisations best practices on global mobility for LGBTQI employees, especially in light of concerns relating to sexual orientation and/or gender identity and criminalisation of same sex relationships in some countries. Such collaborations also offer ancillary benefits to the participants: both at the business level (building stronger relationships) as well as at the individual level (forming connections across LGBTQI business communities).

Agree on how to publicise partnership and raise visibility

The LGBTQI organisations that we spoke with raised concerns over visibility. Where there are partnerships between LGBTQI organisations and businesses, there need to be clear parameters established in terms of visibility. These parameters should be set in close discussion with the LGBTQI organisation, which has expertise in the local context and understands any potential risks to the LGBTQI communities that it serves.

This is not just about whether the partnership should be visible in itself, but also what this visibility looks like in practice. In some contexts, visibility may be vital to help dismantle anti-LGBTQI rhetoric. In others, it may pose security or political risks. For example, the use of the term “LGBTQI” in particular regions may be counterproductive or harmful to the cause. Specific judgment is needed in each context to ensure visibility is constructive.

Businesses may also have valid concerns around any publicity and the visibility of the partnership. Employee safety as well as commercial interests are typically the main considerations. As such, in certain contexts, businesses may have to carefully consider how to publicise and talk about the partnership.



The Equal Rights Association for West Balkans & Turkey mark Pride in Kosovo, 2019.



Gay Times Amplifund campaign with Grey London, 2019.

5 Overcoming obstacles

“We’ve learnt about what it takes to work on LGBT+ inclusion in countries that are hostile to LGBT+ rights: as well as commitment and courage, it takes trusted local insight and intelligence. Companies must have a clear strategy, developed and delivered alongside local civil society partners.”⁴⁴

Jon Miller, Founder, Open For Business and Partner, Brunswick Group

Despite a clear desire to support global LGBTQI causes, many businesses find it difficult to translate these commitments into action. Several obstacles, both perceived and real, were highlighted through our interviews with businesses.

Some businesses see supporting human rights externally, particularly LGBTQI rights as ‘overstepping their role’ and outside of their sphere of influence. Partly that is because of the understanding that human rights protection is a state obligation. Partly it is because there is inadequate understanding about what respecting human rights means in practical terms. It is also partly the persistence of an outdated belief that adherence to international norms remains purely voluntary for businesses. The lack of global rules, and more importantly, the absence of global enforcement, have together perpetuated the impression that human rights are an externality for business. Companies should abide by the law and comply with rules to avoid specific acts that are criminal. Doing anything beyond is viewed as an activity that only large companies can afford to undertake. When companies operate across cultures and nationalities and their employees see how different societies view human rights differently – in particular, using cultural or national sovereignty arguments to justify practices that undermine human rights – businesses are caught in the dilemma: should they respect international standards or their own policies, or should they follow local rules?

Even where businesses have made the decision to support LGBTQI organisations, several barriers can exist or emerge – including how to find and engage with such organisations or how to offer financial support. In some cases, seeking out such organisations may even make those organisations vulnerable – they may not have legal status, and even if they do, they may not be allowed to receive funds from foreign businesses. Besides, businesses can also face internal challenges, especially finding resources and capacity to drive external action where even internal initiatives may be only in their infancy, as well as, sometimes, resistance from local employees.

"Supporting LGBTQI rights organisations is seen as a political move"

Several businesses spoke about the difficulty of openly supporting LGBTQI causes in challenging markets. In those markets an ‘embassy’ approach⁴⁵ – where a business applies pro-LGBTQI policies and practices to its own employees without supporting external change – is often considered more appropriate than one favouring the types of external actions that businesses might take in markets where it is safer to do so, or where their LGBTQI networks are better established. For example, one respondent in the US spoke of the difficulty of engaging with the chapters of their LGBTQI network located in more challenging markets such as India and Singapore. External action was primarily taking place in the US.

Some respondents also noted that the “increasing politicisation” of the LGBTQI movement had made it more challenging for businesses to publicly express support or provide even limited funding for LGBTQI causes. One example given was marriage equality campaigns being considered partisan in certain jurisdictions.

One interviewee – when asked whether their company supports LGBTQI human rights organisations – was quick to respond that their business does not do that. There are concerns that direct engagement can give rise to too many unanswered questions, resulting in businesses electing not to take such action or defaulting to some of the alternative options outlined throughout this report.

On the other hand, many businesses have spoken out, quite openly, in defending LGBTQI rights, including advocating positions on politically-charged issues such as marriage equality. When the US Supreme Court heard the case that eventually legalised same sex marriages, hundreds of companies filed amicus briefs supporting the view. Likewise, when a US state had passed a law discriminating against transgender people, two multinationals – one American, one European – said they would withdraw investment from the state. Businesses have increasingly become vocal on political and social issues, such as climate change, Black Lives Matter, and election integrity in the US. In the past, some businesses spoke out against the apartheid in South Africa. Businesses that advocate for LGBTQI rights would be in such company.

Nevertheless, supporting LGBTQI organisations does not always mean speaking out in public. The Standards acknowledge that partnerships with local LGBTQI organisations can take a variety of forms, including direct financial and in-kind support.

"We are concerned about the safety and security of LGBTQI employees"

Employee safety is a legitimate concern and companies should not take public positions that jeopardise staff safety, in particular local staff in a multinational company, who may face retaliation for the company's public advocacy. Acting in the public sphere does not only mean public advocacy; there is always room for quiet diplomacy, and many companies have done that.

One interviewee whose business is active in a number of challenging jurisdictions had developed strategies for engaging differently depending on local cultural sensitivities (for example, by supporting the trans community more openly in Pakistan, where homosexuality remains illegal, but being trans is not).

"We don't know where to start; it is difficult to navigate the LGBTQI civil society space"

Where businesses do take external action, it is often through large established organisations or events such as Pride or other LGBTQI cultural events (e.g. film festivals and LGBTQI history month) rather than through direct engagement with activist organisations.

In certain business sectors, there are several examples of active engagement with industry groups to facilitate change within the industry and to amplify the impact of public advocacy.

In countries where laws criminalise same-sex relationships or where other legislative hurdles prevent extending full equality, companies should listen to local civil society organisations and take the lead from them, and work in partnership with other like-minded companies.

Pinkwashing at home

"I think we need to leverage Pride weeks around the world not only to spotlight local movements, but also to connect movements from other unrepresented countries with activists, businesses, and governments who can help them expand their work - we must not forget the real meaning of Pride."

Amir Ashour, Executive Director, IraQueer

In relation to business and LGBTQI human rights, "pinkwashing" is when a business signals and celebrates its support for LGBTQI equality while having a poor record on other issues. Most of the LGBTQI organisations we interviewed expressed moral or reputational concerns about partnering with businesses with an overall poor track record in other ESG areas.

Another element to pinkwashing is when a business supports LGBTQI causes openly in the Global North but avoids doing so in places where it is more difficult to be LGBTQI. For example, a business might sponsor and join the Pride parade in London and fly the rainbow flag, while doing nothing to support LGBTQI equality in countries that criminalise LGBTQI identities and where it has operations and supply chains. This could be described as "pinkwashing at home".



Amir Ashour, Executive Director, IraQueer

Case Study: Growing the 'Pink Dot' in Singapore

“Even in countries where homosexuality is criminalised or there are barriers to supporting LGBTQI organisations, corporates can and do play an important role in creating safe spaces for LGBTQI people. However, they must do so by working in close consultation with local community groups who know the ground best.”

Deryne Sim, Pink Dot Organising Committee

Pink Dot SG is a non-profit movement started by a group of individuals who care deeply about the place that LGBTQI Singaporeans call home. It is a group for everyone who supports the belief that everyone deserves the freedom to love.

In 2009, Pink Dot SG held its first annual event in support of the LGBTQI community of Singapore. At Speakers' Corner – the only area in the city state which is designated for outdoor demonstrations – attendees gather dressed in pink to form a large, human pink dot as a show of support for the Freedom to Love.

In 2011, Pink Dot SG gained its first corporate sponsor, which helped to generate enough funds for the organisers to stage a concert featuring local performers. By 2016, the event had gained traction and a total of 18 companies sponsored the event that year.

In 2009, approximately 2,500 people attended Pink Dot SG. By 2016, the number of attendees had grown to more than 20,000 people per year, exceeding the capacity of the park.

However, 2016 proved to be a watershed year. Shortly after Pink Dot 2016, the government amended the Public Order Act such that only Singapore citizens and permanent residents could take part in events held at the Speakers' Corner. Further, only companies which had more than 50% of its shares owned by Singapore citizens, and with more than 50% of its directors as Singapore citizens, could sponsor events held at the Speakers' Corner. This meant that 15 out of 18 of Pink Dot SG's 2016 sponsors could not sponsor the event the following year.

In response to this, Pink Dot SG worked with a local entrepreneur to set up the “Red Dot for Pink Dot” corporate crowdfunding page and greatly reduced the cost of sponsorship to enable local companies with smaller marketing budgets to support the event. In 2017, 120 local companies signed up as sponsors and the event was able to proceed as planned. In 2019, the Red Dot for Pink Dot campaign was expanded to include quarterly workplace inclusion and networking events. The Red Dot for Pink Dot campaign has continued for each year thereafter and it provided a consistent stream of corporate support for the event, ensuring the survival of the message of the Freedom to Love.

"It's difficult to directly fund LGBTQI organisations"

With respect to supporting LGBTQI organisations, a strong theme that emerged in our business interviews was the difficulty in assessing the associated risks and lack of knowledge as to how to navigate the activist organisation space. Often this can arise from a lack of information on the risks or best practice around engaging with activist organisations, particularly given cultural sensitivities.

It also can arise from business standards or expectations being incompatible with the realities for many activist organisations. For example, LGBTQI organisations often do not have conventional financial capabilities, such as an organisational bank account. This is an issue that affects civil society in general, but tends to be exacerbated for LGBTQI groups for two

main reasons. First, the grassroots and community-focused nature of many organisations means that they do not have robust financial systems, especially to meet the standards of multinational businesses. Second, freedom of association issues, often linked to criminalisation of LGBTQI groups means that they cannot register. In fact, research by OutRight Action International found that LGBTQI organisations can only register legally in only 56% of countries.⁴⁶

The need for extending support in such contexts is greater, and many businesses have figured out creative ways to support minority rights in countries that have explicitly discriminatory laws. Businesses often need to exercise flexibility while continuing to work to their own compliance requirements. It is important to always work in close communication with the organisation in order to identify the most appropriate and safe means of providing funding.

Case study: BCG and GiveOut – incubating an LGBTQI community foundation

“In consulting-speak, we had found an unmet need – for those who wanted to support our communities in some of the hardest places to be LGBTQI, there was no way to really do it. I remember thinking, 'there must be more we can do.'”

Elliot Vaughn, Partner and Managing Director, Boston Consulting Group

Launched in 2018, GiveOut is an award-winning international LGBTQI community foundation working to bring more resources into the global LGBTQI movement. Registered as a charity in the UK, it provides a platform for individuals and businesses to give in one place to support LGBTQI human rights activism worldwide.

GiveOut was founded by Elliot Vaughn, a Partner and Managing Director at BCG. Starting as a ‘side of the desk’ project in 2015, he had found there was no way for individuals or businesses to support LGBTQI human rights organisations around the world in a way that was efficient, safe, legitimate and impactful. To address this need, he developed the idea of a community foundation to enable members of the LGBTQI community and corporate allies to support LGBTQI activism around the world. By early 2016 this idea was being called “GiveOut”, a name coined by the founding team.

A group of BCG colleagues teamed with Elliot to incubate GiveOut from the firm’s London office. Together, they developed the initial value proposition and business plan, started the process of registering the foundation as a charity, and helped onboard an executive director to continue building and leading the organisation. Three of those colleagues – Chris Darby, Mike Stamp and Joseph Vellone – went on to become founding trustees. BCG supported the GiveOut launch as a founding sponsor, and proudly continues to provide financial and in-kind pro-bono consulting support to GiveOut to ensure it succeeds with its mission.

GiveOut works by providing a platform for individuals and businesses to give tax efficiently in one place to support LGBTQI human rights activism worldwide. The charity pools these donations to provide grants to LGBTQI activist organisations around the world, ensuring they have more of the resources they need to defend their communities, tackle inequality and campaign for lasting change.

The model enables businesses to help fund the global movement for LGBTQI human rights while mitigating against some of the challenges around doing so outlined in this report. GiveOut identifies organisations to support through a rigorous process of consultation, due diligence and vetting, guided by a Grant-Making Advisory Panel and governed by its Board of Trustees. And GiveOut offers businesses the opportunity to promote their support or not, depending on the needs of the business and the LGBTQI organisations receiving support.

In just over three years, GiveOut’s supporters, including over 20 major businesses, have donated over £1 million, supporting over 30 LGBTQI organisations working across five continents. They have supported work including LGBTQI movement building across Sub-Saharan Africa, the provision of safe houses in the Middle East and North Africa, the establishment of the first trans networks in the Caribbean and Western Balkans, and the distribution of humanitarian aid to LGBTQI communities hit by COVID-19.

"We don't have the capacity and resources to support LGBTQI rights organisations"

Many businesses emphasised that funding for LGBTQI causes is available only through their D&I budgets – which often are aggregated for a multitude of initiatives across all strands of diversity and inclusion (often also including pro bono work) and are not specifically dedicated to funding of LGBTQI causes. Often, organisationally, this can be as a result of LGBTQI rights being part of D&I strategy only and not directly linked to the wider CSR/ESG agenda, including respecting human rights.

Restrictions on funding can also often mean that resources are channelled only to a combination of 'employee affiliation' events and visible external events, such as supporting local Pride events, rather than funding of external LGBTQI organisations.

Those constraints are not limited to financial resources. In many instances, D&I teams among the businesses we interviewed are small and cover all strands of diversity and inclusion. Central D&I teams therefore are often thinly spread across many initiatives,

adopting more of a 'coordination' role rather than a driving role in setting the agenda. The interviews also demonstrated that even if central business leadership is committed to D&I policies, uptake on the ground across operational sites often remains low in the absence of local role models and leadership support. While employee resource groups naturally tend to take such a leadership role, this is often on a 'best-efforts' basis where the employees use their spare time and is highly contingent on active and committed individuals remaining with the business. One respondent in the technology sector noted that it was at the beginning of its journey in supporting LGBTQI causes, and that that support needed to be balanced against other priorities for its inclusion strategy, in particular gender.

While these are legitimate concerns, they underline the need for developing more co-ordinated and better processes, including internal training, to ensure performance. Processes are important, but cannot dictate the substance; internal questions and resistance can emerge while implementing any change that requires a fundamental reorientation of thinking. Clear articulation by the leadership, leading by example, rewarding innovative solutions, and providing incentives for good performance, are some ways in which companies can realise their goals.



Elliot Vaughn speaks at GiveOut launch event, 2018.

6 Recommendations: Actions for impact

“Businesses have an opportunity to support and stand by the side of the LGBTQI community in Nigeria. It is difficult to talk about LGBTQI issues in Nigeria, but it is the responsibility of businesses to make that easier because they have the resources, the power and the networks to make change happen.”

Bisi Alimi, Founder and Executive Director, The Bisi Alimi Foundation

In this report, based on our research and interviews, we have considered the various ways that businesses support the global LGBTQI movement, as well as the obstacles that emerge in providing such support. We have also considered the moral, economic, business, and emerging legal case for supporting the LGBTQI human rights externally. With those considerations in mind, we have distilled a proposed set of actions for businesses looking to do more in the global LGBTQI space – including practical guidance on how to start and what to focus on.

From our observations, we propose a 5-step approach to supporting the LGBTQI movement; starting with the basics by building solid foundations within your own business, learning and obtaining feedback on all the actions you try out – small at first, and gradually expanding actions, as your business builds capability and learns from experience.

Build solid foundations: protect LGBTQI employees

A fundamental starting point to offering authentic support to the global LGBTQI movement is to ensure that LGBTQI employees feel "safe" and protected, regardless of where they work.

This can be achieved through adopting clear, non-discrimination policies for LGBTQI employees globally and ensuring there is visible commitment from the top (both visible LGBTQI leadership acting as role-models, and visible allyship from senior executives). Although there may be certain practical limitations on actions in certain locations as a result of laws or other restrictions in those jurisdictions, a vast range of measures are available across the globe to support all employees, especially in the form of employment policies and internal leadership support.

Make a clear public commitment to LGBTQI human rights and equality

The next step is to take a visible public stance on the commitment to LGBTQI rights and equality.

There are many ways to achieve this - one common route is by signing up to the UN Standards of Conduct for Business, as discussed in Chapter 3 above. Other practical steps that businesses can take to ensure a visible commitment to LGBTQI rights equality include:

- Ensuring LGBTQI human rights are part of the wider CSR/ESG agenda of the business, both internally and externally (including in your business' selection of charity partners)
- Setting up a CSR/ESG page on your business' website, including a public commitment to supporting LGBTQI human rights (while being cognisant of the local legal framework and what is within the boundaries of local laws)
- Showing support for local Pride celebrations and other LGBTQI events

Set-up your business to take external action

An organisation's focus should extend over time from developing internal policies and marketing initiatives, to external action to bring about positive change to the lives of LGBTQI people globally. The first step for any business is to set up the right internal structures and governance.

This could include setting up a functional LGBTQI affinity group, which encourages staff participation at all levels, and/or a diversity leadership committee. In each case these should combine expertise from multiple parts of the business (including representation from LGBTQI affinity group members, HR and CSR/ESG teams). Ensuring that senior executives actively support, sponsor and promote the LGBTQI affinity group and diversity leadership committee is important to demonstrate that decision makers are engaged with the issue and resources are allocated to both internal and external causes. The objective and remit of this group or committee should, in part, be to look outwards and support global LGBTQI initiatives – especially for causes which align with the business' mission and objectives. It should be clear upfront what impact the business is seeking to create both internally and externally, and how each participant can help resolve any obstacles to achieving the group's goals.

There are a number of steps that can help a business take successful external action, including:

- Create and refine a framework to identify sustainable long-term partnerships with LGBTQI organisations - where missions and values align to ensure a solid strategic fit. Partnerships should be explicit and visible
- Work with senior executive leadership to agree on resourcing (including time, services, goods and funding) including by:
 - Where possible, creating a dedicated role to lead on diversity and inclusion initiatives, rather than relying on 'side-of-desk' support from employees voluntarily committing to the cause
 - Making the most of your business' expertise to identify what to support, what not to support and what is important to your business
 - Assessing the flexibility of resources – taking the lead from local LGBTQI organisations as to their needs and what forms of support will be most helpful
- Explore and analyse appropriate models for taking external action in challenging markets (e.g. impact on local LGBTQI employees, especially their safety)

- Engage with intermediary organisations to identify local causes that align with overall business objectives
- Create an internal champion network that identifies individuals across the organisation globally that can support action
- Set up effective monitoring mechanisms including KPIs to continuously measure impact and encourage improvement (e.g. by guaranteeing a proportion of funding to the D&I spend)

A key take-away for this step is that any global strategies must be balanced with a local perspective, to ensure they are culturally-appropriate and effective on-the-ground.

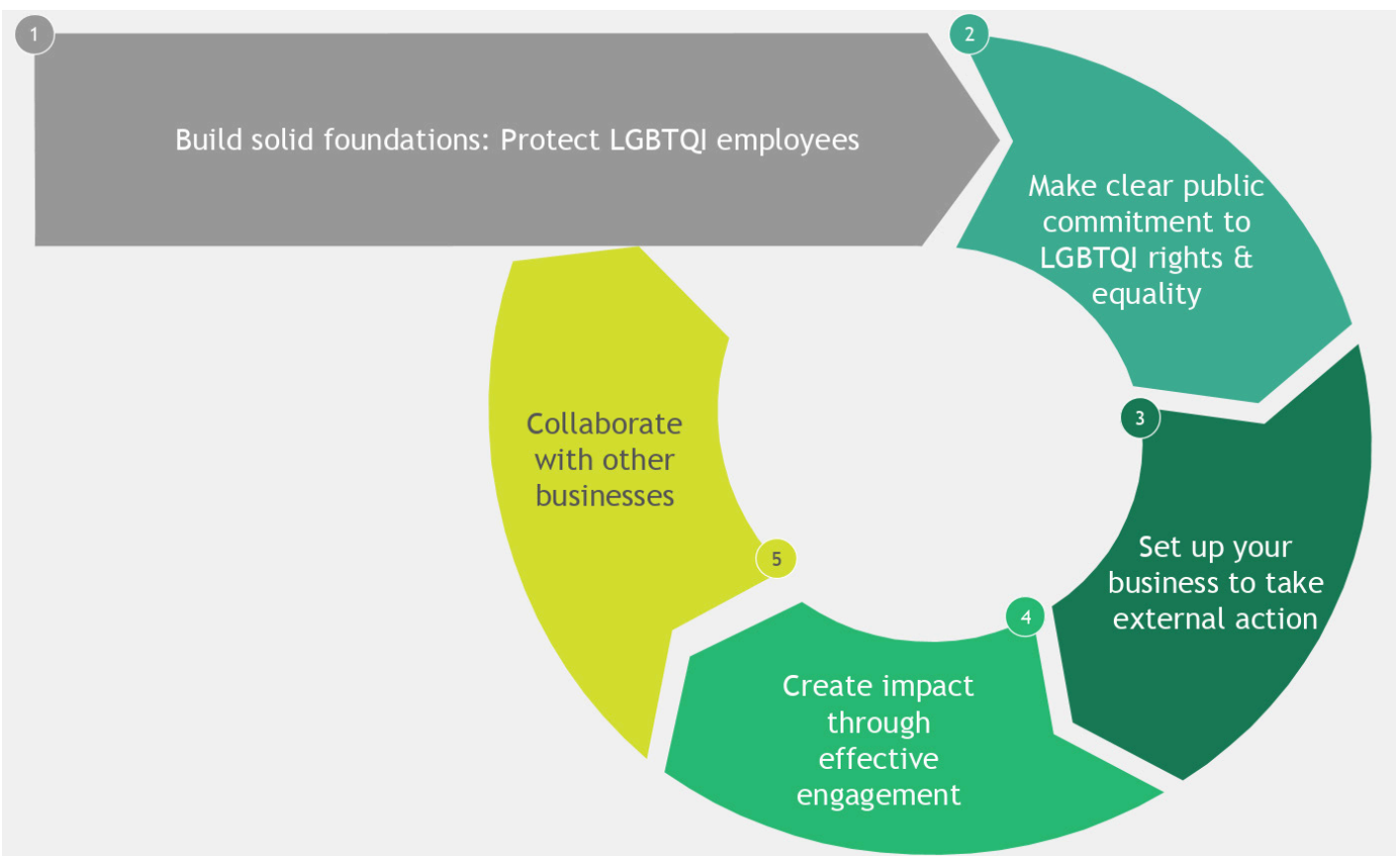


Figure: 5 practical steps for businesses to effectively support the global LGBTQI human rights movement

iv Create impact through effective engagement

Effective engagement is critical for developing successful partnerships with LGBTQI organisations that lead to lasting impact. As detailed in our observations of best practice from the field (Chapter 4) the foundation of this approach is listening to and responding to LGBTQI activist organisations. Partnerships should be approached with an open and collaborative mindset, recognising that engagement will likely need to be tailored to the specific group and to the context that your organisation is working in.

Drawing from our observations of best practices in the field, concrete steps could include:

- Choosing activist partners through a strategic approach (e.g. where the need is greatest within the LGBTQI community or where the skills and support of your business fit best)
- Consulting with activist organisations about their needs and resources
- Committing to support an organisation in the medium to long term, with a gradual scaling up of the level of support over time
- Working together on initiatives – continuously learning, evaluating and improving ways-of-working, including through measurement of impact
- Making information on support available and easy to find and agreeing how to make the partnership visible



GiveOut's grant partners around the world join virtual events with supporters, 2020

v Collaborate with other businesses

The overall impact of external action can be amplified through collaborating with, and learning from, other businesses and their experiences. Ensuring that business voices collectively are heard in a given context can create a positive feedback loop to encourage further open and proactive support for LGBTQI human rights.

Collaboration can also help to mitigate some of the concerns businesses may have in taking external action to support LGBTQI organisations. By working with other businesses, perceived risks can be mitigated because it means any potential backlash is shared and the company is not singled out as a target for criticism or governmental action. Many of the more practical difficulties with supporting LGBTQI organisations, for example difficulties transferring funds or ensuring that compliance requirements are met, can be solved collectively and the administrative burden shared across multiple organisations.

Finally, collaboration across businesses also helps to create a new space for LGBTQI employees and allies to build business networks and connect on a personal level. This may be particularly valuable in challenging contexts where internal employee groups within a company may be small.

Steps 2-5 above are intended to be iterative, and businesses should experiment, test, and review outcomes, learn from experience gained, and continue to refine their approach over time. In the under-resourced LGBTQI movement, all support is welcome. The approach should be practical and drawn from listening to LGBTQI communities to identify what works best for them, to ensure that business support is meaningful, consistent, informed, effective, and sustainable.

Glossary

AIDS	Acquired Immuno-Deficiency Syndrome, a chronic, potentially life-threatening condition caused by HIV
CSR	Corporate Social Responsibility
D&I	Diversity and Inclusion
ERG	Employee Resource Group
ESG	Environmental, Social, Governance
GDP	Gross Domestic Product
Global South and East	For the purposes of this report, defined to encompass Asia and the Pacific; Eastern Europe, Central Asia, and Russia; Latin America and the Caribbean; the Middle East and North Africa; and Sub-Saharan Africa
HIV	Human Immunodeficiency Virus
IE SOGI	The Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, appointed by the UN Human Rights Council to assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination. More details about the mandate available at: ohchr.org/en/issues/sexualorientationgender/pages/index.aspx
Intersectionality	A theoretical framework first used by professor Kimberlé Crenshaw for explaining and understanding how aspects of a person's social and political identities combine to create unique modes of discrimination and privilege
KPI	Key Performance Indicator
LGBTQI	Lesbian, Gay, Bisexual, Trans, Queer and Intersex
MNC	Multinational corporation or company
NGO	Non-Governmental Organisation
OHCHR	Office of the UN High Commissioner for Human Rights
SOGI	Sexual orientation and gender identity
Standards of Conduct	Standards of Conduct for Business, guidance developed by OHCHR and the Institute for Human Rights and Business that builds on the UN Guiding Principles and UN Global Compact to support businesses in meeting their responsibility to respect the human rights of LGBTI people. Available at: Unfe.org/standards
UN	United Nations
UN Global Compact	A non-binding UN pact to encourage businesses to adopt sustainable and socially responsible policies, and report on their implementation. More details available at: unglobalcompact.org
UN Guiding Principles	UN Guiding Principles on Business and Human Rights, a global authoritative standard on businesses' responsibility to respect human rights, unanimously endorsed by the UN Human Rights Council in 2011. Available at: ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

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32. States are party to the core international human rights treaties, and bear international legal responsibility for breaches of their international obligations under these treaties.
33. In August 2019, the Business Roundtable, a group of 181 CEOs of the U.S.'s largest corporations, issued an update to its corporate governance principles on "the purpose of a corporation". The update removed the endorsement of shareholder primacy, and replaced it with a broader range of stakeholders for whom a corporation operates, including its customers, employees, suppliers, and "the communities in which we work". See further, <<https://www.businessroundtable.org/business-roundtable-redefines-the-purpose-of-a-corporation-to-promote-an-economy-that-serves-all-americans>> [accessed 22 March 2021].
34. The responsibility of businesses to respect human rights has "hardened" over time.
 - Initially, this responsibility was voluntarily assumed by businesses through participation in non-binding initiatives like the UN Global Compact, or recognised by states through non-binding instruments like the OECD Guidelines for Multinational Enterprises.
 - (In 2011, the OECD adopted major changes to its Guidelines for Multinational Enterprises, including to introduce a new human rights chapter in alignment with the UN Guiding Principles. See, OECD, *OECD Guidelines for Multinational Enterprises* (2011 Edition), pp.31-34 < <http://www.oecd.org/daf/inv/mne/48004323.pdf> >).
 - These developments have laid the groundwork for a binding treaty to regulate, in international

human rights law, the activities of transnational corporations.

- This treaty, currently under negotiation, obliges states to regulate the activities of transnational corporations within their territories, including requiring businesses to undertake human rights due diligence.
 - See, UN Human Rights Council Open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, *Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises (Zero Draft)* < <https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session3/DraftLBI.pdf> >. See also, the revised draft, issued 16 July 2019, < https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/OEIGWG_RevisedDraft_LBI.pdf >.
 - In advance of the treaty's conclusion, a number of states have already introduced, or are in the process of introducing, mandatory business and human rights legislation.
 - For example, in 2017, France implemented a new corporate vigilance law requiring the largest French companies to develop and publish human rights due diligence plans, covering their subsidiaries as well as established subcontractors and suppliers. (Commercial Code (France), Art. L225-102-4 – 102-5, inserted by *LOI n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre*, < <https://www.legifrance.gouv.fr/eli/loi/2017/3/27/2017-399/jo/texte> >).
 - The Swiss Parliament is currently considering legislation to impose liability on Swiss-based companies for human rights violations occurring worldwide. (Swiss Confederation, *Initiative populaire fédérale 'Entreprises responsables – pour protéger l'être humain et l'environnement*, < <https://www.bk.admin.ch/ch/f/pore/vi/vis462t.html> >).
 - A number of states have also incorporated human rights obligations on foreign investors in their international investment treaties.
 - See, for example, the Netherlands Model Bilateral Investment Treaty (published 19 October 2018) < <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2018/10/26/modeltekst-voor-bilaterale-investeringsakkoorden/modeltekst-voor-bilaterale-investeringsakkoorden.pdf> >.
35. The UN Global Compact is a set of ten general principles by which businesses should abide, including in relation to human rights, labour rights, the environment and anti-corruption. By participating in the Compact, businesses commit to support and respect the protection of internationally proclaimed human rights, ensure they are not complicit in human rights abuses, and report on their progress in implementing the principles. Approximately 10,000 businesses globally have since signed onto the Compact.
- See, *United Nations Global Compact*, <https://www.unglobalcompact.org/>; United Nations General Assembly, *Towards global partnerships*, 21 December 2000, UN/A/RES/55/215; United Nations General Assembly, *We the peoples: the role of the United Nations in the twenty-first century*, 27 March 2000, UN/A/54/2000, [177]; United Nations Global Compact, *UN Global Compact Progress Report (2018)*, p.12 < <https://www.unglobalcompact.org/docs/publications/UN-Global-Compact-Progress-Report-2018.pdf> >.
36. OHCHR, *Guiding Principles on Business and Human Rights*, < https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf >. See also, the interpretive guide for the Guiding Principles - < https://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf >.
37. Core international human rights treaties, including the International Covenant on Civil and Political Rights ("ICCPR"), and the International Covenant on Economic, Social and Cultural Rights, provide that human rights are to be guaranteed without discrimination, including as to race, sex, religion, or other status. However, sexual orientation and gender identity are not explicitly protected. In a landmark decision in 1994 (*Toonen v Australia*), the Human Rights Committee established by the ICCPR recognised that sexual orientation was a protected characteristic. Committees established under other treaties have since followed suit.
38. Wider international recognition of LGBTQI rights as human rights has been slowed by continued opposition from a substantial bloc of states (the majority of whom still criminalise same-sex activity). In 2011, the Human Rights Council (the UN political body) issued its first resolution on human rights, sexual orientation and gender identity (with 23 states in favour, 19 opposed), expressing grave concern about the state of violence and discrimination on the basis of sexual orientation and gender identity, and commissioning a study into the issue by the High Commissioner for Human Rights (A/HRC/19/41).
- Regional human rights organisations have also recognised LGBTQI rights as human rights, for example, the African Commission on Human and Peoples' Rights (see Resolution 275, <https://>

www.achpr.org/sessions/resolutions?id=322), and the Inter-American Commission on Human Rights (see the report of the joint dialogue between the UN and these organisations < <https://www.refworld.org/docid/5707c8a04.html> >).

- More recent human rights instruments explicitly prohibit discrimination on the basis of sexual orientation, gender identity and expression (including the 2013 Inter-American Convention Against All Forms of Discrimination and Intolerance, <http://www.oas.org/en/sla/dil/docs/inter_american_treaties_A-69_discrimination_intolerance.pdf >).
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The report has been developed by GiveOut in partnership with Boston Consulting Group, Goldman Sachs and Latham & Watkins.



GiveOut is an award-winning international LGBTQI community foundation enabling our community and corporate allies to give in one place to support LGBTQI activism worldwide. We pool the donations we receive to provide grants to LGBTQI activist organisations around the world, ensuring they have more of the resources they need to defend our communities, tackle inequality and campaign for lasting change.

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