

# Learnings, Challenges, and Opportunities

## Following Up on Our Last Report

In September 2020, the findings from the first evaluation report for the current Social Justice strategy (covering work in 2018–19) were presented to the Arcus board, along with a copy of the full report. Below are the recommendations included in that report with updates on actions taken:

1. Rethink the indicators for the three goals, in light of our learning so far, but delay any changes to the indicators until 2021: Analyze goal 1 in the United States and goals 1 and 3 both in the United States and internationally.

Work is underway that will enable staff to make adjustments to indicators for goals 1 (safety) and 3 (acceptance/inclusion) in 2022. Specifically, the U.S. program staff will be presenting to the team recommended changes to goal 1 objectives, focusing on better defining the objective and indicator related to community-generated safety initiatives. With regard to goal 3, U.S. staff are commissioning a consultant to conduct a scoping project that will better define our objectives in supporting faith work in the United States. This project will also identify potential grantees. Similarly, an evaluation project being conducted by a consultant assessing faith efforts in East Africa was submitted to the Foundation and will be analyzed by staff along with the scoping research Arcus commissioned on faith work in the Caribbean. Taken together, these projects will sharpen and clarify our objectives on goals 1 and 3, enabling us to identify the most appropriate and effective indicators.

2. Apply a degree of flexibility to the Arcus rules and practices, keeping in mind the end goals of our strategy and our values and principles. For instance, under certain conditions in the International portfolio, Arcus should be able to support smaller groups of people pushed to the margins with more than the maximum one-third of their annual budget.

This recommendation remains valid, especially in 2020 when, across all regions, we provided higher levels of support to some grantees and, in some cases, lengthened grant periods. We have supported trans groups in Kenya and Uganda and LGBT groups in Mexico (e.g., Mexfam in its support of muxe women and the Mexican LGBTTTI+ Coalition) above one-third of their annual budgets when no other donor had yet come forward. Here the

learning is mixed. These examples point to the need for us to continue to partner with colleague funders to leverage our support (see below).

3. The process for conducting future Social Justice evaluations should reflect learnings from our current efforts, including a concrete timeline for an internal evaluation in 2021 (to cover 2020). Analyze the opportunity of a “mid-term” (four-year) evaluation in 2022 with the inclusion of an external assessment that will cover 2018–21.

This internally conducted evaluation focused on work in 2020 was guided by a set timeline, as recommended.

As stated in the opening section of this report, our “deep-dive” evaluation will be developed in 2023. This comprehensive assessment will include close tracking of indicators to assess progress against baselines, including updated media scans administered by consultants. It will also be conducted with the help of an outside evaluator who will interview a sample of grantees to identify impact and guidance for future years.

4. Compare Arcus’ funding to that of other donors and to sector research, such as the Global Resources Report for 2017–18; to specific reports on funding for trans people and LBQ women; and to funding for the U.S. southern region, to understand how Arcus performs against such benchmarks and how we are perceived in relation to other donors.

The Social Justice team has incorporated regular discussions about how Arcus compares to other funders when new sector reports are released. For example, we have discussed reports from the Global Philanthropy Project (GPP) focused on funding for trans and intersex organizations and communities, LBQTI women, and COVID-related needs in the LGBTQ community, and funding provided by embassies for LGBTI issues. A new Global Resources Report is to be completed in 2022 by the GPP and Funders for LGBTQ Issues, to cover 2019–20, which will facilitate further analysis of Arcus’ funding compared to other donors.

5. Define our approach to leveraging funding from other donors.

A sub-strategy memo on this issue is in the last stages of completion by staff following a discussion on leverage earlier this year.

## Learnings

### 1. Intermediaries and pooled funds continue to enable us to reach emerging organizing by the communities we center.

Intermediary organizations and pooled funds in Arcus' United States and international portfolios provide grants (usually less than \$20,000 per year) to smaller and emerging groups. These groups, especially in the Global South, often lack legal status but are nevertheless aligned with our strategy because they are led by and exist for the benefit of people pushed to the margins, such as refugee organizations in Kenya (funded by UHAI), trans groups in all regions (funded by the Fund for Trans Generations, Third Wave, Groundswell, and the International Trans Fund), and women-led groups in the Caribbean (funded by Astraea). Many of these emerging organizations are focused on community safety (goal 1) and organizing/base building (goal 2).

### 2. Base building is a necessary condition for LGBTQ protections and policy.

Arcus grantmaking has long prioritized LGBTQ cross-movement organizing led by and for LGBTQ people most pushed to the margins. In the United States, our current strategy focuses on the southern tier because we believe that investing in these communities is key to sustainable social change and has potential “spillover” impact to other regions of the country. Through our support of organizations working to increase protections (goal 2), we support cross-movement collaboration and work that increases the political power of constituencies to influence change through civic engagement and participation in advocacy. Simply said: winning and sustaining protections and policies has the greatest potential for success when motivated bases of people act to make it so. This is especially true in the communities our grantees represent, since they often do not have the financial resources to influence change through expert advocacy or political campaign donations. However, when organized, they have the growing numbers to show their power by deciding elections and advocating for change. The successes of our grantees in both Georgia and Arizona are prime examples of why we continue to invest in a strategy that measures success, in part, by tracking base building indicators.

The five states in which we focus our support were originally identified because—among other things—they showed a high potential to become true battlegrounds that could “flip” through demographic change and emerging organizing infrastructure. Just a few years later, we see this happening in places like Arizona and Georgia. This was the result of many years of community organizing and provides further

evidence of the power and influence built when this work is consistently funded over at least a decade. Of course, these groups must be resourced year-in and year-out to do the long-game community engagement needed to win policy campaigns and generational shifts.

### 3. A portfolio that intentionally increases the number of grantees based at the state and local levels (often smaller in size with higher potential impact) calls for more flexible requirements related to proposals, reports, and other obligations expected of organizations with greater capacity.

This approach also requires a more strategic definition of “risk.” Indeed, it would be risky for Arcus to avoid funding small and medium-sized groups, because that would signal that we are not resourcing communities in our geographic priority areas or aligning our grants with our strategy. As a whole, the Social Justice Program strives for a balanced risk portfolio, with many long-time partners in the lower risk category and newer partners (especially those working in more challenging contexts) in medium- or high-risk categories.

## Challenges

### 1. Pandemic-related travel restrictions posed obstacles.

Across all our priority regions, travel restrictions resulted in our inability to identify new grantee prospects in the way we have done in the past through in-person meetings. This is especially true in some of our newer countries (e.g., Trinidad & Tobago, Guyana) and U.S. states (e.g., North Carolina). These restrictions were in place for 10 months in 2020 and are continuing throughout 2021, with an uncertain outlook for 2022.

### 2. Anti-LGBTQ opponents have a new narrative.

Recent publications by conservative movements mapping LGBTQ funding and highlighting Arcus in particular have been forwarded to us by grantees. These publications position Arcus at the top of a so-called “gender ideology movement” that is working to “replace sex with gender,” to the detriment of women’s rights and in favor of transgender people. In some of these publications, Arcus’ grants data is very precise, relying on the transparency of our website, but mischaracterizing some of our funding as “lobbying.” These developments point to our need to resource efforts that combat this opposition and its perpetuation of inaccurate information about LGBTQ funding as well as movement goals and strategies. This opposition reinforces our commitment to continue to strengthen trans organizations and allied groups, since trans communities are the specific targets of these opponents.

Similarly, in the United States, we are seeing the growth of anti-trans policy measures introduced as one battle in a larger culture war designed to lure voters “in the middle” toward a more conservative agenda. Arcus grantees in the United States and in the Global South are working to curtail these measures through advocacy, media work, and strategic litigation.

### **3. Obstacles persist to advancing racial justice in the United States.**

Multiple grantees noted that, while there are certainly huge wins to celebrate in 2020, the fact remains that approximately half of the country supported white supremacist policies and leadership. While this was not a complete surprise, it is certainly a more visible and hostile terrain that LGBTQ groups will need to continue navigating. This landscape especially impacts groups working at the local level in states with swaths of deeply conservative areas that are experiencing visible backlash from white supremacists and religious conservatives.

### **4. We continue to support movements in countries with high levels of violence and few protections.**

In Uganda, although a newly introduced Sexual Offences Bill was not adopted, media coverage of the bill sent a negative message to the public, including to law enforcement. Arbitrary arrests continued in Uganda, with 42 LGBTQ people from the Happy Family Shelter arrested in June 2021. Fortunately, the Human Rights Awareness and Promotion Forum, our grantee, mobilized legal assistance immediately and successfully obtained the release of those arrested, even winning compensation for the victims in certain cases. Still, group arrests in Uganda have intensified, with three such events over the past year in which law enforcement used COVID-19 prevention measures as a rationale to arrest people they perceived as LGBTQ. This oppressive context forces progressive movements to focus on the existing situation in which LGBTQ people are subject to criminal penalties and slows efforts to gradually move forward toward repealing the criminalization law and then incrementally adopting and implementing antidiscrimination provisions—a legislative trajectory we have also seen in the case of South Africa.

In Guatemala, a pending “Life and Family Protection Bill” described “sexual diversity” as “incompatible with the biological and genetic aspects of human beings” and defined marriage as a union between a man and a woman. The bill included wording that “freedom of conscience and expression” protects people from being “obliged to accept non-heterosexual conduct or practices as normal,” a provision that could be used to justify discriminatory denial of services. A

contrary bill, introduced by former Congresswoman Sandra Moran, an out lesbian, seeking to address hate crimes and anti-LGBT discrimination, stalled in Congress.

Also in Guatemala, two transgender women and one gay man were murdered in separate attacks. Among them were Andrea Gonzales and Ceci Caricia Ixpata, leaders of our subgrantee OTRANS Queens of the Night. Both had sought help from the attorney general’s office in connection with threats they had received. The Inter-American Commission on Human Rights and foreign embassies, which included the United States, called for proper investigations.

In Honduras, a journalist who publicly condemned anti-LGBTQ violence was killed. Guyanese drag artist Singh was murdered in April 2021 in his home in Trinidad & Tobago, a crime that shocked people across Caribbean LGBTQ communities.

### **5. A major human rights funding colleague faces an uncertain direction.**

Open Society Foundations has been a major donor for LGBTQ issues internationally (ranked No. 5 by dollar amount during 2017–18, with almost \$17 million in grants). Recently, OSF initiated a major strategic planning and restructuring process. At this point, it is not clear to what extent LGBTQ issues will be included in OSF’s new programmatic and staffing plan.

### **6. The intense need for healing trauma and continued mutual aid is only growing among grantees.**

It is rare to be in conversation with a grantee and not hear about the urgent need for healing and mutual aid in response to the question “what are your biggest challenges at the moment?” As a strategic grantmaker, Arcus will need to continue balancing this reality with our commitment to remaining on strategy, understanding that healing and mutual aid have become critical areas of many of our grantees’ work and are factors that impact their ability to create a thriving base of people from which to organize and advocate.

## Opportunities

### **1. Impact litigation expands protections in the Global South.**

While decriminalization appeals stalled in Kenya as a result of the pandemic, litigation did move forward in the Caribbean, with grantee ECADE initiating in 2020 a petition to repeal anti-gay criminal laws in Barbados and supporting security and communications for similar petitions filed by other groups in St. Vincent and Dominica. In 2021, ECADE filed additional petitions in Antigua and Barbuda, as well as

in St. Kitts and Nevis, with support from the University of the West Indies, our grantee Synergía, and others. While it will take several years to obtain final judgments, some of these petitions have the potential to succeed based on favorable precedent set in Belize and Trinidad & Tobago and on an Inter-American Commission on Human Rights decision against Jamaica's anti-gay criminal law.

A recent important decision was issued by the Inter-American Court of Human Rights against Honduras in the case of a trans woman, Vicky Hernández, murdered in 2009. In its decision, the court set a precise standard for the protection of trans women against violence and for larger measures that included legal recognition of gender identity. Grantees—including Cattrachas, Synergía, and the Inter-American Commission on Human Rights—contributed to this outcome.

## **2. New opportunities emerge from a new U.S. administration. International Portfolio**

In its earliest days, the Biden administration made public its support for the human rights of LGBTQ people abroad and made efforts to regain a leadership role for the United States in international human rights inter-government institutions, such as the U.N. and the OAS. In a specific memorandum, Biden provided clear directions for U.S. agencies to initiate proactive measures in diplomacy, development/funding, and technical assistance, even exceeding the measures of the Obama administration. In addition, there were key appointments, such as Samantha Power, known for her support of the human rights of LGBTQ people, as head of USAID; Jessica Stern, former executive director of our grantee OutRight, named special envoy on LGBTQ issues at the State Department; and Chantal Wong, the first out lesbian nominated ambassador to the Asian Development Bank.

Vice President Kamala Harris included LGBTQ and HIV NGOs among her meetings in Guatemala but also stated that Central American refugees should not come to the United States, thereby sending mixed messages to LGBTQ people facing violence.

### **U.S. Portfolio**

After four years of an openly hostile and deeply harmful U.S. administration, grantees now work in a vastly different context. As we hear from groups, their work and priorities have not changed; if anything, they have been ratcheted up many notches. Grantees have shifted from resisting harm to proactively advancing their agendas. For example, we have heard from grantees that focus on immigrant justice that there is a real opportunity to essentially end migrant detention for

trans people. The work will not be easy, but there is a significant shift in the possibilities, and groups will need steady and increased support to take advantage of opportunities.

The Equality Act has passed the U.S. House of Representatives and is stalled in the Senate, with an uphill battle ahead. Groups working on a state and federal strategy include for the first time leaders such as Imani Rupert-Gordon of the National Center for Lesbian Rights and Andy Marra of the Transgender Legal Defense and Education Fund, both Arcus grantees. The increase in leaders who are queer women of color at this type of federal policy table is itself a key indicator of the kind of movement advancement Arcus has centered for many years.

It is important for Arcus as a funder to recognize that, as administrations change, our grantmaking approach must take into account whether and how grantees have shifted their long-game and short-term approaches accordingly.

## **3. State equality group grantees working in coalition across movements can increase their potential for success.**

Equality North Carolina worked closely with Mijente, an organization that mobilizes Latinx communities, on voter turnout and poll protection, leading to some local electoral successes. Equality North Carolina attributes these wins to its ability to engage in multiracial, multi-issue coalition work that began long before the election. The organization is applying learnings from Latinx organizing partners to increase its own “cultural organizing” and to better “queer the vote” in advance of the next election cycle.