



**Peace and Security**  
**OutRight Action International**  
**Submission to the**  
**Independent Expert on protection against violence and discrimination based on sexual**  
**orientation and gender identity**

**Introduction**

OutRight Action International is an ECOSOC accredited civil society organization working at the international, regional and national levels to research, document, defend, and advance human rights for lesbian, gay, transgender, intersex and queer (LGBTIQ)<sup>1</sup> people. This submission is a response to the request for submissions for the Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity to the 77th General Assembly on peace, security, sexual orientation and gender identity.

This submission brings attention to the fact that conversations, analysis, and decision-making on peace and security continue to not fully address the gendered dimensions of violence. In particular, as conflict affects everyone, with the most marginalized – including people of diverse sexual orientations, gender identities, and gender expressions (SOGIESC) – often most at risk of experiencing human rights violations and other negative outcomes related to conflict, the development, humanitarian, and peacebuilding sectors need to ensure a more inclusive and equitable peace for all.

This submission also seeks to bring attention to developments of the global Women, Peace and Security (WPS) agenda initiated by the UN Security Council in 2000, as it already recognizes the shared root causes of different types of gender-based violence (GBV) such as patriarchy and power relations. However, we believe there is still a need to confront binary approaches within the WPS agenda and center LGBTIQ organizations and voices that are experts on the ground.

**General Overview**

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<sup>1</sup> OutRight uses the acronym LGBTIQ to denote lesbian, gay, bisexual, transgender, intersex and queer people. We believe this acronym is inclusive of a broad range of people across our communities. It is not exhaustive, nor is it universally accepted or used.

As we noted in our 2020 report “The Women, Peace, and Security Agenda and its implications for LGBTIQ people,” “LGBTIQ people are disproportionately affected by gender inequality because of the deeply ingrained gender norms they do not fit into, and even challenge, by their very existence.”<sup>2</sup>

Around the globe, LGBTIQ populations experience human rights violations based on SOGIESC. These human rights violations include, but are not limited to, violence at the hands of state officials and members of the public, including sexual violence, physical assault and honor killings; arbitrary detention, sometimes accompanied by torture or cruel, inhuman and degrading treatment; hate speech; coercive SOGIE change efforts<sup>3</sup>; forced marriage; and discrimination in sectors including education, employment, housing, health care, and access to public goods and services. LGBTIQ persons who face multiple and intersecting forms of discrimination due to their gender, age, race, ethnicity, ability, class, caste, socioeconomic status, migration status, and other factors that drive exclusion are even more marginalized.

Harmful gender stereotypes and gender norms, cultural and social exclusion, violence, and targeting by anti-rights groups impact LGBTIQ people at all times. These weapons of exclusion become even more dangerous during times of political unrest or conflict.<sup>4</sup>

During times of conflict, the “radicalization of gender roles is (...) a well-documented and well-known phenomenon<sup>5</sup>” that specifically targets LGBTIQ people as outside of what is perceived to be “normal.” The recent takeover by the Taliban in Afghanistan and the immediate enforcement of a gendered dress code is just one example of this radicalization contributing to a clear reaffirmation of a gender binary consisting only of male and female. By establishing a binary and enforcing social practices that align with a cisheteronormative structure, fundamentalist forces compel LGBTIQ people to hide their identities, suppressing their desires and personhood, or to be discovered as LGBTIQ and assaulted, raped, tortured, imprisoned and/or killed.<sup>6</sup> The conflict in Colombia serves as another example in which armed parties targeted LGBTIQ communities by weaponizing social norms in order to gain military advantage. Reporting by Colombia Diversa notes that armed groups resorted to “...murdering or displacing (through threats or sexual violence, for example) LGBT people deemed incompatible with prevailing social norms” as a means to exclude from society.<sup>7</sup>

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<sup>2</sup> OutRight Action International, “The Women, Peace, and Security Agenda and its implications for LGBTIQ people,” 2020, <https://outrightinternational.org/sites/default/files/WomenPeaceSecurity2020.pdf>.

<sup>3</sup> OutRight uses the term “SOGIE change efforts” or “conversion practices” to refer to efforts to change a person’s sexual orientation, gender identity or gender expression, commonly known as “conversion therapy.”

<sup>4</sup> Nikki Reitz, 2017, “The representation of Trans Women in Film and Television,” Grand Valley State University, <https://core.ac.uk/download/pdf/220123223.pdf>.

<sup>5</sup> Colombia Diversa, 2020, “Orders of Prejudice: Systematic crimes committed against people in the Colombian armed conflict”, <https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2020/07/english-version-Orders-Of-Prejudice.pdf>, p.80; see also p. 44.

<sup>6</sup> OutRight Action International and Human Rights Watch, “*Even if you go to the skies, we will find you*”: LGBT people in Afghanistan after the Taliban takeover, January 26 2022, <https://outrightinternational.org/Afghanistan-Report>.

<sup>7</sup> Supra note 5, page 81.

Criminalization of same-sex relations and gender diversity and pathologization of diverse SOGIESC restrict LGBTIQ people's access to services that are available in territories of armed conflict and humanitarian situations due to stigma associated with gender and sexual diversity. A report on LGBTQ Syrian refugees in Lebanon found that, "LGBTQ+ Syrians dealing with sexually transmitted infections, the trauma of sexual violence, and other needs, in Lebanon are more likely than other patients to avoid seeking out needed medical care, due to the associated stigma."<sup>8</sup>

Gender roles and stereotypes are used as forms of control and are harmful to all. LGBTIQ persons living in conflict or humanitarian situations face violence and discrimination from the state, from their communities and families, and from non-state actors, including extrajudicial killings, physical and sexual violence, denial of access to services, and other forms of targeting. There needs to be a holistic approach to safety, security and safeguarding to accommodate LGBTIQ lived realities.

There is a breadth of ongoing work by LGBTIQ organizations to strategize responses to violence targeting LGBTIQ people during conflict. As one example among many, the organization Colombia Diversa has been documenting harms against LGBTIQ people in the Colombian conflict since 2012 and has been involved with feminist work on transitional justice, focusing specifically on showing why gender matters to transitional justice and peacebuilding.<sup>9</sup>

There is a push for gender equality in humanitarian settings, but the dangers threatening LGBTIQ people are not necessarily addressed by a binary reading of what gender equality means. It is important to have an inclusive and non-binary approach to gender equality initiatives during conflict because the gender binary is a harmful construction that denies the validity and personhood of those whose identities exist outside of the binary, or whose identities or behaviors challenge patriarchal precepts associated with the binary. The ability to make meaningful progress towards gender equality can only be achieved from a holistic and inclusive lens that addresses all harms stemming from rigid gender norms.

The needs of LGBTIQ people are not uniform in nature, and to provide meaningful assistance to LGBTIQ people in humanitarian situations requires consultation with organizations on the ground, community leaders and human rights defenders, following the principle of "nothing about us without us." Despite the complexities of conflict zones and their populations it is important to highlight that "haste and expedience can never be an excuse for failing to recognize

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<sup>8</sup> COAR Center for Operational Analysis and research, June 2020, LGBTQ+ Syria: Experiences, Challenges, and Priorities for the AID Sector, <https://reliefweb.int/sites/reliefweb.int/files/resources/LGBTQ-Syria-Experiences-Challenges-and-Priorities-for-the-Aid-Sector.pdf>.

<sup>9</sup> Supra note 5.

the particular needs and vulnerabilities of a particular set of individuals based on human characteristics such as sexual orientation, gender identity and gender expression.”<sup>10</sup>

In the multilateral sphere, LGBTIQ activists have used the Women Peace and Security agenda to tackle issues including SOGIESC issues in humanitarian situations.

### **The UN Security Council**

The UN Security Council (UNSC) has primary responsibility for the maintenance of international peace and security. It has 15 Members, each of which has one vote. Under the Charter of the United Nations, all Member States are obligated to comply with Council decisions.<sup>11</sup> As the only UN body with the authority to issue binding resolutions on member states, the UNSC has a great amount of power and responsibility. Unfortunately for gender equality activists, the UNSC did not formally recognize the different ways gender influences peace and security until relatively recently when civil society joined together to push the body to do so.

The UNSC took the first big step forward 22 years ago, on October 20, 2000, when it adopted resolution 1325 (UNSCR 1325). UNSCR 1325 recognizes the gendered implications of conflict, calls for the full and equal participation of women in every level of decision-making, and resolves to use a gender perspective in UN programming, reporting, and training. In the years since then the UNSC passed nine more resolutions on the topic of Women, Peace and Security, and these are commonly referenced as the WPS Agenda.<sup>12</sup>

Unfortunately, civil society’s access to the UNSC has historically been limited because of the devaluation of civil society organizations by some states and intergovernmental organizations. The UNSC’s interaction with LGBTIQ-focused organizations has been even more scarce. One of the few examples of the UNSC engaging on LGBTIQ issues is a 2015 Arria-formula meeting.

Arria-formula meetings are informal meetings of UNSC members that allow for states to conduct private and discrete discussions of issues of international concern.<sup>13</sup> In 2015 for the first and only time, the UNSC devoted an Arria-formula meeting to violence against LGBT people, “linking ISIL’s extremist violence to the global context of discrimination and violence fueled by homophobia and transphobia.”<sup>14</sup> UN Secretary-General António Guterres referenced

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<sup>10</sup> International Gay and Lesbian Human Rights Commission (now OutRight Action International) and SEROVie, “The Impact of the Earthquake, and Relief and Recovery Programs on Haitian LGBT People,” 2011, <https://outrightinternational.org/sites/default/files/504-1.pdf>.

<sup>11</sup> <https://www.un.org/securitycouncil/>

<sup>12</sup> OutRight Action International, The Women, Peace, and Security Agenda and its implications for LGBTIQ people, 2020, access: <https://outrightinternational.org/sites/default/files/WomenPeaceSecurity2020.pdf>

<sup>13</sup> Jessica Stern, “The U.N. Security Council’s Arria-Formula Meeting on Vulnerable Groups in Conflict: ISIL’s Targeting of LGBT Individuals,” *International Law and Politics*, vol. 48, 2016, [https://nyujilp.org/wp-content/uploads/2010/06/NYU\\_JILP\\_48\\_4\\_Stern.pdf](https://nyujilp.org/wp-content/uploads/2010/06/NYU_JILP_48_4_Stern.pdf), p. 1191.

<sup>14</sup> *Ibid.*

the historic Arria-formula meeting in his 2016 report on conflict-related sexual violence, stating:

... the risks facing lesbian, gay, bisexual, transgender and intersex minorities [have] been a blind spot in the monitoring of civilian protection concerns...it has become apparent that enhanced attention, including through the Council's Arria formula meeting on the persecution of lesbian, gay, bisexual, transgender and intersex minorities in the Middle East, held on 24 August 2015, is leading to heightened awareness.<sup>15</sup>

That heightened awareness, though, has still not resulted in across-the-board inclusion of LGBTIQ people in peace and security decision-making. There is still little research, let alone accountability, for sexual violence perpetrated in conflict on the basis of SOGI: All Survivors Project finds that "despite the health and social burden associated with conflict-related sexual violence, virtually no evidence exists on how medical, mental health and psychological support interventions work for men, boys, and LGBTIQ survivors of conflict-related sexual violence"<sup>16</sup>. Other needs of LGBTIQ people in conflict are routinely unplanned or under-planned for. Diverse SOGIESC could compound risk for those who are already at high risk of discrimination and marginalization, including in accessing humanitarian relief. Depending on the location of the conflict, surrounding states which become refuge for the displaced could compound vulnerabilities due to discriminatory laws based on SOGIESC, as in the case of LGBTIQ Syrians in Lebanon, Afghans in Pakistan, and Ukrainians in Poland, Hungary, Romania and Moldova.

Some best practices are beginning to emerge. A 2020 report by the Group of Eminent International and Regional Experts on Yemen was, to OutRight's knowledge, the first UN Group of Experts report to dedicate significant attention to violence based on sexual orientation and gender identity.<sup>17</sup> USAID recently circulated information to organizations focused on SOGIESC highlighting "ways LGBTQI+ Ukrainians and organizations can connect with the humanitarian response and receive assistance."<sup>18</sup>

### **Narrow Definition of Security**

Another issue that results in LGBTIQ exclusion from some decision-making around peace and security is that UN peace and security agendas, including Women, Peace and Security, are

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<sup>15</sup> <https://undocs.org/S/2016/361/Rev.1>

<sup>16</sup> The All Survivors Project, "The Health of Male and LGBT Survivors of Conflict-Related Sexual Violence," November 27, 2021, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/04/ASP-Report-Health-of-male-and-LGBT-survivors-April-2020-final.pdf>

<sup>17</sup> UN Human Rights Council, A/HRC/45/CRP.7, "Situation of human rights in Yemen, including violations and abuses since September 2014: Detailed findings of the Group of Eminent International and Regional Experts on Yemen," 29 September 2020, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A-HRC-45-CRP.7.pdf>.

<sup>18</sup> Electronic communication from USAID, on file with OutRight Action International.

framed narrowly and exclude the range of threats to human security. They focus on particular types of violent conflict that involve armed groups and state security agencies rather than the spectrum of threats to human security.

In contrast, feminist and queer activists include, in our understanding of “security,” issues such as gender-based violence in public and private spaces, extortion by police forces of people with SOGIESC considered “deviant,” cosmetic genital surgery on intersex babies and children, criminalization of certain bodies including those belonging to queer people and sex workers, and sexual harassment and violence which block access to education, healthcare, and the workplace. Yet, to “count” in peace and security spaces, for example Commissions of Inquiry, the UNSC seems to require some link with particular types of violent conflict to recognize violence perpetrated against women and LGBTIQ people. Many people’s lives are not in a condition of peace even when not in conflict, and although the UNSC does not have the capacity to address all forms of violence that exist, it should examine possibilities of expanding its scope to capture some forms of violence outside of conflict – particularly when experienced by marginalized people who cannot depend on standard state structures of criminal and civil law for redress.

### **Safe and Disaggregated Data Collection**

It can be challenging to safely collect SOGIESC-disaggregated data collection, even outside of humanitarian settings. Within conflict and humanitarian situations, the data gap on LGBTIQ people is glaring, partly due to the risks involved in collecting data that relates to LGBTIQ realities.<sup>19</sup>

Even when there is work done on the ground by LGBTIQ-led organizations with a SOGIESC focus, insufficient data, research, and analysis feeds general lack of awareness and action by policy makers. When data collection and analysis does reach policy makers, this can contribute to policy and program decisions, including with regard to Commissions of Inquiry, transitional justice and allocation of necessary funding.

LGBTIQ organizations play a vital role in documentation, investigation, and reporting on the lives of people of diverse SOGIESC in peace and conflict. There is a need to value and fund the work that is already being done and to further invest in LGBTIQ-led organizations’ ability to reach their communities in contexts of armed conflict and properly document and participate in reporting on conflict and transitional justice processes<sup>20</sup>.

### **Conclusion**

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<sup>19</sup> The International Red Cross, 2021, ‘That Never Happens Here: sexual and gender based violence against Men, Boys, and/including LGBTIQ+ persons in humanitarian settings, access: [https://www.rodekors.no/globalassets/rappporter/thatneverhappenshere\\_uu.pdf?mc\\_phishing\\_protection\\_id=28048-c7t8vm70s0vafoouhkkq](https://www.rodekors.no/globalassets/rappporter/thatneverhappenshere_uu.pdf?mc_phishing_protection_id=28048-c7t8vm70s0vafoouhkkq)

<sup>20</sup> Ibid.

There are examples to date of best practices and gaps when it comes to the inclusion of the experiences of LGBTIQ people in conflict settings. The conflict in Colombia continues to serve as an important case study as to how LGBTIQ communities experience conflict and how mechanisms of redress can include those experiences in transitional justice processes, although there remain gaps in implementation and accountability.<sup>21</sup>

Although there is some evidence on the realities of people of diverse SOGIESC, what exists is partial, focused on particular contexts and issues, and not widely known even to those who are working on peace and security, humanitarian settings, and on SOGIESC issues. There is a need to collect more safe and disaggregated data and to create specific policies and trainings that focus on the intersection of peace and security and LGBTIQ human rights.

LGBTIQ rights and organizations must be included in the planning, implementation, monitoring, and evaluation, of all responses to humanitarian crises. It is crucial that additional support structures are developed to safeguard the human rights of LGBTIQ persons in times of armed conflict. The needs of LGBTIQ people in situations of armed conflict must be addressed holistically, with greater funding, community input, greater accountability, and efficiency. LGBTIQ and feminist organizations on the ground that have already been doing this important work for decades need to be at the center of planning and should be supported by states and all stakeholders.

### **Recommendations:**

- States should repeal laws that criminalize or pathologize LGBTIQ identities as they create barriers to the full enjoyment of human rights by LGBTIQ people and create specific dangers to them in humanitarian situations.
- The United Nations and States should include SOGIESC in organizational policies, gender, human rights and/or social inclusion strategies, and training related to peace and security.
- The UNSC should give LGBTIQ activists and representatives space in formal and informal UNSC discussions to shed light on the effects of conflict on LGBTIQ communities. Bilateral and multilateral donors should provide funding and other support for organizations, especially LGBTIQ-led organizations that are doing the work on the ground of collecting data, investigating, and reporting on the situation of LGBTIQ persons in conflict and humanitarian situations.
- Humanitarian organizations should ensure that they meet the specific needs of LGBTIQ communities in situations of conflict, such as safe housing in situations of displacement, access to hormone therapy, access to LGBTIQ-responsive protection resources, and safe access to water and sanitation.
- Humanitarian organizations and peacekeeping forces should work in collaboration with LGBTIQ civil society to provide training to international and domestic humanitarian respondents on SOGIESC issues.

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<sup>21</sup> Supra note 5.

- The UN and states should ensure that Commissions of Inquiry and transitional justice processes assess how marginalized groups were affected by the conflict or humanitarian situation, including LGBTIQ people.
- National and international civil society organizations that focus on issues such as peace, conflict, human rights and transitional justice should ensure their work is LGBTIQ-inclusive.