LGBTQ LIVES IN CONFLICT AND CRISIS

A Queer Agenda for Peace, Security, and Accountability

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OUTRIGHT INTERNATIONAL

Contents

About Outright

Outright International works together for better LGBTIQ lives.

Outright is dedicated to working with partners around the globe to strengthen the capacity of the LGBTIQ human rights movement, document and amplify human rights violations against LGBTIQ people, and advocate for inclusion and equality.

Founded in 1990, with staff in over a dozen countries, Outright works with the United Nations, regional human rights monitoring bodies and civil society partners. Outright holds consultative status at the United Nations where it serves as the secretariat of the UN LGBTI Core Group.

Introduction

Violence against lesbian, gay, bisexual, transgender, and queer (LGBTQ) people has been a staple of many armed conflicts and crises.[1] But for governments and global institutions, persecution based on sexual orientation and gender identity in conflict and crisis settings has been a blind spot. Queer people are largely invisible at the United Nations Security Council and in atrocity prevention efforts, peacebuilding processes, and international justice.

In 2000, responding to years of feminist advocacy, the Security Council adopted Resolution 1325 on Women, Peace and Security. Resolution 1325 requires women's full and equal participation in conflict prevention, peace negotiations, peacebuilding, peacekeeping, humanitarian response, and in post-conflict reconstruction. The Women, Peace and Security (WPS) agenda at the Security Council that emerged from Resolution 1325 put gender on the map as an issue that should be central to conflict prevention and response. In the years since, feminists have continued to spotlight violence against women and girls in armed conflict and to demand institutional responses.

The WPS framework is a useful entry point for addressing violence against LGBTQ individuals in armed conflict. All forms of gender-based violence are rooted in harmful gender norms that subordinate women to men, valorize characteristics coded as "masculine" over those coded as "feminine," and enforce a rigid, heteronormative female/male binary. During armed conflict, gender roles typically harden, giving rise to targeted violence against women and girls as well as LGBTQ people of all genders, including killings, torture and sexual assault. To be effective, measures to address conflict-related violence against women and girls must look to these common root causes of gendered violence. There is a need for a broader gender, peace, and security framework that looks beyond biological essentialism and centers, but is not limited to, women and girls.

Security Council unanimously adopted Resolution 1325 in 2000, calling for participation of women in the prevention, management, and resolution of conflict on October 31, 2000. Photo courtesy of the United Nations. ©Milton Grant

To date, however, the potentially transformative synergies that could stem from a gender, peace, and security framework remain largely untapped. From the Security Council, to the International Criminal Court, to the work of non-governmental organizations (NGOs) focused on identity-based violence and atrocity prevention, LGBTQ people's experiences are often ignored. Stakeholders in peace and security spaces may operate on the mistaken belief that LGBTQ people face no more significant vulnerabilities than the general population or constitute a number too insignificant to warrant attention. They may also believe that focusing on LGBTQ people in armed conflict would detract from a focus on women.

Global threats against LGBTQ people and women are multiplying. Coordinated ultraconservative movements that ideologically oppose same-sex relationships and gender diversity are galvanizing global support among legislators and across civil society, and some groups resort to violence in their efforts to cement a compulsory cisgender, heterosexual norm. These threats inject urgency into the imperative to address conflict-related gender-based violence against LGBTQ people.

The briefing paper focuses primarily on crises that are under the purview of the UN Security Council, including armed conflict within and across member states' borders and protracted humanitarian crises involving state and non-state actors. It presents an overview of how LGBTQ individuals are uniquely affected by armed conflict and crises and interrogates the current lack of LGBTQ inclusion in peace and security discussions and policymaking. Finally, it offers recommendations for a gender-transformative approach to the peace and security agenda, one that recognizes the root causes of violence against both women and LGBTQ people of all genders and fully integrates their voices and experiences.

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Methodology

For several years, Outright International has worked to bring to the attention of the UN Security Council and other global institutions the gravity of human rights violations impacting LGBTQ people in conflict and crisis settings. In 2015, the missions of the United States and Chile convened an Arria-formula meeting – an informal meeting convened by UN Security Council member states to discuss matters of interest to the Security Council – at which members states heard testimonies from two gay men from Iraq and Syria, and from Outright's then-Executive Director Jessica Stern, regarding atrocities against LGBTQ people perpetrated by the Islamic State in Iraq and Syria (ISIS). This was the first time the Security Council ever considered the targeting of people based on their real or perceived sexual orientation or gender identity. Outright joined the Women, Peace and Security (WPS) NGO Working Group at the UN in 2018 and has worked within the WPS agenda to highlight intersecting forms of violence that affect LGBTQ people and women and girls of all sexualities and gender identities. In recent years, Outright has also documented conflict-related atrocities against LGBTQ people in Afghanistan and Ukraine and the impacts of coups on LGBTQ people in Myanmar and Sudan. Outright has also advocated for interpretations of "gender" and "gender persecution" at the International Criminal Court and in the draft Crimes Against Humanity treaty that are inclusive of sexual orientation, gender identity and expression, and sex characteristics.

To build upon this body of work on peace and security, in January 2022 Outright contracted two experts on "queering" peace and security spaces, Jamie Hagen and Chitra Nagarajan, to conduct virtual key informant interviews with 25 people whose work had a nexus to conflict-related violence against LGBTQ people, the Women, Peace and Security agenda, or both. Those interviewed came from a variety of backgrounds, including LGBTQ advocacy, women's peacebuilding work, international NGOs, UN agencies, or as researchers with a focus on gender. They were interviewed about existing work on conflict-related violence against LGBTQ people and against women and girls, gaps in addressing such violence, other key priorities, and Outright's potential role in elevating the issue of queerness in peace and security spaces. Hagen and Nagarajan then drafted an internal report to help set an agenda for Outright's future work on queering peace and security.

Outright then conducted a literature review to analyze and synthesize existing information about conflict-related violence against LGBTQ people, including from UN and NGO reports, Security Council resolutions, court rulings, academic publications, and media reports. Outright also drew from its own documentation of human rights violations against LGBTQ people in conflict and crisis settings and from discussions with key partner organizations, including Protection Approaches and the NGO Working Group on Women, Peace and Security.

I. LGBTQ People's Vulnerability in Conflict and Crisis Settings

Lesbian, gay, bisexual, transgender, and queer people worldwide experience multiple intersecting forms of discrimination. Structural barriers to equal participation in civil and political life, combined with restrictive laws and policies, harmful gender norms, and cultural practices create vulnerabilities that are compounded by conflict and humanitarian crises. Consensual same-sex intimacy is currently criminalized in 67 countries, while 13 countries explicitly criminalize transgender identities.[2] Most countries do not legally recognize transgender people's existence, exposing them to violence and marginalization. Discrimination in education, health care, housing, and employment is pervasive even in countries in which anti-LGBTQ laws do not exist.

LGBTQ people are often targeted by armed groups and other perpetrators and are uniquely vulnerable in armed conflict and crises, as discussed in Section II. Women and girls, of all sexualities, are also uniquely affected in conflict. Due to years of feminist advocacy, international institutions, governments, and non-governmental organizations have come to better understand, investigate, and condemn gender-based violence against women and girls in conflict and crisis settings. Many governments have demonstrated some degree of buy-in to UN Security Council resolution 1325 and engagement with the Women, Peace and Security (WPS) agenda, although persistent gaps remain in ensuring accountability and delivering justice for survivors.

Violence against LGBTQ individuals is a component of gender-based violence and shares the same root causes. Yet, it is less understood and less documented than other forms of gender-based violence against women and girls.

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Conflict-related violence against LGBTQ people is intolerable in its own right and can also portend farther-reaching atrocities. The international non-governmental organization Protection Approaches finds that in numerous conflict settings, the imposition of uncompromising "moral codes that directly assault sexual and gender identities and freedoms has preceded widespread state-sanctioned physical violence and atrocity crimes."[3] Protection Approaches argues that "political homophobia" can be traced back as far as Nazi Germany, where the campaign to eradicate sexual diversity was both "a means to gain support for the Nazis' populist political project" and part of a "wider imposition of traditional patriarchal Christian family values that asserted binary gender stereotypes for men and women, boys and girls."[4]

To identify risks and prevent and respond to violence against LGBTQ people in conflict and crisis settings, policymakers and practitioners should seek to understand the root causes, which share commonalities across contexts. The following chart attempts to set out some of the reasons LGBTQ people are likely to be targets of violence in conflict and crisis settings, with illustrative examples drawing on UN and NGO documentation.

Why Are LGBTQ People Targeted During Armed Conflict?

EXPLANATION	EXAMPLES
Perpetrators in armed conflict seek to undertake "social cleansing" and impose homogeneity on societies. Morality-based cleansing campaigns almost invariably target queer people.	Armed groups in **Colombia**'s civil conflict relied on "displacement and annihilation" of people presumed to be sexual and gender minorities as a form of social control or moral cleansing.[5]
Violence against queer people can win the support of other segments of the civilian population.	**Peru**'s Truth and Reconciliation Commission reported that both the Shining Path and the MRTA murdered men suspected of homosexuality, noting that "A sector of the residents accepted these executions as opportune; furthermore, some population centers even demanded the presence of the subversives to carry out cleaning campaigns."[6]
Militarization endangers LGBTQ people. At security checkpoints, content on mobile phones can "out" LGBTQ people. When security agents arbitrarily stop people and interrogate their identities, trans and gender nonconforming people face specific risks, particularly in countries where trans people cannot change their name and gender marker on official documents.	A gay man in **Afghanistan** told Outright that after the August 2021 Taliban takeover, Taliban members detained him at a checkpoint, beat him, and gang-raped him, telling him, "From now on anytime we want to be able to find you, we will. And we will do whatever we want with you."[7]
Armed actors deploy conflict-related sexual violence against LGBTQ people of all genders, along with women and girls, to establish control of a population and scare them into submission. Sexual violence attempts to strip people of their identities, their individuality, and their humanness to justify further violations. Perpetrators may perceive the exercise of sexual freedom as an intolerable threat to the tenets of authoritarianism.	In **Syria**, the government and non-state armed groups, including the Islamic State, subjected people of all genders and sexualities to rape and other forms of sexual violence as a form of social control, including gay and bisexual men and transgender women.[8]
LGBTQ people often join resistance movements, an outgrowth of previous experience in activism, solidarity with other oppressed groups, or a belief that their rights are best protected through international human rights norms and democratic governance. This may contribute to authorities perceiving all LGBTQ people as likely "suspects."	**Myanmar**'s military, the Tatmadaw, seized power through a coup in 2021. Many LGBTQ people joined the Civil Disobedience Movement (CDM), marching openly with rainbow anti-coup signs. The coup's unprecedented visibility for LGBTQ communities led to persecution by the military junta.[9]
Laws that criminalize same-sex sexual relations or gender diversity allows actors in armed conflict to detain LGBTQ people and sometimes subject them to torture and other human rights violations in prison.	In **Yemen**, the UN Human Rights Council-mandated Group of Experts established that between 2016 and 2020, the *de facto* authorities' police forces arbitrarily detained gay, transgender, and nonbinary people, based on their perceived sexual orientation or gender identity, and subjected them to torture in detention.[10]

Why Are LGBTQ People Targeted During Armed Conflict? *(continued)*

EXPLANATION	EXAMPLES
Perpetrators of crimes in armed conflict assume LGBTQ victims will not be defended by the population and will have little access to truth-telling or justice mechanisms during or after a conflict and may therefore see them as easy targets.	In **Iraq**, Human Rights Watch found LGBTQ individuals' ability to report abuses by armed state and non-state actors "are impeded by a combination of loosely defined 'morality' clauses in Iraq's Penal Code, and the absence of reliable complaint systems and legislation protecting them from discrimination, resulting in impunity for abuses."[11]
The security vacuum created by armed conflict provides armed individuals cover to act out of personal bias or hatred towards LGBTQ people.	In March 2022, a group of unidentified, armed individuals broke into the **Kyiv**-based offices of LGBTQ Human Rights Nash Svit Center (formerly Nash Mir), robbed the office and attacked and humiliated the four staff members present.[12] Although the assailants took about an hour to break down the front door, staff were unable to reach the police, presumably because of Russian troops' continued progress towards Kyiv.[13]

This chart demonstrates why, in conflict settings – particularly those marked by the enforcement of gender norms and rigid sexual morality as forms of social control – violence against LGBTQ people is predictable. Yet, it remains invisible to many actors. In July 2022, for instance, the United Nations Assistance Mission in Afghanistan (UNAMA) published a report on human rights violations during one year of Taliban rule. Although the report included chapters on atrocities related to the policing of so-called moral crimes and on fundamental human rights violations linked to the work of two bodies within the de facto authorities – the de facto Ministry of Propagation of Virtue and Prevention of Vice and the de facto General Directorate of Intelligence – no mention was made of violations impacting people because of their sexual orientation, gender identity, or sex characteristics.

II. Case Studies: Victimization of LGBTQ People in Conflict and Crisis

In 2015, Outright International brought the issue of mass violence against LGBTQ people to the Security Council's attention for the first time after ISIS murdered dozens of gay and bisexual men, and several lesbian and bisexual women, in Iraq and Syria.[14] In the years since, Outright, its partner organizations, and multilateral institutions have identified violations against LGBTQ people in other conflict and crisis settings, including in Afghanistan, Yemen, and Ukraine. Outright draws on several of these cases, along with documentation of earlier crimes against LGBTQ people in Colombia and Peru, to illustrate the anatomy of targeting based on sexual orientation, gender identity, and expression in conflict and crisis. This selection of case studies is non-exhaustive: LGBTQ people have been targets of gender-based violence and gender persecution in numerous other conflicts and crises, ranging from the Democratic Republic of the Congo, to the Balkans, to Chechnya.

Afghanistan

Following the Taliban takeover in August 2021, the security situation deteriorated for LGBTQ Afghans and others who do not conform to rigid gender norms. Outright and Human Rights Watch interviewed LGBTQ Afghans who reported being attacked, sexually assaulted, arrested, or subjected to death threats by members of the Taliban because of their sexual orientation or gender identity. Others reported abuse from family members, neighbors, and current or former sexual partners who had come to support the Taliban or believed they had to denounce LGBTQ people close to them to ensure their safety.[15]

Among the numerous cases Outright documented was that of a gay man who said that Taliban members detained him at a checkpoint, beat him, and gang-raped him. When they let him go, they told him: "From now on anytime we want to be able to find you, we will. And we will do whatever we want with you." A lesbian woman told Outright that after the Taliban takeover, her male relatives joined the Taliban and threatened to kill her because of her sexual orientation.[16]

Even before the Taliban takeover in 2021, LGBTQ people experienced abuses in Afghanistan, including physical and sexual violence, expulsion from schools, child marriage and forced marriage, and blackmail.[17] Attitudes towards homosexuality were heavily shaped by *bacha bazi* ("boy play"), a longstanding abusive practice – distinct from consensual same-sex sexual relations – in which feminized, pre-pubescent boys are held in a form of sexual slavery by warlords, police commanders, and other powerful men. This phenomenon was widely tolerated by the previous government and its US allies; the previous Taliban government took steps to end the practice in some settings, although it tolerated the practice among powerful figures.[18] In 2018, the government of then-President Ashraf Ghani passed a law that explicitly criminalized same-sex sexual relations. In retrospect, international stakeholders concerned with peace and security or with LGBTQ people's rights should have recognized the risks to LGBTQ people in a fragile and criminalizing state and should have worked within the narrow space allowed by the Ghani government to build in better protections for LGBTQ people. This could have taken the form of supporting movement building, sensitizing officials or mainstream human rights organizations, or, as the possibility of a Taliban takeover loomed, ensuring that LGBTQ people had access to passports and visas to escape the country in case of a change in government that put their lives at risk.

Since the Taliban takeover, there is no doubt that risks facing LGBTQ individuals should be considered in peace and security operations and human rights documentation. Alongside the violations documented by Outright and Human Rights Watch, Taliban policies and statements are cause for concern. A manual issued by the facto Ministry of Propagation of Virtue and

Prevention of Vice in 2020 states that religious leaders shall prohibit same-sex relations.[19] A Taliban judge told a media outlet that homosexuals should be executed by stoning or crushed by a wall.[20] Nevertheless, LGBTQ people continue to be sidelined, as evidenced by UNAMA's exclusion of abuses based on sexual orientation or gender identity in its human rights report. The NGO Working Group on Women, Peace and Security has sought to ensure that these violations are visible at the Security Council and among UN member states concerned with gender-based violence in Afghanistan.[21]

Ukraine

Unlike many other countries discussed in this briefing paper, Ukraine has a vibrant LGBTQ civil society with dozens of organizations devoted to advocacy, service provision, and community building. Prior to Russia's invasion of Ukraine in February 2022, Ukrainian organizations, in the face of opposition from far-right groups, held several successful Pride marches and other visibility events; successfully campaigned for reforms to the country's legal gender recognition procedures that reduced barriers to changing one's name and gender marker on official documents; and were advocating for a range of further reforms including marriage equality. The presence of a vocal and strategic LGBTQ civil society, combined with the Russian government's well-known hostility to sexual and gender diversity and its complicity in crimes against humanity committed in 2017 and 2019 against LGBTQ people in Chechnya, has contributed to a higher level of visibility regarding LGBTQ people's rights than in many other conflicts.[22]

Still, LGBTQ people face unique risks. Outright and its partner organizations have documented how Ukraine's military policies have prevented many transgender people, especially trans women, from being able to leave the country.[23] Members of same-sex couples who enlist in Ukraine's military are denied the same benefits as different-sex married couples.[24] LGBTQ organizations have experienced several hate crimes at the hands of armed groups, and some have expressed concerns for their security in a country awash with weapons.[25] LGBTQ organizations have denounced the lack of accountability in delivery of humanitarian aid which is not adequately reaching their communities.[26] Finally, the risk of violations motivated by bias on the grounds of sexual orientation and gender identity in Russian-occupied areas of Ukraine is cause for serious concern. Outright and its partner organizations have received initial reports of abuse of LGBTQ people in areas under Russian control, including sexual assault and humiliating treatment at checkpoints, and are currently documenting such violations.

Yemen

The conflict that began in Yemen in 2014 after Houthi insurgents took control of Sana'a has both religious and geopolitical dimensions: it pits Shiite rebels, linked to Iran, against the Sunni-dominated former government, backed by the United Arab Emirates (UAE) and other Gulf States.[27] It has been marked by grave human rights violations on all sides.[28]

Yemen criminalizes consensual same-sex sexual relations. Its penal code prescribes criminal sentences including death by stoning for married men, 100 lashes and one year in prison for unmarried men, and 100 lashes and up to three years in prison for sex between women.[29]

The Group of Eminent International and Regional Experts on Yemen (Group of Experts), mandated by the UN Human Rights Council to monitor and report on human rights in Yemen, expressed concerns in 2019 that the "resurgence of norms controlling sexuality together with the polarizing effect of the conflict" was contributing to conflict-related abuses against LGBTQ people.[30] In its subsequent investigation, the Group of Experts found that both principal parties

to the conflict, the Houthi de facto authorities and the UAE-backed Yemeni government, committed grave human rights violations that were "motivated by prejudice" on the basis of sexual orientation or gender identity.[31]

Some of the abuses took place in the context of a broader Houthi campaign, allegedly against "immorality" and prostitution, during which the de facto authorities detained women involved in activism or who spoke out against the Houthis. Male security personal repeatedly raped them, acts "described by the perpetrators and by female Zainabiyat guards as 'purification' and 'rehabilitation' for their immoral behaviour."[32] Similarly, the de facto Houthi authorities' Criminal Investigation Department (CID) and police forces accused their LGBTQ victims of supporting the Saudi-backed coalition by spreading immorality and homosexuality and "corrupting society," charging one detainee with "seducing the youth to prevent them going to the frontline" to support the Houthi rebels.[33] The Police and the CID arbitrarily detained at least seven people based on their perceived sexual orientation or gender identity between 2016 and 2020 and subjected them to rape, forced anal examinations, and other forms of torture including "beatings, electrocution, whipping with cables, hanging for long periods, burning with cigarettes, beating their sexual organs, interfering with their buttocks, and forced nudity."[34] Women's independence and queer people's sexual and gender diversity were both conjured as threats to Houthi ascendancy. Violence, including sexual violence, was justified as a means to both purify the society and eliminate dissent.

For its part, the UAE and Saudi-backed Security Belt forces arbitrarily detained at least two trans women and one non-binary person and subjected them to gender-based violence including forced nudity, genital "examinations" and beating of genitals, and shaving their hair or eyebrows, a form of violence aimed at humiliating gender nonconforming people and forcing them to adhere to a cisgender norm.[35] The Group of Experts notes:

> Survivors were told that they were being investigated and punished for deviant behaviour, "tarnishing" the country, luring men, and being a threat to society. In one case, similar to the accusations made by members of the de facto authorities, a survivor was accused during interrogation of spreading homosexuality with the support of outside organisations and that thus they were "a danger to the South" and "an enemy of the South," as per the Security Belt's area of control and wider objectives.[36]

In both cases, sexual orientation and gender identity served as markers of alleged impurity and pretexts for violence. A legal environment criminalizing same-sex relations facilitated arbitrary arrests and virtually eliminated access to recourse.

Iraq and Syria

Gender Persecution at the Hands of ISIS

The Islamic State militant group, also known as ISIS or ISIL, systematically persecuted LGBTQ individuals in Iraq and Syria, including by throwing men accused of homosexuality from high-rise buildings.[37] ISIS killed men accused of homosexuality as a terror technique aimed at achieving social control. ISIS also killed several women accused of being lesbians.[38] This extreme form of gender-based violence also carried a political message as a rebuke to North America and Europe: according to the Countering Extremism Project, ISIS's online magazine, *Dabiq*, stated in 2015 that ISIS would implement "the rulings of Allah on those who practice any form of sexual deviancy or transgression," meaning capital punishment, "in order to avoid the 'same rotten course' as the West."[39]

The killings were facilitated by militarization, checkpoints, and the use of mobile technology, and were seemingly welcomed by some members of the public despite their overarching hatred for ISIS. The *Washington Post* quoted a gay Iraqi man as saying:

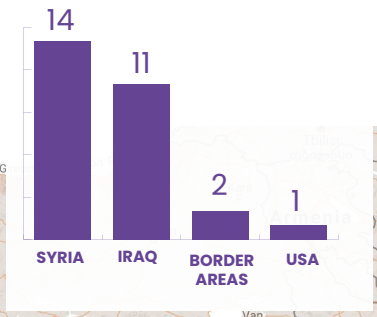
> Isis are also professional when it comes to tracking gay people. They hunt them down one by one. When they capture people, they go through his phone and his contacts and Facebook friends. They are trying to track down every gay man. And it's like dominoes. If one goes, the others will be taken down too.
>
> It's devastating to see the public reaction to the killings. Usually, when Isis posts pictures online, people sympathise with the victims – but not if they're gay. You should see the Facebook comments after they post video of the killings. It's devastating. 'We hate Isis but when they do things like this, we love them. God bless you Isis.'[40]

EXECUTIONS OF THOSE ACCUSED OF SODOMY* BY THE ISLAMIC STATE

TOTAL NUMBER OF EXECUTIONS

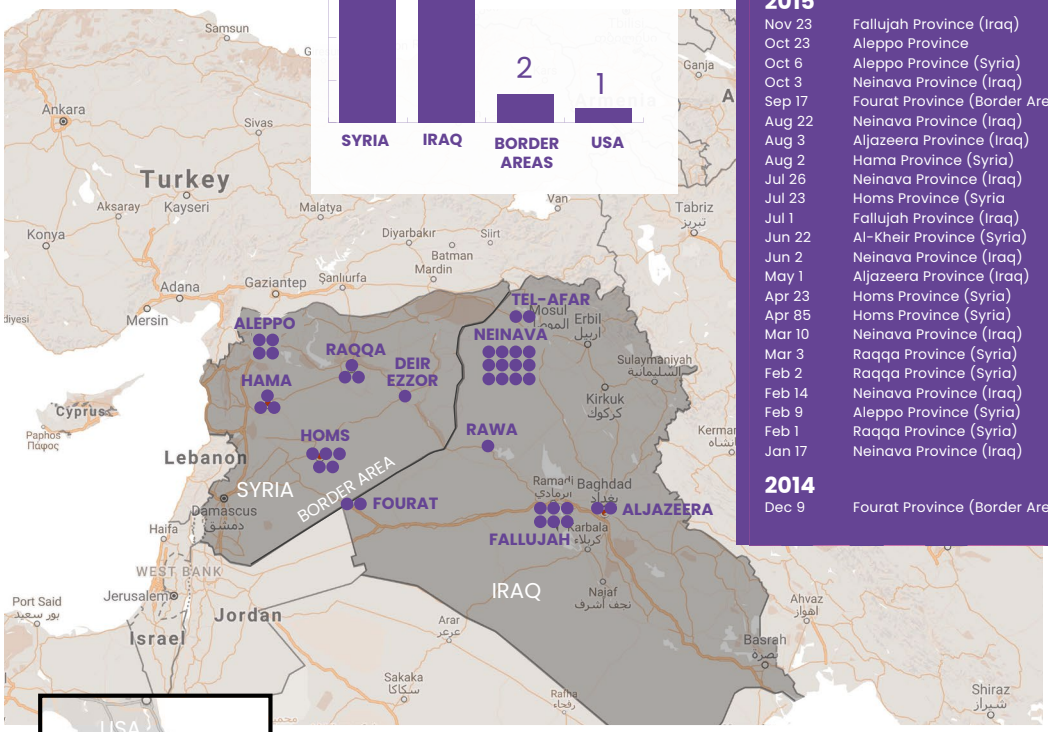
90

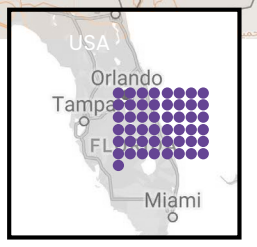
TOTAL NUMBER OF INCIDENTS IN EACH COUNTRY



TIMELINE OF EVENTS

2016	
Jun 13	Orlando, FL (USA)
May 7	Aleppo Province (Syria)
Apr 19	Aljazeera Province (Iraq)
Jan 17	Fourat Province (Border Area)
2015	
Nov 23	Fallujah Province (Iraq)
Oct 23	Aleppo Province
Oct 6	Aleppo Province (Syria)
Oct 3	Neinava Province (Iraq)
Sep 17	Fourat Province (Border Area)
Aug 22	Neinava Province (Iraq)
Aug 3	Aljazeera Province (Iraq)
Aug 2	Hama Province (Syria)
Jul 26	Neinava Province (Iraq)
Jul 23	Homs Province (Syria
Jul 1	Fallujah Province (Iraq)
Jun 22	Al-Kheir Province (Syria)
Jun 2	Neinava Province (Iraq)
May 1	Aljazeera Province (Iraq)
Apr 23	Homs Province (Syria)
Apr 85	Homs Province (Syria)
Mar 10	Neinava Province (Iraq)
Mar 3	Raqqa Province (Syria)
Feb 2	Raqqa Province (Syria)
Feb 14	Neinava Province (Iraq)
Feb 9	Aleppo Province (Syria)
Feb 1	Raqqa Province (Syria)
Jan 17	Neinava Province (Iraq)
2014	
Dec 9	Fourat Province (Border Area)





LOCATION OF ATTACKS, AND NUMBER OF PEOPLE EXECUTED

SYRIA		IRAQ		BORDER TERRITORY	
Aleppo	4	Aljazeera Province	2	Fourat Province	2
Al-Kheir Province	1	Fallujah Province	6	**USA**	
Hama Province	3	Neinava Province	12	Orlando	49
Homs Province	5	Rawa	1		
Raqqa Province	3	Tel-Afar	2		

Information in these graphics is based on images published by the information offices of the Islamic State militia in Iraq and Syria, as well as executions corroborated by several independent sources. Outright International cannot verify the credibility of these depictions. While Outright has made every effort to document sodomy-related killings that the Islamic State militia claims to have carried out during this timeframe, this timeline should not be considered comprehensive.

There are media accounts of other killings alleged to have taken place throughout the time period examined. These graphics only include executions the Islamic State militia has publicly taken responsibility for, or that have been corroborated by two or more independent sources. The killings reflected therefore amount to the minimum number of killings by the Islamic State militia as punishment for sodomy over this time period.

*In these graphics, OutRight uses the term "sodomy" as shorthand for any accusations related to actual or perceived same-sex sexual intimacy.

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Outright and several partner organizations sought to alert the Security Council and other decision-makers to the ways in which ISIS directed similar forms of violence at women and at LGBTQ people for violating gender norms.[41] They also issued two papers "highlighting the long history of discrimination and abuse against LGBT persons in Iraq and situating the issues alongside the more established discourse of gender-based violence," seeking to demonstrate that gender persecution against women and against LGBTQ people of all genders were two sides of a coin and should be addressed holistically.[42] The human rights organization MADRE demonstrated how ISIS routinely killed women, of all sexual orientations, because of their gender expression.[43]

In a submission to the International Criminal Court's Office of the Prosecutor in 2017, several organizations working on gender justice reiterated the ways in which ISIS's crimes against women, men, and LGBTQ people of all genders amounted to gender persecution. The submission noted that "ISIS has devoted significant amounts of written policies and propaganda to defending and promoting gender-based persecution and discrimination, including violent repression of women and of anyone falling outside of its prescribed gender norms dictating among other things, behaviors, activities, and attributes assigned to women and men, and to girls and boys." It outlined how transgressing these norms resulted in ill-treatment, torture, and death."[44]

Other Conflict-Related Abuses Against LGBTQ People in Syria

ISIS was not the only perpetrator of gender-based violence against LGBTQ people in Syria, where multiple parties to the conflict – including the Syrian government and other non-state armed groups in addition to ISIS – have subjected boys, men, and transgender women to conflict-related gender-based violence on the grounds of their real or perceived sexual orientation or gender identity since the conflict began in March 2011.

Human Rights Watch has reported on cases in which gay, bisexual, and transgender people who served in the Syrian army were subjected to sexual violence in military prisons or by other soldiers. While all detainees faced the prospect of abuse, gay, bisexual, and trans survivors said they believed that the violence increased in intensity once their sexual orientation or gender identity was revealed.[45]

At checkpoints, gay and bisexual men and transgender women in Syria have been targeted for gender nonconformity, or what one survivor described as "soft looks."[46] The criminalization of same-sex intimacy in Syria facilitates this violence. A 2014 Syria Commission of Inquiry reported that Syrian security officials tortured and raped men they arrested at checkpoints in Damascus on the grounds of their presumed sexual orientation. In one 2011 case, six men presumed to be gay "were beaten viciously with electric cables by security agents and threatened with rape."[47]

Other Conflict-Related Abuses Against LGBTQ People in Iraq

While the threat of ISIS in Iraq, as in Syria, has been downgraded, LGBTQ individuals still face violence, including in government-controlled areas that are not currently experiencing open hostilities but are impacted by militarization as an outgrowth of conflict. According to IraQueer, an Iraqi LGBTQ rights group, and Human Rights Watch, the security forces routinely arrest and assault Iraqis based on their real or perceived sexual orientation or gender identity – often at checkpoints – while armed groups aligned with the government have abducted, raped, tortured, and killed sexual and gender minorities.[48] IraQueer and Human Rights Watch attribute this violence, much of which targets transgender women and gender nonconforming people

assigned male at birth, to the "context of patriarchal social norms, the low social status of women, and a culture of impunity," noting that gender expression is so violently policed that a hairstyle or polished fingernails could result in death.[49]

Colombia

The 52-year Colombian conflict officially began in 1964, when two left-wing guerrilla groups took up arms against the government, and officially concluded with the signing of a peace agreement in 2016. Armed groups persist, and low-intensity conflict continues to result in violations against civilians. Parties to the conflict have included the government of Colombia, far-right paramilitary groups, crime syndicates, and far-left guerrilla groups. More than 260,000 people died in the conflict, most of them civilians.[50]

As of 2014, Colombia's registry of victims had registered 1,299 cases in which lesbian, gay, bisexual, and transgender people were victims of human rights violations in the course of the armed conflict, with forced displacement topping the list.[51] Though not all queer survivors of the conflict were targeted due to their sexual orientation or gender identity, armed groups weaponized social prejudices against them to further their war aims. By attacking queer people, or those perceived as such, "they have flexed their power, tightened their grip over local communities, and even gained legitimacy among civilians. In this way, their presence has given rise to social orders founded on preexisting and now exacerbated gender norms that transform LGBT people into constant targets of violence."[52]

Colombia's National Center for Historical Memory documented how the United Self-Defense Forces of Colombia (AUC) paramilitary group and its successors used public mockery of men and boys suspected of homosexuality as a tool of social control. Violence against queer men was part of a broader framework of social molding according to which "women were relegated to the private sphere, homosexuals were punished, and 'being white,' in a predominantly Afro-descendent territory, was synonymous with social distinction."[53] On the other side of the conflict, the queer organization Caribe Afirmativo described how the Revolutionary Armed Forces of Colombia (FARC) abducted LGBTQ and intersex people and subjected them to discriminatory treatment compared to other hostages, including sexual and psychological violence, violations of privacy, simulated executions, and being forced to dig what they believed were their own graves. FARC also subjected queer hostages to gendered forms of forced labor to "correct" their sexual orientation or gender identity. An amicus brief submitted to the International Criminal Court and the Colombian Special Jurisdiction for Peace (*Jurisdicción Especial para la Paz*, JEP) qualified these crimes as forms of gender persecution.[54]

Despite evidence of the conflict's specific impacts on queer Colombians, inclusion of references to gender and sexual orientation in the 2016 peace agreement were so controversial that by some accounts they scuttled the peace accord's first version, rejected in a referendum.[55] The final version omitted references to sexual orientation.[56]

In July 2022, the JEP charged gender persecution in its Case 03, a case charging 22 military officers and soldiers with crimes against humanity. The case involves the extrajudicial execution of 303 civilians, including nine women and "one person of diverse sexual orientation or gender identity."[57] This is the first time a tribunal anywhere in the world has recognized that violence on the basis of sexual orientation and gender identity might be considered gender-based persecution that amounts to a crime against humanity. It also makes the JEP only the

second tribunal in history to bring gender persecution charges.[58] This decision sets a new standard for prosecutors and tribunals to account for gender persecution in cases related to peace and security.

In a separate pioneering case, Case 05, which addresses FARC violence in the departments of Cauca and Valle del Cauca, JEP in April 2021 accredited five persons identified as LGBTI victims. It was the first time the JEP "resolved that gender-based persecution covers sexual orientation and gender identity, setting an important precedent for international criminal law."[59] The JEP's Chamber for the Acknowledgment of Truth will examine whether the alleged crimes against LGBTI individuals in Case 05 constitute gender-based persecution as a crime against humanity.[60] In June 2022, Colombia's Commission for the Clarification of Truth, Coexistence and Non-Repetition became the first truth commission in history to devote an entire chapter to the experiences of LGBTIQ people during the country's armed conflict. The chapter adopts an intersectional approach to analyzing the gendered and racialized violence that LGBTIQ people experienced. It recommends a public apology, memorialization, and steps to promote full inclusion protect LGBTIQ people from violence in the future.[61]

Peru

Peru's Homosexual Movement of Lima (MHOL) estimates that at least 500 people were killed on the basis of sexual orientation or gender identity in the course of Peru's violent internal conflict, which pitted the Maoist guerilla movement the Shining Path (*Sendero Luminoso*) and the smaller, Marxist-oriented Túpac Amaru Revolutionary Movement (MRTA) against the Peruvian state.[62] Most acts of violence related to the conflict were carried out between 1980 and 2000.

The Shining Path and the MRTA were both engaged in a "political project…that sought the eradication of homosexual sexual-affective practices and dissident gender expression."[63] The Shining Path created so-called Popular Open Committees in the territories that it controlled, which attempted to govern the sexual development of the inhabitants, while MRTA initiated anti-gay "crusades against vice."[64]

In 1986, the Shining Path killed at least 10 gay men and sex workers in the city of Aucayacu.[65] In 1989, the MRTA killed eight gay and trans people in Tarapoto.[66] Writing of yet another execution of gay men in Pucallpa in 1988, Peru's Truth and Reconciliation Commission – charged with providing a record of human rights and international humanitarian law violations committed in Peru between May 1980 and November 2000 and recommending mechanisms to promote and strengthen human rights – noted that "a sector of the residents, accepted these executions as opportune; furthermore, some population centers even demanded the presence of the subversives to carry out cleaning campaigns."[67]

While the Truth and Reconciliation Commission provided documentation of executions of people accused of homosexuality in Aucayacu and Pucallpa, critics have noted that it "failed to look at the general pattern of abuses against sexual and gender minorities," only devoting two pages to decontextualized mentions of such violations in a 12-volume report.[68]

III. The Security Council, the UN Architecture, and the Women, Peace, and Security Agenda

For decades, the UN Security Council paid little attention to the specific impacts of conflict, peace, and security on women and girls. Civil society organizations and feminist activists identified this gap and advocated for the Security Council to address the gendered dimensions of conflict.

The Security Council took a momentous step forward in October 2000 when it adopted Resolution 1325, which "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."[69] The resolution is built around four pillars: **participation** of women in peacebuilding, **protection** of women and girls from sexual and gender-based violence, **prevention** of violence against women, and **relief and recovery** measures that take into account the needs of women and girls.

Since the passage of Resolution 1325, the Security Council has passed nine more resolutions on Women, Peace and Security (WPS). They address topics such as sexual violence as a weapon of war (SCR 1820) and the need for more robust measures to include women in peace processes (SCR 2122).[70] These resolutions make up the "WPS Agenda," a framework for addressing the gendered dimensions of conflict, security, and peacebuilding.

The Security Council reviews the global implementation of these resolutions annually. It holds an open debate each year on a particular aspect of the WPS agenda, providing a forum for civil society activists, along with government leaders, to address member states and formulate recommendations. On at least two occasion, civil society speakers at the debate have highlighted violations against LGBTQ people, in Iraq and Afghanistan.[71] Actions related to the WPS agenda extend beyond the Security Council: the agenda has contributed to the development of National Action Plans, discussed below, and shapes the programmatic work of both governmental and non-governmental organizations.

The "toolkit" provided by the existing WPS resolutions is essential and has powerful potential. Yet, it is insufficient. Although the resolutions at times go beyond references to women and girls to address "gender" more broadly, calling for measures that promote gender equality and address gender-based violence, they do not acknowledge the impact of conflict on people of diverse sexual orientations, gender identities, gender expressions, and sex characteristics, nor the need to engage them in peacebuilding. The closest any WPS resolution has come to acknowledging LGBTQ individuals is Resolution 2106, passed in 2013, which notes that sexual violence in armed conflict and post-conflict situations "disproportionately affects women and girls, as well as groups that are particularly vulnerable or may be specifically targeted."[72]

The WPS agenda recognizes root causes of gender-based violence against women and girls, such as patriarchy and power relations. A queer-inclusive understanding of the WPS agenda would recognize that LGBTQ people, along with all women and girls, experience related types of harm during peacetime and that dismantling patriarchy, misogyny, and queerphobia is an essential ingredient of peacebuilding. Given shared root causes, an integration of LGBTQ people's concerns into the WPS agenda is logical. Responses that solely address violence against women and girls, while excluding other forms of violence that stem from patriarchy and the enforcement of gender norms, are incomplete.

LGBTQ Inclusion in WPS National Action Plans

In 2004, the Security Council called on states to create National Action Plans on Women, Peace and Security as part of the implementation of Resolution 1325. National Action Plans "outline objectives and activities that countries take, both on a domestic and international level, to secure the human rights of women and girls in conflict settings; prevent armed conflict and violence, including against women and girls; and ensure the meaningful participation of women in peace and security."[73]

One-hundred and four countries have developed National Action Plans.[74] Some are countries that have themselves experienced armed conflict or instability and recognize the importance of engaging women and girls and addressing conflict-related gender-based violence. Others are countries whose foreign policies aim to address peace and conflict beyond their own borders, such as donor countries and peacekeeper contributing states.

The development of National Action Plans and implementing strategies provides an opportunity for LGBTQ inclusion within peace and security work on the national level. Some governments actively consult civil society organizations in the development of a National Action Plan; in others, even where formal consultations are not organized, civil society may seek to influence the process by offering recommendations, best practices, and suggestions on inclusive language. Some countries allocate dedicated funding streams to activities related to their WPS strategy, providing an opportunity to direct funding toward LGBTQ inclusion.

A growing number of countries are addressing the specific vulnerabilities of LGBTQ populations in their National Action Plan, either internally or through their foreign policy, including Argentina, Albania, Croatia, Germany, Ireland, Japan, Norway, South Africa, Sweden, Switzerland, the Netherlands, the United Kingdom, and Uruguay.[75] While all recognize that sexual and gender minorities (Croatia, Norway, the UK), LGBT (Japan), or individuals with diverse sexual orientation or gender identities (Argentina, Sweden, Uruguay) are prone to unique forms of violence and discrimination, only four (Germany, Ireland, South Africa, and the Netherlands) also explicitly include a reference to intersex individuals.[76] For example, in the case of Germany, there is a commitment to "oppose any lapses in equal rights for women and LGBTI people," to ensure that "LGBTI campaigners are given protection and support," and to advocate for "sexual and reproductive health and rights on a bilateral and international level."[77] Notably, the Netherlands is the sole country to refer to gender non-binary individuals in its NAP and to ask that humanitarian interventions reflect their different needs and vulnerabilities, although South Africa refers to gender non-conforming people throughout its NAP.[78] In particular, South Africa's NAP sets forth a commitment to address violent expressions of homophobia and build more tolerant communities.[79]

Security Council meeting on Women, Peace and Security. Photo courtesy of the United Nations, ©Manuel Elías, 2022

Political environments can influence the LGBTQ-inclusiveness of National Action Plans. For instance, in the United States, the administration of former President Barack Obama issued a NAP in 2016 that relied on a comprehensive definition of gender-based violence, as "an umbrella term for any harmful threat or act directed at an individual or group based on actual or perceived biological sex, gender identity and/or expression, sexual orientation, and/or lack of adherence to varying socially constructed norms around masculinity and femininity."[80] It included specific action points around LGBTQ inclusion in peace negotiations, transitional justice processes, and in service provision.[81] However, under the administration of former US President Donald Trump, references to sexual orientation and gender identity were removed and replaced by the vague denomination of "women from under-represented groups" under the new WPS Strategy that replaced the previous NAP.[82] That strategy remains in effect, currently under revision by the administration of current President Joseph Biden. Outright has urged that the new WPS strategy be fully inclusive of LGBTQ people, recognizing the common roots of various forms of gender-based violence in conflict.

The inclusion of reference to sexual orientation and gender identity, and in some cases sex characteristics, in at least eight National Action Plans in the last three years is encouraging. LGBTQ inclusion in National Action Plans on Women, Peace and Security should become a norm, not subject to political tides.

Gaps Between LGBTQ Activism and the WPS Agenda

In the 1980s and 1990s, as the calls for a WPS agenda at the Security Council gained strength, LGBTQ organizing in many contexts was nascent, focused on service provision, and often disconnected from mainstream feminist mobilization. Partly as a result of LGBTQ movements' absence from the initial, activist-oriented conversations that brought about Resolution 1325, some queer activists now see WPS as a bureaucratic agenda entangled with regional and global security discussions that have little relevance to their lives. Outright's research found that many LGBTQ activists in conflict-affected countries lacked awareness of the WPS agenda.[83]

In addition, women's rights organizations working on WPS at the national level do not always include queer activists in these conversations. As a Nigerian feminist and queer rights activist who supports human rights defenders said, "Traditional women's rights organizations who are at the forefront of [WPS] do not include LGBTQI folks in programming or even sharing of information, and LGBTQI people are too busy dealing with emergencies to pay attention to global and regional level discussions. WPS has come to equal what happens in the Security Council, which can be removed from people's lives."[84]

Significant backlash and resistance within governments, civil society, and UN agencies constrained progress for including LGBTQ concerns in the humanitarian context. Afghan activist Basira Paigham told Outright that she had raised the idea of addressing LGBTQ inclusion while working on gender equality for national and international NGOs in Afghanistan, only to be dissuaded from doing so due to issues of her security and safety as well as fears that it would have negative repercussions for the organization. She said, "That is why in my official workplace, I didn't say anything about LGBTQ, and sometimes I feel guilty about why I didn't and used my freedom of expression.... I couldn't even use 'gender equality' as it has [a] bad impression in Afghanistan, especially among men... I never even told my colleagues that I am an LGBTQ rights activist."

Among staff at UN agencies, there may be resistance to LGBTQ inclusion; currently, the UN lacks a comprehensive policy to protect even those LGBTQ persons who work for the UN, as well as those who receive UN agencies' services. Some humanitarian organizations have published new policy guidelines inclusive of lesbian, gay, bisexual, trans, intersex, and queer people, which is a crucial step.[85] Still, in countries in crisis, queer people are hiding within plain view of the multilateral and NGO sectors. Organizations need to create hospitable environments for them to feel safe, speak about these issues, and perhaps come out.

Resistance to Queering Women, Peace and Security

In researching this paper, Outright spoke to feminist activists who expressed a concern that integrating sexual orientation and gender identity into the WPS space would detract from a focus on women in favor of gay men's issues. They voiced perceptions that LGBTQ advocacy groups tended to focus on "easier" areas such as the experiences of gay men, further adding to the marginalization of queer women, trans men, and intersex people. They noted that international actors already tended to focus on people and violations that were more visible, with attendant gender and class implications. Another concern expressed was that LGBTQ inclusion in WPS advocacy could jeopardize hard-won gains for women and girls, in both global and national spaces, through heightening resistance to the agenda.[86]

Queer men face distinct forms of persecution in conflict-affected contexts that merit recognition and action, often stemming from violent manifestations of the social devaluing of femininity: a concern that is at the heart of the WPS agenda. Queer men also commonly enjoy greater access to public spaces and resources than lesbian, bisexual, queer, and other minority women. This is due to the universal prevalence of sexism and harmful gender norms that subordinate women. For both state and non-state actors that wish to identify and address the needs of conflict affected LGBTQ people, extending their reach beyond gay men, who tend to be more visible, will require proactive outreach and holistic engagement with queer women and trans and intersex communities. In many countries in which queer women are not connected through formal civil society organizations, stakeholders may need to reach out through various entry points including women's rights organizations, mainstream human rights organizations, feminist academics, social service providers and online activists. Forms of engagement could include participatory research, providing platforms for queer women and trans and intersex people to be heard, and financial support to organizations, built on a spirit of partnership, before, during, and after conflict.

Ultimately, human rights violations on the grounds of sexual orientation and gender identity are forms of gender-based violence that must be reckoned with; the realities of conflict-related violence against women and girls and against LGBTQ people coexist and do not cancel each other out. Lisa Davis and Jessica Stern have argued, with regard to Security Council attention to killings on the grounds of sexual orientation and gender identity in Iraq and Syria, that "…women and LGBTI people need coalitions with one another more than ever. The fear that expanding the interpretation of gender in the WPS agenda will weaken the cause has been shown to be outdated and wrong."[87] Security Council attention to extrajudicial executions based on sexual orientation and gender identity in Iraq and Syria did not detract from attention to ISIS's grave abuses of women and girls; rather, it provided a more holistic understanding of the lengths to which ISIS was willing to go to enforce rigid gender norms, adding to the sense of urgency around liberating Iraqis and Syrians from ISIS's brutal rule.

IV. Documentation and Accountability Through the UN Architecture

Security Council Subsidiary Organs and UN Human Rights Investigations

The UN Security Council should be a leading player in addressing conflict-related violence against LGBTQ people, but so far its blindness to security issues related sexual orientation, gender identity and expression, and sex characteristics extends beyond the lack of inclusion in the WPS agenda.

Security Council subsidiary organs charged with addressing threats to peace and security should look specifically into the impact of conflict and insecurity on LGBTQ people. Currently, in 2022, there are 31 ongoing Security Council mandates in countries and regions experiencing, emerging from, or at risk of conflict-related violence; these include, *inter alia*, peacekeeping operations, special political missions, commissions, and investigative bodies, special representatives, and international tribunals.[88] Not one of the security council resolutions that mandate these resolutions includes reference to LGBTQ people or to sexual orientation, gender identity, and sex characteristics, and most have not published any documentation on conflict-related violence against LGBTQ people. The sole exception known to Outright is the United Nations Assistance Mission in Iraq (UNAMI): it issued a report containing a section on "Attacks on individuals on the basis of sexual orientation," published shortly after Security Council member states convened a 2015 Arria-formula meeting dedicated to violence on the grounds of sexual orientation and gender identity in Iraq and Syria.[89]

Fact-finding missions and commissions of inquiry mandated by the UN Human Rights Council have performed slightly better in LGBTQ inclusion. Since 2019, such bodies have identified violations based on sexual orientation and gender identity in Myanmar, Yemen, and Libya.[90]

LGBTQ organizations themselves play a vital role in documentation, investigation, and reporting on the lives of people of diverse sexual and gender identities in peace and conflict. Subsidiary bodies that document conflict-related atrocities or that monitor the risk of conflict typically engage with civil society organizations, including human rights and women's rights organizations. The absence of queer perspectives on peace and security ignores the work done by these organizations. Moreover, it weakens the international communities' abilities to adequately and comprehensively respond to crises and conflicts.

Security Council subsidiary organs and UN investigative bodies should draw from the work within UN agencies that have made more progress on LGBTQ inclusion. UNAIDS country and regional offices frequently focus on key populations, including men who have sex with men and trans persons, recognizing these groups' specific vulnerabilities to HIV. UN Women and UNICEF have recently integrated sexual orientation and gender identity references into their strategic plans. The Office of the High Commissioner for Human Rights (OHCHR) has worked closely with LGBTQ civil society worldwide and has used information garnered from LGBTQ activists and survivors of violence in its public advocacy and in bilateral meetings with states.

Key stakeholders interviewed by Outright emphasized that all UN human rights officers and other investigative personnel who monitor human rights violations, including in conflict-affected contexts, should receive in-depth training on the types of violations LGBTQ people are likely to experience. Respondents also reflected on the need to train and support peacekeeping missions on intersectional, LGBTQ-inclusive approaches when addressing issues such as conflict-related sexual violence, gender-based violence, and women human rights defenders.

Lack of awareness around sexual orientation, gender identity and expression, and sex characteristics is in obstacle to effective work by UN investigative bodies. In Outright's research, a UN respondent who had worked in an investigative body spoke of colleagues making basic mistakes – for example, misgendering trans women – which meant it took time to uncover the gendered dynamics of the human rights violations being documented. There was often one or a handful of people working on sexual orientation and gender identity at headquarters within an organization who did not have the time and resources to socialize information, train others, and do the needed follow-up. Fully integrating a gender perspective into the UN's work on peace and security, including documentation of violations, will require building UN staff capacity to understand, report on, and respond to violations based on sexual orientation, gender identity, and sex characteristics.

Accountability Through International Justice

The Rome Statute of the International Criminal Court establishes the grounds for prosecution for international crimes, including genocide, crimes against humanity, war crimes, and the crime of aggression. Sexual violence is recognized as a crime that can rise to the level of crimes against humanity. So is "gender persecution," a more open-ended category of violence.

Article 7(2)(g) of the Rome Statute defines persecution as "the intentional and severe deprivation of fundamental rights contrary to international law because of the identity of the group or collectivity," while Article 7(3) defines the term "gender" as referring "to the two sexes, male and female, within the context of society." [91]

The Office of the Prosecutor (OTP) has recognized the social construction of gender. In a 2014 policy paper on sexual and gender-based crimes, the OTP clarified that the definition of gender "acknowledges the social construction of gender and the accompanying roles, behaviors, activities, and attributes assigned to women and men, and girls and boys."[92] Still, there have been no prosecutions at the International Criminal Court related to violence against LGBTQ people. In 2022, to address this accountability gap, and given sexual and gender-based crimes' "grave consequences on victims and affected communities, the circumstances in which they are often committed, and the importance of addressing traditionally underprosecuted offences," the OTP issued a new policy paper that better defines and articulates what type of crimes amount to gender persecution and how such crimes can best be identified and prosecuted. The policy paper brings further transparency and predictability to the term "gender" under the Rome Statute, articulating that the socially constructed nature of gender puts people of diverse sexual orientations, gender identities and expressions, and sex characteristics at a heightened risk of persecution.[93] Outright, along with many other organizations and individuals, issued a submission to the OTP in support of the gender persecution policy paper. Outright observed that because LGBTQ people are subjected to gender-based violence as a punishment for noncompliance with prescribed gender behaviors and attributes, the concept of gender under international criminal law should be fully inclusive of the experiences of persons of diverse sexual orientation, gender identity, and sex characteristics.[94]

There have been no prosecutions at the International Criminal Court related to violence against LGBTQ people.

V. Supporting Civil Society Work on Queering Peace and Security

The exclusion of LGBTQ issues and organizations weakens the ability of states, non-governmental organizations, and the UN to implement a multifaceted approach to preventing and responding to human rights abuses. Many LGBTQ organizations are well-positioned to provide crucial research and advocacy on peace and security that extend well beyond their communities, rooted in an intersectional approach to human rights. Outright interviewed LGBTQ activists about existing work at the intersections of peace and security and LGBTQ equality. Several illustrative examples include the following:

- In **Colombia**, Colombia Diversa has kept a database of violent killings of LGBTQI people in Colombia since 2004. Maria Susana Peralta Ramón of Colombia Diversa explained how the organization also engaged in the academic field, conducted socio-legal research in smaller cities and towns, and spoke with activists to document their stories and histories related to the violence that shook Colombia between 1980 to 2016. She argues that all these dimensions were essential to ensure the work was not extractive but instead built alliances. Colombia Diversa is currently working with other women's organizations to input into a National Action Plan on WPS.[95]
- In the **Philippines**, Rhadem Musawah of Mujer LGBT Organisation Incorporated spoke of the problem in Mindanao of an absence of media attention to abuses specifically targeting LGBTQ people. Impunity for harm perpetrated against LGBT people was prevalent, which she sought to address through media attention: "Whenever there is abuse in the region, we are informed and investigate authenticity… and I spread it to other organizations and TV networks."[96] Mujer LGBT Organization Incorporated also provides training to support government agencies to be more inclusive in their work and partnered with the Armed Forces to address military abuses.[97]
- In **Afghanistan**, LGBTQ activists cannot safely organize in-country. However, several diaspora activists launched the Afghan LGBT Organization, which is currently reaching out to individuals in Afghanistan to document ongoing violations by the de facto authorities.[98]
- In **Lebanon**, MOSAIC partnered with the WPS Centre at the London School of Economics to conduct research on the Syrian civil war's impacts on LGBTQ people. Its report, *Impacts of the Syrian Civil War and Displacement of SOGIESC Populations*, drew on feminist analysis around gender roles in armed conflict.[99]
- **Globally**, the Center for Feminist Foreign Policy has hosted several convenings of civil society organizations aimed at LGBTQ inclusion in the Women, Peace and Security agenda. Discussions have focused on how to better include LGBTQ individuals and communities in the drafting and monitoring of WPS National Action Plans, and to ensure a specific analysis of the inclusion of LBTQ women.

Outright's key informant interviews identified a particular gap in advocacy on issues of armed conflict, sexual orientation, and gender identity in some regional spaces. For example, the African Union has a peace and security mandate – as do other African subregional bodies, such as ECOWAS – and a Special Envoy on Women, Peace and Security, yet attention to sexual orientation and gender identity in these spaces is nascent or nonexistent.

Funders and other stakeholders working on peacebuilding, atrocity prevention, and international justice, even when their work is not explicitly LGBTQ-focused, should recognize

the above activities as essential to the work of addressing and preventing conflict-related violence, and should support civil society in filling the gaps. They should partner with LGBTQ organizations in peace and security contexts, platform LGBTQ voices in fora like the Security Council, and mainstream LGBTQ concerns into their broader civil society support. In particular, they should support authentic linkages between LGBTQ-focused and feminist groups. As Ouyporn Khuankaew of International Women's Partnership for Peace and Justice said, "You have to link [feminist and LGBTQ organizations] to build trust and build coalition and build our lives so that they become a movement.... We need to deconstruct the misconception that LGBT and feminist peacebuilding is separate. If we have the same frame analyzing power and patriarchy, then we [all]f see [our work] as peacebuilding."[100]

"We need to deconstruct the misconception that LGBT and feminist peacebuilding is separate."

– Ouyporn Khuankaew

Atrocity prevention actors should be concerned by the rising influence of global anti-gender movements, movements that typically mobilize around essentialist notions of sex, gender, and gender roles and oppose legal gender recognition for trans people, gender equality, and sexual and reproductive rights. Some anti-gender movements have direct links with white supremacist movements that advance the vision of a white, heterosexual family as an ideal that is nationalist and pure.[101] When violence is embraced to achieve this ideal, LGBTQ people are likely targets. Funders and stakeholders in the atrocity prevention center should undertake to identify and combat anti-gender movements wherever they are based.

Finally, some activists in conflict-affected countries saw their mobilizations against police brutality, military coups, and authoritarian regimes as part of broader movements integral to fulfilling LGBTQ people's rights. Nour Abu-Assab of the Centre for Transnational Development and Collaboration questioned an approach that singles out sexuality at the expense of all other elements of LGBTQ people's lives: "You cannot say you will give rights to have sex but not to speak out against the government."[102] To mount effective interventions, external stakeholders need to recognize the complexities and political nature of LGBTQ people's struggles in conflict settings and beyond.

VI. Recommendations

The following recommendations emerged from Outright's key informant interviews and literature review. The recommendations are directed to development cooperation agencies and other government institutions, diplomats, international non-governmental organizations, and other stakeholders working in conflict, peacebuilding and security.

To non-governmental organizations and UN agencies working on conflict prevention and response:

- **Ensure better LGBTIQ inclusion in all policies and practices** and in gender, human rights, and social inclusion strategies. In contexts in which discriminatory attitudes and practices are exceptionally high, identify entry points and develop strategies towards LGBTIQ inclusion that mitigate the possibility of backlash.
- Ensure that entities involved in monitoring human rights violations in conflict settings, including UN human rights offices, commissions of inquiry, and peacekeeping missions, are mandated to **liaise with and support LGBTIQ organizations where they exist**. It can be particularly unsafe for LGBTQ organizations to actively document human rights violations in countries with armed conflict. Larger organizations and institutions need to be conscious of abuses based on sexual orientation and gender identity and know when to step in and support LGBTQ organizations when required.
- **Collect and securely store quantitative and qualitative data** on LGBTIQ people's experiences in conflict settings, including through Security Council-mandated monitoring, analysis, and reporting arrangements (MARA) on conflict-related sexual violence. Such data should also assess vulnerabilities (e.g., education, work, housing, and health) that could compound the risk of being targeted during armed conflict.
- Develop **long-term partnerships with LGBTIQ-led civil society organizations** before, during, and after crisis, modeled on partnerships that UN and humanitarian agencies establish with women-led civil society organizations to monitor, report and deliver support services.
- Identify an **agency expert or focal point** on LGBTIQ human rights. It may be appropriate to have a standalone LGBTIQ focal point or to mainstream LGBTIQ work within the mandate of a gender focal point. In the latter scenario, ensure that gender focal points have a high level of expertise on LGBTIQ human rights as well as women's human rights.
- **Conduct internal capacity-building**, including through in-depth courses on sexual orientation, gender identity, and sex characteristics for personnel, including anyone involved in monitoring or responding to human rights violations, including in conflict-affected contexts. This is especially necessary for UN human rights officers, commissions of inquiry, and peacekeeping missions.

To funders supporting civil society organizations working on human rights, gender, LGBTQ rights, conflict prevention, or peacebuilding:

- **Provide financial resources for work at the nexus of LGBTIQ people's human rights and conflict prevention and response.** Both women's rights and LGBTIQ rights organizations in conflict settings and fragile states are underfunded, and specific support for lesbian, bisexual, queer, and trans people and organizations in such settings is almost nonexistent. Funding can flow through international partner organizations, be directed to networks that unite women's and LGBTIQ-focused organizations, or directly target women's or LGBTIQ organizations in conflict settings that propose intersectional work combatting all forms of conflict-related gender-based violence.

To the International Criminal Court and other international justice mechanisms:

- **Ensure implementation of the December 2022 policy paper on gender persecution, which contains inclusive interpretations of "gender" and persecution "on the grounds of gender" that reflect the evolution of international jurisprudence beyond the male/female binary.** Court personnel should undergo training on gender persecution and be held accountable for recognizing that persecution based on sexual orientation, gender identity, or sex characteristics are recognized as forms of gender-based persecution, including under Article 7(1)(h) of the Rome Statute.

To all stakeholders concerned with civilian protection in conflict settings:

- **Work to advance decriminalization of same-sex intimacy and gender nonconformity**, especially in conflict-prone settings. Criminalization provides a justification for the arbitrary arrest of individuals on the basis of their real or perceived sexual orientation or gender identity, a human rights violation in itself, and, in conflict settings in particular, a risk factor for torture and ill-treatment.
- **Conduct risk analysis that is LGBTIQ-inclusive**, including by assessing how factors such as the criminalization of same-sex conduct or gender nonconformity, other forms of institutionalized anti-LGBTIQ discrimination, the presence of violent or potentially violent anti-gender movements, social isolation, and the lack of access to networks that might provide safety and security may contribute to an increased risk of LGBTIQ people experiencing conflict-related atrocities.
- **Support LGBTIQ people and movements before, during, and after conflicts and complex emergencies.** LGBTIQ people are often socially isolated and lack networks of support that can mitigate the impact of conflict-related violence. Institutionalized discrimination can also impact post-conflict recovery. Conflict prevention and post-conflict recovery efforts will be incomplete within intentional LGBTIQ inclusion.

To LGBTIQ civil society organizations:

- **Engage with the Women, Peace and Security agenda**, including by participating in the development of National Action Plans on WPS, where possible, in order to ensure LGBTIQ inclusion. Seek out allies, including UN agencies and embassies, that can help facilitate LGBTIQ inclusion in these processes.
- **Document conflict-related human rights violations on the grounds of sexual orientation, gender identity and expression, and sex characteristics.** Where possible, share documentation with national or international investigators or human rights organizations, including UN Special Rapporteurs and Independent Experts, and demand accountability.

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Annex

LGBTIQ Inclusion in Women, Peace and Security (WPS) National Action Plans

A growing number of countries address the specific vulnerabilities of LGBTIQ populations in their National Action Plan, either internally or through their foreign policy. As of December 2022, these include Argentina, Albania, Croatia, Germany, Ireland, Japan, Norway, South Africa, Sweden, Switzerland, the Netherlands, the United Kingdom, and Uruguay: 13 of the 104 countries that have established National Action Plans on WPS.[103] In some cases, LGBTIQ inclusion in these National Action Plans is limited to women of diverse sexual and gender identities, In other cases, countries have adopted a more expansive gender approach that recognizes the related vulnerabilities of individuals of all sexes and genders within the LGBTIQ spectrum. This Annex summarizes the references to sexual orientation, gender identity and sex characteristics in these different national action plans.

Albania

National Action Plan 2018-2020

In relation to the objective of integrating a gender perspective into educational programs, Albania commits to strengthening professional capacities of police officers to investigate crimes on the grounds of sexual orientation (hate crimes). The Ministry of Internal Affairs, along with civil society organizations specialized in Resolution 1325, will organize trainings, with the support of the Organization for Security and Cooperation in Europe and its Office for Democratic Institutions and Human Rights.[104]

Argentina

National Action Plan 2015-2018

In regard to international peace missions, Argentina vows to encourage "that all interventions in countries in conflict, post-conflict and affected by socio-natural disasters respect the diversity of gender, ethnicity, age, disability, religion, language, nationality and sexual orientation of females subject to violations of their human rights."[105]

Croatia

National Action Plan 2019-2023

In regard to the protection of refugees, asylum seekers, and migrants, the Republic of Croatia aims at improving "legal protection and providing psychological and social support and counseling to women refugees and applicants for international protection, especially … members of particularly vulnerable social groups," including sexual and gender minorities.[106]

Germany

National Action Plan 2021-2024

The introduction of the National Action Plan notes that LGBTI persons – like all women and girls – may be affected by sexual and gender-based violence during and after conflict. Germany aims to "[improve] protection for women refugees and children, LGBTI, people with disabilities, victims of human trafficking and other particularly vulnerable groups in Germany."[107] It also aims to "provide support, in particular for survivors of sexual and gender-based violence, including LGBTI and people with disabilities, with the provision of comprehensive medical advice, mental health and psychosocial support that takes context and especially trauma into account."[108]

The German government commits to ensuring that women's rights and LGBTI campaigners "are given protection and support so they can accomplish their work more effectively, efficiently and to more lasting effect."[109] It seeks to improve participation of minoritized groups by strengthening "national institutions to promote gender equality and gender-responsive legislation, access to the law and the implementation and enforcement of women's and LGBTI rights in fragile and (post-)conflict settings."[110]

Lastly, the German government notes that LGBTI people not only are exposed to multiple forms of discrimination that are exacerbated by crises but also do not form a homogeneous group, which demands that needs and opportunities be tailored according to context and culture. Germany positions itself as "firmly opposed [to] any lapses in equal rights for women and LGBTI people."[111]

Ireland

National Action Plan 2019-2024

Ireland vows to adopt an intersectional approach to increasing women's active and diverse participation and leaderships in decision-making roles by acknowledging that "women are not a homogenous group and face many and varied forms of discrimination including being a member of religious, cultural, ethnic, LGBTQI+ and migrant communities and as a result of experiencing a disability."[112]

Japan

National Action Plan 2019-2022

First, the National Action Plan notes the importance of implementing it with "due consideration to the diverse and unique needs and vulnerabilities of groups such as … LGBT persons."[113]

In relation to conflict prevention, Japan also vows to "promote inclusive support so as to ensure that refugees and displaced persons due to armed conflicts or heightened tension and other various vulnerable people, mainly women and girls (in particular, ethnic, religious, or linguistic minorities; those with disabilities; children without guardians; female-maintained households, LGBT persons, etc.; hereinafter referred to as "women and girls, etc."), will not be excluded but can participate in all processes of prevention, management, and resolution of conflicts and decision making."[114]

The "women and girls, etc." umbrella term is subsequently used throughout the National Action Plan, especially regarding humanitarian relief, recovery, and reconstruction assistance, and

in specific reference to shelters and the realization of sexual and reproductive health and rights. Japan commits to ensure "that the gender perspective is integrated in planning and implementing projects/programmes so that women and girls, etc. are surely protected even in subsidized organizations and outsourced contractors."[115] With regard to sexual and gender-based violence in humanitarian crises, the National Action Plan also notes that although most victims of sexual and gender-based violence are women and girls, careful consideration should be paid to men, boys, and LGBT persons who "are also subjected to sexual and gender-based violence and their cases are even less reported and responded."[116]

Norway

National Action Plan 2019-2022

In relation to humanitarian efforts, the National Action Plan acknowledges that different groups of people are affected differently during humanitarian crises. Norway's humanitarian efforts aim to safeguard those who are most at risk and marginalized, including "sexual minorities," and to ensure that such vulnerable groups are included in planning humanitarian efforts so that the efforts meet their needs.[117]

Sweden

National Action Plan 2016-2020

When setting forth its strategic focus, Sweden recognizes that additional factors other than gender, including gender identity and expression and sexual orientation, must also be considered in Sweden's work related to women, peace, and security.[118]

Switzerland

National Action Plan 2018-2022

The National Action Plan highlights Switzerland's commitment that its missions abroad support those who actively promote the rights of particularly vulnerable groups, such as LGBT people.[119]

South Africa

National Action Plan 2020-2025

South Africa's National Action Plan aims "to provide a guiding framework towards creating a safer and peaceful South Africa, Africa and world for women, girls and gender non-conforming persons."[120] It highlights South Africa's key role in the promotion and protection of the human rights of members of the LGBTIQA+ community while recognizing the widespread sexual and gender-based violence based on sexual orientation and gender identity. It emphasizes the need to "create an enabling environment for women to thrive in it, which includes to transform the ways in which these institutions respond to violence against women, and protect the elderly, young, disabled and LGBTIQA++, migrant and other marginalised communities."[121]

As part of its objective to build safer societies, South Africa intends to develop "awareness programmes and concrete measures to address the violent expressions of homophobia," in order to build communities that are more tolerant of sexual difference and decrease violence against LGBTIQA people.[122] To address all forms of abuse, violence, and discrimination, the country aims to protect LGBTIQA people "by providing awareness and psychosocial programmes and dedicated social services."[123]

The Netherlands “

National Action Plan 2021-2025

The Dutch National Action Plan calls for an asylum policy that is “gender-sensitive, gender-responsive and gender transformative, with a special focus on unaccompanied women, minors and LGBTQI+ asylum seekers.”[124]

Regarding relief, reconstruction, and recovery, the strategy highlights that “effective humanitarian interventions require sound and frequent gender- and conflict analyses to ensure that the different needs and vulnerabilities of … gender non-binary people, and LGBTQI+ people are adequately taken into account in the complexities of humanitarian crises.”[125]

The United Kingdom

National Action Plan 2018-2022

The government of the United Kingdom recognizes “that the challenges facing women and girls differ according to, for example, … sexual orientation and gender identity” and that sexual and gender minorities face high levels of discrimination and gender-based violence worldwide.[126] Paths towards accountability and justice need to ensure that “transitional justice and demobilisation, disarmament, and reintegration processes should account for the needs, opportunities and vulnerabilities of women, men, and sexual and gender minorities.”[127]

Uruguay

National Action Plan 2020-2025

In relation to ascertaining ideals of equality and non-discrimination, Uruguay notes that every human being is born free and equal in dignity and rights, without distinction, emphasizing non-discrimination based on sexual orientation, gender identity and/or expression.[128]

Endnotes

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