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Queering Peace and Security: Recommendations to the United Nations Independent Expert on Sexual Orientation and Gender Identity

Cooper-Cunningham, Dean; Hagen, Jamie J.; Akbary, Artemis; Ayazi, Mena; Bohémier, Alexandria; Chen, Eirene; Ghoshal, Neela; Hills, Jo; Kremer, Detmer; Passaniti Mezzano, Cecilia; Nagarajan, Chitra; Nellans, Lily; Peralta Ramón, María Susana; Ranawana, Anupama; Ritholtz, Samuel; Sloopmaeckers, Koen; Vernon, Patrick

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QUEER PEACE AND SECURITY

**RECOMMENDATIONS TO THE UNITED NATIONS INDEPENDENT
EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY**

Preamble

This document offers a vision and set of recommendations for the United Nations Independent Expert on Sexual Orientation and Gender Identity (IE-SOGI) to advance queer liberation and cultivate a burgeoning queer peace and security agenda. Acknowledging the links between this mandate and other UN priorities including the Social Development Goals, Women, Peace and Security (WPS), and the Secretary General’s Call to Action for Human Rights, it focuses on both priority issues and cross-agency actions that should be addressed by current and future IE-SOGI mandate holders to bolster queer people’s security and move towards peace for all. The recommendations are divided into four categories: engagement with civil society, engagement with Member States, engagement across the UN, and suggested annual report themes and activities.

Queer, feminist, and human rights sensibilities underpin our vision for the efforts of the IE-SOGI in the sense that it is centred on actions that help to build a world where queer people can live in dignity; it is peace-driven. Continuing to link feminist and queer agendas across the mandate is crucial in a period where anti-rights, anti-“woke”, “traditionalist” camps attempt to drive a wedge between feminist and queer work. The violence meted out against the trans community is a threat to all women and queers alike: it stems from misogyny, patriarchy, endosexism, and cisheteronormative politics. This persistent threat has violent ramifications even for those who argue that gender identity is an ideology. Queer liberation is not just for the L, G, B, or some sub-group. The structural and physical violence that trans and intersex people face is rooted in (re)enforcing violent patriarchal structures. Standing up for trans and intersex issues is about holding true to queer-feminist politics of bodily autonomy and a refusal to moralise about sexual and gender practices.

Across all recommendations, the IE-SOGI should use an accessible and intersectional approach and ensure the full and meaningful engagement of all queer voices. The current IE-SOGI, Victor Madrigal-Borloz, has consistently advocated for trans protections and highlighted transphobic politics as an area of concern. We urge future mandate holders to build on and extend this work and to integrate trans and intersex experiences and perspectives in all activities and reports.

We commend the previous mandate holder for recognizing the role of colonialism as it relates to the lives of LGBTQIA+¹ people and urge the incoming mandate holder to keep this at the forefront of any efforts to action our recommendations. In this sense, the queer peace and security agenda we encourage is a radical and intersectional vision for liberation.

¹ While we acknowledge the difficulty in translating sexuality and the impossibility of finding a term that captures all orientations everywhere, we use the terms queer and LGBTQIA+ throughout this document. We use queer as a broad, trans-inclusive term to mean those whose sexuality and/or gender do not align with cisnormative endosexist gender or heteronormative sexual ideals. LGBTQIA+ is an acronym that signals several identity categories – lesbian, gay, bisexual, trans, queer, intersex, asexual, and other identities – but does not fully capture the broad and culturally specific workings of human sexual or gender expression. These terms do not always translate outside of English and we are aware of their limitations.

While the recommendations made in this document are for the current and future IE-SOGI, we want to make clear to the entire UN apparatus: issues relating to sexual orientation, gender identity, gender expression, and sex characteristics do not stand in isolation from any of the UN's "other" work on peace and security. All of the activities of the UN to tackle the insecurity of people globally – including those pertaining to climate change, ecological disaster, forced displacement and migration, cybersecurity, misinformation, democratic backsliding, war, food insecurity, inequality, pandemics, and atrocity crimes – affect queer lives, and are driven by norms and logics (often militarist, extractivist, anthropocentric, colonial) that have specific, negative ramifications for queer individuals and communities. Addressing said norms and logics is not the sole task of IE-SOGI nor is including queer perspectives and experiences in peace and security work.

Recommendations

Engage civil society to draw on their expertise, shape the mandate, and strategise how to counteract anti-queer rights actors

Collaborating with and learning from civil society actors has been an important part of the IE-SOGI mandate thus far. Continuing to nurture existing partnerships and collaboration, as well as building new ones, with civil society actors working on queer issues is vitally important to the mandate's success. This should be a truly global endeavour, placing emphasis on partnering with groups and regions outside 'the west'.

1. Regularly consult the Working Group on Queer Peace & Security

As highlighted in previous convenings² about LGBTQIA+ people's experience in peace and conflict, a working group is being formed by academics and civil society groups. To ensure full and meaningful engagement of civil society throughout their mandate, IE-SOGI should set regular meetings with this group for knowledge exchange, generative dialogue, and guidance on LGBTQIA+ experiences in peace and conflict contexts. Our intention is to create an open dialogue with the IE-SOGI by providing recommendations and collaborating to ensure a successful and impactful mandate. This document is representative of that engagement.

2. Jointly develop risk indicators to reflect the 'continuum of violence' that moves from everyday to massive (atrocities) violence

It is important for the IE-SOGI to recognize that the mandate should reflect a broad spectrum of issues that threaten the security of queer people beyond mass violence and active conflict, but including everyday violence such as domestic violence, hate crimes, workplace and healthcare discrimination, and police brutality. These issues can still helpfully be addressed using a peace and security framework. The IE-SOGI should develop risk indicators working together with civil society and cultivate relationships with development actors to better track the continuum of violence against queer people and encourage data collection about everyday violence. Further, in efforts to address queer peace and security, including thematic reports and Special Procedures country visits, a careful consideration of non-conflict related violence must be included.

² The April 2023 Strategy Session UN IE-SOGI Strategy Meeting: LGBT+ and Gender Diverse Persons Rights & Risks in Peace and Security, and the first (NYC, NY March 2023) and second Queer Peace and Security Conversation Cafes (London, UK August 2023).

3. Contribute to counteracting the current anti-rights movement

The anti-rights movement is increasingly influential, working across borders and continents and in international spaces to restrict the rights and freedoms of women, girls, and LGBTQIA+ people through efforts to curtail access to safe abortion, pass anti-homosexuality legislation that criminalises LGBTQIA+ people and their allies, ban comprehensive sex education, and stop assisted reproduction. It is also linked to anti-democratic movements and attempts to erode human rights norms and constitutes a grave threat to the human security of minoritised people and groups (e.g., LGBTQIA+) in times of relative conflict and peace. This movement is sowing dangerous seeds that create conditions for human rights violations and mass atrocities by legitimising anti-queer social and political positions; we know historically that such movements never stop with queer people. The IE-SOGI should work with civil society on how best to intervene in this space and together develop guidelines for engaging anti-rights actors.

4. Facilitate movement building between feminist, youth, disability rights, and LGBTQIA+ organisations

We know that intersectional approaches are incredibly important in addressing inequalities and recognising a diversity of experiences in both peace and conflict settings. In order to build more informed and interconnected movements, IE-SOGI should work with feminist, youth, and disability rights organisations to identify priority causes where mutual collaboration will be important. We know movements are more effective when they work across issue areas and recognise how intersecting identities and experiences affect individuals' experiences in conflict and peacebuilding efforts.

Advocate for coherent foreign and domestic policy around diverse SOGIESC³ with Member States

Call for all Special Procedures to examine the alignment of foreign and domestic policy on queer issues during country visits. The IE-SOGI country visits offer an opportunity to further align queer-affirming foreign and domestic policies as two parts of the same package rather than approaching sexuality and related gender policy as foreign or domestic issues. To achieve this, two fruitful avenues for mobilising the IE-SOGI's technical expertise – a core function of Special Procedures – would be through: collaborating with states to integrate queer communities into WPS National Action Plans and integrating queer issues in state-specific processes such as Universal Periodic Reviews and Nationally Determined Contributions mandated by the UN Framework Convention on Climate Change. This all includes supporting movement building between organisations and individuals working on gender and LGBTQIA+ issues locally and those working on it internationally by identifying areas for collaboration across issues.

1. Build critical mass and support for the inclusion of queer perspectives into the new crimes against humanity treaty

The new crimes against humanity treaty is built on a heteronormative gender binary from the first sentence: "throughout history millions of children, women and men have been victims of crimes that deeply shock the conscience of humanity"⁴. A deep understanding of gender and sexuality as core issues across conflict-related scenarios has already been addressed by Madrigal-Borloz whose report should continue to be used as a tool to garner diplomatic support for the inclusion of SOGI in the aforementioned treaty and framework. Using this existing work, IE-SOGI can provide legal expertise to develop draft text for inclusion in the crimes against humanity treaty and can strategize with like-minded states (going beyond a coalition of 'western' countries that are open to accusations of neo-colonialism, towards a more diverse and representative group) and agencies to counteract the impacts of the anti-rights movement in global spaces; including in treaty development. Doing so would ensure SOGIESC inclusion in the current draft and improve the prospects of its inclusion in the adopted and ratified version.

2. Engage with states around the provision of data about violence against LGBTQIA+ people to civil society actors (esp. LGBTQIA+ activists)

Relatedly, as recommended above with regards to data practices across UN institutions, we recommend sharing with states the best practices on data collection/evidence gathering on SOGIESC-related violence that the IE-SOGI develops. Work is already underway on similar issues by UN Women so there is space for collaboration here. See for example UN Women (2023) Brief: "The state of evidence and data collection on technology-facilitated violence against women."

3. Convene states and civil society to collaboratively reflect on thematic report findings and co-create a path forward

This should include learning spaces for local changemakers, activists, NGOs, and UN organs to learn from each other on best practices.

⁴ United Nations (2019). Report of the International Law Commission A/74/10. pp.11-21

Meet and advise UN organs working on peace and security to integrate queer perspectives and experiences

In this cross-UN engagement, the mandate holder should highlight intersectional analyses, for example when it comes to class, disability, gender and SOGIESC, drawing on the insights offered by LGBTQIA+, anti-colonial, disability rights, feminist, and other human rights movements. Interacting with all UN organs working on peace and security is a large task so we recommend the mandate holder prioritise the following:

1. Advocate for the inclusion and mainstreaming of queer issues and perspectives in the work of the Security Council

This should principally take place through collaboration with those working on Women, Peace and Security and Youth, Peace and Security (YPS) to ensure a joined up approach to tackling cisheteronormative endosexist structures, which intersect with both of these existing agendas. To ensure that queer work does not get siloed or co-opted into potentially militarist, anthropocentric, imperialist projects, we do not recommend pushing for a specific resolution on queer issues through the Security Council at this time.

2. Work with the Department of Political and Peacebuilding Affairs (DPPA) to push for UN peacekeeping and political missions to integrate SOGIESC issues

This should include: meeting a diverse range of LGBTQIA+ rights activists, groups, and organisations – making particular efforts to speak to those whose voices are often most marginal – in the countries concerned; developing mechanisms to reach out to LGBTQIA+ individuals and communities in a manner that is safe and reduces the risk of backlash against them; integrating queer-sensitive approaches into humanitarian response; issuing guidance on linguistic diversity and sensitivity around diverse SOGIESC; and establishing best practices on SOGIESC-related issues in collaboration with the DPPA that are flexible to localised conditions.

3. Engage in joint collaboration and learning with the UN Youth Office, the UN Youth Envoy, and UN Women

Within the IE-SOGI mandate, we recommend amending existing processes and outreach to enable both the meaningful participation of queer youth with a diversity of backgrounds, genders and identities, and the reflection of their analyses, experiences, and lived realities in the work of the mandate. Outside the IE-SOGI mandate, we encourage peer learning and developing best practices with the Youth Office, Youth Envoy, and UN Women on queer youth engagement (especially around protection mechanisms) as integral to pursuing the YPS and WPS agendas and providing space for institutional learning on advocacy and capacity strengthening⁶. Doing so, IE-SOGI should heed the findings of the UN's "If I Disappear Global Report on Protecting Young People in Civic Space" (2021): queer youth's issues are often dismissed as not meeting the threshold to be considered proper human rights issues; queer youth are often excluded by privileged members of the queer community (notably white gay men); and queer youth outside 'the west' are constituted as importing a western queer ideology. Beyond the UN, IE-SOGI should connect with civil society working on the YPS agenda, such as the Global Coalition on Youth, Peace and Security.

⁶ This learning on advocacy and capacity strengthening should build on existing practices, such as the Participation, Protection, Prevention, and Partnership model outlined in Security Council Resolution 2250 (2015), and take place through Informal Expert Groups on queer issues similar to the approach proposed in Security Council Resolution 2242 (2015).

4. Create principles of good practice for all UN organs on data collection and evidence gathering on SOGIESC-related violence

Building on IE-SOGI's research and report on the collection and management of data on violence and discrimination on the grounds of SOGIESC (A/HRC/41/45), this should include creating guidance for UN organs on how to collect data and gather evidence on queer issues as well as how, when, and with whom to share data. This will involve establishing shared understandings of SOGIESC-motivated violence and discrimination while accommodating differing cultural understandings of sexuality, gender, and sex. It will also involve collaborating with and being led by civil society actors who are already doing the bulk of this work; especially in spaces of criminalisation and repression.

5. Work with all relevant entities including UNDP, DPPA, IOM OLA, UNFPA, and UNICEF to implement Decision 2020/65 by developing a strategy and guidance on countering discrimination and violence against LGBTQIA+ people

The IE-SOGI should support the UN system to fulfil this commitment to develop a common vision and strengthen its capacity and resolve to address violence and discrimination against LGBTQIA+ people, both through each UN agency's programming and its internal human resource management policies⁷.

6. Work with OHCHR to develop guidance documentation on linguistic diversity and sensitivity around SOGIESC terminology

A particularly important area in this regard is issuing guidance for interpreters and translators about linguistic issues and sensitivities when translating terminology such as queer or variations of the LGBTQIA+ acronym. In addition, guidance should be included on the use and translation of culturally specific terminology such as Hijra, fa'afafine, two-spirit, and others. Recognizing the significance of terminology, they should not be flattened to LGBTQIA+ or queer when used or translated.

⁷ Decision 2020/65 stated that this guidance and strategy would cover issues related to leadership, capacity, participation, programming, coordination, and internal UN policies on treatment of queer UN personnel.

Consider developing three thematic reports on:

1. **Queer Feminist Alliances**

A report on the space for queer-feminist alliances that focuses on common issue areas of peace and security, including bodily autonomy and gender-based continua of violence, would create a much needed jumping off point for joint efforts between feminist and queer camps. A key interlocutor here is UN Women, who can create common ground in a time of fractious politics.

2. **Responses to anti-rights and anti-gender movements**

Building on this, a second report that responds to anti-rights and anti-gender movements would build a pathway forward to counteracting these professionalised and effective transnational movements. This report should look at issues related to the growing efforts to harm curtail the rights of, women and other LGBTQIA+ people. It should look at how homo-, lesbo-, bi-, trans-, endo-phobia is being used as a political tool globally. This analysis could create the building blocks for developing a radically intersectional approach to the growing anti-gender movement, which has become inseparable, in some places, from a broader conservative anti-rights agenda that stigmatises refugees and migrants, sustains economic inequality, denies climate change, whips up nationalism, and creates fertile conditions for mass atrocities.

3. **Translating SOGIESC across (linguistic and cultural) borders**

The global SOGIESC community is a constellation of people with different identities that are culturally situated and unique to their own lived experience. This culturally situated nature of SOGIESC identity can become lost or confused at the UN level as complex identities often have to be lumped into groups and distilled in order to be intelligible to broader audiences. Recognizing the linguistic challenges that result from this cultural diversity, the IE SOGI could produce a report that explores the linguistic and cultural complexities of SOGIESC identities at the UN and then put forward suggested pathways for more culturally inclusive language for use on SOGIESC topics at the UN.

Authors

The production of knowledge is not a neutral, objective endeavour. It is always shaped by the socio-political context in which it emerges. This document was written collaboratively. Its contents are derived from a public conversation café held in London in August 2023 that included NGO representatives, academics, members of the public, and queer-feminist activists. The event and the writing of this text are/were, by their nature, exclusive processes. Borders and institutions play(ed) a huge role in creating these barriers. We do not purport to speak on behalf of all queer people everywhere; this is not a totalising vision.

The authors were: Dean Cooper-Cunningham, Jamie J. Hagen, Artemis Akbary, Mena Ayazi, Alexandria Bohémier, Eirene Chen, Neela Ghoshal, Jo Hills, Ella Irwin, Detmer Kremer, Cecilia Passaniti Mezzano, Chitra Nagarajan, Lily Nellans, María Susana Peralta Ramón, Anupama Ranawana, Samuel Ritholtz, Koen Sloomaeckers, and Patrick Vernon.

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Corresponding author: Dean Cooper-Cunningham (dcc@ifs.ku.dk).

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