

A UN for All? UN Policy and Programming on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

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Cover Photo: Secretary-General Ban Ki-moon delivers remarks at the UN Free & Equal lunch in San Francisco where he received a medal from the Harvey Milk Foundation for the UN Free & Equal campaign, June 26, 2015. UN Photo/Mark Garten.

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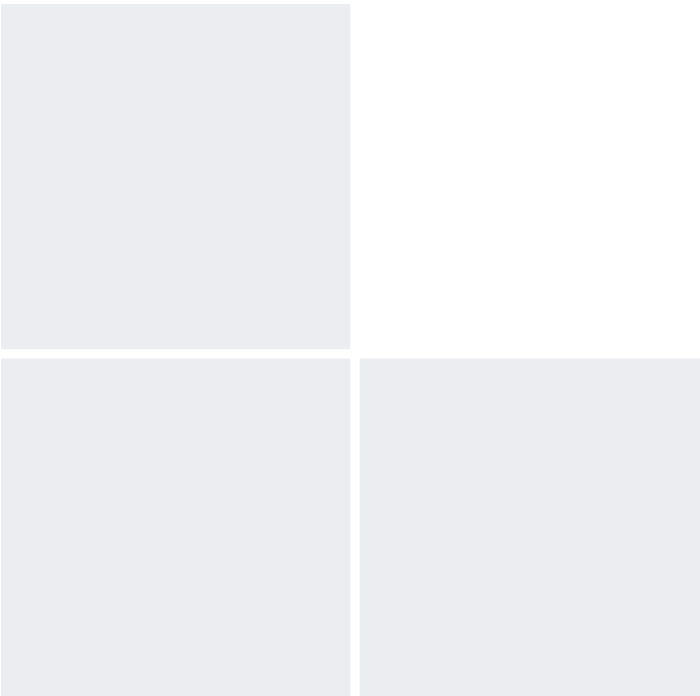
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ABBREVIATIONS

ECOSOC	UN Economic and Social Council
IDAHOBIT	International Day Against Homophobia, Biphobia, Intersexism and Transphobia
ILO	International Labour Organization
IOM	International Organization for Migration
LGBTI	Lesbian, gay, bisexual, transgender, and intersex
MSM	Men who have sex with men
OIC	Organisation of Islamic Cooperation
SOGIESC	Sexual orientation, gender identity and expression, and sex characteristics
UNAIDS	Joint UN Programme on HIV/AIDS
UNDP	UN Development Programme
UNESCO	UN Educational, Scientific and Cultural Organization
UNFPA	UN Population Fund
UNHCR	UN Refugee Agency
UNODC	UN Office on Drugs and Crime
USAID	US Agency for International Development
WHO	World Health Organization

Executive Summary

Sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) have been on the UN's agenda for more than twenty-five years. Many of the earliest developments took place in the UN human rights mechanisms and Human Rights Council. Increasingly, however, UN agencies, funds, and programs are also integrating SOGIESC into their policy and programming. Initially, UN policy and programming on SOGIESC focused on human rights and global public health. Over the past ten years, other parts of the UN system, particularly the UN development system, have expanded this work into other areas. While policy and programming on SOGIESC still lag behind in some parts of the UN—and for some parts of the lesbian, gay, bisexual, transgender, and intersex (LGBTI) population—the UN's attention to SOGIESC has increased relatively rapidly in the space of a decade.

How have UN policy and programming on SOGIESC arrived at this point? In agencies and offices where they have gained traction, several factors are at play. This work has often begun due to passionate individuals who saw a gap and decided to fill it. Many of them were able to do so with support from UN leadership, whether from their immediate managers, resident coordinators, agency heads, or the secretary-general himself. This has led some UN entities to develop stand-alone SOGIESC-specific programming or to develop guidance and training to mainstream SOGIESC into other areas of their work. This work has also been driven forward by external pressure and support from civil society activists and UN member states.

However, UN policy and programming on SOGIESC have also encountered barriers. Many individual initiatives have not been institutionalized, putting their sustainability in doubt. Rhetorical support from leaders has not always translated into political and financial backing. Most UN staff have little concrete guidance on how to integrate SOGIESC into their work, and there are few training programs. While some member states have been supportive, others have been hostile, and

few states have made major financial commitments to support UN programming on SOGIESC. Interagency coordination remains ad hoc. To overcome these barriers, the UN Secretariat, UN agencies, funds, and programs, supportive UN member states, and LGBTI activists could consider taking the following steps:

- **Building the human resources needed to institutionalize the UN's work on SOGIESC**, including by hiring full-time SOGIESC specialists at a sufficiently senior level and creating internal working groups or focal-point networks for those working on SOGIESC.
- **Making the UN a safe and accepting workplace for LGBTI people**, including by ensuring human resources policies are inclusive of LGBTI people and systematically sensitizing all staff about issues related to SOGIESC.
- **Mainstreaming and coordinating work on SOGIESC**, including by developing system-wide and agency-specific guidance on how to include LGBTI people in policy and programming and coordinating work on SOGIESC at the strategic level.
- **Strengthening partnerships between the UN and other actors**, including through greater financial support from member states for SOGIESC-specific UN programming, UN support to government efforts to generate SOGIESC-disaggregated data, UN partnerships with governments to find entry points for programming on SOGIESC in every geographic region, and continued UN partnerships with civil society and the private sector.
- **Continuing to expand policy and programming on SOGIESC into new areas**, including by increasing attention to SOGIESC among those working on humanitarian affairs and peace and security, broadening the focus of LGBTI activists beyond human rights, moving policy and programming on gender beyond the gender binary, and exploring intersections between the UN's work with LGBTI people and its work with other marginalized groups.

Introduction

In September 2015, twelve UN entities issued a joint statement calling for an end to violence and discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) people—an unprecedented and groundbreaking move. This came more than twenty years after issues related to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) first appeared on the agenda of the UN (see Box 1 for a note on terminology). During those two decades, issues related to SOGIESC had mainly been advanced through the UN human rights mechanisms and in the Human Rights Council. This statement was something different: the first joint commitment by many of the UN’s largest human rights, development, and humanitarian entities to “support and assist Member States and other stakeholders as they work to... respect, protect, promote and fulfil the human rights of all LGBTI people.”¹

While this commitment may feel remote to the LGBTI people most in need of support and protection, UN agencies, funds, and programs can have a meaningful impact on the lives of those who have been marginalized or targeted on the basis of their SOGIESC. The UN can have a direct impact by ensuring that public health programs or humanitarian responses address the needs of LGBTI people, supporting local LGBTI organizations, or assisting LGBTI refugees and asylum seekers. It can also have an indirect impact by advocating for governments to change discriminatory laws or policies, raising public awareness about LGBTI people, creating platforms for dialogue between LGBTI activists and government officials, or reinforcing the rights and inclusion of LGBTI people as international norms. Moreover, supporting LGBTI people is fundamental to the

The UN can have a meaningful impact on the lives of those who have been marginalized or targeted on the basis of their sexual orientation, gender identity or expression, or sex characteristics.

UN’s mission, including its recognition of “the equal and inalienable rights of all members of the human family” and its pledge that “no one will be left behind” in achieving the Sustainable Development Goals.²

This paper explores what UN agencies, funds, and programs have been doing to fulfill the commitment they made in their 2015 joint statement to respect, protect, promote, and fulfill the rights of LGBTI people. To date, researchers have primarily analyzed the UN’s work on SOGIESC through two lenses: a legal lens, looking at the UN human rights mechanisms in Geneva; and a political lens, looking at debates and resolutions in the Human Rights Council and other intergovernmental fora (see the Annex for an overview of legal and political developments). This paper uses a technical lens, looking at

the policy and programming of the UN Secretariat and UN agencies, funds, and programs on human rights, global public health, sustainable development, humanitarian affairs, peace and security, and gender.³

In just ten years, UN policy and programming on SOGIESC have come a long way. This progress has been driven by passionate individual staff members, supportive leaders and allies, governments that have provided political and financial support, civil society organizations that have partnered with the UN and pushed it from the outside, and cooperation among UN entities. At the same time, UN policy and programming on SOGIESC face numerous challenges: inadequate institutionalization, inconsistent or shallow support from leadership, a lack of guidance or training, political opposition, inadequate funding, and ad hoc interagency cooperation. This paper offers recommendations for the UN and its member states to confront these challenges and maintain momentum. It is hoped that these findings will be of use to UN staff, member-state representatives, and

1 International Labour Organization (ILO), Office of the UN High Commissioner for Human Rights (OHCHR), UNAIDS Secretariat, UN Development Programme (UNDP), UN Educational, Scientific and Cultural Organization (UNESCO), UN Population Fund (UNFPA), UN Refugee Agency (UNHCR), UNICEF, UN Office on Drugs and Crime (UNODC), UN Women, World Food Programme (WFP), and World Health Organization (WHO), “Joint UN Statement on Ending Violence and Discrimination against Lesbian, Gay, Bisexual, Transgender and Intersex People,” September 29, 2015.

2 UN General Assembly Resolution 217 A (December 10, 1948), preamble; UN General Assembly Resolution 70/1 (October 21, 2015).

3 These three lenses, or “three overlapping streams”—the political, the legal, and the technical—are borrowed from Sofia Gruskin, Alice Miller, Jane Cottingham, and Eszter Kisimodi, who apply it to the global sexual rights landscape. “Desert, Rainforest or Jungle: Navigating the Global Sexual Rights Landscape,” in *SexPolitics: Trends & Tensions in the 21st Century—Critical Issues*, Sonia Corrêa and Richard Parker, eds. (Rio de Janeiro: Sexual Policy Watch, 2018), pp. 9–10.

civil society activists working to ensure that the UN continues advancing efforts to include the needs and interests of LGBTI people in its work.

The paper draws on thirty-six interviews with current and former UN officials with experience working on issues related to SOGIESC in fifteen

UN entities, as well as with current and former representatives of member-state governments and civil society organizations.⁴

Issues related to SOGIESC have been on the UN's agenda, in some form, for more than twenty-five years.

in the UN human rights mechanisms in Geneva, beginning in 1994 when the Human Rights Committee became the first UN organ to acknowledge that human rights extend to lesbians and gay men. Shortly thereafter, SOGIESC also became a subject of discussion among UN member states, beginning in 1995 when sexual orientation was discussed at the World Conference on Women in Beijing (see Annex).

Twenty-Five Years of Advancement on SOGIESC at the UN

Issues related to SOGIESC have been on the UN's agenda, in some form, for more than twenty-five years. Many of the earliest developments took place

UN agencies, funds, and programs have been comparatively slower to address SOGIESC. It was not until 2011 that the Office of the High Commissioner for Human Rights (OHCHR) published the first UN report on SOGI and not until 2014 that a UN development agency first launched programming directly related to SOGIESC. Nonetheless, the past decade—and the past five years in particular—has seen an expansion of policy

Box 1. Breaking down the acronyms

The language used to discuss sexual orientation and gender identity is constantly evolving. This paper uses the two terms currently most prevalent within the UN: SOGIESC (or SOGI, a shorter but less inclusive term that is more widely used) and LGBTI (or shorter versions of the acronym, depending on which populations are being discussed).⁵

SOGIESC encapsulates several distinct concepts: sexual orientation, gender identity and expression, and sex characteristics. Sexual orientation refers to a person's sexual activity with and attraction to people of the same or a different gender, as well as the way they self-identify (e.g., as straight, gay, lesbian, or bisexual). Gender identity refers to a person's internal perception of their gender (irrespective of the sex they were assigned at birth), while gender expression refers to the outward manifestations of their gender (e.g., dress and mannerisms). Sex characteristics refer to a person's biological features related to sex (e.g., genitalia, sex organs, hormones, and chromosomes). The term SOGIESC is inclusive in that it does not refer to a specific group of people: everyone has a sexual orientation, a gender identity, a gender expression, and sex characteristics.

LGBTI, on the other hand, does refer to a distinct group of people: those who identify as lesbian, gay, or bisexual rather than straight (in reference to their sexual orientation); those who identify as transgender rather than cisgender (in reference to whether their gender identity or expression conforms with their sex assigned at birth); and those who identify as intersex (i.e., their biological features are not those typically identified as male or female). As discussed below, the terms SOGIESC and LGBTI have both been subject to criticism.

⁴ The interviews were conducted between October 2019 and July 2020. Because of the limited pool of people focused on SOGIESC at the UN, the interviewees are not as geographically diverse or as representative of the LGBTI community as would be ideal. Most interviews were with people based at UN headquarters offices, as the paper focuses on policy and programming at the global level.

⁵ For more on terminology, see: Bex Montz, "Acronyms Explained," OutRight Action International, August 12, 2019; and Andrew Park, "Which Term to Use? LGBT? LGBTQIA? SOGI? SGM?" LinkedIn, August 19, 2019.

and programming on SOGIESC across the UN system. This section explores how the UN's work on SOGIESC has intersected with its work on human rights, global public health, development, humanitarian affairs, peace and security, and gender.

The Office of the High Commissioner for Human Rights: The Public Face of LGBTI Rights

Over the past twenty-five years, the UN human rights mechanisms have produced a large body of guidance and statements establishing that human rights extend to LGBTI people (see Table 2 in the Annex). Within the past ten years, this normative framework has carried over into UN policy and programming on human rights. The Human Rights Council passed resolutions in 2011 and 2014 formally mandating OHCHR to produce the first two official UN reports on discrimination and violence based on SOGI (see Table 3 in the Annex).⁶ OHCHR is also responsible for supporting the work of the independent expert on SOGI (see Box 2).

Beyond these formally mandated responsibilities, OHCHR has developed guidelines that clarify states' obligations related to SOGIESC under international human rights law and highlight examples of government-led initiatives to meet these obligations.⁷ It has published standards of conduct for businesses to tackle discrimination against LGBTI people, which more than 260 companies have endorsed.⁸ OHCHR is also the UN's most public face for issues related to SOGIESC. Since 2008, the high commissioner has regularly spoken on the topic, both publicly and behind the scenes. In 2013, OHCHR launched the UN Free & Equal campaign, a flagship initiative

that raises public awareness of the challenges facing LGBTI people at both the global and the country levels (see Box 3).⁹

More recently, in April 2020, OHCHR was the first UN entity to call attention to the disproportionate impact of the COVID-19 pandemic on LGBTI people.¹⁰ UN Secretary-General António Guterres further elevated this message by calling on national and local response and recovery plans "to address the disproportionate impact of the virus on certain groups and individuals," including LGBTI people.¹¹ According to one LGBTI activist, this high-level messaging from the UN has helped set the tone and has provided a strong basis for looking at the pandemic through a human rights lens.¹²

Global Public Health: The Shift toward a Rights-Based Approach

Despite OHCHR's prominence on the rights of LGBTI people, it was not the first UN agency to begin considering SOGIESC in its work; sexual orientation and gender identity first emerged as priorities in the World Health Organization (WHO). One of the first major steps came in 1992, when the World Health Assembly declassified homosexuality as a mental disorder in the tenth edition of the International Statistical Classification of Diseases and Related Disorders.¹³

But it was the global response to the HIV/AIDS epidemic that brought about a more decisive shift. As WHO began ramping up its response to the pandemic in the late 1980s, the director of WHO's Global Programme on AIDS pushed for the agency to think differently about the intersection between HIV/AIDS and human rights—to see human rights not as a barrier to public health but as essential to

6 UN General Assembly, *Discriminatory Laws and Practices and Acts of Violence against Individuals Based on Their Sexual Orientation and Gender Identity—Report of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/19/41, November 17, 2011; *Discrimination and Violence against Individuals Based on Their Sexual Orientation and Gender Identity—Report of the Office of the United Nations High Commissioner for Human Rights*, UN Doc. A/HRC/29/23, May 4, 2015.

7 These guidelines include two editions of "Born Free and Equal," the first published in 2012 and the second in 2019, and "Living Free and Equal," published in 2016.

8 OHCHR, "Tackling LGBTI Discrimination in the Private Sector: Standards of Conduct for Business," 2017. For the list of companies supporting the standards, see: Partnership for Global LGBTI Equality, "The Supporters," available at <https://www.global-lgbti.org/the-supporters>.

9 The campaign website is available at <https://www.unfe.org>.

10 OHCHR, "COVID-19 and the Human Rights of LGBTI People," April 2020.

11 United Nations, "COVID-19 and Human Rights: We Are All in This Together," April 2020, p. 21.

12 Phone interview with civil society activist, July 2020.

13 However, it was not until 2019 that the eleventh edition declassified "gender identity disorder."

Box 2. The independent expert on SOGI: A groundbreaking mandate

The independent expert on protection against violence and discrimination based on SOGI, first appointed in 2016, has a broad mandate that includes assessing the implementation of human rights instruments with regard to SOGI, raising awareness of and supporting national efforts to combat violence and discrimination on the basis of SOGI, and consulting with states and other stakeholders.¹⁴ UN officials working on SOGIESC universally praised the current independent expert, Victor Madrigal-Borloz, highlighting the usefulness of his reports and the symbolic importance of his position.

To date, the independent expert has visited four countries on fact-finding missions. He regularly issues statements on legislation and policies in specific countries, as well as on thematic issues. The independent expert releases two reports each year, one to the Human Rights Council and one to the General Assembly.

In 2020, the independent expert's work has focused on the impact of the COVID-19 pandemic on LGBTI people. In May, he joined ninety-five other UN special procedures mandate holders to call on governments and other stakeholders to consider the "suffering and resilience of LGBT persons" in their pandemic response.¹⁵ In June, he released guidelines on ensuring that the pandemic response and recovery are free from violence and discrimination based on SOGI.¹⁶ His 2020 report to the UN General Assembly addresses the impact of COVID-19 on the human rights of LGBTI people.¹⁷

One of the core principles of the independent expert's work is dialogue. He holds regular consultations with LGBTI civil society groups, other UN entities, and UN member states, including those that do not support his mandate. To encourage dialogue, he not only calls out states' discriminatory practices but also devotes a portion of each report to highlighting good practices from around the world.¹⁸ The independent expert also regularly collaborates with other UN independent experts, which helps prevent the rights of LGBTI people from being siloed and highlights the intersectionality between different categories of rights.

an effective public health response. WHO started openly advocating against discrimination against "key populations," including men who have sex with men (MSM) and, eventually, transgender people.¹⁹ In 1990, WHO's director-general issued a note verbale calling for the decriminalization of homosexuality—the first time a UN agency staked out a position on sexual orientation.²⁰

Over the next two decades, WHO and other global

public health actors, together with the human rights community, systematically sought to link HIV/AIDS to international human rights frameworks. These efforts culminated in 1998, when OHCHR and the Joint UN Programme on HIV/AIDS (UNAIDS) jointly endorsed international guidelines on HIV/AIDS and human rights.²¹ The link was further solidified by a 2004 report from the special rapporteur on the right to health that repeatedly affirmed the sexual rights of LGBT

14 UN Human Rights Council Resolution 32/2 (June 30, 2016), UN Doc. A/HRC/RES/32/2, July 15, 2016.

15 OHCHR, "COVID-19: The Suffering and Resilience of LGBT Persons Must Be Visible and Inform the Actions of States: Statement by Human Rights Experts on the International Day against Homophobia, Transphobia and Biphobia," May 17, 2020.

16 OHCHR, "ASPIRE Guidelines on COVID-19 Response and Recovery Free from Violence and Discrimination Based on Sexual Orientation and Gender Identity," June 2020.

17 UN General Assembly, *Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz: Violence and Discrimination Based on Sexual Orientation and Gender Identity during the Coronavirus Disease (COVID-19) Pandemic*, UN Doc. A/75/258, July 28, 2020.

18 Phone interview with UN official, April 2020.

19 "Key populations" refers to groups with a higher prevalence of HIV/AIDS. "Men who have sex with men" is a term that emerged from this work on HIV/AIDS to distinguish the behavior of same-sex sexual activity from the identity of being gay or bisexual.

20 Jeffrey O'Malley and Andreas Holzinger, "The Sustainable Development Goals and Sexual and Gender Minorities," 2018, p. 96; phone interview with former UN official, March 2020.

21 Mark Heywood and Dennis Altman, "Confronting AIDS: Human Rights, Law, and Social Transformation," *Health and Human Rights* 5, no. 1 (2000), p. 154; UNAIDS and OHCHR, "International Guidelines on HIV/AIDS and Human Rights: 2006 Consolidated Version," 2006.

Box 3. OHCHR's Free & Equal campaign: Raising public awareness of the rights of LGBTI people

OHCHR's Free & Equal campaign is the UN's most prominent, public-facing program focused on SOGIESC. Launched in 2013, it promotes the equal rights and fair treatment of LGBTI people around the world. Through the campaign, OHCHR has tried to raise awareness on specific topics and groups of people (including intersex, transgender, and bisexual people) and published pro-equality video messages from political and cultural leaders.²²

Increasingly, however, the focus of the campaign has shifted from the global to the country level. Country-level campaigns usually come about when staff from the field office of a UN agency, fund, or program approach OHCHR to request support. The goal of these campaigns is to provide context-specific messaging that avoids playing into the idea that LGBTI rights are part of a Western agenda. Country-level campaigns are guided by three principles: (1) talk to "people in the middle" (as opposed to doing "fan service" or naming and shaming); (2) speak to issues that cut across the LGBTI community; and (3) collaborate with local civil society organizations from the beginning. Campaigns use uncomplicated messaging and adapt terminology to the local context.

While it is difficult to assess the effectiveness of the Free & Equal campaign in creating cultural and behavioral change, OHCHR received funding to conduct an independent evaluation of the campaign in 2020.²³

people.²⁴

This rights-based approach to HIV/AIDS became the entry point to policy and programming on SOGIESC for many UN agencies, including the International Labour Organization (ILO), UN Development Programme (UNDP), UN Educational, Scientific and Cultural Organization (UNESCO), UN Population Fund (UNFPA), and UN Office on Drugs and Crime (UNODC).²⁵ LGBTI populations are now central to the HIV/AIDS response across the UN system. Numerous interagency guidelines address the needs of MSM and transgender people when it comes to HIV/AIDS prevention, diagnosis, treatment, and care. The UNAIDS Secretariat also mainstreams SOGI throughout its work, and many LGBTI

The rights-based approach to HIV/AIDS became the entry point to policy and programming on SOGIESC for many UN agencies.

activists have come to see it as a valuable partner.²⁶

In recent years, UNAIDS has taken a more holistic approach to SOGIESC, including by more vocally advocating for changes to discriminatory laws and policies that prevent LGBTI people from accessing HIV/AIDS treatment.²⁷ It is also looking beyond MSM and transgender people to consider the needs of intersex people and women and girls. Relatedly, it is trying to shift away from terminology like MSM that is rooted in epidemiology and "treats people as disease vectors." As one UN official put it, "You can't disconnect work on HIV/AIDS from the humanity of the people you're trying to help."²⁸

However, UN agencies working on public health

22 See the Free & Equal campaign website at <https://www.unfe.org>.

23 Interview with UN official, New York, December 2019.

24 UN Economic and Social Council, *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health*, UN Doc. E/CN.4/2004/49, February 16, 2004.

25 Phone interviews with UN officials, October–December 2019.

26 Dodo Karsay, "How Far Has SOGI Advocacy Come at the UN and Where Is It Heading? Assessing Sexual Orientation, Gender Identity, and Intersex Activism and Key Development at the UN 2003–2014," ARC International, September 2014, p. 19.

27 In May 2020, for example, UNAIDS called on governments "to stop arbitrary and discriminatory arrests of LGBTI people" in the context of the COVID-19 pandemic. UNAIDS, "UNAIDS Calls on Governments to Stop Arbitrary and Discriminatory Arrests of LGBTI People and to Protect Their Human Rights," May 15, 2020.

28 Phone interview with UN official, December 2019.

have been less assertive in taking on discriminatory practices against LGBTI people that are not linked to HIV/AIDS. For example, WHO has been slow to issue normative guidance against so-called “conversion therapy” or irreversible interventions on intersex children, despite growing consensus that these are human rights violations.²⁹

The UN Development System: From HIV/AIDS to “Leaving No One Behind”

It is only within the past ten or so years that UN development agencies have meaningfully broadened their policy and programming on SOGIESC beyond the HIV/AIDS response—nearly two decades after a rights-based approach was mainstreamed across the UN development system. The evolution of UNDP’s work on SOGIESC is illustrative. As with many UN agencies, these efforts grew out of UNDP’s work with key populations as part of the HIV/AIDS response; in fact, in 2008, UNDP volunteered to be the lead agency within UNAIDS on issues related to SOGIESC—a role no other agency had been willing to take on.³⁰

It was in Asia where UNDP’s work on SOGIESC first transcended its work on HIV/AIDS. In 2010, UNDP launched the UN’s first multi-country program focused on SOGIESC, giving grants to national and regional NGOs led by MSM and transgender people to provide HIV/AIDS-related services, advocate for legal and policy change, and generate data. The UNDP regional office in Bangkok leveraged this groundwork to get funding from bilateral donors for a regional program called “Being LGBTI in Asia,” which was launched in 2014 (see Box 4). This was UNDP’s first step toward working with LGBTI people outside of the “health paradigm.”³¹ It was also the UN develop-

ment system’s first large-scale initiative dedicated specifically to SOGIESC and framed around the broad inclusion of all LGBTI people.

Alongside OHCHR, UNDP is now widely seen as a leader on SOGIESC within the UN system. The Being LGBTI in Asia program is ongoing, and UNDP has launched similar programs in Eastern Europe, the Caribbean, and Africa. At the global level, UNDP has published manuals for national human rights institutions and parliamentarians on how to promote and protect the rights of LGBTI people and has been developing an LGBTI Inclusion Index (see Box 7).³² UNDP, together with OHCHR, also coordinates the UN’s network of LGBTI focal points (see below section on inter-agency coordination).

This shift from working with key populations as part of the HIV/AIDS response to promoting the broader social inclusion of all LGBTI people extends beyond UNDP. The World Bank’s Environmental and Social Framework may be the most robust example. This framework, which came into effect in 2018, requires the bank to consider the “risks that project impacts fall disproportionately on individuals and groups who... may be disadvantaged or vulnerable.”³³ A directive accompanying the framework defines the grounds for being “disadvantaged or vulnerable” as inclusive of sexual orientation and gender identity.³⁴ The bank also issued guidelines detailing how to ensure that projects do not promote discrimination on the basis of SOGI.³⁵ Beyond this framework, the World Bank has produced a steady stream of research on LGBTI populations. This speaks to a rapid evolution, considering that it was only in 2014 that the bank published its first paper focused specifically on SOGI.³⁶

Other UN entities have also found space in their

29 Phone interview with former UN official, March 2020. See, for example: “The Yogyakarta Principles Plus 10: Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity and Expression and Sex Characteristics to Complement the Yogyakarta Principles,” Geneva, Switzerland, November 2017, Principle 10.

30 This came about due to the initiative of an individual UNDP official. Phone interview with former UN official, March 2020.

31 Phone interview with former UN official, April 2020.

32 UNDP, “Promoting and Protecting Human Rights in Relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions,” June 2016; UNDP, “Advancing the Human Rights and Inclusion of LGBTI People: A Handbook for Parliamentarians,” May 2017.

33 World Bank, “Environmental and Social Principle 1: Assessment and Management of Environmental and Social Risks and Impacts,” in “The World Bank Environmental and Social Framework,” 2017, para. 28(b).

34 World Bank, “Bank Directive: Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups,” World Bank Doc. EXC5.07-DIR.117, August 4, 2016, p. 1.

35 World Bank, “Good Practice Note—Non-discrimination: Sexual Orientation and Gender Identity,” October 2019.

36 M. V. Lee Badgett, “The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India,” October 2014.

Box 4. UNDP's "Being LGBTI" projects: The UN's largest-scale programming on SOGIESC

UNDP's Being LGBTI in Asia project, launched in 2014, was the agency's first large-scale initiative dedicated specifically to SOGIESC and framed around the broad inclusion of LGBTI people. The first phase of the project focused on consulting and building partnerships with LGBTI organizations and governments. The second phase focused on supporting civil society engagement with national and regional governance structures, while the third phase is still being designed.³⁷ The project has focused on seven countries: Cambodia, China, Mongolia, Nepal, the Philippines, Thailand, and Vietnam.³⁸ Thailand has been the subject of the most research and activities, partly because the program is based in UNDP's regional office in Bangkok, and partly because it is one of the countries in the region most open to work in this area.

Being LGBTI in Asia was described by some involved as a "co-creation" and a "partnership platform."³⁹ While it is a UNDP initiative, UNDP has brought numerous other UN entities into the fold and has also partnered with civil society organizations, national human rights institutions, and governments. Similarly, while the project's original (and biggest) funders are the US and Sweden, it also receives support from several other countries.⁴⁰ Nonetheless, it has experienced the sorts of administrative challenges and misunderstandings between donors and partners that are typical of large-scale projects.⁴¹

The success of the Being LGBTI in Asia project inspired "Being LGBTI" projects in several other regions, though these have been smaller. Being LGBTI in Eastern Europe, launched in 2017 with funding from USAID, produced research on Albania, Bosnia and Herzegovina, North Macedonia, and Serbia; a second phase focusing on the former Soviet Union has not yet received funding. Being LGBTI in the Caribbean, launched that same year and also funded by USAID, is being implemented in Barbados (which also covers Saint Lucia and Saint Vincent and the Grenadines), the Dominican Republic, Guyana, Haiti, and Jamaica. Most recently, UNDP received a large, multi-year grant from Sweden for a similar project in Africa referred to as the "inclusive governance initiative."

mandates for promoting the inclusion of LGBTI people in specific areas of development. For example, ILO launched a research project in 2012 to improve understanding of discrimination on the basis of SOGI in the workplace.⁴² As a follow-up, ILO is developing a toolbox for workers, employers, governments, and labor inspectors to promote the inclusion of LGBTI people in the world of work.⁴³ In the realm of education, UNESCO launched a program on homophobic violence in schools in 2011 (later expanded to include transphobic violence).⁴⁴ More recently, UNESCO has been shifting its focus from violence against LGBTI people toward a more "positive

approach" grounded in inclusion.⁴⁵

Despite the UN development system's increasing attention to issues related to SOGIESC, the normative framework underpinning this work is weaker than that of the human rights system. Compared to the large body of normative guidance, authoritative statements, and intergovernmental resolutions establishing that human rights extend to LGBTI people, the principle that LGBTI people should be included in development programming has not been laid out as formally. The 2030 Agenda for Sustainable Development has helped open the door to integrating SOGIESC into

37 Phone interviews with former UN official and representative of a bilateral donor, April and June 2020.

38 Indonesia was also meant to be a focus country but did not want to be included. Interview with UN official, New York, January 2020.

39 Phone interviews with former UN official and representative of a bilateral donor, April and June 2020.

40 UNDP, "Being LGBTI in Asia and the Pacific," available at <https://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html>.

41 Phone interviews with former UN official and representatives of bilateral donors, April and June 2020.

42 ILO, "Discrimination at Work on the Basis of Sexual Orientation and Gender Identity: Results of the ILO's PRIDE Project," May 2015.

43 Phone interview with UN official, November 2019.

44 UNESCO, "Out in the Open: Education Sector Responses to Violence Based on Sexual Orientation and Gender Identity/Expression," 2016.

45 Phone interview with UN officials, October 2019.

development work, but it does not specifically mention LGBTI people (see Table 3 in the Annex). To strengthen this linkage, both UNDP and the Swedish Federation for LGBTIQ Rights (RFSL) have detailed how addressing the needs of LGBTI people is essential to achieving the Sustainable Development Goals.⁴⁶ RFSL has also developed a set of guiding principles for including LGBTI people in development policy and programming, which could be compared to similar efforts in the field of human rights (most notably, the Yogyakarta Principles; see Table 2 in the Annex).⁴⁷

Humanitarian Affairs and Peace and Security: The Next Frontiers?

When it comes to humanitarian affairs and peace and security, the UN has not come as far in addressing issues related to SOGIESC, even though violent conflict and humanitarian crises disproportionately impact LGBTI people.⁴⁸ Regarding humanitarian affairs, neither the UN Office for the Coordination of Humanitarian Affairs nor the World Food Programme has substantively engaged on questions related to SOGIESC.

UNICEF has an LGBTI focal point but has primarily engaged with SOGIESC through the lens of human rights and is constrained by sensitivities around SOGIESC when it comes to children. In 2018, none of the ten largest humanitarian response plans referenced LGBTI people.⁴⁹

When it comes to humanitarian affairs and peace and security, the UN has not come as far in addressing issues related to SOGIESC, even though violent conflict and humanitarian crises disproportionately impact LGBTI people.

This lack of engagement with SOGIESC is not unique to UN humanitarian agencies. Compared to human rights NGOs, humanitarian NGOs are reportedly less engaged on issues related to SOGIESC, reflecting a broader divide between the human rights and humanitarian communities.⁵⁰ Humanitarian organizations have a particular blind spot when it comes to transgender people, often using “rigid systems based on normative understandings of gender... to decide who is entitled to protection and aid.”⁵¹ This may be starting to change, however. For example, the UN Inter-Agency Standing Committee for coordinating humanitarian assistance included references to LGBTI people in recent guidelines on integrating gender and gender-based violence into humanitarian responses.⁵²

While many UN humanitarian agencies have been slow to integrate SOGIESC into their work, a major exception is the UN Refugee Agency (UNHCR). UNHCR confronts issues related to SOGIESC more directly than most UN agencies because of its engagement with LGBTI refugees and asylum seekers. This led UNHCR to issue legal guidance on claims for asylum on the basis of SOGI in 2008, which it revised in 2012.⁵³ UNHCR has also published guidelines on working with LGBTI people in forced displacement and a resettlement assessment tool for LGBTI refugees.⁵⁴ In addition, UNHCR has incorporated the needs of LGBTI refugees and asylum seekers into more general

46 See: O'Malley and Holzinger, “The Sustainable Development Goals and Sexual and Gender Minorities”; and Andrew Park and Lucas Ramón Mendos, “For All: The Sustainable Development Goals and LGBTI People,” RFSL, February 2019.

47 RFSL, “Guiding Principles on the Inclusion of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) People in Development Policy and Programs,” November 2018.

48 See, for example: José Fernando Serrano-Amaya, *Homophobic Violence in Armed Conflict and Political Transition* (Bogotá: Palgrave-Macmillan, 2018); Colombia Diversa, “Orders of Prejudice: Systematic Crimes Committed against LGBT People in the Colombia Armed Conflict,” July 2020; and Jennifer Rumbach and Kyle Knight, “Sexual and Gender Minorities in Humanitarian Emergencies,” in *Issues of Gender and Sexual Orientation in Humanitarian Emergencies*, Larry W. Roeder, Jr., ed. (New York: Springer, 2014).

49 Humanitarian Advisory Group, “Taking Sexual and Gender Minorities out of the Too-Hard Basket,” June 2018, p. 2.

50 Phone interviews with UN consultants, March and July 2020.

51 Sandra Smiley, “Out of Sight, Out of Mind? Transgender People in Humanitarian Emergencies,” *Humanitarian Law & Policy*, March 31, 2020. See also: Elizabeth McGuinness and Saman Rejali, “Beyond Binaries: An Intersectional Approach to Humanitarian Action,” *Humanitarian Law & Policy*, October 8, 2019.

52 See: Inter-Agency Standing Committee (IASC), “Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action,” 2015; and IASC, “The Gender Handbook on Humanitarian Action,” February 2018.

53 UNHCR, “Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity,” November 2008; UNHCR, “Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and/or Gender Identity within the Context of Article 1A(2) of the 1951 Convention and/or Its 1967 Protocol Relating to the Status of Refugees,” October 2012.

54 UNHCR, “Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement,” 2011; UNHCR, “Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees,” April 2013.

policies, including a 2018 policy that requires the agency to approach all its work through the lens of age, gender, and diversity.⁵⁵ According to a global survey conducted in 2014 and 2015, most of UNHCR's country offices have at least some procedures in place for registering LGBTI asylum seekers or processing their claims, though practices vary widely.⁵⁶ To address persistent gaps, UNHCR is organizing a roundtable on LGBTI refugees and asylum seekers in 2021.

As for the UN's peace and security pillar, issues related to SOGIESC have only twice been discussed at the UN Security Council and are unlikely to resurface there anytime soon (see Table 3 in the Annex). The UN Departments of Peace Operations and Political and Peacebuilding Affairs do not have LGBTI focal points and do not appear to have substantively engaged on the topic.⁵⁷ Only a few UN peace operations have addressed LGBTI people in their reporting. Most notably, the UN peacekeeping mission in Haiti and the special political mission that succeeded it both implemented programming to combat violence and discrimination against LGBTI people.⁵⁸ The special political missions in Colombia and Iraq have also regularly reported on violence against LGBTI people.⁵⁹ The secretary-general has called on more peace operations to follow suit.⁶⁰ Likewise, the secretary-general's annual report on conflict-related sexual violence has included references to SOGIESC or LGBTI people every year since 2015, though these are seldom in-depth and mostly restricted to Colombia, Iraq, and Syria. As with

humanitarian affairs, the lack of more widespread attention within the UN's peace and security pillar reflects a lack of attention to LGBTI people among peace and security actors more broadly.⁶¹

SOGIESC and Gender: A Historically Fraught Relationship

One reason peace and security actors have been slow to take up issues related to SOGIESC is that these issues are often not reflected in UN policies on women, peace, and security.⁶² This speaks to the historically complicated relationship between work on SOGIESC and work on gender. While the UN system has developed more than one hundred gender policies and strategies over the past twenty years, "gender" is still sometimes used or interpreted as a synonym for (implicitly cisgender) "women."⁶³ According to one UN official, there is a sense that conversations on gender involve "women talking to women about women."⁶⁴ Even when the term "gender" is not restricted to women, it is usually grounded in a male-female binary that excludes transgender, intersex, and gender-non-conforming people. An inclusive gender perspective would encompass not only straight, cisgender women but also lesbian, bisexual, transgender, and intersex women, as well as gender-non-conforming people and questions related to masculinities and men.⁶⁵

The UN's narrow approach to gender is evident in system-wide and agency-specific gender strategies, gender trainings, and the work of gender experts. One UN official described the 2017 System-wide

55 UNHCR, "Policy on Age, Diversity and Gender," March 2018.

56 Nishin Nathwani, "Protecting Persons with Diverse Sexual Orientations and Gender Identities: A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender, and Intersex Asylum-Seekers and Refugees," UNHCR, December 2015.

57 However, the Department of Peace Operations' policy on the protection of civilians does define conflict-related sexual violence as inclusive of violence "targeted on the basis of actual or perceived sexual orientation or gender identity." "Policy: The Protection of Civilians in United Nations Peacekeeping," November 2019, p. 21.

58 The special political mission also included an indicator related to protecting LGBTI people in its 2017–2018 results-based budget—seemingly a first. UN General Assembly, *Budget for the United Nations Mission for Justice Support in Haiti for the Period from 16 October 2017 to 30 June 2018—Report of the Secretary-General*, UN Doc. A/72/560, October 30, 2017, p. 33; NGO Working Group on Women, Peace and Security, "Mapping Women, Peace and Security in the UN Security Council: 2017," July 2018, p. 28.

59 Since 2015, the UN Assistance Mission for Iraq has regularly mentioned violence against LGBTI people in its reports on human rights and the protection of civilians. Since 2019, most of the secretary-general's reports on the UN Verification Mission in Colombia have mentioned violence against LGBTI people.

60 In his 2019 report on women, peace, and security, the secretary-general requested UN peace operations "to continue to improve their monitoring and reporting of threats and violence against activists... with data disaggregated by race, ethnicity, sexual orientation, gender identity and disability." UN Security Council, *Women and Peace and Security—Report of the Secretary-General*, UN Doc. S/2019/800, October 9, 2019, para. 38.

61 See: Jamie J. Hagen, "Queering Women, Peace and Security," *International Affairs* 92, no. 2 (2016); and Megan Daigle and Henri Myrtilinen, "Bringing Diverse Sexual Orientation and Gender Identity (SOGI) into Peacebuilding Policy and Practice," *Gender and Development* 26, no. 1 (2018).

62 This is in part because SOGIESC have not been referenced in any of the ten UN Security Council resolutions that constitute the women, peace, and security agenda. However, this omission does not mean that SOGIESC cannot be reflected in broader policy and programming related to women, peace, and security.

63 UN Women, "Gender Mainstreaming," available at <https://www.unwomen.org/en/how-we-work/un-system-coordination/gender-mainstreaming>.

64 Interview with UN official, New York, December 2019.

65 See: Ibrahim Bahati, "Masculinities, Conflict-Related Sexual Violence, and the WPS Agenda," *IPI Global Observatory*, October 19, 2020; and Albert Trithart, "The Women, Peace, and Security Agenda Is Not Just for Straight, Cisgender Women," *IPI Global Observatory*, October 13, 2020.

Strategy on Gender Parity as “so binary it hurts.”⁶⁶ Gender trainings often make no reference to SOGIESC, especially in the realm of peace and security.⁶⁷ When they do reference SOGIESC, it tends to be in a superficial way: one UN official complained that there is a tendency “to take a gender binary approach and then tag on LGBTI.”⁶⁸ Gender trainings intended specifically for women extend this binary approach from the content to the audience, adding another dimension of exclusion.⁶⁹ It follows that gender experts or focal points across the UN system, many of whom lead these trainings, rarely consider issues related to SOGIESC or see these as part of their mandate. Many of the UN’s LGBTI focal points see their gender counterparts as uninformed and unhelpful when it comes to SOGIESC.⁷⁰

As a result, there is “an artificial separation between LGBTI rights and gender equality” across the UN system, and gender mainstreaming has not been a vehicle for mainstreaming SOGIESC.⁷¹ As Jamie Hagen writes in relation to women, peace, and security, creating “narrow categories of who is most vulnerable to violence owing to their gender... can ultimately create even more insecure environments for certain women who endure intersecting oppression because of their sexual orientation and gender identity.”⁷² Excluding LGBTI people from monitoring of and reporting on women, peace, and security makes their experiences invisible. This often leads to policies and programs focused on a restricted group of women, leaving out a large group of people that is dispro-

An inclusive gender perspective would encompass not only straight, cisgender women but also lesbian, bisexual, transgender, and intersex women, as well as gender non-conforming people and questions related to masculinities and men.

portionately vulnerable. Such narrow approaches prevent gender mainstreaming efforts from comprehensively addressing the gender norms that impact both heterosexual, cisgender women and LGBTI people.

Nonetheless, there have been some signs of change. The evolution of UN Women is a telling example. UN Women’s predecessor, UNIFEM, did not substantively engage with issues related to SOGIESC. During the creation of UN Women, there was a contentious debate on whether to frame the new agency’s work around “women” or around “gender.” With “women” winning out, many within the agency did not see SOGIESC as central to its mandate, particularly as UN Women sought to find its footing and carve out its space as the newest UN agency.⁷³ In a 2014 survey, LGBTI activists reported finding UN Women’s offices to be “quite slow in understanding and raising LBT or intersex issues.”⁷⁴ Many LGBTI

activists still find it difficult to work with UN Women, describing it as one of the more conservative agencies. One activist commented that people at UN Women “get very nervous when speaking about [transgender issues].”⁷⁵

Within the past couple years, however, UN Women has taken steps toward a more inclusive view of gender, in part due to the efforts of LGBTI activists. In 2019, it co-hosted the first high-level UN event on gender diversity and non-binary gender identities in New York—something that would have been “inconceivable” even just a few

⁶⁶ Phone interview with UN official, November 2019.

⁶⁷ The authors of a recent IPI paper assessing the ecosystem of gender trainings in the realm of international peace and security confirmed that none of the trainings they had attended looked beyond the gender binary. See: Sarah-Myriam Martin-Brûlé, Stéphanie von Hlatky, Savita Pawnday, and Marie-Joëlle Zahar, “Gender Trainings in International Peace and Security: Toward a More Effective Approach,” International Peace Institute, July 2020.

⁶⁸ Phone interview with UN official, November 2019.

⁶⁹ One example is the UN Department of Safety and Security’s Women’s Security Awareness Training, a training session conducted for women and by women to address their security concerns, which many felt were being overlooked in the general security briefing. As some UN officials see it, however, this approach not only places an extra burden on women and lumps them together as potential victims but also makes it unclear where gender-non-binary people fit in. Phone interview with UN official, April 2020.

⁷⁰ Interviews with UN officials, November 2019–July 2020.

⁷¹ Interview with UN officials, New York, December 2019.

⁷² Hagen, “Queering Women, Peace and Security,” p. 318.

⁷³ Interview with UN officials, New York, December 2019.

⁷⁴ Karsay, “How Far Has SOGII Advocacy Come at the UN and Where Is It Heading?” p. 19.

⁷⁵ Phone interviews with LGBTI activists, April and June 2020.

years ago, according to one UN official.⁷⁶ Agency leaders have also adopted language that is inclusive of non-binary people, including in statements not specifically related to SOGIESC.⁷⁷ Perhaps most importantly, UN Women put out an internal guidance note on how staff should mainstream SOGIESC throughout their work.⁷⁸ Change may also be coming slowly to gender units in some other UN agencies. One UN official noticed that his gender unit colleagues had recently started shifting their language away from “men and women” as they became more aware that gender is non-binary.⁷⁹

Even if attitudes within the UN are slowly shifting, however, the global political climate has been shifting in the opposite direction. Some governments are increasingly using UN fora to attack so-called “gender ideology,” typically in reference to “the protection and valuing of LGBTQ+ lives and nontraditional family structures.”⁸⁰ If this trend continues, there is a risk that some of those working on gender could further push back against the idea that their work encompasses LGBTI people—especially transgender and gender-non-conforming people—in order to protect gains for women’s rights or to keep attention on the specific harms faced by cisgender women. Advocates for the rights of LGBTI people see this concern as baseless. As Lisa Davis and Jessica Stern write, “A broader interpretation of gender builds coalitions across the women’s and LGBTI movements which amount to a larger movement committed to ending violence against individuals for defying traditionally ascribed gender roles.”⁸¹

Transgender people are often overlooked, while intersex people have been nearly invisible.

Expanding—and Transcending—the Acronyms

Debates over language—whether over the meaning of “gender” or over what terms to use in reference to LGBTI people—are more than semantic nitpickings; they can determine who is or is not included in UN policy and programming. Both the language used and the populations included have evolved over the past twenty-five years.

As discussed above, because engagement on SOGIESC came out of the HIV/AIDS response, it initially focused on men who have sex with men (MSM). Transgender people—particularly transgender women—were also later included as a key population in the HIV/AIDS response. This has left a legacy, with lesbians and bisexual women still sometimes sidelined.⁸² Transgender people also receive less attention, especially transgender men. In a 2014 survey of LGBTI activists, 91 percent of

respondents reported seeing positive changes on sexual orientation at the UN, compared to 79 percent on gender identity.⁸³ This discrepancy is also visible in the legal

and political realms. For example, the UN General Assembly’s resolution on extrajudicial, summary, or arbitrary executions first referenced sexual orientation in 2002 but did not mention gender identity until 2012.

If transgender people are often overlooked, intersex people have been nearly invisible, at least until recently. This is reflected in the acronyms used. Until a few years ago, the official UN acronym was LGBT. The “I” was added after

76 Phone interview with UN official, November 2019. The other hosts of the event were OHCHR, OutRight Action International, the permanent missions of Argentina and the Netherlands to the UN, and UN-GLOBE (a group advocating on behalf of LGBTI UN staff). UN Women, “UN Women Hosts First High-Level Event on Gender Diversity and Non-binary Identities at UN Headquarters,” July 18, 2019.

77 See, for example: UN Women, “Statement by UN Women Executive Director Phumzile Mlambo-Ngcuka for International Youth Day, 2020: ‘Youth Engagement for Global Action,’” August 10, 2020.

78 Interview with UN officials, New York, December 2019.

79 Phone interview with UN official, November 2019.

80 Sarah Taylor and Gretchen Baldwin, “The Global Pushback on Women’s Rights: The State of the Women, Peace, and Security Agenda,” International Peace Institute, September 2019, p. 4.

81 Lisa Davis and Jessica Stern, “WPS and LGBTI Rights,” *The Oxford Handbook of Women, Peace, and Security*, Sara E. Davies and Jacqui True, eds. (Oxford: Oxford University Press, 2019).

82 Interview with UN official, New York, December 2019.

83 Karsay, “How Far Has SOGII Advocacy Come at the UN and Where Is It Heading?” p. 20.

consultations with intersex people, though not all intersex activists were in favor of being associated with the LGBT community. Likewise, SOGI is still more commonly used than the intersex-inclusive SOGIESC.⁸⁴ This invisibility was starkly revealed in the above-mentioned 2014 survey of LGBTI activists, in which only 16 percent of respondents reported seeing positive changes on intersex issues at the UN.⁸⁵ Since then, this has slowly started to change. For example, in 2015, OHCHR hosted the first UN event on intersex people and launched a campaign on intersex awareness, and in 2019 it published a detailed background note on human rights violations against intersex people.⁸⁶

Both of the terms predominantly used at the UN—LGBTI and SOGIESC—have been criticized for exacerbating the exclusion of certain groups. Even in their most expansive forms, acronyms that lump together groups of people with differing needs and concerns can cause some of those groups—especially transgender and intersex people—to be overlooked. Moreover, by using identity categories that originated in the West, these terms may lack relevance or salience across all contexts. As one scholar points out, “SOGI is a complex and particular category” and “carries with it specificities of time and place and assumptions about who belongs within its boundaries and who is left outside.”⁸⁷ Another challenge is that these terms are not understood in many parts of the world and cannot be easily translated into other languages. This is one of the reasons the UN did not add a “Q” for “queer” to the official UN acronym, even though LGBTI people in some parts of the world have adopted this as an inclusive, unifying term.⁸⁸ Over the past year, however, the acronym LGBTIQ+ has become more prevalent in some UN agencies.⁸⁹

To get around these problems, some UN staff adapt their language, especially when engaging with governments or publics that are less aware or

accepting of these terms. At the global level, “LGBTI” and “SOGIESC” are unavoidable, as they are used throughout UN legal, political, and technical documents. At the national and local levels, however, some find it useful to “disentangle” a term like LGBTI by spelling it out to make the different identities it contains “come alive” or by focusing on specific groups rather than the LGBTI population as a whole.⁹⁰

The Drivers of, and Barriers to, Progress

How have UN policy and programming on SOGIESC arrived at this point, and how can they be further advanced? In agencies and offices where they have gained traction, several factors are at play: passionate individuals who see a gap and decide to fill it, support from leadership, guidance and training for staff, political and financial support from governments, partnerships with civil society organizations, and cooperation with other UN entities. However, these have also been sources of difficulty: individual initiatives may not be sustainable in the long run, support from leaders can be inconsistent or shallow, there are few training programs, many governments are strongly opposed to this work, the UN and LGBTI organizations do not always speak the same language, and interagency cooperation is ad hoc.

The First Movers: Institutionalizing Individual Initiatives

UN policy and programming on SOGIESC would not be where they are today if not for the personal initiative of individual UN staff. However, many of these individual initiatives have not been institutionalized, putting their sustainability in doubt.

⁸⁴ Hence the inconsistent use of SOGI and SOGIESC throughout this paper.

⁸⁵ Karsay, “How Far Has SOGI Advocacy Come at the UN and Where Is It Heading?” p. 20.

⁸⁶ OHCHR, “A Step Forward for Intersex Visibility and Human Rights,” September 25, 2015; OHCHR, “UN Free & Equal: Intersex Awareness,” available at <https://www.unfe.org/intersex-awareness/>; OHCHR, “Background Note on Human Rights Violations against Intersex People,” 2019.

⁸⁷ Jena McGill, “SOGI... So What? Sexual Orientation, Gender Identity and Human Rights Discourse at the United Nations,” *Canadian Journal of Human Rights* 3, no. 1 (2014), p. 21.

⁸⁸ Another reason given for the omission of the “Q” was that the term “queer” used to be pejorative and is still seen as offensive by some older members of the LGBTI community. Interview with UN official, New York, December 2019.

⁸⁹ For example, between 2019 and 2020, both UNDP and UN Women switched from using “LGBTI” to “LGBTIQ+” in their official statements on the International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT).

⁹⁰ Interview with UN official, New York, December 2019; phone interview with UN official, April 2020.

The Individuals Getting SOGIESC onto the Agenda

It has often been individual staff who have put issues related to SOGIESC on the agenda at the UN. Many of these staff described seeing a gap and realizing that if they did not fill it, no one else would. In initiating conversations and projects related to SOGIESC, these pioneers were going well beyond their official roles. One of them characterized her early work on SOGIESC as a “hobby” she was doing in her free time on top of her regular job.⁹¹ In a sense, some of these staff were internal activists. One official said he quickly realized that pursuing his vision in the manner of a UN bureaucrat was a “recipe for failure”—he needed to “push upward” more assertively.⁹² Because of the risk involved, many of these people were either not planning for a career in the UN or were nearing the end of their career.

The UN has not yet made work on SOGIESC an “institutional agenda” rather than a “gay people’s agenda.”

While many straight allies have since emerged, most of the first movers were themselves lesbian, gay, or bisexual.⁹³ This meant they were not only taking on a controversial topic on top of their regular jobs but doing so as members of a community that disproportionately faces discrimination and harassment within the UN (see below). This can take a toll. Several LGBTI pioneers said they were not fully prepared for how stressful it would be to push forward this agenda or how much emotional energy it would take.⁹⁴ It is therefore no coincidence that, at least initially, the most high-profile people putting SOGIESC on the UN agenda have predominantly been white, gay men, who sit

atop the hierarchy of privilege within the LGBTI community. Transgender and intersex staff have been almost invisible.⁹⁵

These individual initiatives are seldom tied to an institutional strategy. Instead, they are ad hoc, meaning that many agencies stumbled into working on SOGIESC “almost by chance” or due to “lucky circumstances.”⁹⁶ If these individual instigators leave, the work they started may follow them out the door—it would “die a slow death,” as one official put it.⁹⁷ Country-level programming on SOGIESC is also ad hoc. According to one UN official, the country offices doing the best tend to be those that have gay staff.⁹⁸ This points to a failure to institutionalize work on SOGIESC or to make it an “institutional agenda” instead of a “gay people’s agenda.”⁹⁹ This could change, however, following the decision by the secretary-general’s Executive Committee in September 2020

to make SOGIESC a crosscutting priority for the UN (see below).

The Institutional Gap in Human Resources

The lack of institutionalization is reflected in the scant human resources devoted to SOGIESC-related work across the UN. Even though fourteen UN entities have LGBTI focal points and are thus at least somewhat engaged on this topic, there are “very, very, very few people” focused on SOGIESC.¹⁰⁰ Only three UN entities have multiple people devoted to this work full-time, and only three others have someone devoted to it more than half-time at the headquarters level.¹⁰¹ Apart from

91 Phone interview with UN official, November 2019.

92 Phone interview with UN official, December 2019.

93 It is often the case, both within and outside the UN, that those advocating for a group (e.g., women, people with disabilities) are themselves members of that group. Interview with UN official, New York, November 2019; phone interview with former UN official, March 2020.

94 Interview with UN official, New York, November 2019; phone interviews with UN officials, November 2019.

95 This is in part because there are few transgender UN staff (there is no data on intersex staff). In a 2018 UN system-wide survey on sexual harassment, only 0.1 percent of respondents identified as transgender and 0.3 percent as gender non-conforming. By contrast, 0.4 percent identified as queer, 0.6 percent as lesbian, 1.6 percent as gay, and 6.2 percent as bisexual (though 6.3 percent reported their sexual orientation as “other,” and 10.4 percent preferred not to say). Deloitte, “Safe Space Survey Report,” January 2019, p. 51.

96 Phone interviews with UN officials, October and November 2019.

97 Phone interview with UN official, November 2019.

98 Phone interview with UN official, March 2020.

99 Interview with UN official, New York, November 2019.

100 Phone interview with UN official, November 2019.

101 The three agencies with multiple full-time people are the World Bank, which has a full-time global adviser on SOGI supported by several additional staff; OHCHR, which has a full-time team of around five people; and UNDP, which has a full-time specialist at headquarters plus regional and country-level teams. UN Women hired a full-time LGBTIQ+ policy specialist in 2020. UNAIDS and UNHCR do not have anyone working on SOGIESC full-time at headquarters, but this topic is integrated into the work of many staff, especially at the field level.

this handful of staff, no UN headquarters personnel consistently spend more than 20 percent of their time on issues related to SOGIESC. In one agency, for example, the focal point is responsible for advising field offices when they have questions related to SOGIESC, reviewing project proposals, consulting with other departments to make their programs more inclusive, and conducting outreach to staff, all of which is meant to account for just 10 percent of her job—“my hands are tied by time,” she lamented.¹⁰²

To help compensate for the lack of staffing, some agencies are setting up internal networks of people working on SOGIESC.¹⁰³ Due to its more hands-on work with LGBTI people, UNHCR has formal or informal focal points for processing SOGIESC-based asylum claims in most of its offices, though they are not linked through an agency-wide network.¹⁰⁴ The International Organization for Migration (IOM) is setting up an affinity group for LGBTI staff to engage with each other about SOGIESC-related programming and a technical working group of staff interested in SOGIESC who could share the burden of the LGBTI focal point.¹⁰⁵ OHCHR is looking to replicate its gender focal-point network by creating a more formal network of LGBTI focal points in its country offices.¹⁰⁶ Setting up and managing such networks can be time-consuming, however, especially if they are informal networks without institutional support.

Another challenge is that most of the people who focus on SOGIESC are not senior-level staff. This was not always the case. In the mid-2010s both OHCHR and UNDP had director-level staff who devoted considerable portions of their time to issues related to SOGIESC, both of whom played a vital role in kickstarting this stream of work. Having staff at this level made it easier to “push the

envelope,” seek funding, and access senior leaders. When these individuals left, they were not replaced at the same level. Some cited this as a sign that this work is not being institutionalized or prioritized.¹⁰⁷ Now, the highest-level official within the UN system focused on SOGIESC is the World Bank special adviser on SOGI—a management-level role created in 2016. There is no equivalent role elsewhere in the UN system.¹⁰⁸

While the UN may have regressed when it comes to the seniority of staff focused on SOGIESC, some UN entities have been trying to better represent the LGBTI community among their staff and consultants working in this area. This marks a shift from the above-mentioned lack of diversity among many of the early pioneers. For example, in 2019, OHCHR piloted a transgender/intersex fellowship program, in part to help address the “pipeline problem.”¹⁰⁹ OHCHR also made sure to hire a transgender consultant to develop its first public-awareness campaign focused on transgender people.¹¹⁰ UNDP’s Being LGBTI in Asia project made a concerted effort to hire transgender people, who at one point made up half the project’s staff.¹¹¹ This representation can help ensure that the UN’s work on SOGIESC covers all LGBTI people and incorporates their needs and perspectives.

UN Leaders: Translating Nice Words into Concrete Support

The individuals driving forward the UN’s work on SOGIESC would not have been able to get far without some level of support from leadership, whether from their immediate managers, resident coordinators, agency heads, or the secretary-general himself. However, rhetorical support has not always translated into political and financial backing.

¹⁰² Phone interview with UN official, November 2019.

¹⁰³ UN-GLOBE, a system-wide network of LGBTI staff, does not fulfill this function, as it focuses on the UN’s human resources policies rather than programming. UN-GLOBE is also not a formal staff association, which means that it cannot be used to communicate with staff by email.

¹⁰⁴ In a survey conducted in 2014 and 2015, 20 percent of UNHCR offices reported having a formal focal point for SOGI-based asylum claims, while an additional 40 percent had an informal focal point. Nathwani, “Protecting Persons with Diverse Sexual Orientations and Gender Identities,” p. 48.

¹⁰⁵ Phone interviews with UN officials, November 2019.

¹⁰⁶ Phone interview with UN official, March 2020.

¹⁰⁷ Interview with UN official, New York, November 2019; phone interviews with UN official, October and November 2019.

¹⁰⁸ The independent expert on SOGI brings high-level attention to these issues but, like all independent experts, serves in his personal capacity and is not a UN employee.

¹⁰⁹ The fellowship rotates between a transgender fellow and an intersex fellow. OHCHR, “Terms of Reference OHCHR LGBTI Fellowship 2019,” available at <https://www.ohchr.org/EN/Issues/Discrimination/Pages/ToRFellowship.aspx>.

¹¹⁰ Interview with UN official, New York, December 2019.

¹¹¹ Phone interview with former UN official, April 2020.

Buy-In from Above

In some agencies, it has not been difficult for staff to get senior leaders on board with taking forward work on SOGIESC. At OHCHR, for example, all three of the last high commissioners have been strong allies. At the country level, if OHCHR staff can make the case for work focused on SOGIESC, heads of office generally support them.¹¹² Similarly, UNDP's initial foray into SOGIESC-specific programming through the Being LGBTI in Asia project enjoyed the broad support of agency leaders, from directors in Bangkok and New York all the way up to the top, where Helen Clark was a vocal advocate. One former UNDP official involved with the project said he never had to worry about buy-in from management and faced "very little resistance."¹¹³ As discussed above, both OHCHR and UNDP also benefited from having director-level staff among the progenitors of their work on SOGIESC. Other agencies, too, have had senior leaders who were not only allies but advocates.¹¹⁴

Growing rhetorical support by senior leaders at many UN entities does not always translate into substantive institutional backing.

In other cases, however, getting leadership on board was more of a challenge. At the World Bank, where there is now broad support from leaders, the publication of the bank's first report on the economic exclusion of LGBT people in 2014 was contentious. One of the staff behind this report said his higher-ups accused him of damaging the bank's reputation, only to boast when the report was cited in the Indian Supreme Court's decision decriminalizing homosexuality four years later.¹¹⁵ This example points to a broader trend: even when leaders are initially reluctant, they usually come around once they see positive results. It can also be

hard for UN leaders—even those from conservative backgrounds—to ignore data that incontrovertibly shows that LGBTI people are being discriminated against or marginalized.¹¹⁶

Nowadays, the top leaders at most UN entities with LGBTI focal points were described as supportive. One sign of this cross-agency support was the joint statement on ending violence and discrimination against LGBTI people, released by twelve UN entities in 2015 and spearheaded by OHCHR, UNAIDS, and the World Bank.¹¹⁷ Agency heads also now routinely issue statements on the International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT); at least nine heads of UN entities have done so just since 2019.¹¹⁸ According to one LGBTI activist, such statements can give civil society groups leverage in their advocacy work by showing that these issues are recognized by the UN system.¹¹⁹

Growing rhetorical support does not always translate into substantive institutional backing, however. According to one UN official, senior leaders in his agency are no longer overtly homophobic—instead of saying, "No, we can't," they say, "Oh yes, of course, yes, yes, yes"—but these words are not backed by money.¹²⁰ Some LGBTI advocates within the UN feel that they are expected to be grateful for what they have—to be "satisfied with crumbs."¹²¹ Supportive high-level statements can also become an end in themselves rather than a first step toward action.¹²²

Moreover, while many senior leaders proclaim their support for LGBTI people, this does not mean they will stand up to UN member states when

¹¹² Phone interview with UN official, March 2020.

¹¹³ Phone interview with former UN official, April 2020.

¹¹⁴ For example, Volker Türk made a concerted push for progress on this work as assistant high commissioner for protection at UNHCR. Phone interview with UN official, October 2019.

¹¹⁵ Interview with UN official, New York, November 2019.

¹¹⁶ Phone interview with former UN official, March 2020.

¹¹⁷ Phone interview with UN official, December 2019.

¹¹⁸ The heads of IOM, OHCHR, UNAIDS, UNDP, UNFPA, and UN Women all issued statements in 2020. The heads of ILO, UNHCR, and UNICEF issued statements in 2019. IDAHOBIT is also sometimes referred to as the International Day against Homophobia, Biphobia and Transphobia (IDAHOT).

¹¹⁹ Phone interview with LGBTI activist, July 2020.

¹²⁰ Phone interview with UN official, November 2019.

¹²¹ Interview with UN official, New York, November 2019.

¹²² Phone interview with UN official, November 2019.

confronted. One UN official described how one country denied her a visa at the airport, which she saw as tied to her past involvement in organizing SOGIESC-related trainings. Her agency's leaders, who nominally supported her work on SOGIESC, did not advocate for her in the way she believed they would have if she had been denied entry for working on behalf of a different marginalized group.¹²³

Another challenge is that support at the most senior levels of UN leadership does not always trickle down. One UN Secretariat official said that the under-secretary-general of her department is supportive of SOGIESC-inclusive trainings, as are many senior staff up to the P5 level, but it has been hard to gain traction with directors.¹²⁴ Another UN official agreed, noting that "support is there at the top and the bottom—what is lost is the center."¹²⁵

At the country level, support from UN resident coordinators has been critical. As one UN official saw it, a strong push from a resident coordinator can help integrate SOGIESC across the work of a UN country team.¹²⁶ While the level of support varies among resident coordinators, few have tried to block work related to SOGIESC, and many have been helpful. Referring to resident coordinators in the Asia-Pacific region, one former UN official said they were generally "more than happy to open the door, even if they didn't wave the [pride] flag."¹²⁷ Resident coordinators' responsibility to provide this support is laid out in a 2017 "Guidance Note on Human Rights."¹²⁸

From Ban to Guterres

At the very top, the UN secretary-general helps set the tone for the UN's approach to SOGIESC. Ban Ki-moon is widely seen as having played a critical

role in putting SOGIESC on the UN's agenda. He made his first statement on SOGI at a General Assembly side event in 2010, but it was in his second term that he became a forceful ally. The biggest moment came in 2014 when he granted the spouses of UN staff in same-sex marriages the same benefits as their peers in heterosexual marriages—a move that triggered fierce blowback from some UN member states. Activists saw Ban's outspokenness for LGBTI equality as brave, impactful, legitimizing, and surprising, given that it was not an issue he had previously been engaged on.¹²⁹ At the end of his term in 2016, the US and other member states put forward a statement in the UN Security Council thanking Ban for his work on LGBT rights, though it was blocked by Russia.¹³⁰

At least until recently, the UN Secretariat has widely been seen as taking a step backward on LGBTI rights under António Guterres. This is related to a broader criticism that Guterres has deprioritized human rights in general.¹³¹ Both LGBTI advocates and member-state representatives expressed frustration with this lack of leadership. For example, while Ban attended and spoke at General Assembly side events organized by the LGBTI Core Group in 2015 and 2016, Guterres has yet to accept the invitation; in 2018 he recorded a video address, in 2019 he sent a letter of endorsement, and in 2020 he was absent. "He's not so tuned in," one member-state representative lamented, and this has made it harder to advance work related to SOGIESC.¹³²

Nonetheless, some see signs of change. Guterres issued a "Call to Action for Human Rights" in February 2020, though this document only gave a passing mention to SOGI.¹³³ More recently, Guterres has emphasized the importance of human rights, including the rights of LGBTI people, to the

123 Phone interview with UN official, November 2019.

124 Phone interview with UN official, April 2020.

125 Phone interview with UN official, March 2020.

126 Phone interview with UN official, April 2020.

127 Phone interview with former UN official, April 2020.

128 UN Development Group, "Guidance Note on Human Rights for Resident Coordinators and UN Country Teams," 2017, pp. 64–65.

129 Karsay, "How Far Has SOGI Advocacy Come at the UN and Where Is It Heading?" pp. 9–10.

130 Michelle Nichols, "Russia Blocks UN Council Bid to Thank Ban Ki-moon for Gay Rights Work," Reuters, December 14, 2016.

131 See, for example: Kenneth Roth, "UN Chief Guterres Has Disappointed on Human Rights: New Strategy Needed for Second Half of Term," Human Rights Watch, July 22, 2019; Colum Lynch, "U.N. Chief Faces Internal Criticism Over Human Rights," *Foreign Policy*, February 4, 2020.

132 Phone interview with member-state representative, March 2020.

133 United Nations, "The Highest Aspiration: A Call to Action for Human Rights," February 2020, p. 4.

COVID-19 response and recovery.¹³⁴ The biggest step came in September 2020 when the secretary-general's Executive Committee met to discuss SOGIESC from two angles: how to make the UN's work more inclusive of LGBTI people and how to make the UN more inclusive of LGBTI staff. The meeting resulted in the creation of an interagency taskforce to develop a strategy on countering discrimination and violence against LGBTI people, including an accountability framework.¹³⁵ This comes two years after a similar meeting in the Executive Committee on people with disabilities, which led to the 2019 UN Disability Inclusion Strategy; the Secretariat's approach to SOGIESC could follow a similar trajectory.

Other UN Staff: Mainstreaming SOGIESC through Guidance and Training

For policy and programming on SOGIESC to be institutionalized across the UN, they cannot be the remit only of LGBTI specialists or focal points—or of LGBTI people; they must be mainstreamed. This requires relevant UN staff to understand issues related to SOGIESC and how they relate to their work.

The Challenge of Mainstreaming

Most UN agencies approach SOGIESC through some combination of stand-alone policy and programming and mainstreaming across existing policy and programming. The main advantage of stand-alone SOGIESC-specific programming such as UNDP's "Being LGBTI" projects is that it prevents LGBTI people from falling through the cracks. It can also be tailored to the specific needs of LGBTI communities. These projects provide an opportunity to engage with previously overlooked groups, raise awareness, and fill research gaps.

In some contexts, however, putting LGBTI people front and center puts them at risk.¹³⁶ Moreover, stand-alone projects are unlikely to institutionalize

SOGIESC, in part because they usually rely on extrabudgetary contributions from UN member states. As a UN official working on one of UNDP's "Being LGBTI" projects worried, "There's a question of what will happen to this work when the funding ends. Will it disappear?"¹³⁷ This question was echoed by funders. "Will [UNDP's "Being LGBTI" projects] remain an isolated, stand-alone initiative or be integrated across the agency and, if so, how?" wondered one donor representative.¹³⁸ Mainstreaming work on SOGIESC is thus essential to ensuring its sustainability. It is also essential to ensuring that the UN includes LGBTI people in all areas of its work and avoids further marginalizing them through SOGIESC-blind activities.

Some agencies have increasingly been mainstreaming work on SOGIESC into their work in other areas, including beyond the realm of the HIV/AIDS response. Oftentimes, however, "mainstreaming" amounts to little more than adding "SOGIESC" to a list of potential grounds for discrimination or appending "LGBTI people" to a roster of disadvantaged groups. Effective mainstreaming of SOGIESC requires relevant staff to consider how they can better address the needs and concerns of LGBTI people through their work and to assess the impact of their work on LGBTI communities. To do this, they need concrete guidance. Some agencies, including UNHCR, UN Women, and the World Bank, have provided guidance, but most have not. Staff also need training on what this guidance means, how to implement it, and why it matters.

Training for UN Staff

Training related to SOGIESC falls into two overlapping categories: sensitization training to make staff more aware of and familiar with concepts related to SOGIESC and to treat LGBTI colleagues or clients with respect; and technical training to teach staff how to fulfill their responsibilities related to SOGIESC as part of their job.

Sensitizing UN staff on questions related to SOGIESC is important because overall under-

¹³⁴ United Nations, "COVID-19 and Human Rights."

¹³⁵ The meeting and its outcome have not been made public. Correspondence with UN officials, October 2020.

¹³⁶ For example, setting up HIV/AIDS clinics targeting key populations or safe houses for LGBTI asylum seekers could expose these people to greater risk in LGBTI-intolerant environments. Phone interview with UN official, December 2019; interview with UN official, New York, December 2019; phone interview with UN consultant, February 2020.

¹³⁷ Phone interview with UN officials, July 2020.

¹³⁸ Phone interview with representative of bilateral donor, June 2020.

standing is low—especially when looking past the front end of the acronym. Many people do not know what “transgender” means, let alone “gender non-conforming.” This is in part a reflection of the rapid evolution of terminology and concepts related to SOGIESC. As one LGBTI focal point admitted, some issues “are very complex to understand, even for us.”¹³⁹

By most accounts, this lack of awareness tends not to manifest itself in overt opposition to working on issues related to SOGIESC, at least in headquarters offices. More often, it leads staff to question whether this work should be a priority in a particular place or at a particular time.¹⁴⁰ Some see it as “frivolous” compared to other streams of work; they do not view it as “an issue of life or death,” despite the global scourge of homophobic and transphobic violence.¹⁴¹

Some UN staff see work related to SOGIESC as “frivolous” and not as “an issue of life or death,” despite the global scourge of homophobic and transphobic violence.

Beyond a lack of awareness, many staff show a lack of tolerance or acceptance of their LGBTI colleagues. In a UN system-wide survey in 2018, around half of respondents who identified as lesbian, gay, queer, transgender, or gender non-conforming reported having experienced sexual harassment at the UN within the past two years, compared to one-third of all respondents.¹⁴² According to an ILO staff survey in 2012, 81 percent of LGBT respondents were not “out” at work, “fearing that disclosure could negatively affect their careers, including the non-renewal of their contract, and discrimination”—this in an agency mandated to combat discrimination in the workplace.¹⁴³ However, there is wide variation among agencies and offices; UNAIDS, for example, has many openly gay men on staff, while some UN country offices are especially unsafe spaces for LGBTI people.

Despite a clear need, the UN has no standardized training for sensitizing UN staff on SOGIESC. The

one systemwide, in-person training program that did exist—“UN for All”—was officially shuttered in early 2020 (see Box 5). Now, the closest equivalent is a fifty-minute online module on sexual and gender diversity as part of UN Women’s “I Know Gender” training. Nonetheless, some agencies have organized more informal sessions or events to give staff a space to discuss issues related to SOGIESC. UNAIDS sends out a monthly SOGIESC newsletter to help educate staff, and OHCHR and other UN

entities have put together fact sheets spelling out key concepts.¹⁴⁴ Supportive statements by UN leaders can also raise awareness and signal to staff that they should be taking SOGIESC seriously.

While sensitization trainings and other efforts to raise awareness are an important first step, they do not teach staff how to address issues related to SOGIESC as part of their job. This requires more technical trainings. Many health-related trainings include sections or modules on MSM or transgender people, as responding to the needs of key populations has long been integral to the UN’s work on HIV/AIDS. Beyond HIV/AIDS, some UN entities, including UN Women, OHCHR, IOM, and UNHCR, have more recently developed technical trainings focused specifically on SOGIESC (see Table 1).

Technical training is also needed for operational staff, especially security personnel, who are often the first point of contact for asylum seekers or visitors to UN offices. IOM’s training package includes a module on the operational security needs of LGBTI people, and the World Bank has a training specifically for operational personnel on working with LGBTI people. In addition, the UN Department of Safety and Security has developed a manual on gender and inclusion in security risk management and is piloting a two-week diversity training for UN security personnel. This is the first

139 Phone interview with UN official, October 2019.

140 Interview with UN official, New York, January 2020.

141 Interview with UN official, New York, November 2019.

142 The prevalence of sexual harassment by sexual orientation was: lesbian, 53.0 percent; gay 48.4 percent; queer, 48.1 percent; heterosexual, 33.7 percent; bisexual, 32.3 percent. The prevalence by gender identity was: transgender, 51.9 percent; gender non-conforming, 50.6 percent; female, 41.4 percent; male, 24.1 percent. Deloitte, “Safe Space Survey Report,” p. 16.

143 ILO, “Discrimination at Work on the Basis of Sexual Orientation and Gender Identity: Results of Pilot Research,” September 2013.

144 Anyone can subscribe to the newsletter, which is called “Equal Eyes,” at <https://equal-eyes.org>. OHCHR’s fact sheets on SOGIESC can be found at <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTFactSheets.aspx>.

Box 5. UN for All's LGBTI training module: A short-lived but promising initiative

UN for All's LGBTI training module was the first—and, to date, only—system-wide sensitization training on SOGIESC. UN for All grew out of UN Cares, an interagency training and awareness-raising program coordinated by UNFPA that aimed to destigmatize HIV/AIDS. In 2014, some LGBTI staff approached the coordinator of UN Cares to ask about expanding the program beyond HIV/AIDS. While this was not within the program's mandate, consultations with stakeholders and a staff survey revealed adequate buy-in, so UN for All was born.¹⁴⁵

UN for All included four modules: a core module and modules focused on LGBTI people, people with disabilities, and people living with substance abuse. The LGBTI module became the program's main focus for several reasons: there was not time to train trainers on all four modules, homophobia in the UN was the original impetus for the initiative, UN-GLOBE (the LGBTI staff association) was a partner in developing the training, and SOGIESC seemed to be the topic that was least attended to and least likely to be taken up by trainings elsewhere in the UN system.

The program was launched in 2015 when the heads of OHCHR, UNAIDS, and UNDP sent a joint letter to all UN resident coordinators asking them to nominate two staff to attend a training-of-trainers workshop and to commit to running at least the core module in their country.¹⁴⁶ Training-of-trainers sessions were then held for 200 UN staff in every region of the world, followed by country-level trainings for more than 8,000 people. These were voluntary, one-day sessions: half a day for the core module and half a day for the LGBTI module. The goal was to build participants' empathy, including by bringing in a member of the LGBTI community to speak to them.¹⁴⁷

The training was widely seen as successful, or at least as a good start. Participants gave it positive evaluations, and UN Cares gathered dozens of testimonials from participants who said it made them think differently about LGBTI people. It also benefited from the interagency model of UN Cares, which allowed it to draw on core funding and support from dozens of UN entities.¹⁴⁸ Ultimately, however, UN for All was a victim of the shutdown of UN Cares, which was seen as no longer in keeping with changes to the UN's approach to HIV/AIDS. Despite attempts to look for another place to house UN for All, no suitable host was identified.¹⁴⁹ UN for All is still being conducted in some places in an ad hoc manner, but it is no longer being monitored, and no new trainers are being trained.¹⁵⁰

systemwide security training to touch on issues related to SOGIESC, though its future is unclear due to political sensitivities.¹⁵¹

All these training programs face challenges, some of which are particular to their subject matter and some of which are common to any training program. One challenge is the sensitivity surrounding SOGIESC, which requires trainers to

be careful about their approach, especially in certain country offices. Therefore, while one of the goals of these trainings might be to counter biases and change attitudes, this may not be how they are framed to participants. One trainer described being up-front with participants that the goal is to give them the tools to do their job in a nondiscriminatory way, not to change their minds.¹⁵²

¹⁴⁵ Phone interview with UN official, March 2020. For a more detailed assessment of UN for All's LGBTI module, see: UN System Staff College, "Case Study Series: Delivering Successful Change on Diversity and Inclusion in the UN," 2018; and Emma Smith, "Lessons from UN Cares in LGBTI Inclusion in the Workforce," Devex, August 1, 2017.

¹⁴⁶ UN Development Group, August 14, 2015 (on file with author).

¹⁴⁷ Phone interviews with UN officials, November 2019 and March 2020; interview with UN official, New York, December 2019.

¹⁴⁸ Phone interview with UN official, November 2019.

¹⁴⁹ The UN System Staff College was considered, but it lacked people with the right expertise and did not think there would be adequate demand (unlike UN Cares, it operates on a fee-based model).

¹⁵⁰ Phone interview with UN official, March 2020.

¹⁵¹ Phone interviews with UN officials, April 2020.

¹⁵² Phone interview with UN official, November 2019.

Table 1. Internal UN trainings focused on SOGIESC (not including HIV/AIDS-related trainings on key populations)

UN entity	Training	Year developed	Description	Implementation
UN Cares	“UN for All” LGBTI module (see Box 5)	2015	Half-day, in-person session introducing concepts related to SOGIESC and promoting a more LGBTI-inclusive workplace	Training-of-trainers sessions held for 200 UN staff in every region of the world, followed by country-level trainings for more than 8,000 people; officially ended in 2020
UN Women, OHCHR, and UNAIDS	“I Know Gender” module on sexual and gender diversity and human rights ¹⁵³	2015	Fifty-minute online module promoting respect for LGBTI people	Free online course available anytime
IOM and UNHCR	Training package on working with LGBTI people in forced displacement ¹⁵⁴	2017	Five one-day, in-person modules on topics including interviewing displaced LGBTI people, processing refugee claims based on SOGIESC, creating safe spaces, and addressing protection risks	Training-of-trainers sessions and trainings rolled out for nearly 3,000 staff in around forty countries, though funding constraints have slowed momentum
World Bank	Trainings on SOGI as part of the Environmental and Social Framework	2018	Half-day, in-person session on implementing the Environmental and Social Framework as it relates to SOGI	Trainings rolled out for social development specialists (and some specialists in other areas) and for all staff in country offices where the framework has been implemented
	Virtual reality training on SOGI ¹⁵⁵	2019	Virtual interactions on the experience of LGBTI people	Limited availability at World Bank headquarters
OHCHR	Training on protecting the human rights of LGBTI people	In development	In-person and online sessions on how human rights protections apply to LGBTI people	Trainings to be rolled out globally through regional gender advisers

153 UN Women, “I Know Gender 12: Sexual and Gender Diversity: A Matter of Human Rights,” available at <https://trainingcentre.unwomen.org/portal/product/i-know-gender-12-sexual-and-gender-diversity-a-matter-of-human-rights/>.

154 IOM, “LGBTI Training Package,” available at <https://lgbti.iom.int/lgbti-training-package>.

155 World Bank, “IDAHOT 2019: International Day Against Homophobia, Transphobia and Biphobia,” May 17, 2019, available at <https://www.worldbank.org/en/events/2019/05/17/idahot-2019-international-day-against-homophobia-transphobia-and-biphobia>.

The biggest barrier is that trainings on SOGIESC across most of the UN system are ad hoc, at best. Even in agencies with formal training programs, some offices are reluctant to implement them, and some staff are reluctant to participate or may not be allowed to by their managers. Moreover, because of high staff turnover due to short-term contracts, limited long-term retention of training content, and the fast-evolving terminology around SOGIESC, trainings need to be systematic. Effective training programs are thus a long-term funding commitment—and something most donors are not keen to invest in. While online trainings can be conducted for free, they are much less effective; as one UN official acknowledged, the main purpose of online training modules on SOGIESC is for an agency “to show they’re taking the issue seriously.”¹⁵⁶

UN Member States: Finding Openings in Unexpected Places

At the global level, strong political support from some member states has helped drive forward UN policy and programming on SOGIESC, even if financial support has been harder to come by. At the same time, opposition from other member states has held back some UN agencies. At the country level, this global divide limits the geographic reach of the UN’s programming on SOGIESC, though many agencies have managed to find entry points in unexpected places.

In some specialized agencies and Secretariat departments, self-censorship is reportedly prevalent when discussing SOGIESC.

Political Support—and Opposition

Some UN member states have helped advance UN policy and programming on SOGIESC through political support. Since the early 2000s, a core group of member states has driven discussions on SOGIESC at the Human Rights Council and, to a lesser extent, the General Assembly and Security

Council, with Latin American countries often at the forefront (see Box 6 on the LGBTI Core Group). When it comes to influencing UN policy and programming, UN officials most often mentioned the US under President Barack Obama. In 2011, Obama became the first head of state to advocate for the rights of gay and lesbian people at the UN General Assembly. Just over two months later, US Secretary of State Hillary Clinton declared to the UN Human Rights Council that “gay rights are human rights.” These speeches were backed by a concerted diplomatic push around LGBTI rights at the UN.¹⁵⁷ Several UN officials said that this push by the US prompted some UN leaders to prioritize work on SOGIESC.¹⁵⁸

At the same time, other UN member states—including the US following the change in administration in 2017—have held this work back. Member-state opposition to UN efforts to nuance and broaden the definition of gender has been particularly fierce. Opposition has been more of a

barrier for UN specialized agencies or related organizations such as ILO, IOM, and UNESCO, which have separate members, budgets, and rules. For example, when an initial version of IOM’s

2015 Gender Equality Policy referenced SOGI, it sparked “vocal outrage” among member states, prompting the agency’s leaders to remove this language.¹⁵⁹ Similarly, an official at a UN specialized agency described an instance where a member state challenged language surrounding gender during a meeting of the agency’s executive body, leading the agency to take a more cautious approach. He described feeling constantly “under scrutiny,” with one hostile member state even sending a representative to take photos of attendees at an informal brownbag meeting on homophobia.¹⁶⁰ An official at another specialized agency cited “high levels of self-censorship due to member-state policing.”¹⁶¹

156 Ibid. Also, phone interviews with UN officials, October and November 2019 and March 2020.

157 See: Samantha Power, *The Education of an Idealist: A Memoir* (New York: HarperCollins, 2019).

158 Phone interviews with UN officials, October and November 2019; interview with UN official, New York, November 2019.

159 By contrast, UNHCR’s 2018 Policy on Age, Gender and Diversity adopts a far more inclusive definition of gender. IOM, “Gender Equality Policy 2015–2019,” IOM Doc. C/106/INF/8/Rev.1, November 19, 2015; phone interview with UN official, November 2019.

160 Phone interview with UN official, November 2019.

161 Phone interview with UN official, November 2019.

Self-censorship is also prevalent in many parts of the Secretariat. For example, in 2017, one Secretariat department included a reference to LGBTI people in its annual report, sparking a debate among member states that led to the removal of the language. In subsequent reports, department staff have switched to more general references to “gender and inclusion.”¹⁶²

Some UN funds and programs have also faced pushback from member states. One example is UNICEF, where questions around gender and sexuality take on added sensitivity when applied to children. When UNICEF published a policy paper on eliminating discrimination against children and parents on the basis of SOGI in 2014, some member states on the executive board demanded the paper be withdrawn. In the end, UNICEF’s leaders reached a compromise with these member states through “games with language”: instead of being called a “policy paper,” it was called a “current issue,” the logic being that the executive director of UNICEF could not create policy but could issue technical guidance.¹⁶³

Nonetheless, some UN entities have pushed back against member states, most notably the World Bank, where more than half of the voting power lies with members of the LGBTI Core Group.¹⁶⁴ For

example, after the Ugandan government revived a bill to punish homosexuality by death in 2019, the bank made Uganda a priority country for rolling out its new Environmental and Social Framework. Moreover, during the World Bank’s annual meeting, one of its vice presidents met with the Ugandan representative to clearly convey that passage of the bill would have “an immediate, long-term impact on the relationship with the World Bank.” The bill never came up for a vote. The

Bilateral donors that have funded the UN’s work on SOGIESC see the UN as offering something unique: a bridge to national governments.

World Bank has also downgraded countries’ risk ratings because of their record on LGBTI rights.¹⁶⁵ However, most of these tools are unique to the bank and not transferrable to other UN entities with different structures and ways of working. They also raise contentious questions around the effectiveness and appropriateness of aid conditionality.¹⁶⁶

Financial Support—or the Lack Thereof

Most UN entities have little or no core funding available for programming related to SOGIESC. This is particularly a problem in the Secretariat due to scrutiny from member states. For example, when the UN Postal Service released six stamps promoting LGBT equality in 2016, some member states demanded that it prove that funding for the stamps came from non-core contributions.¹⁶⁷ For most UN entities, however, the biggest problem is not political but fiscal. With core budgets shrinking, work on SOGIESC is seldom a top priority.¹⁶⁸ One solution is to mainstream SOGIESC into other areas of work, but even this

requires dedicated staff time and systematic training, and mainstreaming is not a substitute for SOGIESC-specific programming.

This means that programming on SOGIESC depends on extrabudgetary contributions from member states. Most major bilateral aid agencies are in theory supportive of this work and have incorporated LGBTI rights into their institutional mission or core principles.¹⁶⁹ However, donor governments only earmarked 0.04 percent of their international development assistance to LGBTI communities in 2017 and 2018—a decrease from four years earlier. At the international level, the vast majority of this funding was focused on human rights (74 percent)

¹⁶² Phone interview with UN official, April 2020.

¹⁶³ Phone interview with former UN official, March 2020. See: UNICEF, “Current Issues,” available at <https://www.unicef.org/media/current-issues>.

¹⁶⁴ Voting power in the World Bank is based on the size of member states’ contributions to the bank and the size of their economy.

¹⁶⁵ Phone interviews with UN official, October and November 2019.

¹⁶⁶ See, for example: “Right Cause, Wrong Battle: Why the World Bank’s Focus on Gay Rights Is Misguided,” *The Economist*, April 2014.

¹⁶⁷ Phone interview with UN official, November 2019.

¹⁶⁸ Phone interview with UN official, March 2020.

¹⁶⁹ See: Rachel Bergenfield and Alice Miller, “Queering International Development? An Examination of New ‘LGBT Rights’ Rhetoric, Policy, and Programming among International Development Agencies,” *LGBTQ Policy Journal* 4 (2014).

Box 6. The LGBTI Core Group and the politics of SOGIESC in New York

The creation and expansion of the LGBTI Core Group in New York reflects UN member states' growing support for the rights of LGBTI people. Since 2008, the Core Group has grown to include thirty-three countries, plus the European Union, OHCHR, and two NGOs (OutRight Action International and Human Rights Watch).¹⁷⁰ It is co-chaired by Argentina and the Netherlands and meets every month.

The LGBTI Core Group has three main goals. First, it raises awareness of LGBTI issues by organizing events and issuing statements. Since 2013, these have included annual ministerial-level side events during the UN General Assembly in September. Second, the Core Group negotiates resolution language related to SOGIESC, especially in the General Assembly's Third Committee, which deals with human rights. It also coordinates with member-state delegations in Geneva to defend the mandate of the independent expert on SOGI.¹⁷¹ Finally, the Core Group engages other UN member states to increase understanding of the issues facing LGBTI people, find common ground, and expand the group's membership.¹⁷²

To counter the notion that LGBTI rights are a Western imposition, the Core Group has a rule that members can only join in pairs: one from the Global North and one from the Global South.¹⁷³ At times, therefore, the group functions as a sort of "match-making bureau" to help the long list of aspiring members from the Global North find partners.¹⁷⁴ The Core Group now has at least one member from each of the UN regional groups.

While most countries from the Africa Group and the Organisation of Islamic Cooperation (OIC) remain opposed to resolutions related to SOGIESC, cracks in their consensus have begun to soften opposition, especially in the Third Committee. In 2010, for example, the Third Committee voted to remove the reference to SOGI from the General Assembly's biennial resolution on extrajudicial, summary, and arbitrary executions; in 2018, a similar proposal failed after four members of the OIC came out against their own regional group.¹⁷⁵ Similarly, in 2016, the Third Committee nearly passed an amendment put forward by the Africa Group to challenge the mandate of the independent expert on SOGI; in 2019, the mandate faced no challenge in the General Assembly, in part because consensus among African countries had collapsed.¹⁷⁶

or HIV/AIDS (16 percent), with little earmarked for development.¹⁷⁷ Moreover, most of this funding goes to NGOs, not the UN. Only a handful of governments, including the Netherlands, Norway, Sweden, and the US, have provided sizable grants to UN entities for SOGIESC-specific programming.

The bilateral donors that have provided funding see the UN as offering something unique: a bridge to national governments. For example, Sweden and the US decided to fund the regional "Being LGBTI" projects because they identified UNDP as one of the only actors that had the capacity and trust needed to bring together governments and civil

170 For the full list of Core Group members, see here: <https://unlgbticoregroup.org/members/>.

171 The group of friends of member states in Geneva is more informal (e.g., it does not have a website). Compared to the Core Group in New York, it is more focused on behind-the-scenes negotiation of resolution language and less on awareness raising. Phone interview with LGBTI activist, April 2020.

172 Phone interview with member-state diplomat, June 2020.

173 This preoccupation with geographic balance has been a feature of member-state engagement on SOGIESC from the start. See: Eduard Jordaan, "The Challenge of Adopting Sexual Orientation Resolutions at the UN Human Rights Council," *Journal of Human Rights Practice* 8, no. 2 (2016).

174 Phone interviews with member-state diplomats, March and June 2020.

175 Albania—the first Muslim-majority member of the Core Group—formally disassociated itself from the amendment, followed by Lebanon, Tunisia, and Turkey, making it impossible for the OIC to submit it as a group. UN Meetings Coverage, "Approving 9 Drafts, Third Committee Intensifies Fight against Fistula, Genital Mutilation, Sexual Harassment amid Debate over Peasants' Rights," UN Doc. GA/SHC/4255, November 19, 2018; and "Third Committee Concludes Intense Session, Passing 8 Drafts as Children's Rights, Reproductive Health, International Criminal Court Dominate Discussion," UN Doc. GA/SHC/4256, November 20, 2018.

176 In the Human Rights Council, Rwanda, Tunisia, and South Africa voted in favor of renewing the mandate, while five other African countries abstained or did not vote. This was a major shift from 2016, when no African countries voted in support and only four abstained or did not vote.

177 Notably, this figure does not include grants from the US government or the Global Equality Fund (a public-private pooled fund launched by the US Department of State to advance LGBTI rights globally), which have not provided recent data. Funders for LGBTQ Issues and the Global Philanthropy Project, "2017/2018 Global Resources Report: Government and Philanthropic Support for Lesbian, Gay, Bisexual, Transgender, and Intersex Communities," May 2020, pp. 21, 36, 108, 110–111.

society organizations.¹⁷⁸ Another comparative advantage of the UN is that its reports and research may have more cachet with governments than those of NGOs. “When we talk, they listen,” said an official working on one of UNDP’s “Being LGBTI” projects.¹⁷⁹ By funding programming on SOGIESC, donors can make the UN talk more.

Donors funding SOGIESC-specific programming also see the UN as a platform for engaging more effectively with civil society. For example, officials from one bilateral aid agency saw UNDP’s “Being LGBTI” projects as a better platform for channeling funding than national-level civil society consortia, which had proven dysfunctional in the past.¹⁸⁰ The “Being LGBTI” projects are intended to be “co-creations” between UNDP, donors, and civil society, with a collaborative approach to their design and management.¹⁸¹ These projects also provide an opportunity for the UN to broaden its donor base. Other donors “see what we’re doing and want to join in,” said one UN official.¹⁸² But for this to be possible, at least one donor has to step up and provide a financial foundation for the UN to build on—something few have been willing to do.

The global politics of SOGIESC do not map neatly onto country-level programming, and the UN has found entry points in surprising places.

Governmental Buy-in for Country-Level Programming

While support from UN member states is helpful for global policy and programming, it is essential at the country level. Most UN entities only undertake SOGIESC-specific programming in countries whose governments have requested it. These requests come primarily from two regions: Southeast Asia, whose governments tend to be relatively tolerant of LGBTI people despite their low profile on SOGIESC issues in New York and Geneva; and Latin America, whose governments have long been at the forefront of LGBTI advocacy at the UN.

However, the global politics of SOGIESC do not map neatly onto country-level programming, and the UN has found entry points in surprising places. Some governments are more open to working with certain segments of the LGBTI community, such as MSM or transgender people in the context of the HIV/AIDS response. Some governments, especially in South Asia, are also more open to work related to gender identity than sexual orientation.¹⁸³ Work with intersex people is another opportunity area. For example, some governments that reject inclusive conceptions of gender may still be amenable to bans on unnecessary surgery on intersex children.¹⁸⁴ Some governments are also open to engaging with the UN on LGBTI refugees and asylum seekers from other countries, even if they criminalize the homosexuality of their own citizens.¹⁸⁵

The UN can also take advantage of the fact that governments are not monolithic. Some government institutions, such as the ministry of health, may be more open to working with LGBTI populations. One UN official in Latin America described getting permission to start programming from the government authority on HIV/AIDS, which opened the door to a national dialogue on LGBTI rights with twenty government institutions.¹⁸⁶ These more open government institutions can also be entry points during a crisis. For example, after a spate of homophobic attacks in Uganda in 2019, the UN country team worked with the minister of health to put out a statement calling on healthcare providers not to discriminate against the LGBT community.¹⁸⁷

While programming in restrictive environments is possible, it requires a careful approach. UN staff may need to publicize trainings discreetly or hold

¹⁷⁸ Phone interviews with representatives of bilateral donors, April and June 2020.

¹⁷⁹ Phone interview with UN officials, July 2020.

¹⁸⁰ Phone interview with representatives of bilateral donor, April 2020.

¹⁸¹ Phone interviews with representatives of bilateral donors, April and June 2020; phone interviews with current and former UN officials, April and June 2020.

¹⁸² Phone interview with UN officials, July 2020.

¹⁸³ Phone interviews with UN official, October and November 2019.

¹⁸⁴ Phone interview with former UN official, March 2020.

¹⁸⁵ Phone interview with UN consultant, February 2020.

¹⁸⁶ Phone interview with UN officials, July 2020.

¹⁸⁷ Nita Bhalla, “Uganda Moves to Allay Fears over Anti-Gay Sex Law,” Reuters, October 25, 2019; phone interview with UN official, December 2019.

them in another country to allow LGBTI people to participate safely.¹⁸⁸ Nonetheless, UN for All workshops have been held in around ninety countries, including “all kinds of places that are surprising.”¹⁸⁹ One experienced trainer even said that “people in the least-expected places have been the most open and curious.”¹⁹⁰

In the most restrictive places, some UN entities implement programs under the radar.¹⁹¹ Even in more open environments, UN entities often try to work behind the scenes. In Nepal, for example, UN agencies were “hampered in terms of what they could do directly to affect positive law” so “sought ways to be effective through different, less political programming,” serving as “norm entrepreneurs... to build on the developments already under way.”¹⁹²

Before implementing country-level programming, UN entities usually consult with the government and civil society to ensure it is feasible. UN agencies may also try to get governments on board by giving them a sense of ownership over the work. For example, one former UN official described getting governments to co-brand UN reports and inviting government officials or parliamentarians to deliver remarks at UN events.¹⁹³ As a result, there are few cases of governments intervening to stop UN programming on SOGIESC that is already underway, though this has occurred.¹⁹⁴

The Need for Data: A Shortcoming and an Entry Point

One important entry point for the UN to engage with governments is data generation. The need for disaggregated data on LGBTI populations “greatly outstrips the current supply,” according to a report from UNDP and the World Bank.¹⁹⁵ Some

countries, mainly in Latin America and South and Southeast Asia, disaggregate HIV/AIDS-related data by key population, including MSM and (to a far lesser extent) transgender people. Most countries do not collect this data, however, and data on intersex people is almost nonexistent anywhere. There is also little data on homophobic and transphobic violence in any context—let alone in areas affected by armed conflict—on the impact of humanitarian crises on LGBTI people.¹⁹⁶

The UN has tried to fill this gap, making the most progress around HIV/AIDS. For example, UNAIDS maintains a Key Population Atlas and, in 2019, launched a global survey on the happiness, sex, and quality of life of LGBTI people.¹⁹⁷ Looking at social inclusion more broadly, UNDP has worked with other agencies and NGOs to develop an LGBTI Inclusion Index (see Box 7), and both UNDP and the World Bank have generated data at the country and regional levels.

But these efforts fall far short of what is needed. Indicators and data-visualization tools are only as useful as the data they draw from. The Key Population Atlas exposes massive data gaps, especially for transgender people. In the LGBTI Inclusion Index, less than one-fifth of the proposed indicators can rely on existing data.¹⁹⁸ UN efforts to generate data directly, while commendable, are usually one-off efforts undertaken in collaboration with universities, NGOs, or foundations rather than with governments. Even data on the UN’s own work with LGBTI populations is spotty. For example, UNHCR’s data systems do not allow for the systematic tracking of asylum claims made on the basis of SOGIESC.¹⁹⁹

Ultimately, generating SOGIESC-disaggregated

188 Phone interviews with UN officials, March 2020.

189 Phone interview with UN official, March 2020.

190 Phone interview with UN official, November 2019.

191 Interview with UN official, New York, January 2020; phone interview with UN official, December 2019.

192 Joel E. Oestreich, “Sexual Orientation and Gender Identity in Nepal: Rights Promotion through UN Development Assistance,” *Journal of Human Rights* 17, no. 2 (2018), pp. 273–274.

193 Phone interview with former UN official, April 2020.

194 Interviews with UN officials, New York, December 2019 and January 2020.

195 M. V. Lee Badgett and Phil Crehan, “Investing in a Research Revolution for LGBTI Inclusion,” UNDP and World Bank, November 2016, p. 4.

196 Hagen, “Queering Women, Peace and Security”; World Bank, “Sexual Orientation and Gender Identity in Contexts Affected by Fragility, Conflict and Violence,” April 2020.

197 UNAIDS, “Key Population Atlas,” available at <https://kpatlas.unaids.org/dashboard>; UNAIDS, “UNAIDS and the LGBT Foundation Launch Groundbreaking Study on Happiness, Sex and Quality of Life for LGBTI People,” May 14, 2019.

198 Only ten of the fifty-one proposed indicators are at least partially categorized as “Tier 1,” meaning that “data already exist in a form that can be immediately used.” M. V. Lee Badgett and Randall Sell, “A Set of Proposed Indicators for the LGBTI Inclusion Index,” UNDP and World Bank, 2018.

199 Phone interview with UN official, October 2019.

Box 7. The LGBTI Inclusion Index

The LGBTI Inclusion Index is an initiative of UNDP, in collaboration with other UN and NGO partners, to contribute to the implementation of the 2030 Agenda for Sustainable Development. In 2015, UNDP and OHCHR convened a meeting of data-collection specialists, LGBTI rights advocates and researchers, and UN representatives, who agreed on a working definition and the priority dimensions of LGBTI inclusion. This was followed by online and in-person civil society consultations to validate the outcomes of the expert meeting.²⁰⁰ An additional round of consultations with LGBTI activists and experts led to the development of fifty-one indicators in 2018, which was followed by further consultations in 2019.²⁰¹

While the index initially generated excitement, and its existing content has been widely vetted and is seen as credible, the process has since stalled. The index has not been launched, and its methodology has not been developed. One of the major barriers is lack of funding, which means that it does not have anyone working on it full-time. One LGBTI activist described their frustration: “I believed in [the index] from the start and still believe it has potential to become something important that could change things.... But the longer it takes to get off the ground, the less people are interested.”²⁰² If the index does get off the ground, the next challenge will be generating the data needed to report on it.

data is the responsibility of governments, and consistent, reliable data depends on the buy-in and capacity of national data-generation infrastructures. Supporting these infrastructures can be a useful starting point for the UN to engage governments on SOGIESC. For one, it gives governments ownership. It is also in their interest, as better data can inform public health or economic development strategies that better meet people’s needs.

Governments’ demand for data-generation support has been increasing. For example, as of 2019, the World Bank was providing technical and financial support to data generation on LGBTI populations in around ten countries, and even more were requesting it; just a year earlier, no such requests were coming in.²⁰³ In most countries, however, UN support to data generation falls short. As noted in a UNDP report, “Very few [UN country teams] advocate for and support the systematic collection

and analysis of sexual and gender minority-related data.”²⁰⁴

Even in countries that have the will and the capacity to do so, collecting and managing SOGIESC-disaggregated data is a difficult undertaking. It can be hard to identify LGBTI people, especially in contexts where this term does not accurately reflect the lived reality of local populations. Moreover, collecting and managing this data improperly could harm LGBTI people.²⁰⁵

These challenges call for global standards, and the UN has taken some steps in this direction. OHCHR’s guidelines on a “Human Rights–Based Approach to Data” specifically reference LGBTI people.²⁰⁶ The independent expert on SOGI also laid out basic principles for collecting data on LGBTI people in a 2019 report.²⁰⁷ However, the UN Statistics Division has not taken action to develop global methodological standards for collecting data on LGBTI people as it has done for

Supporting governments in generating SOGIESC-disaggregated data can be a useful starting point for the UN to engage on these issues.

200 UNDP, “Measuring LGBTI Inclusion: Increasing Access to Data and Building the Evidence Base,” June 2016.

201 Badgett and Sell, “A Set of Proposed Indicators for the LGBTI Inclusion Index,” 2018.

202 Phone interview with LGBTI activist, June 2020.

203 Phone interviews with UN official, October and November 2019.

204 O’Malley and Holzinger, “The Sustainable Development Goals and Sexual and Gender Minorities,” p. 99.

205 Andrew Park, “Improving Data Collection and Development Outcomes for LGBTI People,” *IPI Global Observatory*, September 18, 2019.

206 OHCHR, “Human Rights–Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development,” 2018.

207 UN Human Rights Council, *Data Collection and Management as a Means to Create Heightened Awareness of Violence and Discrimination Based on Sexual Orientation and Gender Identity—Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity*, UN Doc. A/HRC/41/45, May 14, 2019.

other groups such as women, people with disabilities, and migrants.²⁰⁸ Without such standards, governments cannot generate internationally comparable data even if they want to.

Civil Society: Pushing the Conversation Forward

LGBTI civil society groups and activists have played an invaluable role in pushing SOGIESC onto the UN's agenda, dating back to the early 1990s. Since the mid-2000s, they have become fixtures of UN hallways and offices in Geneva and, more recently, New York. Moreover, in the absence of an international treaty on LGBTI rights, the Yogyakarta Principles—a civil society initiative to lay out states' obligations related to SOGIESC under human rights law—are the closest the UN has to a universal framework on this topic (see Table 2 in the Annex). While many LGBTI groups at the global level have focused on UN human rights mechanisms and the Human Rights Council, some also engage with other UN entities, especially at the country level. Likewise, UN officials working on issues related to SOGIESC regularly reach out to LGBTI activists.

LGBTI civil society groups and activists have played an invaluable role in pushing SOGIESC onto the UN's agenda.

UN Engagement with LGBTI Activists

Many UN entities consult with LGBTI groups at the country level, often as the first step in developing programming. Sometimes, the central purpose of this programming is to build the capacity of these groups or to give them a platform to engage with the government. The World Bank has the most formalized framework for country-level consultations with LGBTI groups, which it undertakes through the rollout of its Environmental and Social Framework. Depending on the context, the bank may convene a public consultation to which the government is invited or a series of one-on-one consultations held over

several days. The findings from these consultations go into a report that the bank is required to consider when designing projects in the country.²⁰⁹

At the global level, UN officials often consult with LGBTI groups when developing reports, guidelines, or other documents. This is especially important when developing materials on groups not represented among UN staff. For example, OHCHR consulted with intersex activists from every geographic region while developing its intersex awareness campaign.²¹⁰ LGBTI activists, in turn, often find UN documents useful in giving them more space to push governments or in creating momentum on particular topics.²¹¹

While most UN officials described having constructive relationships with LGBTI activists, a few expressed frustration. An official in one UN agency complained that activists “function in their own world” and use “new terms and labels... that are not easy to share.”²¹² Another said they can

create a climate in which potential allies are afraid of stepping up for fear of saying something wrong and being “fed to the lions.”²¹³ According to other UN officials, however, LGBTI activists are generally

understanding of the constraints the UN faces, recognizing that it cannot have the “perspective of North American liberal arts colleges.”²¹⁴ Many activists factor this understanding into their engagement with the UN: “It’s about bringing people on a journey—going through this together and developing a vocabulary,” as one put it.²¹⁵

Beyond civil society, some UN entities are also looking to expand engagement with the private sector, which has shown growing interest in LGBTI rights. Most notably, OHCHR has developed standards of conduct for businesses to tackle discrimination against LGBTI people. These partnerships can allow the UN to reach different

²⁰⁸ Phone interview with UN consultant, July 2020.

²⁰⁹ Phone interviews with UN official, October and November 2019.

²¹⁰ Interview with UN official, New York, December 2019.

²¹¹ Phone interviews with LGBTI activists, March and July 2020.

²¹² Phone interview with UN officials, October 2019.

²¹³ Phone interview with UN official, November 2019.

²¹⁴ Interview with UN official, New York, December 2020.

²¹⁵ Phone interview with LGBTI activist, March 2020.

audiences and access new sources of funding.²¹⁶

LGBTI Activists' Engagement with the UN

LGBTI groups also proactively push UN agencies to take up issues related to SOGIESC. One example is UN Women, which, along with its predecessor, UNIFEM, has long been a target of LGBTI activists. The Global Gender Equality Architecture Reform (GEAR) Campaign, the civil society movement that drove the push to create UN Women in 2010, included a subset of activists focused on SOGIESC. Once the agency was created, LGBTI activists continued pushing it to broaden its focus beyond women. After years of frustration, these efforts have finally seen some successes in the past couple of years, as discussed above.²¹⁷

However, accessing the UN can be a challenge for LGBTI groups. They sometimes have trouble getting responses from UN entities, especially at the country level.²¹⁸ At headquarters, simply entering UN spaces can be a struggle. LGBTI organizations' applications for consultative status are routinely blocked by the Economic and Social Council's (ECOSOC) NGO Committee—a problem facing many human rights organizations.²¹⁹ UN security procedures can also be a barrier for transgender or gender-non-conforming activists whose names do not match their IDs.²²⁰ The cancellation of meetings and events due to both the COVID-19 pandemic and the UN's preexisting fiscal crisis has put up further barriers to access.²²¹

Another historical barrier has been the divide within civil society over LGBTI rights. In the early years, women's groups were divided over whether to ally their cause to that of LGBTI groups. Even as

recently as 2015, some civil society groups opposed the mandate of the independent expert on SOGI, which they thought should focus more broadly on sexual rights.²²² This divide has since subsided, and civil society groups are now broadly supportive of the mandate, but it has not disappeared. One gender-non-conforming activist described being harassed by women's rights activists at the Commission on the Status of Women, calling it "one of the most conservative places I have ever experienced at the UN."²²³ Even some progressive feminist organizations remain reluctant to engage with issues related to SOGIESC.²²⁴

At least among LGBTI groups, however, solidarity and collaboration bolster engagement at the UN. This has not always been the case. In the 1990s, LGBTI activists were divided, with lesbian activists in women's groups focusing on getting sexual orientation included in the Beijing Platform for Action, while other LGBTI groups, often dominated by gay men, focused on lobbying the Human Rights Council.²²⁵ Now, activists from around the world regularly coordinate on global campaigns. The campaign to support the renewal of the mandate of the independent expert on SOGI in 2019 was the biggest yet; it began a year before the vote, with monthly global calls among activists, and culminated in a statement signed by 1,312 organizations from 174 states and territories.²²⁶

Nonetheless, few LGBTI groups have the financial and human resources to engage with the UN at the global level, and those that do are not representative of the LGBTI community. LGBTI activists have complained that "doing UN work was typically considered to be a privilege" undertaken by a handful of organizations from Western

216 Interview with UN official, New York, November 2019.

217 Interview with UN officials, New York, December 2019; phone interview with LGBTI activist, March 2020.

218 Phone interview with LGBTI activist, March 2020.

219 Almost all LGBTI NGOs that have sought consultative status have been denied by ECOSOC's NGO Committee. Most have succeeded only after this denial was overturned in ECOSOC's plenary session. OutRight Action International, "UN Committee Recommends LGBT Organizations for ECOSOC Consultative Status," May 24, 2013; Amy Lieberman, "For Many Human Rights NGOs, UN Access Remains out of Reach," Devex, February 6, 2020.

220 LGBTI activists in Geneva have worked with security personnel to allow guests' badges to list their preferred name even if it does not match their ID, but this is not possible in New York.

221 Phone interview with LGBTI activist, June 2020.

222 Phone interview with LGBTI activist, April 2020.

223 Phone interview with LGBTI activist, June 2020.

224 Interview with UN officials, New York, December 2019; phone interview with LGBTI activist, March 2020.

225 Joke Wiebel, "Lesbian, Gay, Bisexual and Transgender Human Rights: The Search for an International Strategy," *Contemporary Politics* 15, no. 1 (2009), pp. 27–28.

226 Phone interviews with LGBTI activists, March, April, and June 2020. For the statement, see here: https://drive.google.com/file/d/1M8nF_smQCKGU41hGMWKTEpXMHQJT8GYV/view.

countries.²²⁷

The few LGBTI NGOs that do have the capacity to actively engage at UN headquarters tend to focus on human rights rather than development or peace and security. This is partly because they are more familiar with the UN human rights architecture and partly because most funding related to SOGIESC is earmarked for human rights.²²⁸ Engagement with development agencies or in spaces like the High-Level Political Forum on Sustainable Development remains limited, though this is beginning to change, particularly following the creation of the LGBTI Stakeholders Group in 2019.²²⁹ Likewise, it was only in 2018 that the NGO Working Group on Women, Peace and Security first included an LGBTI organization when OutRight Action International became a member. This corresponded with a marked increase in the working group's attention to LGBTI people in its monitoring and reporting.

Interagency Coordination: Developing a Strategic Vision

Many UN staff working on SOGIESC feel isolated and are eager to work with colleagues in other parts of the UN. "There's a remarkably positive atmosphere for collaboration," according to one official.²³⁰ Yet in practice, interagency coordination is limited.

LGBTI Focal Points and Headquarters-Level Coordination

The main avenue for coordinating work related to SOGIESC at the headquarters level is the LGBTI focal-point network, which is managed by OHCHR

and UNDP. Focal points from fourteen UN entities have an annual call to discuss what they are working on, coordinate activities for IDAHOBIT, and update a document providing an overview of recent work.²³¹ Many UN officials working on SOGIESC do not see this system as effective. As discussed above, most of the focal points are mid-level staff who can only devote a fraction of their time to working on SOGIESC within their agency, let alone to coordinating with other agencies. One of the biggest challenges is that no single agency has a clear mandate to coordinate this work across the UN system—a major difference from the UN's gender focal-point system.²³² As a result, coordina-

UN entities coordinate on joint statements, reports, or events but not on their vision or strategy; they discuss recent and upcoming activities but not how their mandates intersect with SOGIESC and who should do what.

tion is ad hoc and project-based. UN entities coordinate on joint statements, reports, or events but not on their vision or strategy; they discuss recent and upcoming activities but not how their mandates intersect with SOGIESC and who should do what.²³³

Without a system-wide strategic vision, some UN entities have found themselves in turf wars. While disagreements sometimes boil down to personality clashes, they also reflect broader divisions within the UN system, especially between the human rights and development pillars. This has had a tangible impact on interagency coordination. For example, in 2016, several UN development agencies put together a detailed proposal to coordinate the UN's work on SOGIESC through the resident coordinator system. At the time, resident coordinators doubled as UNDP's resident representatives, so this would effectively have put UNDP in the lead. While OHCHR did not directly oppose the initiative, its support was "tepid at best," which may have convinced member states to back away from funding it. Without funding, it fell

227 Karsay, "How Far Has SOGII Advocacy Come at the UN and Where Is It Heading?" pp. 23–24.

228 Phone interviews with LGBTI activist and UN consultant, June and July 2020.

229 See the group's website, available at <https://www.lgbtstakeholdergroup.org>.

230 Interview with UN official, New York, January 2020.

231 For the latest overview, which also includes a list of the LGBTI focal points as of September 2019, see: OHCHR and UNDP, "The Role of the United Nations in Combatting Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex People: A Programmatic Overview," September 2019, available at https://www.ohchr.org/Documents/Issues/Discrimination/LGBT/UN_LGBTI_summary_2019.pdf.

232 Gender focal points have a dedicated support structure in UN Women, have dedicated terms of reference, hold annual in-person meetings, are required to be at the P4 level or higher and to devote at least 20 percent of their time to focal-points functions, and are present across the entire UN system. See: UN Women, "Gender Focal Points and Focal Points for Women," available at <https://www.unwomen.org/en/how-we-work/gender-parity-in-the-united-nations/focal-points-for-women>.

233 Interview with UN official, New York, January 2020.

apart.²³⁴ The LGBTI Inclusion Index was cited as another example of UN entities not working well together.²³⁵ Others downplayed the prevalence of turf battles, however, considering that there is so much turf that remains uncovered.²³⁶

Regional and Country-Level Collaboration

Collaboration may be easier at the country and regional levels, in part because all the UN entities are in the same place. One former UNDP official based in a regional office described developing partnerships through personal connections and friendships with staff in other agencies, allowing him to avoid the turf battles in New York and Geneva.²³⁷ This approach is reflected in UNDP's Being LGBTI in Asia project, which brings together several UN entities as partners (see Box 4).²³⁸ OHCHR, which lacks a stand-alone office in most countries, also collaborates with other UN entities at the country level by funding their work through the Free & Equal campaign (see Box 3).

Like at the headquarters level, however, there is no standardized system for coordinating work on SOGIESC within UN country teams. In practice, coordination usually falls to UNAIDS, UNDP, or OHCHR, depending on the country. For example, in the event of a crisis facing LGBTI people, such as a wave of homophobic violence or a new draconian law, UN interagency guidelines suggest that the UNDP resident representative or UNAIDS country director serve as the crisis-response focal point.²³⁹ However, these guidelines have not been updated since the UN development system reform, do not address the role of OHCHR, and are framed within the context of HIV/AIDS, which these crises may relate to only indirectly. Similarly, the "Guidance Note on Human Rights" for resident coordinators has not

been updated since the development system reform.

Looking Ahead: Maintaining Momentum

UN officials had different opinions about what these recent developments mean for the UN's work on SOGIESC going forward. Some worry that the UN has gone backwards since 2015, when Secretary-General Ban and President Obama were teamed up as the highest-profile advocates they could hope for. As some see it, LGBTI rights at the UN are seeing a "slow atrophy," and UN staff working on SOGIESC have become more discreet.²⁴⁰ Moreover, attacks on "gender ideology" by nationalist governments threaten not only the human rights of LGBTI people but also the hard-fought gains of women's rights activists.

More common, though, was a sense of cautious optimism. Acceptance of LGBTI people has increased in most countries over the past ten years, particularly among younger people.²⁴¹ At the UN, more countries are joining the LGBTI Core Group, while fewer are voting against LGBTI rights: in 2011, the Human Rights Council passed its first resolution on SOGIESC by a margin of four votes; in 2019, it renewed the mandate of the independent expert by a margin of sixteen.²⁴² Regional consensus in favor of LGBTI rights has grown in Western Europe and Latin America, while consensus against LGBTI rights has eroded among Islamic and African countries. These global trends may make it harder for the UN system to slide backward, especially when so many UN leaders are on the record endorsing the rights of LGBTI people. "The toothpaste has left the tube," as one UN official put it. "Once [UN agencies] publicly say that this is

234 Phone interview with former UN official, March 2020.

235 Phone interviews with current and former UN officials, October, November, and April 2020; interview with UN official, New York, November 2019.

236 Phone interview with UN consultant, June 2020.

237 Phone interview with former UN official, April 2020.

238 UNDP, "Being LGBTI in Asia and the Pacific," available at <https://www.asia-pacific.undp.org/content/rbap/en/home/programmes-and-initiatives/being-lgbt-in-asia.html>.

239 UNDP, UNFPA, ILO, UNODC, UNICEF, UNHCR, Global Fund, and UNAIDS, "Preventing and Responding to HIV Related Human Rights Crises: Guidance for UN Agencies and Programmes," September 2014, p. 15.

240 Interviews with current and former UN officials, New York, November 2019.

241 Andrew R. Flores, "Social Acceptance of LGBT People in 174 Countries, 1981 to 2017," Williams Institute, October 2019; Jacob Poushter and Nicholas Keny, "The Global Divide on Homosexuality Persists, but Increasing Acceptance in Many Countries over Past Two Decades," Pew Research Center, June 2020.

242 The vote in 2011 was twenty-three in favor, nineteen against, three abstaining. The vote in 2019 was twenty-seven in favor, eleven against, seven abstaining.

something they believe in, it's hard to walk it back.”²⁴³

This mixture of pessimism and optimism reflects the ad hoc way the UN has taken on SOGIESC. In agencies or offices where this work has begun, it has usually been because individual staff took the initiative and their bosses did not say no. Where it has taken root, it has been because of growing buy-in among staff and leadership, political and financial support from UN member states, pressure from civil society activists, and partnerships with other UN entities. But in much of the UN system, conversations around SOGIESC have scarcely begun. Indeed, this paper has focused on the UN entities that have at least taken small steps forward; in many others, there is no SOGIESC point person to talk to. The landscape at the country level is even more variable.

When assessing where the UN stands on SOGIESC, it is important to keep in mind how recently it has even considered this topic, especially in New York. Ten years ago, no UN entity had undertaken dedicated programming on SOGIESC.

Even just five years ago, the UN development system was only just beginning to look at how to include LGBTI people beyond the HIV/AIDS response. “It’s still really early days,” said one veteran UN official.²⁴⁴ While this means that recent progress should not be taken for granted, it also gives hope for what more the UN could do in the next ten years.

Whatever the UN does will matter. In many places, it is the only institution that can bring government officials and LGBTI activists together around the table. Institutional backing from the UN can open doors that otherwise might remain closed. If it truly becomes a “UN for all,” it could have a meaningful impact on the lives of LGBTI people around the world. To advance toward this goal, the UN Secretariat, UN agencies, funds, and programs, supportive UN member states, and LGBTI activists

should consider the following steps.

1. Build the human resources needed to institutionalize work on SOGIESC.

- **UN entities that do not have a full-time SOGIESC specialist should consider creating such positions.** A few people spending a small portion of their time on SOGIESC may be able to help develop guidelines, produce training materials, or write reports. However, it takes full-time SOGIESC specialists to carry this work to the next level by helping country teams implement programming, systematically carrying out trainings, or following up on research findings. UN Women’s hiring of an LGBTQI+ policy specialist in 2020 is an encouraging step that other agencies could follow.
- **UN entities that already have teams of people focused on SOGIESC should ensure that these teams include senior-level staff.** OHCHR and UNDP both see themselves as pioneers and leaders on SOGIESC within the UN, but both have seen downgrades in the seniority of their staff working on this topic. This could have a tangible impact on the extent to which this work is prioritized. The World Bank’s global adviser on SOGI could be a model for these or other UN agencies to consider.
- **UN entities should consider creating working groups or internal focal-point networks of staff working on or interested in SOGIESC.** This could help share the burden of tasks like advising colleagues or reviewing documents, especially when no staff are working on SOGIESC full-time. These networks could also help coordinate work on SOGIESC among headquarters, regional, and country offices. Plans by IOM to create an LGBTI working group and by OHCHR to

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²⁴³ Interview with UN official, New York, December 2019.

²⁴⁴ Phone interviews with UN official, October and November 2019.

set up an LGBTI focal-point network are initial steps in this direction.

- **UN entities should ensure that staff working on SOGIESC are representative of the LGBTI community.** White, gay, cisgender men have historically been overrepresented among UN staff working on SOGIESC. This has slowly begun to change, and some UN entities offer useful models for increasing diversity. These include OHCHR's pilot transgender/intersex fellowship program and UNDP's active recruitment of transgender national staff for its Being LGBTI in Asia project. In addition, consideration should be given to other dimensions of representation, including age, race, and ethnicity. At the same time, work on SOGIESC should not be consigned only to LGBTI staff; to become an institutional agenda, it should involve both LGBTI and non-LGBTI staff.
2. **Make the UN a safe and accepting workplace for LGBTI people.**
- **Human resources departments in the UN Secretariat and UN agencies should ensure that their policies are inclusive of LGBTI people.** While UN human resources policies fall outside the scope of this paper, programming on SOGIESC is impossible if LGBTI staff within the UN do not feel safe and accepted. This requires understanding the needs and concerns of these staff. The inclusion of LGBT-specific questions in the UN's 2018 system-wide survey on sexual harassment was a positive step; the next step could be a system-wide survey of LGBTI staff. One of the top priorities should be ensuring that the workplace is inclusive of transgender and gender-non-conforming people, who are among the most marginalized.²⁴⁵ Toward this end, human resources departments should consider hiring diversity and inclusion specialists, as IOM has done. The UN should also formally recognize UN-GLOBE, the UN staff group advocating on
- behalf of LGBTI employees, so that it can access dedicated resources and staff.
- **UN entities should systematically sensitize all staff about issues related to SOGIESC.** The UN has shown that carefully designed and sensitively delivered trainings can increase understanding and acceptance of LGBTI people even in conservative environments. With the closure of UN for All, however, the UN has no system-wide training on SOGIESC. OHCHR's pilot training on LGBTI rights could help fill this gap if expanded to other UN entities. Based on past experience, any such training should be at least half a day long and in-person—though funding will be a major barrier for many agencies. SOGIESC could also be incorporated into broader inclusivity trainings, as in the pilot training developed by the UN Department of Safety and Security for UN security personnel—one of the most important constituencies for ensuring the safety of LGBTI staff.
3. **Mainstream and coordinate work on SOGIESC through system- and agency-wide guidance.**
- **The UN secretary-general should advocate for the rights and inclusion of LGBTI people, both publicly and behind closed doors.** Issues related to SOGIESC cannot be outsourced to the high commissioner for human rights or the independent expert on SOGI; they cut across every pillar of the UN's work and require support from the very top. There have been some promising signs from the Secretariat in 2020, particularly the explicit inclusion of LGBTI people in guidance related to the COVID-19 response and recovery. The secretary-general could further demonstrate his commitment to this issue by attending the LGBTI Core Group's annual General Assembly side event. He could also identify a senior-level LGBTI focal point within the Executive

²⁴⁵ UN-GLOBE has put together a detailed proposal on this topic. UN-GLOBE, "Recommendations for an Inclusive Workplace for Trans and Gender Non-conforming Staff Members, Dependents, and Other Stakeholders of the UN System," February 2018.

Office of the Secretary-General.

- **UN entities should coordinate their work on SOGIESC at the strategic level.** While the LGBTI focal-point network allows staff to update each other on past work and coordinate upcoming activities, there is no mechanism for system-wide strategic coordination. Conversations are needed at a higher level to map out how each UN entity's mandate intersects with SOGIESC and to decide who does what. Resources permitting, this could be facilitated by a more formalized LGBTI focal-point network with terms of reference and regular in-person meetings, as exist for gender focal points.
- **The UN should carry forward efforts to develop system-wide guidance on how to include LGBTI people in policy and programming.** This process was initiated by the secretary-general's Executive Committee in September 2020. System-wide guidance that firmly establishes the protection and inclusion of LGBTI people as central to the UN's mandate could embolden individuals and agencies to carry this work forward and limit the space for pushback. It could also encourage UN entities to consider how they can mainstream SOGIESC into all areas of their work alongside stand-alone SOGIESC-specific programming.
- **Beyond system-wide guidance, each UN entity should promulgate guidance for its staff on how they can—and are expected to—apply a SOGIESC lens to their work.** The Development Coordination Office should also update guidance for resident coordinators to reflect the UN development system reform. Agencies that have recently developed internal guidance, such as UN Women, could share their experience of doing so with other UN entities. Once developed, this guidance should be integrated into existing accountability mechanisms and monitoring and evaluation frameworks, including by adding indicators related to SOGIESC. Staff

should also be trained in how to implement the guidance—something that will likely require dedicated extrabudgetary funding from UN member states. The technical trainings developed by IOM and the World Bank could be useful models.

4. Strengthen partnerships between the UN, member states, civil society, and the private sector.

- **Bilateral donors that see LGBTI rights as a plank of their foreign policy should consider funding SOGIESC-specific projects at the UN.** With budgets already constrained, UN entities are unlikely to be able to increase core funding for work on SOGIESC. They can, however, dedicate small amounts of core funding to do the consultations and research needed to develop proposals for larger projects. For their part, donor countries in the LGBTI Core Group should back their supportive words with money. Dedicated UN programming on SOGIESC has a unique added value—not as an alternative to the work of civil society organizations but as a complement to their work. This requires donors to recognize the political constraints the UN faces. “We shouldn't expect [the UN] to be activists,” as one donor representative put it.²⁴⁶
- **UN entities should provide governments the guidance and support they need to generate SOGIESC-disaggregated data.** UN country teams should advocate for governments to collect SOGIESC-disaggregated data and support them in this effort. This is both mutually beneficial and an entry point to programming at the country level. To support this effort, the UN Statistics Division should develop methodological guidelines for collecting and managing this data. UN member states should also consider funding UNDP's LGBTI Inclusion Index, which will be a useful tool for analyzing data as it becomes available.

246 Phone interview with donor representatives, April 2020.

- **UN entities should continue looking for entry points for programming on SOGIESC in every geographic region.** The UN has shown that programming on SOGIESC is possible even in unlikely places. Governments rarely have a monolithic stance toward LGBTI rights, and the UN may be able to work with specific government ministries or agencies on specific topics. Even a small UN foothold can create political openings that allow LGBTI activists to engage with their government. At the same time, this programming needs to be carefully designed to ensure it does no harm to LGBTI people.
- **UN entities should follow the lead of LGBTI civil society organizations.** When considering country-level programming, the UN should always follow the advice of local LGBTI activists, who know best what is feasible, what could backfire, what LGBTI people in their country or community need, and how to adapt materials or approaches to their context. The UN should always prioritize the safety of these activists, such as by organizing low-profile meetings with individuals or small groups rather than larger gatherings or public events. At the global level, UN entities should systematically consult not only with LGBTI organizations based in New York or Geneva but also with national or local groups in all geographic regions. At all levels, UN entities should make sure that they are consulting with organizations representing transgender people, intersex people, and other groups underrepresented among UN staff. For their part, LGBTI activists should be forgiving of well-meaning potential allies within the UN who may not always use the correct terminology or have the most up-to-date understanding of concepts.
- **UN entities should consider further opportunities for partnering with the private sector on issues related to SOGIESC.** There is widespread interest in advocating for the rights of LGBTI people in the global business community, as demonstrated by the broad support for

OHCHR's "Standards of Conduct for Business on Tackling Discrimination against LGBTI People." The UN could tap this support to cultivate private sector partnerships in other areas, such as the development of long-term solutions for LGBTI refugees, and as a potential source of funding.

5. Continue expanding policy and programming on SOGIESC into new areas.

- **UN entities focused on peace and security and humanitarian affairs should join the conversation.** UN Secretariat entities like the Office for the Coordination of Humanitarian Affairs, Department of Political and Peacebuilding Affairs, and Department of Peace Operations have largely been absent from conversations on SOGIESC, but it is in situations of armed conflict and humanitarian emergencies that LGBTI people are most vulnerable. These and other entities should consider appointing LGBTI focal points and start thinking about how their work intersects with SOGIESC. They could also look into lessons from the limited efforts that have been undertaken, including by the UN peace operations in Colombia, Haiti, and Iraq.
- **LGBTI activists should broaden their focus beyond human rights.** Engaging with UN development agencies and in spaces like the High-Level Political Forum for Sustainable Development could help LGBTI activists reach new audiences and access bigger pools of funding. There is also an opportunity for activists to engage more with humanitarian NGOs, many of which still have a blind spot when it comes to LGBTI people.
- **Individuals and units focused on gender should move beyond the gender binary.** UN entities should make it clear to their gender specialists and focal points that their mandate is not limited to cisgender women. Likewise, guidance and training on gender should introduce the concept of gender diversity and use inclusive language whenever possible. UN Women, which is

itself still struggling to move beyond the gender binary, could be a leader in this regard.

- **UN staff engaged on SOGIESC should explore how they can link up with those having similar conversations about other marginalized groups.** For example, there

may be lessons to learn from the launch of the UN Disability Inclusion Strategy in 2019. Similarly, there may be useful connections between the UN's work on LGBTI inclusion and more nascent conversations in the UN around race, ethnicity, language, and caste.

Annex: Legal and Political Progress on SOGIESC at the UN

The UN's engagement with issues related to SOGIESC can be assessed through three lenses: (1) legal progress through the UN human rights mechanisms in Geneva, including the treaty bodies, special procedures, and Universal Periodic Review; (2) political progress through debates and resolutions in the Human Rights Council and other intergovernmental fora; and (3) technical progress through the policy and programming of the UN Secretariat and UN agencies, funds, and programs.²⁴⁷

While this paper uses a technical lens, technical developments are connected to legal and political developments. The incorporation of LGBTI rights into international human rights law can strengthen the normative basis for policy and programming in other parts of the UN system, and the international politics around SOGIESC can either limit or reinforce these efforts. The below tables provide an overview of key legal and political developments and their significance.

Table 2. Legal developments

	Key dates	Significance
UN treaty bodies	1994: The Human Rights Committee becomes the first UN organ to acknowledge that human rights extend to lesbians and gay men in <i>Toonen v. Australia</i> . ²⁴⁸	Since <i>Toonen v. Australia</i> , all nine treaty bodies have made references and recommendations related to SOGIESC. Over time, these have increased in number and become more specific, culturally aware, geographically comprehensive, and inclusive of transgender and intersex people. ²⁴⁹ These have helped entrench rights related to SOGIESC in international human rights law.
UN special procedures mandate holders	1997: The special rapporteur on violence against women is the first mandate holder to reference sexual orientation. 2004: The special rapporteur on the right to health issues a report that is the first UN document to lay out people's right to express their sexual orientation. 2016: The Human Rights Council appoints an independent expert on SOGI. 2020: Ninety-six UN special procedures mandate holders sign onto a statement calling for LGBT-inclusive responses to the COVID-19 pandemic.	LGBTI advocates see special procedures mandate holders as having played "an essential role in raising SOGI issues at the UN," especially in the early 2000s, when these issues had not yet been taken up by most other UN organs. ²⁵⁰ Issues related to SOGIESC now come up regularly across the special procedures, especially since the appointment of an independent expert on SOGI (see Box 2).

²⁴⁷ See: Gruskin, Miller, Cottingham, and Kismodi, "Desert, Rainforest or Jungle," pp. 9–10. In their typology, the authors consider the Human Rights Council part of the "legal pathway," but as a member-state body, it is fundamentally political in nature so here is considered as such.

²⁴⁸ Paul Gerber and Joel Gory, "The UN Human Rights Committee and LGBT Rights: What Is It Doing? What Could It Be Doing?" *Human Rights Law Review* 14, no. 3 (2014), p. 27.

²⁴⁹ Kseniya Kirichenko and Maria Ihler, "United Nations Treaty Bodies: References to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics—Annual Report 2018," ILGA World, February 2020, p. 10.

²⁵⁰ Karsay, "How Far Has SOGI Advocacy Come at the UN and Where Is It Heading?" p. 16.

	Key dates	Significance
Universal Periodic Review	2008: The Human Rights Council launches the Universal Periodic Review mechanism.	LGBTI advocates cite the Universal Periodic Review as one of the UN mechanisms they use the most. ²⁵¹ The number of SOGIESC-related recommendations, the number of states making these recommendations, and the number of states accepting them have steadily increased, though they are still accepted at a lower rate than recommendations on other issues. ²⁵²
Civil society processes	2006: An international group of experts in human rights law adopts the Yogyakarta Principles. 2017: An international group of experts adopts a supplementary document known as the Yogyakarta Principles Plus Ten.	The Yogyakarta Principles were the first attempt to lay out states' obligations related to SOGI under existing human rights law. While this was not a UN initiative, it "catapulted discussion and action on human rights related to sexual orientation and gender identity to new heights within the United Nations," and the principles are referenced in many UN documents. ²⁵³

²⁵¹ Ibid., pp. 12–13.

²⁵² Dodo Karsay, Helene Ramos Dos Santos, and Diana Carolina Prado Mosquera, "Sexual Orientation, Gender Identity and Expression, and Sex Characteristics at the Universal Periodic Review," ARC International, International Bar Association, and ILGA, November 2016, pp. 34, 43, 48–49, 51, 86.

²⁵³ Paula L. Ettelbrick and Alia Trabucco Zerán, "The Impact of the Yogyakarta Principles on International Human Rights Law Development: A Study of November 2007–June 2010," September 2010, p. 13.

Table 3. Political developments

	Key dates	Significance
UN inter-governmental conferences	1995: The World Conference on Women in Beijing marks the first time sexual orientation is discussed at a UN conference.	LGBTI activists began mobilizing around the conferences leading up to and following the Beijing conference, but language on sexual orientation was repeatedly “bracketed before being dropped in the interest of ‘consensus.’” ²⁵⁴
UN Commission on Human Rights/ Human Rights Council	<p>2003: Brazil introduces a draft resolution on human rights and sexual orientation.</p> <p>2005: Thirty-two states put forward a joint statement on sexual orientation and human rights.</p> <p>2006: Fifty-four states put forward another joint statement that also includes gender identity.</p> <p>2011: The council passes its first resolution on violence and discrimination based on SOGI.</p> <p>2012: The council holds its first debate on SOGI.</p> <p>2014: The council passes its second resolution on violence and discrimination based on SOGI.</p> <p>2016: The council mandates an independent expert on SOGI.</p> <p>2019: The council renews the mandate of the independent expert on SOGI.</p>	<p>After Brazil introduced its resolution in 2003, UN member states supportive of LGBTI rights began coordinating more strategically in the Human Rights Council. This eventually led to the 2011 resolution, which many activists see as “precedent setting and a true milestone for SOGI advocacy.”²⁵⁵ This resolution, along with the follow-on resolution in 2014, mandated OHCHR to produce reports on violence and discrimination based on SOGI. The mandating of the independent expert on SOGI was also a major milestone.</p> <p>However, almost every step forward was fiercely contested. The 2011 resolution faced a mass walkout by member states, and the 2014 resolution faced seven hostile amendments intended to strip it of meaning. Both received fewer votes in favor than is typical of Human Rights Council resolutions, and there was an unusually long hiatus between the two resolutions.²⁵⁶ The 2016 vote to mandate the independent expert on SOGI was particularly dramatic, culminating in an unsuccessful effort to block the mandate in the General Assembly’s Third Committee. But opposition has softened over time. The 2019 resolution to renew the mandate passed by a wider margin than in 2016—and with support from a more geographically diverse group of member states—and it did not face pushback in the Third Committee.</p>
UN General Assembly	2002: The assembly’s biennial resolution on extrajudicial, summary, or arbitrary executions first references sexual orientation as a ground for discrimination (gender identity is added in 2012).	The biennial resolutions on extrajudicial, summary, or arbitrary executions remain the only ones that have referenced SOGI, and even these references have faced pushback. Member states in the Third Committee launched a successful effort to remove the language on sexual orientation from the resolu-

254 Ignacio Saiz, “Bracketing Sexuality: Human Rights and Sexual Orientation—A Decade of Denial and Development at the UN,” Sexuality Policy Watch, November 2005, p. 13. See also: Françoise Girard, “Negotiating Sexual Rights and Sexual Orientation at the UN,” in *SexPolitics: Reports from the Front Lines*, Richard Parker, Rosalind Petchesky, and Robert Sember, eds. (Rio de Janeiro: Sexuality Policy Watch, 2004).

255 Karsay, “How Far Has SOGI Advocacy Come at the UN and Where Is It Heading?” p. 9.

256 M. Joel Voss, “Contesting Sexual Orientation and Gender Identity at the UN Human Rights Council,” *Human Rights Review* 19, no. 1 (2018).

	Key dates	Significance
	<p>2008: A group of member states forms the LGBTI Core Group in New York and puts forward the first joint statement on SOGI in the assembly.</p> <p>2013: The Core Group organizes the first ministerial-level UN meeting on SOGI (now an annual event).</p> <p>2015: The assembly passes the 2030 Agenda for Sustainable Development.</p>	<p>tion in 2010, though it was reinstated by a vote of the full assembly. Member states' efforts to expand language on SOGI into resolutions on other issues such as bullying in schools have been unsuccessful.²⁵⁷</p> <p>However, the 2030 Agenda demonstrates that progress does not always depend on specific language around SOGIESC. The 2030 Agenda does not reference LGBTI populations, but many still see it as an inclusive document. For example, its language around nondiscrimination applies to people of "other status"—a category that the Committee on Economic, Social and Cultural Rights has recognized as encompassing SOGI.²⁵⁸ Many LGBTI activists saw the inclusion of this language as a "partial success."²⁵⁹ Moreover, the 2030 Agenda enshrined the commitment of every member state to "leave no one behind" and to "reach the furthest behind first." These phrases have created an opening for engaging governments on SOGIESC, especially in "places where human rights language is not appreciated," as one activist put it.²⁶⁰</p>
UN Security Council	<p>2015: The council holds an Arria-formula meeting on the persecution of LGBTI Iraqis and Syrians by ISIS.</p> <p>2016: The council issues a statement condemning the attacks on the Pulse nightclub in the US.</p> <p>2016: Russia blocks a statement thanking Ban Ki-moon for his support for LGBT rights.</p>	<p>The Security Council is a difficult forum for addressing anything seen as a human rights issue, including SOGIESC. Both the 2015 meeting and the 2016 statement were US initiatives. It is unclear whether any other states can or are willing to invest the level of political capital required to take forward similar discussions in the council in the near future.²⁶¹</p>


257 Phone interview with former member-state diplomat, June 2020.

258 UN General Assembly Resolution 70/1 (September 25, 2015), UN Doc. A/RES/70/1, October 21, 2015, para. 19; Committee on Economic, Social and Cultural Rights, "General Comment No. 20: Non-discrimination in Economic, Social and Cultural Rights," UN Doc. E/C.12/GC/20, July 2, 2009, para. 32.

259 Elizabeth Mills, "Leave No One Behind": Gender, Sexuality and the Sustainable Development Goals," Institute of Development Studies, October 2015, p. 2.

260 Phone interview with LGBTI activists, June 2020.

261 Phone interview with former member-state diplomat, June 2020.



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