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UN LGBTI Core Group: The quest for integrating the Human Rights of LGBTQIA + Persons into the Security Council mandate

*UN LGBTI Core Group: a busca pela
integração dos direitos humanos das
pessoas LGBTQIA + no mandato do
Conselho de Segurança*

*UN LGBTI Core Group: la búsqueda de la
integración de los derechos humanos de
las personas LGBTQIA + en el mandato
del Consejo de Seguridad*

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Abstract

The paper analyzes the work of the United Nations (UN) LGBTI Core Group in legitimating and mainstreaming the human rights of LGBTQIA + persons across the UN and in the Security Council (UNSC) agenda and mandate. By using an agenda-setting model for promoting interpretative frameworks, the paper reconstitutes the LGBTQIA + human rights trajectory at the UN and identifies the recent Core Group efforts to bridge the gap between LGBTQIA + human rights and international peace and security at the Council.

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The paper identifies the UNSC's unique characteristics, such as the veto power, as constraints, but highlights political alignments for future advancements.

Keywords: United Nations; Security Council; LGBTQIA + Human Rights; UN LGBTI Core Group.

Resumo

O artigo analisa o trabalho do *LGBTI Core Group* das Nações Unidas (ONU) na legitimação e integração dos direitos humanos das pessoas LGBTQIA + na ONU e na agenda e mandato do Conselho de Segurança (CSNU). Ao utilizar um modelo de definição de agenda para promover quadros interpretativos, o artigo reconstitui a trajetória dos direitos humanos LGBTQIA + na ONU e identifica os esforços recentes do Core Group para eliminar, no Conselho, a lacuna entre esses direitos humanos e paz e segurança internacionais. O artigo identifica as características únicas do CSNU, como o poder de veto, como restrições, mas destaca alinhamentos políticos para avanços.

Palavras-chave: Nações Unidas; Conselho de Segurança; Direitos Humanos LGBTQIA + ; UN LGBTI Core Group.

Resumen

El artículo analiza el trabajo del LGBTI Core Group de las Naciones Unidas (ONU) para legitimar e incorporar los derechos humanos de las personas LGBTQIA + en toda la ONU y en la agenda y el mandato del Consejo de Seguridad (CSNU). Al utilizar un modelo de establecimiento de agenda para promover marcos interpretativos, el artículo reconstituye la trayectoria de los derechos humanos LGBTQIA + en la ONU e identifica los recientes esfuerzos del Core Group para cerrar la brecha entre los derechos humanos LGBTQIA + y la paz y seguridad internacionales en el Consejo. El artículo identifica las características únicas del CSNU, como el poder de veto, como limitaciones, pero destaca los alineamientos políticos para avances futuros.

Palabras clave: Naciones Unidas; Consejos de Seguridad; Derechos Humanos LGBTQIA + ; UN LGBTI Core Group.





Introduction

Persecution, homophobia, and lack of adequate legal protection against discrimination based on sexual orientation and gender identity (SOGI) are but a few of the human rights violations and offenses faced by lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA + ²) persons³ (United Nations 2023 e).

As Thoreson (2014, 4) highlights, “LGBT human rights have been among the most contentious topics in contemporary human rights debates. The terms ‘LGBT’, ‘sexual orientation’, and ‘gender identity’ do not appear in the Universal Declaration of Human Rights or in any United Nations (UN) treaties — a point that their detractors regularly stress”. In this sense, LGBTQIA + human rights have also been gravely contested — and infringed — domestically by many states: To this day, more than 60 UN Member States still have discriminatory laws that expose LGBTQIA + persons to arrest, prosecution, imprisonment, conversion therapy, and even the death penalty (ILGA World 2024), which demonstrates the relevance of a research agenda on LGBTQIA + human rights in and for International Relations.

Despite all the backlash and contestation, activists insisted that LGBTQIA + rights are universal, inviolable, and nonnegotiable human rights that should be considered and legally guaranteed in international organizations, especially at and by the UN. Today, most UN bodies and specialized agencies incorporate LGBTQIA + human rights into their programs and activities (Mertus 2009, 3-4). However, it was not so for a long time, as they were only addressed by the UN’s main organs in the 2000s. Bearing this in mind, the paper reconstitutes some of this history and focuses on the work made by the UN LGBTI Core Group, a 42 UN Member States initiative founded in 2008 that aims at protecting LGBTQIA + persons from violence and discrimination (UN LGBTI Core Group 2023 a).

The paper argues that the Group’s growing influence was essential for including the theme on the UN Security Council’s (UNSC) agenda, with the first informal meeting on LGBTQIA + human rights in 2015 and the second

2 Many authors, as well as the UN and its officials, organs, and documents, use different nomenclatures, such as LGBT or LGBTI. Their uses will be respected when quoting or commenting on, but the paper adopts the broader acronym LGBTQIA + .

3 Furthermore, “the intersection with racial discrimination, on the grounds of race, color, descent, national or ethnic origin, makes LGBTIQI + people even more vulnerable to discrimination and hate-motivated violence” (United Nations 2023 e).





one in 2023. The paper also argues that there has been an effort to queer the international peace and security agenda and push for the inclusion of the human rights of LGBTQIA + persons in the UNSC mandate.

The discussion is organized into four main items. The first one highlights the UN's capacity to frame problems, define agendas, and constrain actors — mainly its Member States — to conform to the agreed rules of global governance. The paper works with an agenda-setting model and interpretative frameworks, which are “strategic efforts to shape understandings about problems or solutions to be shared by the actors who will legitimize collective actions, thus taking advantage of the opportunities that exist in the choices of the agenda-setting” (Joachim 2007).

The paper highlights that the greater institutional access to the UN by the new social movements in the 1990s, as well as the growing alliances and political alignment between actors at the organization, guaranteed that LGBTQIA + human rights and issues would be framed as part of the UN agenda and agreed decisions from that moment on.

In this sense, the second item reconstitutes the path to the legitimation and inclusion of LGBTQIA + human rights in the UN system, with a focus on the UN General Assembly and the Human Rights Council. The third item explores the origins and principles of the UN LGBTI Core Group, as well as its growing role in advocating for LGBTQIA + human rights across the UN by i) being vocal in multiple organs and ii) creating a series of stand-alone and side events at high-level meetings. As the Group is mainly formed by Member States, its political commitment was key for promoting this interpretative framework and thus mainstreaming LGBTQIA + human rights at the organization (UN LGBTI Core Group 2023 a; 2023 e).

Nevertheless, the particularity and atrocities faced by LGBTQIA + persons in situations of conflict were never fully addressed by the UNSC. Therefore, the fourth item bridges the gap between LGBTQIA + human rights and the UNSC mandate for maintaining international peace and security. The item also addresses the statements and the results of the 20 March 2023 UNSC informal meeting, co-sponsored by the UN LGBTI Core Group, on Integrating the Human Rights of LGBTI Persons into the Council's Mandate for Maintaining International Peace and Security (United Nations 2023 f). Finally, the paper frames some UNSC's characteristics as constraints for this integration, but highlights political alignments for future advancements.





The agenda-setting model and the UN

The UN was founded on 26 June 1945, when, after three months of negotiations, the UN Charter was signed at the UN Conference on International Organization in San Francisco (United Nations 2023 a). The Charter preamble states that the organization was created to save future generations from the sorrows of wars and to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small (...)” (United Nations 2023 b), which would be secured through treaties and other sources of international law. The use of force would be a last resource to maintain international peace and security, and the principle of good faith would be the ballast of the UN.

Article two of the Charter established the principle of sovereign equality as the foundation of the UN. This principle was solidified at the UN General Assembly (UNGA), the only UN deliberative and policymaking organ with universal representation. Besides the UNGA, the Charter established a clear division of labor with the creation of five other main organs: The Security Council (UNSC), the Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court of Justice, and the Secretariat. They were responsible for guaranteeing, within their mandates, that the UN principles and pillars would be fulfilled (United Nations 2023 c).

It is also important to note that, on 10 December 1948, the UNGA adopted the Universal Declaration of Human Rights (UDHR). This breakthrough document would guide the organizations’ human rights pillar and upcoming treaties, as it was the first document setting out fundamental human rights that should be universally protected. In this sense, the UDHR preamble recognized the inherent dignity and inalienable rights of all human beings, and its first article reinforced that all are born free and equal in dignity and rights. Articles two and three highlighted how the rights to life, liberty, and security shall be guaranteed without distinction of any kind, such as race, color, sex, religion, language, national or social origin, or any other status (United Nations 2023 d).

The UN agenda is an extensive and non-exhaustive one. Therefore, the inclusion of new demands in the format of discussion topics is of great relevance to global governance. In this sense, the UN agenda can help shape and change the priorities, interests, and identities of states across time (Joachim 2007, 18). However, these processes are not natural or automatic. Non-state actors, such





as non-governmental organizations (NGOs) and social movements, play a key role in internationalizing their agendas and pushing for the inclusion of new topics of discussion at the UN.

Given this, Joachim (2007, 17-18) exemplifies her *agenda-setting model* by demonstrating how NGOs acted for the inclusion of women's rights on the UN agenda and conferences, mainly in the 1990s, as the support of the international community would weigh on their agendas at the domestic level. Rodrigues and Hernandez (2020, 213) highlight the role of NGOs in the agenda-setting model for promoting *interpretative frameworks*, which are understood as “strategic efforts to shape understandings about problems or solutions to be shared by the actors who will legitimize collective actions, thus taking advantage of the opportunities that exist in the choices of the agenda-setting”.

The interpretative framework strategy can be decomposed into three independent processes, but also commonly articulated by actors — mainly NGOs — in their agenda-setting efforts. The processes are i) *diagnosis*, which is related to the identification of the problem and its cause; ii) *prognosis*, which is related to pointing out diversified solutions to the problem; and iii) *motivational*, which refers to the political opportunity structure and the mobilization structure (Rodrigues and Hernandez 2020, 213; Joachim 2007).

The success of these processes, hence the legitimation and inclusion of the topic on the agenda, depends on the *structure of political opportunity* faced and the *structure of mobilization*: “The first factor concerns the structural context of the institution that the NGOs are penetrating, which can provide opportunities or restrictions to mobilization. And the second involves the organizational resources and communication networks that NGOs have at their disposal to mobilize themselves” (Rodrigues and Hernandez 2020, 214).

It is important to highlight that international organizations are not passive spaces where states act. They are International Relations actors, with structures and forces that can change mainly due to political interactions, which are ruled by three important elements integrated into the structure of political opportunity of the agenda-setting model: access to institutions, influent allies, and political alignments (Rodrigues and Hernandez 2020, 214; Joachim 2007).

There is no possibility of promoting interpretative frameworks without access to institutions. The post-Cold War era opened a moment at the UN where new agendas, more focused on development, flourished: NGOs, brokers, and activists took advantage of the new institutional opportunities for access, mainly through





specialized events and forums and, in some cases, acquiring consultative status at organs such as the ECOSOC (Thoreson 2014; Rodrigues and Hernandez 2020).

Having influential allies is also essential, as they can support — or restrict — mobilization and agendas (Joachim 2007). The UN Secretariat is an important ally, as its members prepare meetings, conferences, reports, briefings, and much more to support the topic discussions and decision-making processes. But “governments are, possibly, the most decisive allies, because they effectively define whether an agenda will be accepted or not. They have the possibility of presenting draft resolutions created by NGOs or making statements for or against them” (Rodrigues and Hernandez 2020, 215). In this sense, political alignment between engaged countries or groups of countries on a topic is also essential for agenda-setting.

Supported by the analytical framework proposed in this item, the following aims to demonstrate how the UN has been legitimating and mainstreaming LGBTQIA+ human rights across its system, especially in the 2000s, when groundbreaking documents and initiatives were adopted. This was possible due to greater institutional access to the UN by NGOs and the LGBTQIA+ social movement in general, but the item shows how having influential allies and securing their alignments on this agenda in an intergovernmental organization is key for fighting backlash and promoting its advancement.

The UN and the inclusion of LGBTQIA+ human rights

Gonzaga (2019) highlights that the new social movements gained traction in the context of profound political, social, and cultural transformations of the post-Cold War era. These new social movements expressed identity claims that could surpass class conflict and promote collective action to fight for political, civil, and social rights. They were also transnational and, sometimes, intersected with other movements. This was the case with the women’s and LGBTQIA+ movements.

The organizations, activists, and brokers of the LGBTQIA+ social movement fought domestically for decades, but the institutional opening of the UN to civil society in the 1990s made their efforts at the international level gain momentum (Gonzaga 2019). In this sense, in 1993, the International Lesbian and Gay Association (ILGA) was the first LGBTQIA+ organization to receive consultant status at the ECOSOC — which was revoked in 1994, in a clear blockade to





institutional access for agenda-setting (Rodrigues and Hernandez 2020, 221).

Nevertheless, in 1994, the complaint brought by Australian national Nicholas Toonen to the UN Human Rights Committee was judged. In *Toonen vs. Australia*, Toonen argued that his country discriminated against gay men, violating articles 17 and 26 of the International Covenant on Civil and Political Rights. He eventually won the case and ended the last sodomy law in Australia. Following up, Beverly Ditsie, a South African activist, made history as the first openly lesbian woman to address the UN on LGBTQIA + human rights at the 1995 Fourth World Conference on Women in Beijing, leading up discussions about these rights at the Conference (UN LGBTI Core Group 2023 b).

From then on, Thoreson (2014, 196) continues, “brokers worked closely with staff from the United Nations Development Programme (UNDP), which was especially supportive of their work at regional mechanisms”, as well as with the Joint United Nations Programme on HIV/AIDS (UNAIDS), to mainstream LGBTQIA + human rights and issues. Their advocacy was also extended to other international organizations, such as Mercosur and the European Union (EU) (Thoreson 2014, 197).

But it was only in 2000 that the first-ever reference to sexual orientation was included in a UN resolution, the E/CN.4/RES/2000/31, adopted without a vote, on the Commission on Human Rights (CHR). It called upon states to ensure the adequate protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those based on sexual orientation (Commission on Human Rights 2000). In this sense, the UNGA adopted resolution 27/214 on Extrajudicial, summary or arbitrary executions (EJE) in February 2003. In its sixth operative paragraph, the resolution reaffirmed the obligation of governments to promptly and thoroughly investigate all cases of killings committed for any discriminatory reason, including sexual orientation or racially motivated violence⁴ (United Nations General Assembly 2003).

Also in 2003, Brazil introduced draft resolution E/CN.4/2003/L.92 at ECOSOC and, later, at the CHR, connecting human rights and discrimination based on sexual orientation. However, the draft faced strong opposition from Egypt, Libya, Malaysia, Pakistan, and Saudi Arabia, and its negotiation was postponed to

4 Since then, the UNGA has adopted more resolutions on EJE: A/RES/77/218, A/RES/75/189, A/RES/73/172, A/RES/71/198, A/RES/69/182, A/RES/67/168, A/RES/65/208, A/RES/63/182, A/RES/61/173, A/RES/59/197 and A/RES/57/214. Ten years after the first resolution mentioned sexual orientation, resolution 168 included “gender identity” for the first time in a UN resolution (United Nations General Assembly, 2012).





2004, when consensus was not reached again. Finally, the draft resolution was removed from the agenda (Rodrigues and Hernandez 2020, 222).

In 2005, the first joint statement mentioning sexual orientation was made by New Zealand, on behalf of 32 countries, at the CHR, highlighting how threats and discrimination based on sexual orientation were against human dignity (Arc International 2005). Another landmark in this sense was reached in December 2006, when Norway presented the first joint statement on human rights violations based on SOGI at the Human Rights Council⁵ (HRC) on behalf of 54 states, urging treaty bodies, civil society, and the HRC to keep paying due attention to such human rights violations (Arc International 2006). Also in 2006, the institutional access aspect was achieved when ILGA-Europe and two organizations from Norway and Germany were granted consultant status at the ECOSOC, which was only possible due to support from the Secretariat and Member States (Rodrigues and Hernandez 2020, 222).

In 2008, Argentina presented, on behalf of 66 states, a joint statement at the UNGA on human rights and SOGI, which one-third of Member States supported. Nevertheless, another one-third launched a counterstatement objecting to recognizing such human rights and one-third abstained (Arc International 2008; Thoreson 2014, 5).

On 17 June 2011, the HRC adopted resolution 17/19 on human rights and SOGI. Introduced by South Africa and Brazil, with support from 39 more countries, the resolution expressed concern about violations based on SOGI and requested a study by the UN Commissioner for Human Rights on discriminatory laws and practices and acts of violence against individuals based on their SOGI (Human Rights Council 2011). This was not an easy approval, as the resolution narrowly passed due to heavy lobbying, with 23 votes in favor, 19 against, and 3 abstentions (Thoreson 2014, 5).

In 2013, the Office of the UN High Commissioner for Human Rights (OHCHR) launched the unprecedented public information campaign UN Free & Equal, with support from UN Member States and multiple stakeholders (United Nations 2023 e). In the following year, the HRC adopted its second resolution on Human rights and SOGI (A/HRC/RES/27/32), requesting an updated study on discriminatory laws and practices and acts of violence against individuals based on their SOGI.

⁵ The HRC was established in 2006 by the UNGA. It replaced the CHR as the main intergovernmental UN body responsible for promoting and protecting human rights.





It had 25 votes in favor, 14 against, and 7 abstentions (Human Rights Council 2014). And, in June 2016, the HRC adopted resolution 32/2, on the Protection against violence and discrimination based on SOGI. Proposed by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, and Uruguay, the resolution created the Independent Expert on SOGI mandate for three years to protect persons against violence and discrimination based on their SOGI (Human Rights Council 2016).

In 2019, intersex issues were first addressed in an HRC resolution focusing on discrimination against women and girls in sports, including women born with variations of sex characteristics (Human Rights Council 2019). In 2021, the UNGA adopted resolution 76/176 on Strengthening the role of the UN in the promotion of democratization and enhancing periodic and genuine elections. It urged states to eliminate laws, regulations, and practices that discriminated against citizens in their right to participate in public affairs based (amongst others) on SOGI. The resolution was cosponsored by 87 Member States and was adopted without a vote, which shows groundbreaking support (United Nations General Assembly 2021; UN LGBTI Core Group 2023 b).

In what concerns the UNSC, the first meeting focusing on LGBTQIA + human rights was an Arria-formula ⁶ hosted by the United States (US) and Chile in 2015, with a focus on crimes and atrocities committed by the Islamic State against LGBTQIA + individuals in Iraq and Syria. At the meeting, the Council heard testimonies from “Subhi Nahas, a gay Syrian refugee, and an anonymous gay Iraqi man about threats, violence, and executions of LGBTQ people in Syria and Iraq by the Islamic State” (Cassell 2023). The meeting also counted with then OutRight International Executive Director Jessica Stern. This was the first time the UNSC ever considered the targeting of people based on their real or perceived SOGI (Outright International 2023 a, 16).

In this sense, even though the meeting was held mainly to discuss the situation of LGBTQIA + persons in conflict situations in the Middle East, it was a historic one, as it signaled that “violence based on SOGI is deemed unacceptable and that discussions regarding the protection of LGBT persons from violence have a place in the SC” (UN LGBTI Core Group 2023 b). Furthermore, in 2016, the UNSC also issued a press release condemning the shooting that killed 49 people and injured more than 50 at an Orlando LGBTQIA + nightclub, using, for

⁶ An informal meeting convened by any UNSC member to discuss matters of interest that were not traditionally included in the agenda. During these meetings, members can hold open dialogues with non-members, including NGOs, diplomats, and individuals. This practice is named after Venezuelan Ambassador Diego Arria, who first introduced it in 1992 (Mertus 2009, 116).





the first time, language that recognized violence targeted towards this specific minority (United Nations 2016).

Nevertheless, LGBTQIA+ persons have been persecuted because of their SOGI, as well as targeted and victimized in and by armed conflicts, for a far longer period, without any recognition by the UNSC, the primary UN organ responsible for maintaining international peace and security. In this sense, OutRight International highlights that “queer people are largely invisible at the UNSC and in atrocity prevention efforts, peacebuilding processes, and international justice” (Outright International 2023 a, 4), a reality which a particular group, i.e. the UN LGBTI Core Group, has been trying to change.

The UN LGBTI Core Group: A paramount step forward

The UN LGBTI Core Group is an informal cross-regional group established in 2008 and co-chaired by Argentina and the Netherlands. It is composed of 42 UN Member States, the EU as an observer, the OHCHR, and the NGOs Human Rights Watch and OutRight International⁷. Its 42 members include Albania, Australia, Belgium, Bolivia, Brazil, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Denmark, Dominican Republic, Ecuador, Finland, France, Germany, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Mexico, Montenegro, Nepal, Peru, New Zealand, North Macedonia, Norway, Portugal, South Africa, Spain, Sweden, Timor Leste, the United Kingdom (UK), the US, and Uruguay (UN LGBTI Core Group 2023 a).

The Group’s primary goal is to “work within the UN framework on ensuring universal respect for the human rights and fundamental freedoms for all, specifically LGBTI persons, with a particular focus on protection from violence and discrimination” (UN LGBTI Core Group 2023 a). To do so, the Group follows three main principles: “raising awareness about LGBTI issues; contributing to multilateral work and negotiations at the UN; and seeking common ground and engaging in a spirit of open, respectful and constructive dialogue and cooperation with UN Member States and other stakeholders outside the Core Group” (UN LGBTI Core Group 2023 c).

Membership is open to all UN Member States or observer states that share the goal and principles of the Core Group, as it “strives to have a broad, cross-regional

⁷ OutRight International is a co-founder and works as the Secretariat of the Group (Outright International 2023 b).





membership with balanced geographical representation” (UN LGBTI Core Group 2023 d). To ensure this, the interesting thing is that applications are only considered in pairs: one must be from a Global South country and the other from a Global North, a mainstreaming strategy across Global South countries for an agenda sometimes associated with North or Western ones. So, it is key to have Global South countries taking the lead on the agenda and advocating for LGBTQIA + human rights (Vance et al. 2018).

Figure 1 — The UN LGBTI Core Group flag



Source: Representanza Permanente d'Italia ONU 2023.

Following Joachim's (2007) approach, it is possible to say that the Group has diagnosed a grave problem, i.e. the violations of LGBTQIA + human rights worldwide, and is pointing out a prognosis, i.e. to fight against discrimination and promote universal respect and security for this minority. It is motivated by the political opportunity that the 1990s and 2000s UN opening to social movements and civil society has brought to legitimate and include the topic on the UN agenda.

In this context, each of the 42 UN Member States are influential allies that can shape political alignment across the UN system, which they have been doing, as the previous section has shown, by sponsoring and adopting resolutions that include LGBTQIA + issues at UN bodies, mainly the UNGA and the HRC. The presence of NGOs at the center of the Core Group also indicates their embeddedness across the UN and how they influence countries' and international organizations' agendas and discussions.

In this sense, the UN LGBTI Core Group has been advocating for the promotion and protection of LGBTQIA + human rights by creating a series of stand-alone events

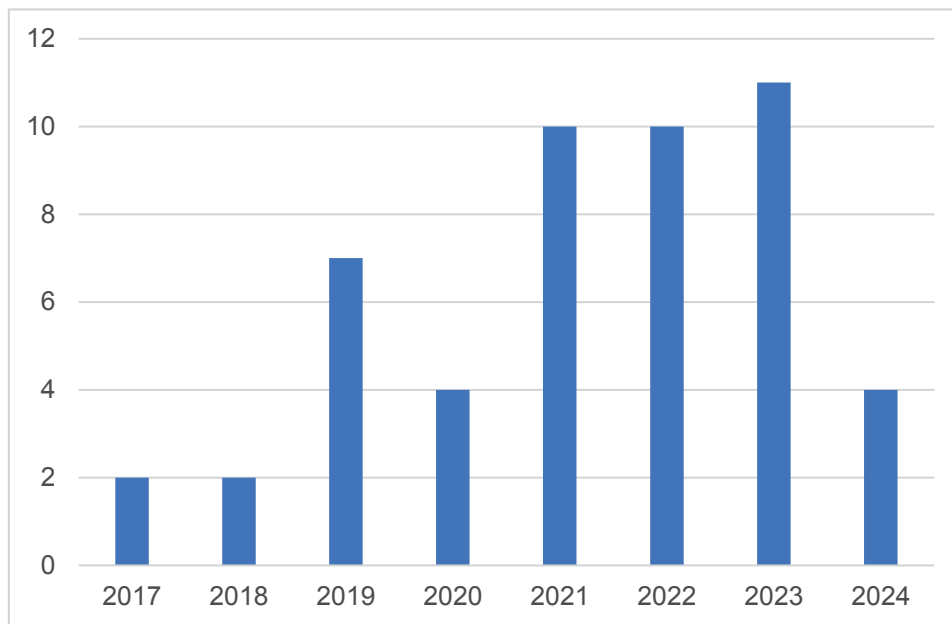




(such as the 2021 virtual event Leaving No One Behind: Decriminalization of Sexual Orientation and Gender Identity and the 2018 Violence against LGBTI Individuals: Extrajudicial, Summary or Arbitrary Executions, held at the UN headquarters in New York) and side events held during high-level meetings (such as the 2022 Right to Be Me at the High-level Segment of the 77th session of the UNGA and the 2017 ministerial level meeting Ending Violence and Discrimination against LGBTI Persons, also held at the UN headquarters) (UN LGBTI Core Group 2023 e).

However, its main work has been done with its 42 Member States being vocal in multiple UN organs, advocating for, and denouncing the disrespect of LGBTQIA+ human rights. Member States from the Group sponsored most of the resolutions adopted by the UNGA and the HRC in the 2000s, as shown in the previous item, but they also have made 50 recorded statements from October 2017 to April 2024, as the image below shows, across the UN system. Usually, one country makes a statement on behalf of the Core Group as a whole. In this sense, some contemporary statements and their content are worth mentioning.

Figure 2: UN LGBTI Core Group statements (2017-2024)



Source: Own elaboration based on data gathered on UN LGBTI Core Group 2023 e.

On 26 October 2021, a joint statement was given by the UN LGBTI Core Group at the UNGA Third Committee Interactive Dialogue with the Independent Expert on Protection against Violence and Discrimination based on SOGI. The Australian representative, speaking on behalf of the Group, welcomed the UNGA’s “increased focus on the importance of legal recognition as well as the decriminalization of





persons based on their sexual orientation and gender identity and the protection of the human rights of trans and gender-diverse persons”, but also remembered that there were still 68 countries that criminalized consensual same-sex relations, something that was perceived as a barrier to fully achieving the Sustainable Development Goals (Australian Government 2021).

This last part is aligned with the 2020 statement made by the UN LGBTI Core Group at the ECOSOC General Debate, stressing that the achievement of the 2030 Agenda for Sustainable Development was intertwined with the guarantee of non-discrimination and equality for all, “including for persons belonging to LGBTI communities, individuals, advocates and human rights defenders in general” (UN LGBTI Core Group 2020).

It also aligns with Michelle Bachelet’s discourse at the 2020 UN LGBTI Core Group Side Event: Building Back Better — how to create a virtuous cycle for inclusion of all LGBTI Persons, delivered at the 75th UNGA. In her statement, the then-UN High Commissioner for Human Rights thanked the Core Group for its unique initiative and leadership in working to end violence and discrimination against LGBTQIA+ persons, which were heavily suffering the consequences of the COVID-19 pandemic in health and unemployment terms (United Nations Human Rights Office of the High Commissioner 2020).

In September 2022, the US Secretary of State Antony Blinken also made a statement on behalf of his country at a UN LGBTI Core Group event, just as the 77th UNGA session was starting. He named the diplomats’ co-sponsors of the Group from Argentina and the Netherlands, Santiago and Wopke, and thanked them for their leadership and engagement. For Blinken (United States Department of State 2022), that was a time of encouraging momentum, especially with legal changes in St. Kitts and Nevis, Antigua and Barbuda, and Vietnam.

The UN LGBTI Core Group also made several statements at the Commission on the Status of Women (CSW). In March 2022, on behalf of the Group, Belgium *delivered a statement at the 66th session expressing* “full solidarity with all women and girls in all their diversity living in conflict situations and other emergencies. We know that women and girls, including lesbian, bisexual, trans, and intersex persons, are particularly impacted by crises” (Permanent Mission of Australia to the United Nations 2022).

In the 67th CSW General Debate, Thomas Blomqvist, Minister for Nordic Cooperation and Equality of Finland, made another important statement on behalf of the Group. He remembered the session’s theme, Innovation and technological





change, and education in the digital age for achieving gender equality and the empowerment of all women and girls, and its opportunity for the international community to commit to ensuring the full, equal, and meaningful inclusion of queer women and girls in education and technology policies, laws, and programs (Reppresentanza Permanente d'Italia ONU 2023).

These statement examples, aligned with the resolutions proposed by Core Group Members States, as shown in section two, demonstrate how the Group has been able to frame LGBTQIA + human rights in the UN system and mainstream its efforts. Political alignments and alliances were built during the 2000s, and states changed their views, stances, and made this a possibility. Nevertheless, at the UNSC, the discussion and inclusion of LGBTQIA + human rights and their nexus with international peace and security still fall short.

Mégret (2020, 39) states that the UNSC “may be the least obvious organ within the UN to have a human rights role (...)”, but it is reasonable to assume that it can be an instance that has exceptional power due to its “(...) very sought-after resource, in the form of a monopoly of the legitimate authority to use coercive means against states”. Therefore, the relationship between the Council and human rights is complex, as the UN Charter did not envisage a key role for it on this matter, and its involvement is linked to extensive debates about overstepping and sovereignty.

The UNSC and the UN LGBTI Core Group: Bridging the gap?

The UN Charter established the UNSC mandate in Chapters V, VI, VII, and VIII. The Council is composed of a fraction of states: It has 15 members, five permanent (China, France, Russian Federation, UK, US⁸) and ten non-permanent, as the UNGA elects them for two-year terms. The voting method of the Council demands at least nine affirmative votes, including the competing votes of its permanent members, as they hold the veto power. Nevertheless, according to the UN Charter, all the organization’s Member States have agreed to accept and carry out the decisions of the UNSC, which are legally binding (United Nations 2023 b).

The Council is the primary organ responsible for maintaining international peace and security, determining the existence of any threats or breaches to peace, and acting to restore it. To do so, it must first try to settle disputes by calling all

8 Known collectively as the P-5.





parties to negotiate by all possible peaceful means. If these efforts are exhausted, actions under Chapter VII allow the use of force and coercive means (United Nations 2023 b). The UNSC is known to be the master of its own rules, meaning that few rules of procedure are defined in the UN Charter: They are Provisional Rules of Procedure. As a result, most rules are the reflex of practices reinforced over time (United Nations Security Council 2024).

The UNSC agenda comprises general and thematic issues, such as Children and armed conflict and Nonproliferation. The Council also discusses the situation of numerous countries undergoing conflicts. In this agenda context, items' addition — or removal — are critical political gestures (United Nations Security Council 2024).

Malone (2009, 120) points out that the UNSC action was restricted during the Cold War, as both political blocks relied heavily on the veto power. This resulted in unilateral actions to manage international peace and security crises such as the Cuban Missile Crisis. This context undermined the Council's mandate. But even more important to note is that the UNSC “sought to isolate itself from human rights concerns and to close its decision-making processes to NGOs that might push human rights and humanitarian matters into international attention” (Mertus 2009, 98).

It was only in the post-Cold War era that the P-5 interactions and the UNSC works gained momentum: from March 1991 to October 1993, the UNSC approved 185 resolutions, against 685 in the previous 46 years, and authorized 15 peacekeeping and observer missions, against 17 in the last 46 years (Malone 2009, 123). The quantitative rise in its action was accompanied by expanding old themes and including new ones on its agenda during the 1990s and the early 2000s. Amongst them were debates on a more significant role for regional organizations and human rights, with a “renewed interest in various categories of especially vulnerable categories of people such as women, children, refugees, and, generally, civilians in armed conflict” Mégret (2020, 63).

Previously insulated by the Secretariat, the instrumentalization of the human rights agenda by the UNSC became a vital part of the organ's objectives and strategies in this new era⁹, as it (at long last) realized that conflicts could and would not be resolved if human rights were continuously violated (Malone 2009, 127). In this sense, some patterns were followed in the upcoming years in the

9 The division of labor of the UN system envisaged by the Charter “(...) turned out to be difficult to sustain in practice in the long run, as the importance of human rights grew, threats to international peace and security evolved, and challenges to the Council's interventions arose (...)” (Mégret 2020, 48).





nexus between international peace and security and human rights, such as racist regimes, the disruption of democracy, humanitarian crises, and the commission of certain international crimes (Mégret 2020, 49). However, the discourse of defending human rights posed a still ongoing challenge to the UNSC, as “some instances have led to SC authorizations of force, but many have not” (Hampson and Penny 2009, 541).

The previous specificities mentioned about the Council’s mandate are essential in this context because they highlight that, through and through, international peace and security, as well as breaches and threats to it, have been and are what the Council decides them to be (Mégret 2020; Mertus 2009, 98), and even more so to cases of human rights violations by states. This is the power to shape agendas and interpretative frameworks, in Joachim’s (2007) words.

Nevertheless, since the 2015 Arria-formula, no further developments have been made on LGBTQIA + human rights in the UNSC until the 20 March 2023 Arria-formula. The US led the meeting organization alongside multiple UNSC members and non-members, such as Austria, Cyprus, the Czech Republic, and Greece, the UN LGBTI Core Group, who co-sponsored it (United Nations 2023 f). With the topic Integrating the Human Rights of Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Persons into the Council’s Mandate for Maintaining International Peace and Security, the meeting occurred at the ECOSOC chamber. It was chaired by US Ambassador to the UN Linda Thomas-Greenfield. The US Special Envoy to Advance the Human Rights of LGBTQI + Persons Jessica Stern¹⁰ also participated in the US delegation (Security Council Report 2023). The presence of the then Independent Expert on SOGI, Victor Madrigal-Borloz, was also highly anticipated, as it would be the first time that this UN official would address the Council (Cassell 2023).

Before the meeting, the US delegation circulated a concept note affirming that the meeting’s main goal was to “identify steps that the Council can take to better incorporate the human rights of LGBTI persons in carrying out its mandate to maintain international peace and security” (Security Council Report 2023). Furthermore, the note included general questions that should guide the meeting and any further discussions, such as:

¹⁰ Prior to taking office, Ms. Stern was OutRight International’s Executive Director since 2012.





How can we increase awareness within UN field missions on the need to better integrate respect for human rights of LGBTI persons into peacekeeping and peacebuilding?

How can we practically expand the Woman, Peace and Security (WPS) agenda to promote cross-cutting intersectional identities, including those related to sexual orientation, gender identity, and gender expression?

In the proper meeting, Madrigal-Borloz spoke about the atrocities LGBTQIA + persons face in conflict zones worldwide. He highlighted how many forms of violence, such as rape, public lashings, beheadings, blackmail, and forced marriages, are among the most heinous crimes and atrocities committed against LGBTQIA + persons in armed conflicts (United Nations 2023 f).

LGBTQIA + representatives Artemis Akbary from Afghanistan and Maria Susana Peralta-Ramón from Colombia also addressed the Council. Akbary is a gay man who fled Afghanistan to Iran with his family in 1996 but had to go to Turkey, as he grew up being humiliated and tortured there just for being who he was. Now settled in the Czech Republic, he is the founder and director of the Afghan LGBT Organization and highlighted his story to the Council and the ongoing “horrors LGBTQ Afghans are currently facing under the Taliban, such as limited escape routes (...). Unfortunately, LGBT people in Afghanistan and neighboring countries have neither freedom nor security” (Cassell 2023).

Peralta-Ramón is a Colombian lesbian activist, scholar, and leader of the peace and transitional justice team at Colombia Diversa, the country’s LGBTQIA + organization. She highlighted that “resolving war” by omitting issues of SOGI and the crimes committed against LGBTQIA + persons is not enough to restore peace and security. She further “spoke about how the armed forces killing of a transgender woman protecting villagers became a symbol of how militia exerted control of a village in her country” (Cassell 2023). Peralta-Ramón also addressed Colombia’s peace-building success, stating it has been the result of soliciting feminist, LGBTQ, and other organizations representing marginalized groups to include and implement their ideas for harm reduction in the peace-building process.

By the end of the meeting, the US Ambassador introduced a draft resolution on the topic and stated that “the US was committed to integrating LGBTQ people into the Council’s work, regularly reviewing conflicts on the Council’s agenda with an eye for LGBTQ people, encouraging the UN Secretariat and other UN





officials to integrate LGBTQ concerns and perspectives in their regular reports to the Council (...)" (United Nations 2023 f). In a final note, she stated that "the simple fact is, the threats LGBTQ people face around the world are threats to international peace and security" (United Nations 2023 f).

Other UNSC members and non-members agreed with the Ambassador's words and the briefers' remarks, signaling an intent to further commit to action to increase LGBTQIA+ awareness and inclusion of their human rights in the Council's mandate and objectives. However, "China, Ghana, and Russia objected to the proposed resolution, arguing there are other UN agencies and mechanisms that address LGBTQ rights and that the issue did not fall under the Council's mandate" (Cassell 2023), a statement that raised strong objections from the UK and other delegations.

The Council continues to be the master of its own rules. However, the results of this last meeting were an essential step towards debating a resolution on the integration of LGBTQIA+ human rights and international peace and security, an effort for which the UN LGBTI Core Group is due credit for its continuous efforts to mainstream in the UN system and at the UNSC. The commitment of the US, the UK, and France, as well as the presence of a member of the UN Secretariat in the figure of the Independent Expert on SOGI, as well as briefers, shows a positive way ahead, even though there still lacks alignment with China and Russia — permanent members who could block the approval a resolution on the topic.

Furthermore, OutRight International has been documenting the situation of LGBTQIA+ people in Afghanistan, Ukraine, Myanmar, and many other places. The organization has also been drafting an internal report that could help their advocacy at the UNSC and the creation of an agenda about queering international peace and security as "responses that solely address violence against women and girls while excluding other forms of violence that stem from patriarchy and the enforcement of gender norms, are incomplete" (International Outright 2023 a, 18). Their role as Secretariat of the UN LGBTI Core Group could also help the advancement and even mainstreaming of such an agenda amongst the Group members and at the UNSC (Outright International 2023 b).





Conclusions

The paper reconstituted some of the UN efforts — both from within, with Member States, and from outside, with NGOs, brokers, and activists' advocacy — to adequately address, promote, and protect the human rights of LGBTQIA + persons. Even though the UN Charter and the UDHR guarantee that everyone is equally entitled to rights and freedoms outlined in them without distinction of any kind, these minority human rights are still questioned and should never be taken for granted.

In this sense, the paper presented how the UN has been legitimating and mainstreaming LGBTQIA + human rights, especially in the 2000s. The paper focused on the work made by the UN LGBTI Core Group by being vocal in multiple organs and creating a series of stand-alone and side events at high-level meetings. As the Group is mainly formed by UN Member States who were proposing resolutions on organs such as the UNGA and the HRC, the article highlighted how forming politically committed alliances is key to the promotion of this interpretative framework at the organization.

Furthermore, the article investigated the Core Group's efforts to promote LGBTQIA + human rights at the UNSC. The organ is not usually associated with this agenda, but the 2023 informal meeting on Integrating the Human Rights of LGBTI Persons into the Council's Mandate for Maintaining International Peace and Security showed the importance of its incorporation in the Council mandate and resolutions.

Finally, the literature on the UN LGBTI Core Group is still scarce, if non-existent. The opacity of UNSC rules of procedure and meetings, its uneven distribution of power, and unique characteristics, such as the veto power, make it even harder to properly analyze the efforts to promote and integrate LGBTQIA + human rights into its mandate. Nevertheless, this paper is a preliminary effort to highlight the importance of addressing the nexus between international peace and security and LGBTQIA + human rights for global governance.





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