

SEXUAL ORIENTATION AND GENDER IDENTITY AS PART OF THE WPS PROJECT

Jamie J Hagen

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In 2000, the United Nations Security Council passed Security Council Resolution 1325 (UNSCR 1325), on “Women and Peace and Security”, the first resolution to draw attention to women and girls during conflict, as well as the first to consider gendered experiences of war. Yet those vulnerable to insecurity and violence because of their sexual orientation or gender identity remain largely neglected by the international peace and security community. While much has been accomplished by WPS projects, there is an alarming lack of attention to how homophobic and transphobic violence targeting lesbian, gay, bisexual, transgender and queer (LGBTQ) individuals occurs in conflict-related environments.

A neglect of LGBTQ individuals is in part the result of assumptions about sex and gender in the framing of the WPS agenda. To more completely understand how gender matters to WPS programmatic work it is helpful to take a closer look at the terms *women* and *gender*. Moving the conversations from a narrow focus on two supposedly sex-based categories – those of “women” and “men” – to one about a broader focus on gender is a feminist project that refutes the assumption of a sexual binary, therefore challenging heteronormative assumptions about sexual behavior. A focus on lesbian, bisexual and transgender women destabilizes the myth of a heterosexual-cisgender Woman in Conflict (either victim of violence or agent of change). This policy brief will first review the troubled use of “gender” as a placeholder for “women”, and will then discuss the distinct vulnerabilities faced by LGBTQ individuals in conflict, before exploring ways

to include sexual orientation and gender identity in WPS work, and finally offering five policy recommendations.

UNDERSTANDING GENDER

This brief focuses on how “woman” operates as a stand in for “gender” in problematic ways and shows how to more accurately understand and respond to gender matters in conflict. One especially problematic practice in the WPS programmatic work is the use of the words *gender* and *women* interchangeably. This slip betrays a much larger gap in understanding the importance of attention to gender in conflict and specifically how it has an impact on LGBTQ populations. For example, “woman” is often used in WPS discourse as the simple opposite of “man”, suggesting only two genders in a fixed and binary relationship. This limited understanding assumes that everyone is

cisgender¹ leaving out trans individuals.² Heteronormativity is the world-view within which heterosexual relationships are the preferred or normal orientation. People with non-heteronormative sexual orientation and gender identity are not served by WPS projects that rely on a woman/man divide. Civil society organizations should be wary of cissexism, or the assumption that only cisgender people are “normal” and “right”, in their crucial monitoring work on the implementation of the WPS documents.

- 1 Someone who is cisgender identifies with the sex assigned at birth, either cis male or cis female. People who are not cisgender include transgender individuals and others who do not identify with the sex assigned to them at birth. More here: <http://www.transstudent.org/definitions>
- 2 Trans is an umbrella term for multiple gender identities such as people who are transgender women, transgender men, third-gender, nonbinary genderqueer, multigender, or agender. More here: <http://www.transstudent.org/definitions>
- 3 Free & Equal "About us," *UN Free & Equal Online* accessed on 12 September 2016, <https://www.unfe.org/en/about>.
- 4 United Nations Security Council, Women and peace and security: report of the Secretary-General, paragraphs 5, 7, 8 and 15. 6 April 2010, <http://undocs.org/s/2010/173>.
- 5 Jennifer Rumbach and Kyle Knight, "Sexual and gender minorities in humanitarian emergencies," in *Issues of Gender and Sexual Orientation in Humanitarian Emergencies* ed. Larry W. Roeder (Switzerland: Springer, 2014), 41.
- 6 Lesbian, gay, bisexual, transgender and intersex. Some link intersex individuals to the LGBT community, a group not explicitly acknowledged by the LGBTQ acronym. An intersex person is born with sexual anatomy, reproductive organs and/or chromosome patterns that do not fit the typical definition of male or female: Free & Equal, "Fact sheet: LGBT rights: frequently asked questions" *UN Free & Equal Online*, https://www.unfe.org/system/unfe-7-UN_Fact_Sheets_v6_-_FAQ.pdf

The term gender is more appropriately informed by the transnational LGBTQ advocacy community as exemplified by the UN *Free and Equal* campaign, unveiled in 2013 to highlight the LGBT community globally. Importantly, the Free and Equal fact sheet explains in their definition of LGBT: "While these terms have increasing global resonance, in different cultures other terms may be used to describe people who form same-sex relationships and those who exhibit non-binary gender identities (such as hijra, meti, lala, skesana, motsoalle, mithli, kuchu, kawein, travesty, muxé, fa'afafine, fakaleiti, hamjensgara and Two-Spirit)".³ Understanding gender requires the careful observation of power in the form of political gender relations including the socialized normative assumptions about masculinity and femininity. The aforementioned UNSCR 1325 sets precedent for paying attention to gender in this way by pointing to the need of "a gender perspective" and "gender considerations" in peace and security work.⁴

VULNERABILITIES FOR LGBTQ POPULATIONS

Sexual orientation and gender identity is an important dimension of conflict for everyone. Peace and security provisions that assume everyone is cisgender or heterosexual fail to take this into account. In 2011, the UN Human Rights Council released the first report to address homophobia and transphobia, *Human Rights, Sexual Orientation and Gender Identity from the Human Rights Council*. The report identified discriminatory laws criminalizing homosexuality and imposing arbitrary arrest and detention, or in some cases the death penalty, for LGBT people as violations of international standards and obligations under international human rights law. The report outlines some disturbing realities for LGBT people: in 76 countries, for example, it remains illegal to engage in same-sex behavior; in five of those, the penalty is death.

LGBTQ people in many places are often under threat from their local communities, families, the state or some combination of these. Insecurity for members of LGBTQ communities shifts in times of conflict. Including the stories of lesbian, bisexual and transgender women in the conversation about WPS provides a more complete picture of how gender matters to women in conflict.

Though information about LGBTQ individuals in conflict-related situations remains very limited, data from some humanitarian emergencies do shed light on the topic. Rumbach and Knight review how sexual and gender minorities experience discrimination in humanitarian emergencies and report: "Relief programs targeting women only, for example, have been problematic for transgender people and people who do not live in a home with a female who qualifies as head of household, such as gay men".⁵ As another example of inadequate work to meet the needs of sexual and gender minorities, LGBTI⁶ refugees in Kenya, home to the largest refugee population in the



world in August 2012, were unable to find any focused programmes within the refugee camp and instead had to travel to Nairobi for services. This is both an issue of categorization (agencies not recognizing LGBTQ households) as well as negligence to provide distinct services (medical, psycho-social) to meet the needs of this population. In their report the authors highlight the need for people to feel safe declaring their non-normative family structure to humanitarian aid workers. It is clear that without sensitivity to the needs of LGBTQ individuals as part of humanitarian aid response, this population remains under-served. The same is true for vulnerable LGBTQ individuals overlooked by WPS programmes.

A 2009 study by Human Rights Watch found targeted violence against men in Iraq who were not viewed to be “manly” enough or were assumed to be “gay”. The report notes that contextually-specific social understandings of gender are vital to comprehending homophobic violence. The report notes that “[f]ear of ‘feminized’ men reveals only hatred of women. No one should be killed for their looks or clothing. No one should be assaulted or mutilated for the way they walk or style their hair”.⁷ The report also reveals ways in which lesbians continue to be overlooked as a vulnerable population: “Despite wide acknowledgement that violence against women is a serious crisis in Iraq, state authorities have ignored it and most NGOs have concentrated on ‘public,’ political patterns of attacks on men. Amid this neglect, the question of whether and how violence targets women for non-heterosexual behaviors has been doubly neglected”.⁸

The issues raised by the UN *Free & Equal* campaign, along with emerging data about targeted violence against the LGBTQ population as documented by NGOs such as Outright International, speak to the concerns of the LGBTQ community and how these concerns intersect with WPS work. To build on this work, it is important that WPS projects evolve to also include



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peace and security concerns of the LGBTQ community. The 2016 election to appoint a UN Independent Expert⁹ to look into violence against the LGBTQ community suggests that the international community is more ready than ever to begin to take these necessary steps towards confronting violence that targets individuals because of their sexual orientation or gender identity.

INCLUDING SEXUAL ORIENTATION AND GENDER IDENTITY IN WPS WORK

WPS programmatic work is a powerful vehicle for informing peace and security work with a gender perspective, though heteronormative and cissexist assumptions can have an exclusionary impact. It is essential to gather data about LGBTQ populations as a first-step in beginning to meet their specific needs. For example, it is inadequate to compare data about best practices for a heterosexual family to meet the needs of a lesbian couple. Similarly, it is impossible to serve LGBTQ individuals who are victims of homophobic or transphobic violence with the mental and physical health needs specific to this population. Bridging the work of organizations networked with these populations is one way to begin to link the important work being done by the WPS community with that of the LGBTQ community.

Policy-makers and practitioners can better account for how sexual orientation and gender identity have an impact on individuals across a range of domains, including family structure, health needs and access

to community services. Local communities (religious, family, medical) frequently have different laws and customs pertaining LGBTQ individuals that must be accounted for in serving their needs. Furthermore, some communities may support some people in the LGBTQ community but shun others. Relatedly, not all assigned “women” spaces are safe or accessible to trans women. Providing a safer-space for organizing with other LGBTQ individuals in the community may be a crucial first step in serving these populations, especially as individuals may not be open about their sexual identity or gender identity because of concerns for the safety.

7 Human Rights Watch, “They want us exterminated: murder, torture, sexual orientation and gender in Iraq” *Human Rights Watch Online*, New York, August 17 2009, <https://www.hrw.org/report/2009/08/17/they-want-us-exterminated/murder-torture-sexual-orientation-and-gender-iraq>

8 Ibid.

9 Human Rights Council resolution, 32/L.2/Rev. 1, *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, A/HRC/RES/32/L.2/Rev.1, Adopted 28 June 2016.



POLICY RECOMMENDATIONS

Rather than an additional WPS resolution addressing the experiences of LGBTQ individuals in conflict, concerns related to sexual orientation and gender identity could be addressed more immediately as outlined by the following five policy recommendations.

1. Include LGBTQ people in developing, implementing, and monitoring WPS projects

The WPS community has done much to include women in all aspects of peace and security projects. Similar attention should be paid to the inclusion of people with varied sexual orientation and gender identities as well as to reaching out to different LGBTQ communities. It is important to remember that sexual orientation categories and terms differ greatly around the world so working with local communities is an essential way to understand how these categories and terms operate in different states and regions. Efforts to mainstream gender will remain incomplete until programmes can document their inclusion of local LGBTQ individuals.

2. Expand indicators to include sexual orientation and gender identity

Be aware of whether indicators for monitoring implementation work makes assumptions about sexual orientation or family structure. For example, not all women have husbands, some women

are transgender, and some women are lesbians. Individuals may not feel comfortable sharing their sexual orientation for fear of stigma, so do not assume that just because someone has not shared their sexual orientation or gender identity that they are heterosexual or cisgender. Much work has been done to push for all-female peacekeeping units and more female officers. Similar efforts to count the number of LGBTQ individuals recruited and included in this aspect of peace and security work might be in order.

3. Define women and gender as two distinct terms

As outlined above, women and gender are often used interchangeably. Be sure that, in developing, implementing, and monitoring WPS projects, the terms women and gender are defined and used accordingly. To include LGBTQ individuals, along with responding to homophobic and transphobic violence, it is important to define gender in a way that sexual orientation and gender identity are understood to be a part of how power and violence operate in conflict.

4. Collect data about LGBTQ individuals in conflict

Without collecting information about sexual orientation and gender identity in conflict, it is impossible to respond to the needs of this population. Because WPS programmes are already at the crux of providing a response to how conflict affects women, WPS projects would do well expand their attention to an awareness of homophobic and transphobic violence. Best practices for responding to and gathering data about lesbian, bisexual and transgender women in conflict should be included in all WPS operations.

5. Engage with UN independent monitor for LGBT violence and discrimination

In July 2016 the UN Human Rights Council voted to appoint an LGBT Independent Expert. The WPS community should report data and best practices for meeting the needs of LGBT individuals living in conflict as this relates directly to WPS initiatives concerning gender.

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Centre for Women, Peace and Security, London School of Economics and Political Science, Houghton Street, London WC2A 2AE

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