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**Statement by  
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**UNITED NATIONS INDEPENDENT EXPERT  
ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION  
BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY**

**“Integrating the Human Rights of LGBT Persons into the Security Council’s  
Mandate for Maintaining International Peace and Security.”**

Arria Formula Meeting  
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**Madam President,  
Excellencies and delegates,  
Distinguished attendees,**

Every day, countless persons are singled out and subjected to discrimination and heinous forms of violence, including international crimes, based on sexual orientation and gender identity. These grounds are therefore inevitable points of entry for an adequate analysis of violence and discrimination in all contexts where human life exists, including armed conflict, peacebuilding, and peacekeeping. Yet, there is no explicit reference to them in the global peace and security frameworks, including resolutions of the Security Council. As a result, crucial monitoring and reporting data gathering points are missing. A proverbial blind spot<sup>i</sup> in the preventive and remedial efforts of the international community is the broader analysis of correlations between sexual orientation and gender identity and conflict-related damage.

For this reason, my mandate pursues a permanent line of inquiry into the differentiated or disproportionate impact of armed conflict on lesbian, gay, bisexual, trans and other gender-diverse persons.<sup>ii</sup> The evidence compiled therein strongly suggests that homo-lesbo-transphobic biases create strategic and tactical opportunities in the use violence against LGBT and gender-diverse persons, and that these are indeed used in both non-international and international armed conflicts to inflict damage on enemy forces or to subjugate communities or populations.

These opportunities ride on the back of deeply entrenched stigma that operates against those having sexual orientations or gender identities that are seen as falling outside what is regulated in law or social mores at the place and time in which a conflict occurs. Therefore, conflict-related damage based on sexual orientation and gender identity often relies on criminalizing, exclusionary, or pathologizing views of sexual orientation and gender identity.

Examples of these correlations evoke images that will be forever indelible in my mind: video footage of men being thrown from buildings with their hands tied behind their backs, lashed to death, beaten and then burned alive, immolated, and beheaded while accusations of homosexuality were proffered through loudspeakers,<sup>iii</sup> testimonies of male detainees forced to perform penetrative oral and anal sex on each other, or photographs displaying male prisoners forced into positions with homosexual implications, meant to be deeply humiliating,<sup>iv</sup> accounts of rape heinously called “corrective” perpetrated systematically in conflict settings against lesbian women,<sup>v</sup> and written lists of LGBT human rights defenders compiled by foreign secret operatives as part of military preparedness. You have seen these images, and I imagine that they are persistent in your mind as well.

The way these forms of violence are perpetrated reveal the perversity with which the stigma and prejudice are put in play in warring strategies through weaponization of prejudice. This strategic use extends to extreme form of politicization of the human rights of LGBT persons by creating narratives labeling their struggle for human rights as “agendas,” “ideologies,” or “propaganda” and exploiting them in the conduct of hostilities.

There is wide recognition that gender describes normative frameworks that rely on binary, heteronormative views, that subordinate women to men, and that value “masculine” over “feminine” traits. On that basis, gender-based crimes that target persons exploiting their placement in that normative framework, or preconceptions that are associated to it, are breaches of current legal standards and policy frameworks regarding conflict prevention, protection, participation, redress, sustainable peace, and frameworks<sup>vi</sup> that clearly prohibit gender-based international crimes.<sup>vii</sup> They may therefore be understood as the basis for prosecutions and potential convictions of international crimes, including, among other, crimes against humanity, war crimes, gender-based persecution, sexual violence, enforced disappearance, killing, and other inhumane acts, with reference to the risk factors associated with plans and policies to attack, or actual widespread or systematic attacks against members of an identifiable group.<sup>viii</sup>

My recommendations:

- a. That the Security Council answers the calls by the Secretary-General, academia, and civil society for an inclusive reading of the Women, Peace and Security agenda through intersectional approaches and include explicit reference to monitoring and reporting on sexual orientation and gender identity-based violence and discrimination in resolutions, deliberations, and other acts through which it carries out its monitoring work, as well as the work of its country-specific mandates.<sup>ix</sup>

- b. That States be urged to incorporate such an approach in national policies and action plans and national-level contributions to peace and security, whether conflict prevention, atrocity prevention or protection, including national action plans used as reference for reporting to the UN peace and security architecture.
- c. That UN peace operations adopt measures conducive to the acknowledgement of sexual and gender diversity, as an asset to enhance a culture of inclusive sustainable peace whenever they are deployed.
- d. That it be explicitly acknowledged that effective participation of LGBT-led and LGBT-serving communities and organizations in peacebuilding measures is key to ensure the transformation of underlying prejudice that fuels violence against LGBT persons.

Madam President,

My mandate is based on a simple fact: diversity in sexual orientation and gender identity is a feature of humanity. It has been too long that it has been made invisible in national-level contributions to peace and security, including policies and programs, and in the political and programmatic action of the United Nations. This is not only unacceptable but also self-defeating, given that conflict-related damage based on sexual orientation and gender identity is faced by a significant number of persons living under the jurisdictions of the Member States. I thank you for convening this meeting; I hope that it will go a long way into creating awareness of the need to confront these violations and their antecedents as

indivisible from the task of peace and security, and of the United Nations' collective pursuit of inclusive sustainable and positive peace.

Thank you.

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<sup>i</sup> A/77/235, par. 28.

<sup>ii</sup> This line of inquiry crystallized in a report that I presented last year to the 77<sup>th</sup> Session of the General Assembly and continues to be an area of concern in my work plan. See A/77/235.

<sup>iii</sup> A/HRC/37/72/CRP.3; par. 65

<sup>iv</sup> A/77/235, par. 19.

<sup>v</sup> A/77/235, par. 47.

<sup>vi</sup> Myriad obligations exist at the intersection of international humanitarian law, international human rights law, international criminal law, and refugee law – and the overarching political agenda of Women and Peace and Security stemming from this Council's landmark resolution 1325 of 2000.

<sup>vii</sup> With the written version of these remarks, I will enclose the overview of the applicable international law standards through report A/77/235.

<sup>viii</sup> These findings are also consistent with the new Policy on the Crime of Gender Persecution of the Office of the Prosecutor of the International Criminal Court and the Framework of Analysis for Atrocity Crimes issued by the Secretary-General in 2014.

<sup>ix</sup> For this purpose, the good practice of the Assistance Mission in Iraq in 2015, the fact-finding missions in Myanmar and Libya, and the Group of Eminent Experts in Yemen can be used.