The Growing Presence of LGBTQs at the UN:
Arguments and Counter Arguments

Nick J. Mulé, Maryam Khan & Cameron McKenzie

Abstract: The past decade has brought positive changes at the United Nations (UN) with regard to the growing advocacy work on the part of LGBTQI communities at the local and international levels. However, anti-LGBTQI arguments have and continue to counter the LGBTQI movement, and the activism of human rights defenders and NGOs. These campaigns seek to lobby nation states to block or vote down the recognition and protection of sexual orientation and gender identity (SOGI) as legitimized characteristics warranting human rights. This paper explores the anti-LGBTQI campaigns’ rise to power at the UN, nation state sovereignty and the criminalizing of LGBTQI assembly and association. Emphasis is placed on how these arguments are implemented, and affect the social and political landscapes of LGBTQI rights promotion.

This paper will offer social workers among other workers engaged in international activism insights into the complexities of challenging heteronormativity, homophobia and transphobia at the UN on local and global fronts. The theoretical direction of the paper is framed within post-colonial, critical queer liberation perspectives. Findings from primary interviews (conducted with UN departments and their affiliates) are critically analyzed. The
paper concludes by challenging the arguments posed against LGBTQI rights being taken up as human rights from a social justice perspective.

Key words: Criminalization United Nations, LGBTQI, Family values, Sovereignty

This paper explores the anti-LGBTQI campaigns’ rise to power at the UN. We discuss the implications of traditional family values, nation state sovereignty (of the member states), and the criminalization of LGBTQI assembly and association. In this manuscript we are using lesbian, gay bisexual, transgender, queer and intersex (LGBTQI) as an identity umbrella term. We knowledge that this terminology, like other terminology, has its limitations to capturing the diversity and fluidity that exist in this ‘communities’ (Kugle, 2014). It should be noted that the participants, as well the United Nations literature mainly use the terminology sexual orientation, gender identity (SOGI).

The framing of LGBTQI rights and liberation has been framed as a ‘culture war’ (Brewer, 2008; Fetner, 2008) and as moral issues—of being morally wrong, a detriment to traditional and religious ‘family values’ (Brewer, 2008; Fejes, 2011; Fetner, 2008; Green, 2000; Lehr, 1999) by many member states at the UN. According to Girard (2007), United Nations in its fight for human rights has been a site where issues related to sexuality, gender and “the role of the family” are continuously being debated (p. 312). The framing of
sexual orientation as human rights is still highly contentious at the UN due to normative assumptions of citizenship and sovereignty, religion, gender roles and cultural traditions (Corrêa, Petchesky & Parker, 2008), and the notion of gender identity remains controversial as a “highly marginal category” (Waites, 2009, p. 141).

The ‘family’ is a central focus in measuring the moral decline by the Religious Right, and as a result the preservation of the nuclear, heteronormative family is seen as a moral issue and grounded in morality based arguments against the inclusion of Sexual Orientation and Gender Identity (SOGI) and LGBT rights as human rights (Fejes, 2011; Green, 2000; Lehr, 1999). The Religious Right presence at the UN seeks to undermine the issues raised by LGBT and women NGOs that advocate for global protections for sexual and gender diverse persons (Buss & Herman, 2003). Mainly, US based Religious Right agencies have set up offices which deliver “missionaries” throughout the globe (Fetner, 2008, p. 5). As a result, the Religious Right has allies in many member states in its fight to hinder LGBT rights recognition and promotion (Beresford, Schneider & Sember, 2007). The antigay movements in Zimbabwe, South Africa, Kenya, the Cameroons and Nigeria are supported by American Religious Right groups (Beresford, Schneider & Sember, 2007; Buss & Herman, 2003; Petchesky, 2007).
The Religious Right is deployed as an umbrella term, which refers to a movement (conglomerate of groups and organizations) that seek to preserve the ‘traditional’ family and are anti-gay, anti-abortionist (Fetner, 2008) and anti-feminist (Buss & Herman, 2003). In contemporary times, mainstream discourse the term ‘family values’ is synonymous with conservative religious beliefs, which seek to make static the nuclear, heterosexual family (Waites, 2009). The ‘family values’ campaign and its heteronormative discourses are a part of a larger global anti-gay movement, constitutive of pro-traditional family, anti-abortionist organizations, spearheaded by ‘right-wing religious’ groups (Brewer, 2008; Fetner, 2005). This movement sees its overarching goal to preserve heteronormative ideals as dictated by religion and undertakes a conservative perspective on life, family, society and religion (Brewer, 2008; Fetner, 2008). The Religious Right is not a monolith (Fetner, 2008; Green, 2000), and differences exist in how certain groups and denominations go about defending the ‘natural family’ and how the UN is viewed; for some the UN is an evil organization that requires an overhaul; others deem the UN as a good institution which has been infiltrated by evils like secularism, feminism, and socialism etc. (Buss & Herman, 2003).

This movement is not restricted to those affiliated with the Christian tradition; it also welcomes conservative Muslim and Jewish groups that foster similar ideological
frameworks (Buss & Herman, 2003). “For many [Religious Right groups] the prospect of an interfaith orthodox alliance is the vehicle by which a ‘natural’ family politics is possible at this otherwise evil [UN] institution” (Buss & Herman, 2003, p. 52). In this way, the Religious Right commands political power throughout its global networks and fosters allies from various orthodox religious communities (Buss & Herman, 2003). It is important to note that the infiltrating of religion by the Religious Right is challenged by LGBT persons of faith (Fetner, 2005; Dessel, Bolen & Shepardson, 2011; Stonewall, 2015), as well as the ‘devoutly religious’ that do not subscribe to homophobia and transphobia (Brice, 2014; Levy, 2014; Stonewall, 2015).

Member states deploy many strategies to obstruct and criminalize SOGI/LGBT rights (Chase, 2016). These obstructions happen for many reasons: as a political strategy to assert one’s right to rule as a sovereign nation without interference from other member states, primarily the EU and the United States (Ayoub & Paternotte, 2014). In other words, to exercise sovereign power in front of nation states that have placed LGBT rights on global and local agendas (Bosia & Weiss, 2013; Ayoub & Paternotte, 2014) in order to preserve the traditional (heterosexual) normative order (Ayoub, 2014) and to preserve to prevent a ‘slippery slope’ of moral societal decline which is seen as being connected to the recognition of LGBT rights (Bosia & Weiss, 2013).
One method is through state sanctioned discrimination and violence enforced through criminal legislations (United Nations Human Rights Council, 2015). This involves the criminalization of forming coalitions or advocacy groups that discuss issues related to sexual and gender diversity and LGBT rights (Ayoub & Paternotte, 2014). These ‘anti-propaganda’ laws “restrict the rights to freedom of expression and assembly” (United Nations Human Rights Council, 2015, p. 13). Examples are Russia’s “anti-gay propaganda law” (Ayoub & Paternotte, 2014, p. 1), and Uganda’s anti-homosexuality legislation (Johnson, 2015). In fact, strides are being made in “Kyrgyzstan, Nigeria, the Republic of Moldova…and Ukraine” in relation to these anti-propaganda laws (United Nations Human Rights Council, 2015, p. 13). Furthermore, in certain member states, such laws coincide with placing prohibitions on NGO’s that receive overseas funds to discourage pro-LGBT/SOGI international collaboration and network building (United Nations Human Rights Council, 2015).

Despite the ongoing setbacks, the UN has made its position on LGBT rights as human rights to member states through the ‘Free and Equal Campaign’. The Secretary-General Ban Ki-moon and his office endorse this campaign which is an “ongoing campaign to end homophobia and transphobia and to defend the rights of all lesbian, gay, bisexual,
transgender and intersex people around the world” (United Nations Office of the Deputy Secretary-General, 2014, n.p.).

**Theoretical Frameworks**

We deploy an expansive understanding of human rights, one that goes far beyond legal recognition only. Legal recognition as an important first step, particularly for the protection of LGBTQs who are the targets of hostility, threats and persecution in many parts of the world. Nevertheless, rights claims are limited and need to be utilized as a means to further social construction. The pursuit of human rights via the narrow path of legal rights only, results in a restricted framework that inevitably reproduces the status quo, not transforming it, hence falling short of achieving social justice (LaViolette and Whitworth, 1994). A broader understanding of human rights provides an expanded recognition and legitimisation of LGBTQ people, particularly when conceptualised from intersectional perspectives of sexuality, gender identity/expression, cultural rights, health, wellbeing and self determination (Human Rights Watch, 2009; Saiz, 2005; Sauer & Podhora, 2013; Teifer, 2002).

Employing a broader human rights perspective permits an affirmative stance that creates room for a more liberationist process that parallels with a critical, anti-oppressive, structural social work approach ultimately working towards emancipation (Altman, 2001;
Mulally, 2007; Mulé, 2008; Warner, 2002). As a theory, critical social work seeks to bring social justice for all and opposes the various oppressions and their intersections (Healy, 2001) at micro, mezzo and macro levels (Mullaly, 2007). Having an intersectional analyses and the multifarious dynamics of oppressions, critically oriented social workers can work toward advancing LGBTQI awareness and rights through many forums, such as capacity building, activism, advocacy, offering social supports and community organizing to name a few. For example, “co-participation” and “social transformations” are understood as important considerations in critical social work practice (Healy, 2001, para 2).

In the realm of anti-oppressive approaches, critical social work aims toward social justice by challenging social, political, cultural and economic oppressions (Mullaly, 2007). Critical social work recognizes large scale structural and systemic processes and their implications on social locations as experienced by individuals and communities (Healy, 2001). Specific to LGBTQs, gender and sexual diversity need to be recognized as salient characteristics (Mulé 2008) and that queer liberation is not to be compromised in the face of varying social pressures (Mulé 2015). A combination of reflexivity and co-participatory practice relations (Healy 2001) espoused by critical international social work can contribute to addressing the plight of persecuted LGBTQs internationally.

Methods
Qualitative semi-structured interviews were undertaken to gather the data featured in this paper. We met with UN representatives at four of five UN bodies: Economic and Social Council (ECOSOC); The Office of the United Nations High Commissioner for Human Rights (OHCHR), High Commissioner for Refugees (UNHCR), and UN Women. Interviews with representatives from the Security Council could not be secured. We were able to interview Special Rapporteurs and the staff from the Office of the Spokesperson for the Secretary General, who are not identified in order to respect their confidentiality and that of their portfolios. It total, 12 participants were interviewed. Extensive efforts were made on the part of the researchers to reach potential participants, as they were not easily accessible nor were most amenable. Participants were purposively identified based on their positions at the UN with respect to LGBTQ issues. All five bodies were contacted via ongoing e-mail, social media, and cold calling from September 2014 until June 2015 that also involved snowball sampling. This study received ethics approval through the York University Ethics Review Committee. All participants consented to an interview, by means of Informed Consent Forms provided electronically, on condition of confidentiality, anonymity and a review of our written works. Of note, the participants withheld their consent about disclosing their position except the name of their respective UN affiliated body. The interviews held between October 2014-June 2015 were conducted in person,
over the phone or via Skype.

To analyze the data we undertook macro-sociological discourse analysis (van Dijk, 1985a,b) along with the qualitative data analytical instrument (Ritchie & Spencer, 1994) regarding institutional dynamics (internal UN hegemonic norms), current ideologies (policy development and who it’s developed for) and cultural perspectives (perceived cultural clashes between varying cultural groups and LGBTQs). This qualitative perspective captures both linguistics (words chosen) and their associated values through expressed thoughts, allowing us to engage in meaning making on the part of the participant in relation to the identified themes that emerged from the study. Important information on worldviews, decision-making and knowledge associated with the subject matter, in this case LGBTQ human rights, provide insightful observations on UN discourses.

Findings

All participants discussed the importance of grounding their work in the Universal Declaration of Human Rights, which was instated in 1948. This treaty alongside “other human rights treaties, all of which deal with the role of the family, the question of marriage, and equality between the sexes” (Girard, 2007, p. 312). According to the UN’s ‘Born Free & Equal Campaign’ which outlines “the core obligations that States have toward LGBT persons, describes how the United Nations mechanisms have applied international law”
This campaign also addresses how member states can respond to and address rights, violations and concerns of sexually and gender individuals.

As highlighted in the literature review, the interview participants discussed a number of ways that non-supportive member states have obstructed, blocked discussions and rights related to LGBTQI persons. As P10 from OHCHR highlights “we have to work with [member states] governments, so we have to work a very delicate line in terms of being able to continue to do our work”. This tension was further expressed by all participants regarding the ongoing surveillance of LGBTQI persons. One of the many ways LGBTQI persons are persecuted is the procurement of prohibitive laws and sometimes the death penalty resulting in the criminalization of their existence.

In Nigeria following passages of law, there were reports of, specifically, attacks on men seen as homosexual. However, in Uganda following passages of law, there were reports of attacks on—across a range of specific identities. In South Africa, there's specific reports of attacks on lesbian, bisexual and transgender women, in terms of sexual violence and rape.

Another way that LGBTQI are persecuted is through targeted violence. As P1 from OHCHR states:

I have from time to time been made aware of situations in which members of the
LGBTI community have been subjected to torture or threatened with torture, or cruel, inhuman and degrading treatment….we have intervened, for example, in cases of countries that have been entertaining the possibility of establishing the death penalty for gay and lesbian people…. Then in one of my thematic reports, one dealing with torture in health care settings, I alluded to the practice in some states of forcing intersex people, mostly, to undergo surgeries altering their sexuality…I considered that cruel, inhuman and degrading treatment (P5, Special Rapporteur).

Many participants made a clear link between criminalization, discrimination and violence against LGBTQI persons. For instance, in some member states the emphasis is placed on marriage equality yet for many other member states the priority is decriminalization and anti-discrimination. P2 commented on the strategy of ‘condemning all violence’ used by the Secretary General in advocating for LGBTQI rights:

I think that the Secretary-General has found it's effective to just call countries out on, ‘Well, do you support violence?’ Nobody's going to say they support violence. ‘Do you support suicide?’ Well, in that case, you have to decriminalize, because it creates an atmosphere where it's okay to hurt gay people, if it's criminal. Just the physical safety of people, that's something everyone should be able to agree on (P2,
Office of the Secretary General).

A few participants identified how member states can experience challenges in addressing normative understandings of religious doctrine. It should be noted that not all religious organizations are transphobic and homophobic. Since, there exist ‘religious’ organizations that are pro-LGBTQI.

We have to keep the human rights agenda intact. Just as freedom of religion or belief is not a human right which per say is against LGBT rights, I would also say the opposite. LGBT rights are not other agenda-related. More recent human rights movements are not—and should take religious diversity issues on board. We have to overcome these antagonistic views. But I mean, working in the field many people have, these antagonistic views, thinking that religious tradition means you have to fight LGBT, and sometimes [this is] the other way around. People working on LGBT issues think they have to fight religion and also freedom of religion or belief, which is sometimes mistaken as endorsing those views, as the homophobic views (Special Rapporteur, P7)

Member states are not accepting of LGBTQI persons as it is not seen as part of the ‘traditional-culture’. P5 and P8 both discussed the challenges around nation state sovereignty in in which local culture, values, tradition and religion are used to override
nation-state obligations to international human rights law. As P8 from OHCHR states: “[W]e constantly remind them of their international legal obligations and international human rights law, and we also try to keep bringing it back to the violations, to the violence, to the discrimination, and building up the case to change”. This becomes prominent when intersecting issues such as reproductive health, women’s rights come up against the normative understandings of gender and sexuality. One participant from the Office of the Secretary General undertook a post-colonial analysis on the contemporary sociopolitical and cultural contexts of many member states:

The homophobia that came to Africa came through colonialism, and that's where the UN has a strength of being an international organization…. it's not just Western values. That's a red herring…. ‘the West is invading us with their values’ These are human rights values. They're universal values.

The work UNDP does in collaboration with UNAIDS has engaged member states (that prohibit SOGI) by actively advocating on behalf of LGBTQI communities through a social determinants of health lens. For example, P3 from ECOSOC stated the following:

HIV is a really good entry point for talking about the impact of criminalization, whether it's against men who have sex with men, trans people, sex workers, drug users. Increasingly, our work really does focus on key populations, looking at the
kind of linkages particularly around criminalization, but also other kinds of linkages. …the work we do around sex worker rights very explicitly makes sure that trans women and men sex workers are part of who we’re talking about.

Furthermore, P3 from UN Women articulated how certain language is used to discuss women’s rights, sexuality and gender identity in the context of reproductive rights and violence against women.

Intimate partner violence, they want to hear, ‘domestic violence against a partner,’ even though those are two different things. They [member states] don't want ‘intimate partner,’ for various reasons. One, because a girl shouldn't be in intimate relationships unless they're married. So you should only be talking about domestic violence because you're talking about a husband…. When you talk about sexual reproductive health and rights, you can only talk about sexual and reproductive health and reproductive rights. You cannot talk about sexual rights, because it automatically goes to LGBT issues, even though sexual rights is much broader than that. You're not talking about sexuality. It's much broader than talking about lesbian, gay, bisexual, transgender (P3).

The rhetoric of ‘western values’ is often invoked by member states in a misguided attempt at maintaining sovereignty when countering LGBTQI rights being taken up as
human rights. In fact, all of the participants discussed how non-supportive member states employ this strategy.

It’s a long-term struggle, so you just have to keep at it…it's not about Western values; it’s about human rights. It's about the Universal Declaration of Human Rights, which all of these countries have signed up on. When you join the UN, you sign on to the Charter, and you sign on to the Universal Declaration of Human Rights (P2, Office of the Secretary General).

Overall, working within the UN system can create challenges when advocating for and addressing LGBTQI rights. The problem can be multifarious and can exist from the bureaucratic nature of the UN system, to addressing policy changes both at international and local laws, and respecting the sovereignty of member states. As demonstrated, all participants had to be creative within their mandates or position to pave inroads for addressing LGBTQI rights within member states and affiliates. Furthermore, the work is complicated by ‘traditional’ and ‘conservative’ understandings of family values and its grounding in normative religious rhetoric.

**Discussion**

What emerged from our study is the convergence of three major arguments utilized by international nation states in their opposition to LGBTQI populations in the latter’s
efforts at gaining recognition and legitimization at the UN. Family values usually driven by traditional culture and sometimes religion; a politicized sense of nationalism as exercised through sovereignty; and discriminatory legislation as implemented through criminalization are all used as forms of argumentation when addressing LGBTQI matters as human rights issues. Underscoring these arguments are tensions derived from values and power, influenced by traditional religious faiths and border-bound regionalism that can quickly devolve into politics of resentment in the international arena. This tension also extends to the degree of autonomy nation states believe they have in spite of their membership within the UN. International social work can provide alternative approaches that recognize and value differences and diversity towards a politics of inclusion.

Some nation states approach their membership in the UN with a strong sense of their culture, mores, values and traditions as important aspects of their national identity, without room for change or social progress. This approach creates a conflict for such nation states are prioritizing their traditional values over human rights principles the UN develops and establishes with its member states. In other words, member states sign onto treaties and other internationally recognized human rights documents such as the Universal Declaration of Human Rights as part of their membership, yet will revert to their anti-LGBTQI perspectives when human rights concerns regarding these populations arise. At
the crux of this conflict is whether such nation states are open to movement in the form of change or whether they are committed to a steadfast position, in their minds, to protect and preserve their traditions.

Hence, nation states will assert the aforementioned arguments based on hegemonic cultural norms, sometimes influenced by religion that upholds systemic and institutionalized heterosexism and cisgenderism encased within national geographic borders. In the last number of years, both India and Russia with India’s repeal and review of Section 377 (Lawyers Collective 2014) and Russia’s anti-gay propaganda legislation (Elder 2013) demonstrate state-driven and sanctioned forms of systemic heterosexism and cisgenderism. A more sinister form of heterosexist and cisgenderist colonialism is when missions such as that led by Scott Lively go into a country like Uganda and foster hate towards LGBTQI people influencing their policies to the point of proposed anti-LGBTQI legislation that at first imposed a death penalty then shifted to imprisonment involving extensive incarceration (Sexual Minorities Uganda). Whether state driven based on traditional values and norms or externally influenced by hate mongering, it is a clashing of values and a power struggle that is at play.

Yet, same-sex desires and individuals who do not feel aligned to their biologically assigned sex at birth exist throughout the world, regardless of whether there is a language to
identify them, an organized community, or a subculture recognized or not by a society’s mainstream culture. International social work recognizes this existence as a form of diversity that requires protection against discrimination, criminalization and all their associated consequences (i.e. arrests, detainments, imprisonment, torture and sometimes executions). The social work discipline has a strong set of values and principles premised on the concept of social justice that speaks to respect and dignity of the individual inclusive of their sexual orientation (IFSW/IASSW 2012). Considering the persecution gender non-conforming individuals face, the social work profession can further its recognition of social locations to include gender identity and expression. Additionally, it needs to be a lot more transparent regarding its defense of LGBTQI people, which is not publicized on either the International Federation of Social Work (IFSW) or the International Association of Schools of Social Work (IASSW) websites, but the IFSW has engaged in (Bailey 2012). It is important the social work profession and its role in the international arena at the UN be seen to support LGBTQI rights.

**Conclusion**

The findings of this research study reveal that although LGBTQI people have made a number of significant gains at the UN, their struggle for recognition and legitimization continues to be stymied by three arguments used as adversarial tactics. These include
traditional family values, nation-state sovereignty and criminalization. UN staff and special rapporteurs interviewed for this study, shared numerous examples of how these arguments are deployed by certain nation state members to the detriment of LGBTQI people, particularly those being persecuted. A population being targeted based on a characteristic (i.e. LGBTQI) for discrimination, stigmatization, harassment, threats and/or violence is clearly a human rights issue, which through the work of LGBTQI human rights defenders is increasingly being taken up at the UN. International social work, which includes work at the UN, is already premised on a social justice perspective and as such needs to be explicitly inclusive of gender identity and expression and more transparent about its support of LGBTQI people.
References


Fetner T (2008) *How the religious right shaped lesbian and gay activism*. Minneapolis:
University of Minnesota Press.


United Nations Office of the Deputy Secretary-General (2014) Deputy Secretary-General's remarks to LGBT Core Group Annual Human Rights Day event on "Love is a Family Value: Supporting all Families". Available at:


United Nations Human Rights Council (2015) Discrimination and violence against individuals based on their sexual orientation and gender identity. Available at:


