


# The 2021 UNHCR-IE SOGI Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement: Toward a New Vision for LGBTIQ+ Refugee Protection

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## Abstract

This field reflection critically examines how emerging international norms concerning forcibly displaced people of diverse sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) were negotiated during the 2021 UNHCR-IE SOGI Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement. I argue that the Roundtable was a crucial site of norm contestation on queer refugee intersectionality and inclusion within the global refugee policy regime, particularly among stakeholders grounded in two interconnected, mutually responsive policy ecosystems: (1) refugee rights and assistance and (2) LGBTIQ+ human rights. Through an intersectional queer feminist understanding of complex adaptive systems, I show how Roundtable stakeholders constructively challenged precepts of impartiality, neutrality, and a charity model of needs-based humanitarianism. Finally, I propose several ways to effectively innovate the international norms that will impact LGBTIQ+ refugees, asylum seekers, internally displaced people, and stateless people in coming years.

**Keywords:** LGBTIQ+, queer, forced displacement, United Nations, humanitarian, human rights, feminist, intersectionality, complex adaptive systems

## Introduction

*No love, no land, just borders and fences.  
I have lost track of time, or space,  
I am invalid, alone, I am stateless.  
No home, no family, no god to praise.*

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No country to call home,  
 No body to feel whole,  
 No passport, no dignity, no control.  
 What's the big deal with these chromosomes?  
 Everything is so strange,  
 This language, this shelter,  
 Everything I am has completely changed.  
 [...]  
 How can I forget the pain, that visceral hate?  
 Was my vulnerable soul an invitation to rape?  
 Is inexistence the only valid way of existing?

I might not be male nor female,  
 But I am human, I bleed, I feel,  
 [...]  
 What is wrong with humankind?  
 I've lost everything, even the fear to die.

—Eli Rubashkyn, 'Alienation'

In honor of queer forcibly displaced people who are at the heart of this Special Issue, my reflection opens with the above poem from an intersex and trans human rights defender who was incarcerated for several years in an immigrant detention facility after having been apprehended by border security forces because their passport gender marker did not correspond with their gender identity.<sup>1</sup> Years later, having been granted asylum, the poet presented these words to several hundred UN and government policymakers, humanitarian practitioners, human rights advocates, researchers, philanthropic and private sector allies as one of the keynote speeches given by queer refugees and asylum seekers during the opening plenary of the 2021 UNHCR-IE SOGI Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) People in Forced Displacement (hereafter referred to as the 'Roundtable'), which was jointly convened from 7 to 29 June 2021 by the United Nations High Commissioner for Refugees (UNHCR) and the Mandate of the UN Independent Expert on Protection from Violence and Discrimination Based on Sexual Orientation and Gender Identity (IE SOGI).

This reflection is based on my experience working on global LGBTIQ+ refugee protection policy with UN agencies between 2019 and 2022. Although I also served as a consultant on LGBTIQ+ persons in forced displacement to the IE SOGI Mandate, here I focus on the experience that preceded it—my assignment with UNHCR to undertake a series of cross-regional, multi-stakeholder refugee protection consultations that culminated in the organization of the aforementioned Roundtable, the first to be convened by UNHCR at global scale since 2010 and whose strategic design I was asked to lead.

First, I contextualize my positionality within the Roundtable process, summarize its stakeholders and results, and situate it within the evolution of international refugee protection norms concerning forcibly displaced people of diverse sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). Then, applying an intersectional queer feminist lens to that of complex adaptive systems, I show how the refugee protection norm of *intersectionality* was negotiated by Roundtable participants from two interconnected, mutually responsive policy ecosystems, the tensions they encountered, and how together they constructively challenged long-held humanitarian precepts of impartiality, neutrality, and needs-based humanitarian action. I conclude by proposing ways to effectively innovate the international norms that will impact LGBTIQ+ forcibly displaced people in the coming years.<sup>2</sup>

<sup>1</sup> This poem and its author's biographical details are printed with the full permission of the poet. At the time of their arrest by border security forces in a country through which they were transiting, they had recently undergone gender transition in a third jurisdiction.

<sup>2</sup> I use the acronym 'LGBTIQ+' and the word 'queer' interchangeably when referring to people with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), noting that 'LGBTIQ+' is a Northern social construction more commonly used by UN organizations and does not accurately encapsulate

## Author positionality

I am an endosex cis queer woman and an ethnic minority national of a global North country, which is an active member of UNHCR's Executive Committee. Having worked as an international humanitarian, development, and peacebuilding practitioner for 20 years at the time of my recruitment by UNHCR, I was moved by the opportunity to contribute to the protection of LGBTIQ+ forcibly displaced people. I hoped that the Roundtable would elevate their voices and motivate all concerned stakeholders to concretely improve their treatment within the global refugee regime. This guided me during discussions with hundreds of stakeholders during the Roundtable's preparation and implementation.

However, as observed by feminist scholars of institutional change, holding an insider-outsider role in a strongly bounded, hierarchical institution can constrain the degree to which one can effectively support norm change, be it transformative or opportunistic (Skard 2008; True 2010). This is particularly relevant when the norm entrepreneur is a consultant whose perceived legitimacy is linked neither to having insider institutional seniority nor to direct lived experience of forced displacement, when the presence of institutional champions is in flux, and when the subjects of change efforts are regarded as politically controversial actors whose demands may elicit strong pushback from refugee-hosting Member States (Abdelaaty 2023). Thus, I am sharing these critical reflections in the interest of the public good.

## Roundtable summary

The 2021 UNHCR-IE SOGI Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement<sup>3</sup> was created to identify challenges experienced by LGBTIQ+ people throughout the entire displacement cycle, track progress made in their protection and solutions, share good practices in humanitarian responses, and collaboratively identify priority areas for further collective action. Moreover, the event aimed to facilitate the development of a global, multi-sectoral and multi-stakeholder coalition to improve protection and solutions for all LGBTIQ+ forcibly displaced people. Full Roundtable context and proceedings are publicly available in its Discussion Paper (UNHCR 2021a) and subsequent Summary Conclusions (UNHCR and IE SOGI 2021).

At first glance, one could be forgiven for assuming that this Roundtable would be indistinguishable from the dozens of conferences that are organized every year by international public organizations, wherein a small group of experts confidentially deliberates matters whose proceedings, even if impactful for policy development, generally remain unavailable to the public. Indeed, the Roundtable was initially envisaged to be no different—held in person over 2 days with a maximum of 80 participants. However, due to the onset of the COVID-19 pandemic, it took place entirely on a secure Internet platform and was much more widely attended than the co-convening institutions had anticipated, even if it was designed in the spirit of the Whole-of-Society approach set forth in the Global Compact for Refugees (UNHCR 2023d).

Although access to the Roundtable was by invitation only, the decision to host it online facilitated the participation of nearly 650 people, 12 per cent of whom were LGBTIQ+ refugees, asylum seekers and the organizations they lead. Participants also included representatives of 18 Member States from the global North and South,<sup>4</sup> 9 UN agencies, 4 UN Special Procedures

the full range of SOGIESC diversity across times, places and cultures. I use 'queer' to reference individuals and organizations when they self-identify as such, and as a verb describing the contestation of normative structures.

<sup>3</sup> The initial impetus for convening the 2021 Roundtable arose from an awareness within UNHCR that, despite progress made since its 2010 Roundtable, the humanitarian sector was still inadequately addressing the unique protection needs of LGBTIQ+ forcibly displaced people. During a spring 2019 discussion with UNHCR's key humanitarian NGO partners and with the Office of the UN High Commissioner for Human Rights (OHCHR), UNHCR executive leadership proposed that convening a second Roundtable, this time in coordination with the LGBTIQ+ human rights advocacy community, could more feasibly incentivize asylum States and allied actors to more pro-actively support LGBTIQ+ forcibly displaced people.

<sup>4</sup> Invitations were extended to 22 States on the basis of the State's demonstrated commitment to upholding both the right to asylum and LGBTIQ+ human rights. Of the 18 States in attendance, 7 were represented through their bilateral permanent missions to the United Nations Office in Geneva. Three States also sent capital-based

Mandate Holders, 1 EU institution, over 110 civil society organizations not led by refugees, 18 universities, 9 private philanthropic organizations, and 8 social impact enterprises. State delegates attended the opening and closing plenaries; at the request of civil society participants, they did not join the thematic workshops. The degree to which participation was inclusive and enabling for participants with the least structural advantage is discussed further in this reflection.

The Roundtable consisted of opening and closing plenary discussions that bookended thirteen 3-hour workshops, each held on a specific thematic practice and co-facilitated by a team of two subject-matter experts who represented humanitarian and human rights perspectives, respectively.<sup>5</sup> The more typical webinar format was replaced with that of a participatory, collaborative reflection and planning workshop, conducted in English with simultaneous interpretation in French, Spanish, and Arabic. Workshop outcomes resulted in 39 collectively created and publicly available recommendations for policy and operational reforms in diverse sectors of humanitarian practice, with specific suggestions for civil society organizations, national authorities, UNHCR and the IE SOGI Mandate (UNHCR and IE SOGI 2021). They were presented by workshop co-facilitators to UNHCR, IE SOGI, States, and civil society at the conclusion of the Roundtable, and all stakeholders were encouraged to apply relevant elements to their own efforts going forward.

## The roundtable as emergent norm formation among multiple policy regimes in a complex adaptive system

International relations scholars have explored how international norms—‘shared understandings of appropriate behavior’ (Finnemore and Sikkink 1998: 891)—are influential in shaping the behavior of affected actors, even as norms remain dynamic processes that ‘tend to be vague, enabling their content to be filled in many ways and thereby to be appropriated for a variety of different purposes’ (Krook and True 2012: 104). As such, international norms may be typologized as assets of treaties, principles, or policy norms—reflected in an international treaty or convention, in international policy or in less formal processes such as UN resolutions, conference declarations, and other non-binding forms (Betts and Orchard 2014: 7).

Moreover, international relations norms can also be understood as emergent properties of a complex adaptive system, in which micro-level actions of agents within and across various levels of analysis can potentially become system properties that influence the constitution, relationships, and behavior of agents within that system—and that are not analytically reducible to the sum of interaction between these agents (Winston 2023; Merali 2022). Importantly, the complex adaptive systems framework is increasingly used by humanitarian organizations to understand linkages between non-linear, unpredictable, and emergent behavior in complex, open systems (ALNAP 2018; CHS Alliance and ICRC 2018). Their characteristics include<sup>6</sup> (1) agency on the part of component actors, who may not respond to system inputs in mechanistic ways, (2) positive feedback loops that build momentum toward improving the lives of LGBTIQ+ displaced people, (3) negative feedback loops that dissipate energy, encourage fragmentation, and tend toward stasis, and (4) built-in incentives that mitigate against reform within each sector (Dwyer 2021).

From this perspective, I argue that:

participants from line Ministries tasked with refugee affairs and/or migration management. The other 11 States were represented by capital-based delegates from either their Ministries of Foreign Affairs, Justice, or other government offices charged with migrant integration, combatting racial discrimination or upholding LGBTI rights.

<sup>5</sup> Roundtable workshop subjects were (1) addressing drivers of forced displacement, (2) reception conditions and outreach to LGBTIQ+ displaced and stateless people, (3) ethical data collection, reporting and management, (4) leveraging human rights mechanisms, (5) safe shelter and accommodation, (6) refugee status determination and building asylum capacity, (6) digitalised protection spaces, (6) prevention, risk mitigation, and response to gender-based violence, (7) pathways for safe inclusion in health services, (8) accessing torture rehabilitation, (9) livelihoods and sustainable economic inclusion, (10) solutions: third-country resettlement, complementary pathways for admission to third countries and longer-term integration, and (11) strengthening organisational capacity and accountability.

<sup>6</sup> See p. 70 for a description of using complex adaptive systems theory to measure change in the global humanitarian sector.

**First, the Roundtable process constitutes a site of norm emergence and contestation.**

Although the event itself has not resulted in the creation of binding legal instruments or UN resolutions focusing on LGBTIQ+ forcibly displaced people, and—like the norm of *meaningful refugee participation* (Milner et al. 2022)—has yet to be fully established in the global refugee regime, the Roundtable's recommendations have been subsequently invoked by both State and non-State actors to guide and legitimize their investments in diverse SOGIESC-affirming asylum policy and programming. For example, following the conclusion of the Roundtable, some uptake on norms implementation appears to have occurred.

Upholding the human rights of forcibly displaced LGBTIQ+ people has been formally incorporated into the IE SOGI Mandate's portfolio. Several States have referred to Roundtable recommendations in their own asylum and migration funding policies, which include resources for training humanitarian field personnel on SOGIESC-affirming best practices. At least one prominent international human rights foundation has developed a dedicated grantmaking line for LGBTIQ+ displaced people and the organizations that serve them, and field collaborations between established humanitarian INGOs and LGBTIQ+ rights organizations have increased. Several leaders of LGBTIQ+ refugee-led organizations now serve as members of the UNHCR Refugee Advisory Group, and, as of this writing, are spearheading efforts with a core group of States and civil society organizations to mobilize targeted pledges on LGBTIQ+ refugee protection during the December 2023 UNHCR Global Refugee Forum.

**Second, the Roundtable represents a critical moment in the evolution of emerging second-generation global refugee protection norms for LGBTIQ+ displaced people.** It built upon refugee protection norms debated at the 2010 UNHCR Roundtable on *Asylum-Seekers and Refugees Seeking Protection on Account of Their Sexual Orientation and Gender Identity*<sup>7</sup> (UNHCR 2010b). This watershed moment in the first generation of norms development on the protection of LGBTIQ+ displaced people catalyzed the formulation of UNHCR's *Guidelines for International Protection* N°9, to date still UNHCR's only authoritative guidance to Member States and regional asylum authorities on how to adjudicate SOGIESC-based asylum claims (UNHCR 2012). Notably, however, the 2010 Roundtable did not include any LGBTIQ+ refugee delegates among its 29 attendees.

**Third, the Roundtable is best understood as an emergent property of a complex adaptive system** (Winston 2023), constituted by multiple policy ecosystems within the broader global human mobility regime (Betts et al 2012: 127). 2021 Roundtable participant demographics reveal that addressing LGBTIQ+ forced displacement is of highest interest to two interconnected and mutually responsive movement-based global policy ecosystems, each of which is guided by a distinct set of mandates, norms, and cultures that shape their respective programming, advocacy, funding, and accountability structures:

- *Global humanitarian sector*, which includes *inter alia* the UN humanitarian agencies; national government line ministries tasked with refugee, asylum, and integration policy; bilateral overseas development assistance agencies that support refugee and migrant engagement; humanitarian refugee assistance civil society organizations and migration researchers constitute the majority of UNHCR's partners; philanthropic and private sector counterparts.<sup>8</sup>
- *Global human rights sector*, which includes *inter alia* the UN Office for the High Commissioner of Human Rights (OHCHR); UN Special Procedures mandate holders; UN agencies on development, sexual and reproductive health rights, conflict prevention, and peacebuilding and their national government counterparts; bilateral overseas development assistance that supports LGBTIQ+ rights organizations in asylum countries; LGBTIQ+ human rights advocacy organizations; philanthropic and private sector counterparts.

<sup>7</sup> The 2010 Roundtable convened 29 representatives from predominantly Northern governments, humanitarian civil society organizations, academia, the judiciary, and international public organizations for a 2-day expert discussion in Geneva.

<sup>8</sup> Northern-headquartered humanitarian INGOs were the most difficult to mobilize and least represented at the 2021 Roundtable.

During the Roundtable, participants from the LGBTIQ+ human rights and humanitarian ecosystems were observed to be receptive to each other's influences.<sup>9</sup> A degree of interaction between actors in the two sectors already existed through field-based collaboration, cross-fertilization of ideas, and movement of professionals from one sector to the another. However, Roundtable discussions revealed that such coordination tended to remain ad hoc, not yet systematized across areas of thematic practice. Yet the humanitarian and human rights sectors do not operate in complete isolation from each other, but rather comprise mutually responsive, complex adaptive systems.

## Queer refugee intersectionality as a subject of norm contestation: institutional responses

The intersectional aspects of LGBTIQ+ displaced peoples' lives are among the most fundamental elements of why they continue to experience acute persecution, marginalization, and precarity and why they are treated inappropriately in or excluded from many mainstream refugee response programs—not only in countries of origin but also throughout the entirety of their displacement journeys in asylum countries (UNHCR and IE SOGI 2021: 27). While a complex adaptive systems perspective can contextualize Roundtable stakeholders' positionalities, political leverage, motivations, and dis-incentives to support LGBTIQ+ displaced people, it also risks becoming technocratically reductive. To balance this, I apply a queer intersectional feminist lens to examine how structural power asymmetries were addressed during the Roundtable.<sup>10</sup>

During the design and implementation of the Roundtable, tensions quickly surfaced surrounding humanitarian responses to the emerging refugee protection norm of *queer refugee intersectionality* (Luibhéid 2008; Camminga and Marnell 2022; Cochrane et al. 2023). Drawing on Sara Ahmed's intersectional queer feminist analysis of use, it appeared that attempts by one of the world's most influential supranational humanitarian actors to 'meaningfully include' LGBTIQ+ displaced communities through the Roundtable actually risked rendering the Roundtable *non-performative*:

when naming something does not bring something into effect, or when something is named in order *not* to bring something into effect ... [but rather] to create the appearance of doing something or that something is being done. (Ahmed 2019: 152–153, 155)

## How?

While a comprehensive survey of intersectionality as a refugee policy research lens is outside the scope of this reflection, considerable work shows how overlapping, fluid, and situationally dependent categories of social differentiation intersect to create structural inequalities as well as privileges for individuals (Crenshaw 1989, in Taha 2019). Here, I use *intersectionality* to highlight how categories of identity and structures of inequality are mutually constituted and defy separation into discrete categories of analysis (Thornton Dill and Kohlman 2014: 2).<sup>11</sup> These structures can further be understood as based on either *unidimensionally additive models* of structural discrimination or on a *mutually constitutive and interlocking 'both/and' paradigm*, 'in which all groups possess varying amounts of penalty and privilege in a historically created system' (Collins 1990: 225).

I observed that the inclusion approach that I was asked to use tended toward a *unidimensionally additive understanding of queer refugee intersectionality* and the multiple factors that shape a queer displaced person's experiences of social privilege and disadvantage. This unidimensional approach precludes an intersectional queer critique of vulnerability (Reid and Ritholtz 2020) and is prevalent in attempts to inclusively mainstream LGBTIQ+ forcibly displaced people into

<sup>9</sup> Some specialized civil society organizations self-identify as operating at the nexus of traditional humanitarian assistance and LGBTIQ+ rights advocacy.

<sup>10</sup> My thanks to Reviewer 1 for their suggestions on framing critical analyses.

<sup>11</sup> My thanks to Reviewer 5 for clarifications on this concept.



humanitarian refugee assistance programs, as if diverse SOGIESC were simply a box to be ticked in an assessment, programming or accountability exercise—if the box existed at all.

Furthermore, publicly identifying as a displaced person of diverse SOGIESC was considered by some stakeholders as a politically sensitive protection risk that required energy-intensive accommodation of ‘special needs’ or ‘special rights’—and thereby a special problem that needed to be managed. Thus, a primarily unidimensional understanding of queer refugee intersectionality can *devalue, police, and exclude crucial perspectives*—and in doing so, reinforce what Didier Fassin has described as the humanitarian sector’s tendency toward *complex ontological inequality*, which ‘differentiates in a hierarchical manner the values of human lives’ (Fassin 2007: 519).<sup>12</sup> Unfortunately, this manifested during the Roundtable in the following ways:

### Access

Inclusive participation<sup>13</sup> was encouraged and assumed to be easier to facilitate through an on-line conference. However, many refugee participants were obliged to call in from a safe, quiet location via their mobile phones, which required first identifying and traveling to a safe location, possessing an Internet-enabled mobile phone, and purchasing sufficient phone data to enable their participation. Sometimes the data costs were underwritten by supporting NGOs, and sometimes refugee participants paid for it themselves. This could have been better mitigated by advance consultation with refugee participants to determine what support they required to join.

### Compensation for labor

All plenary speakers, moderators, and thematic workshop co-facilitators generously contributed their expertise, creative energy, and time *pro-bono*. The decision to refrain from remunerating Roundtable contributors was widely debated and controversial. I was informed that it was not customary to financially remunerate any contributor, even if they were refugee speakers and moderators. Because the majority of contributors were participating as part of their paid employment, an assumption persisted that access to and visibility within a prestigious UN-led event would be its own reward, thus reinforcing some participants’ fears that the humanitarian sector was once again exploiting them, or as one participant noted, ‘kicking the costs of queer refugee inclusion downstream in the refugee value chain’, which contradicted the claim that humanitarian agencies were upholding a refugee’s right to a safe and dignified life. As a consultant, I was unable to successfully challenge this.

### (In)visibility: protection or silencing?

Reduced or policed visibility was another source of tension during the Roundtable.

First, at the discretion of co-convenors, the number of thematic workshop participants was limited to 40, as the workshops were intended to be experiential real-time consultations for which a larger number of participants was thought to be too onerous for co-facilitators. The number of workshops was also capped at 13, as a larger number would strain UN staff capacity. Thus, despite concerns from members of the organizing advisory team, certain thematic workshops were omitted:

- A discussion which was to be led by LGBTIQ+ displaced people on 20 June (World Refugee Day) to foreground their priorities and to build community
- A discussion focusing specifically on the experiences of trans, non-binary, and intersex displaced people

<sup>12</sup> My thanks to Reviewer 2 for the invitation to explore Fassin’s analysis.

<sup>13</sup> Roundtable events were held during the afternoon hours of the Central European Time zone, primarily to accommodate its Geneva-based organizing team, the New York-based technical provider of the online platform and interpretation services, and a majority of participants. This made it logistically difficult for stakeholders in some parts of the Asia-Pacific, Oceania, and western Americas to join.

In both cases, it was thought that mainstreaming these perspectives into other thematic discussions would be more effective and efficient. Thus, the workshop on *legal gender recognition for trans, non-binary, and intersex displaced people* had to be incorporated with a discussion on *alternatives to detention*, when greater flexibility would have permitted each discussion to be held separately and generate higher quality feedback.

Second, self-censorship of Roundtable participants did occur, as workshops were monitored by senior UNHCR personnel and workshop co-facilitators were given tight turnaround deadlines within which to finalize their group's recommendations.<sup>14</sup> Although all workshop co-facilitators dedicated much time, attentiveness, and creative effort to facilitate their group discussions in a safe and non-judgmental atmosphere, some participants confided that they still did not feel psychologically safe speaking openly during the workshops, fearing censure and retribution if they were to openly criticize UN humanitarian authorities.<sup>15</sup>

Finally, although a press conference (UNHCR 2021b) was held upon the conclusion of the Roundtable, the Roundtable was not widely publicized in advance of its launch, purportedly to safeguard participant security and minimize unanticipated disruptions. Thus, event organizers and invitees engaged their own networks to mobilize interest. The high level of attendance may be attributed to a keen interest in the lives of LGBTIQ+ forcibly displaced people and how international public agencies and governments intend to fulfill their responsibilities as duty bearers. But this lack of visibility may also be interpreted as institutional risk aversion to publicly signaling involvement with LGBTIQ+ populations.

Such institutional responses validate criticisms of the broader humanitarian sector's tendency to offload the responsibility of LGBTIQ+ inclusion onto LGBTIQ+ organizations, and—in synergy with the emerging norm of meaningful refugee participation—onto LGBTIQ+ refugees and asylum seekers themselves, thereby 'upholding the cis-heteronormative and racist structures upon which the humanitarian system is constructed' (Michelis 2023: 1). Was the entire Roundtable a display of *non-performativity*?

## Queer refugee intersectionality as a subject of norm contestation: tensions and convergence

While these challenges could not be mitigated during or by the Roundtable, I argue that the Roundtable also served as the site of radically disruptive collaborations that demonstrated participants' agency and pro-activity in building positive momentum to center and highlight the lived experiences of both LGBTIQ+ displaced people and the organizations that support them—despite the presence of a counter-vailing effort to minimize open criticism of humanitarian agencies.

In fact, tensions and convergences that emerged reveal how participants from across sectors constructively challenged long-held notions of impartiality, neutrality, and needs-based humanitarian action. This was demonstrated through the collaborative, collective formulation of six cross-cutting meta-themes that underpin all 39 recommendations for further action, five of which are included below for further reflection<sup>16</sup>:

- 1) Recognize and understand the **complex and intersectional quality of LGBTIQ+ displaced and stateless persons' experiences**, as the stigmatization and abuse they experience are due to multiple, overlapping, compounded, and dynamic factors of social differentiation.

Although participants agreed that LGBTIQ+ displaced people experience intensified *vulnerabilities*, they disagreed on how this understanding should be deployed when assessing such a person's eligibility for inclusion in protection programming, for obtaining refugee status and

<sup>14</sup> The decision to shorten deadlines was taken by UNHCR leadership *in situ* during the first week of the Roundtable.

<sup>15</sup> Participants who expressed concerns about censure included both UN staff and civil society participants.

<sup>16</sup> The sixth meta-theme concerns advocacy for States on seven issue areas and has been omitted from this reflection due to its length.



recommendation for resettlement, complementary pathways, and other humanitarian protection channels. Having to compete with non-LGBTIQ+ displaced people to demonstrate *deservingness* was highlighted as a key challenge by LGBTIQ+ refugee participants. Even non-refugee participants employed by frontline humanitarian service provision NGOs acknowledged that the humanitarian imperative to serve all displaced persons *impartially* presents structural barriers to investing in more targeted, SOGIESC-affirming protection.

- 2) Center the **voices, perspectives, expertise, and leadership of LGBTIQ+ displaced and stateless persons** during policy formulation, program development, and funding processes, at all levels.

This empowerment imperative was emphasized by LGBTIQ+ refugee participants and those civil society organizations whose mandates included protecting and upholding LGBTIQ+ human rights. Some humanitarian practitioners maintained that publicly centering LGBTIQ+ displaced people in refugee governance structures and program development risked compromising both the safety of the LGBTIQ+ displaced people and the standard humanitarian position of *apolitical neutrality*, especially in asylum States where diverse SOGIESC is criminalized. Rights advocates proposed that a humanitarian tendency to treat LGBTIQ+ displaced people as objects of benevolent charitable intervention often directly contributed to further violating the rights of LGBTIQ+ displaced people. It was also noted that in contexts where UNHCR and its partners administer a large refugee response operation, LGBTIQ+ displaced people are not systematically or safely included in refugee governance structures. Thus, LGBTIQ+ displaced peoples' participation in humanitarian protection mechanisms was often experienced as tokenistic and exploitative.

- 3) Commit to building a solid evidence base by undertaking **ethical, systematic, and disaggregated data collection, management, and reporting of forcibly displaced and stateless LGBTIQ+ persons** in order to verify the statistical existence of and protection and solution trends among LGBTIQ+ displaced and stateless persons. Confidentiality, data integrity, and data protection safeguards are necessary.

Both humanitarian practitioners and human rights advocates broadly agreed that the dearth of available statistics on LGBTIQ+ people in forced displacement renders them bureaucratically invisible and makes it extremely difficult for policymakers and humanitarian programs to sustainably invest resources in them. Although participants called for data to be collected, there was no consensus on how this data should be best obtained, given that the uncertainty around how it would be collected, stored, and disseminated could potentially further endanger LGBTIQ+ displaced people. While many humanitarian practitioners expressed caution on how to proceed—citing the humanitarian imperative to protect LGBTIQ+ refugees from harm, human rights advocates called for upholding one's right to be visible and suggested investigating current best practices used by at-risk human rights defenders, including trusted digital security technologies.

- 4) Strengthen the **long-term capacity of all frontline practitioners in various sectors and types of entities (civil society, State, or UN) who work with LGBTIQ+ forcibly displaced and stateless persons**, so that trauma-informed SOGIESC awareness and competencies are incorporated into the professional guidance, protocols, and staff training in specific areas of practice, such as *inter alia*: registration procedures; asylum adjudication; shelter allocation; health care provision; access to torture rehabilitation services; gender-based violence prevention, mitigation, and response; livelihoods and economic inclusion/self-reliance programs.

Participants agreed that trauma-informed, refugee-centered, and diverse SOGIESC-affirming training is essential and should be mandatory for all frontline professionals who work with LGBTIQ+ displaced people. Yet they also acknowledged that, in and of itself, SOGIESC training

is insufficient unless it is ongoing and embedded in broader systemic changes. For example, these trainings are often provided to authorities and refugee assistance organizations by LGBTIQ-focused CSOs, and the partnerships between UNHCR field operations and the smaller, LGBTIQ+ CSOs that serve LGBTIQ+ displaced people are frequently ad hoc, informal, and unfunded. UNHCR staff participants acknowledged this and called for UNHCR to update its overall program partnership agreement framework, to make partnership eligibility requirements more amenable to smaller LGBTIQ+ CSOs, as well as to legally require that established partners make their services SOGIESC-affirming, with regular accountability checks. Human rights advocates called for humanitarian actors to share the responsibility of supporting LGBTIQ+ displaced people instead of off-loading this responsibility onto LGBTIQ+ CSOs.

- 5) **Create a formal global structure, networks, and funding mechanisms by which members of humanitarian, human rights, and allied communities can exchange information, collaborate, coordinate, and hold each other accountable for collectively protecting and supporting LGBTIQ+ people in forced displacement and statelessness.**

All participants called for the establishment and UN endorsement of such a global structure, citing similar mechanisms that now exist for *disability inclusion* in humanitarian assistance. However, they also recognized that mobilizing sufficient political will to achieve this would challenge a core concept of contemporary humanitarian action: *Needs- versus rights-based humanitarianism*. Taking a primarily needs-based approach would not necessarily seek to foreground a displaced person's diverse SOGIESC, which remains highly sensitive for many of the asylum States upon whom humanitarian agencies rely to host all forcibly displaced people. Some participants held that incrementally mainstreaming LGBTIQ+ refugee protection into existing humanitarian policies and programs would be the most sustainable long-term approach. However, other stakeholders asserted that nothing would substantively change until the humanitarian sector decided to become more explicitly LGBTIQ-rights-aligned.

## Opportunities and ways forward

In June 2023, a 1-day, 30-person consultation was co-convened by UNHCR and the IE SOGI Mandate to discuss progress made in implementing Roundtable recommendations and to solicit proposed actions for addressing challenges (UNHCR 2023b). Summarizing how it had undertaken agency-wide interventions to implement recommendations, UNHCR emphasized that its work remains guided by *intersectionality and inclusion*, and it reiterated its commitment to advocate for the rights of LGBTIQ+ forcibly displaced people<sup>17</sup> (UNHCR 2023c).

At the same time, UNHCR notes that in 2024, nearly 130 million people are likely to be forcibly displaced around the world (UNHCR 2023a). Consensual same-sex activity is criminalized in 63 States and punishable by death in 7–12 States, while 13 States criminalize gender expression *de jure* (ILGA World 2023a, 2023b). Given the acceleration of climate adversities, socioeconomic pressures, and political instability, it is likely that the number of LGBTIQ+ refugees, asylum seekers, internally displaced people, and stateless people will continue to rise.

As the *second generation of global LGBTIQ+ refugee protection policy norms* continues to evolve, how can 2021 Roundtable learnings be taken up by all who are engaged in operationalizing, monitoring, and innovating the implementation of its recommendations? For scholars of refugee studies, practitioners, advocates, funders, and policymakers who work with LGBTIQ+ forcibly displaced people, including LGBTIQ+ displaced people themselves, I offer the following exploratory suggestions:

<sup>17</sup> This joint stocktaking was organized around the Roundtable's cross-cutting meta-themes, and the 30 participants consisted of civil society representatives and researchers, including LGBTIQ+ people with lived experience of forced displacement, nearly all of whom had served as plenary speakers, moderators, or thematic workshop co-facilitators during the 2021 Roundtable. Work to streamline the Roundtable's 39 recommendations is underway.

**Center and explore the dynamically evolving concept of queer refugee intersectionality in research, policy, and practice.** Although the silo-ization observed during the Roundtable reflected and reproduced the unnecessary splintering of LGBTIQ+ displaced peoples' integrally constituted selves, moving beyond unidimensionally additive models of intersectionality and toward a mutually constitutive, *both/and* model can help us understand that *intersectional identities need not be defined solely by intersectional vulnerabilities*.

**Investigate how the mainstreaming of diverse SOGIESC inclusion in refugee protection efforts impacts the lives of LGBTIQ+ displaced people and offers an invitation to upgrade long-held humanitarian values of impartiality, neutrality, and needs-based humanitarianism.** How do humanitarian age-gender-diversity, localization, and decolonization efforts affect queer displaced people in places hostile to expressions of diverse SOGIESC? How can 21st century refugee protection and humanitarian action be re-imagined to better uphold the human rights of queer people in forced displacement?

**Guided by an intersectional queer feminist lens, consider using a complex adaptive systems approach to map feedback loops and potentials for cross-sectoral collaboration in the interconnected policy ecosystems of most relevance to LGBTIQ+ displaced people.** Violent stigmatization of LGBTIQ+ people has intensified globally, leading to potential new forms of persecution and asylum restrictions, including in digital spaces and through the unregulated deployment of generative artificial intelligence (Ozkul 2023). To future-proof SOGIESC-affirming refugee protection, how can cross-sectoral humanitarian collaborations (such as with the health and human rights, peace-security, development, and climate sectors) bridge silos, rebalance power asymmetries, and promote stronger institutional accountability?

## Conclusion

As a site of norm emergence and contestation, the 2021 UNHCR-IE SOGI Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement represents a unique process in the global refugee policy regime's engagement with LGBTIQ+ forcibly displaced people and their allies. Despite the faultlines revealed during the Roundtable, the goodwill, openness, and authenticity of its 600+ participants enabled it to catalyze norm shifts and raise difficult but necessary questions on the effectiveness of current humanitarian action. It opens up promising new opportunities to innovate in research, policy, practice, and advocacy with and on behalf of LGBTIQ+ people in situations of forced displacement.

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