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Queer refugees and human rights: on the limits of recognition

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Abstract

This article draws from the author's lived experience of queer displacement and involvement in international advocacy for LGBTIQ+ refugees, focusing on key policy developments from 2016 to 2021. Central to this analysis is the Global Compact on Refugees (GCR), which, despite its potential, ultimately failed to specifically address the needs of LGBTIQ+ refugees. Through a lived-experience lens, the GCR's text is critically examined, revealing its limitations in recognizing LGBTIQ+ refugees. Further analysis of UNHCR's Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement exposes the power imbalances that hinder meaningful participation in spaces purportedly inclusive of LGBTIQ+ refugees. The author contends that mere visibility is insufficient for recognition; a redistribution of power is essential. Grounded in feminist and intersectional frameworks, the article advocates for a paradigm shift in refugee policy towards full inclusion, human rights protection, justice and social equity for LGBTIQ+ refugees.

Keywords: recognition; LGBTIQ refugee; lived experience; human rights; Global Compact on Refugees; UNHCR.

1. Introduction

The issues of LGBTIQ+ displacement are not new to the United Nations Refugee Agency (UNHCR). Since the late 2000s, UNHCR has issued several key documents[1] providing timely and essential guidance on refugee status determination and support for LGBTIQ+ refugees.[2] Yet, despite this seeming attention, LGBTIQ+ refugees remain marginalized, excluded from the

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[1] This includes, for example, the 2008 Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity, the 2012 Guidelines on International Protection No 9: Claims to Refugees Status based on Sexual Orientation and/or Gender Identity, the 2013 Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees, and the 2015 Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees.
[2] By using the term 'LGBTIQ+ refugees', I refer to both people seeking asylum and refugees who have experienced persecution and displacements on the grounds of their sexuality, gender identity, or expression or innate variations in their sex characteristics (SOGIESC). In this article, I use 'LGBTIQ+ and 'queer' interchangeably. However, where I use queer, I do it in a way to denote both collectivity and defiance against the requirement to fit into any normativity.

mainstream refugee policy and discourse, and reduced to the *other*, the one with special needs rather than the one entitled to human rights.

Between 2016 and 2021, several critical events took place that set the direction of refugee policies for the next decade(s). For the first time in many years, these events offered an opportunity to recognize the existence and experiences of LGBTIQ+ refugees. First, the United Nations (UN) adopted the New York Declaration for Migrants and Refugees (the Declaration) in 2016, which included the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM).[3] Although not legally binding, these documents laid the groundwork for future migration governance and coordination (Micinski 2020). The adoption of the Declaration marked a pivotal moment in refugee policy, offering a promise of recognizing the complexity of displacement. It committed to protecting the human rights of *all* refugees and migrants (UN 2016). The scope of the Declaration and the GCR development process implied that if a group's protection needs were made visible, they would be acknowledged in the final GCR document. Additionally, UNHCR, which led the development of the GCR, recognized the imperative of using the Age, Gender, and Diversity (AGD) Policy as the foundational framework for its development. The AGD focus and the expressed commitment of the Declaration to support 'persons who are discriminated against on any basis' (UN 2016: para 23), gave hope that the existence of LGBTIQ+ refugees would be acknowledged in a mainstream refugee document and tailored solutions would be developed.

Second, in 2021, UNHCR held the Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (the Roundtable) for the second time in its history. The event sought to identify key challenges faced by LGBTIQ+ forcibly displaced and stateless persons, recognize effective practices in their protection, assistance, and solutions, and promote the integration of competence on issues of sexuality, gender identity, and sex characteristics (SOGIESC) into humanitarian programming (UNHCR 2021). Considering the increased debate on the need for meaningful refugee participation by this point, much hope was held that the Roundtable would not only build the momentum for better coordination but also deliver tangible solutions for LGBTIQ+ refugees.

The Declaration's aspirations quickly raised questions: Was it truly for *all* refugees and migrants, or only those fitting within normative definitions? The Declaration highlighted the discursive construction of the refugee category, which excluded individuals who were not exclusively heterosexual, cisgender, and able-bodied, by relegating them to the margins under the label of 'persons with specific needs'—a category that, even then, failed to explicitly include LGBTIQ+ refugees. In the end, the final text of the GCR set the limits for the recognition of these experiences (Micinski 2020). I argue that the failure to achieve meaningful outcomes for LGBTIQ+ refugees was partly rooted in the inherent power imbalance present between those conferring recognition and refugees themselves. The power divide was particularly insurmountable for those who were both LGBTIQ+ and refugees. Although it might be tempting to assume that the Roundtable had the potential to bridge this divide, as I will demonstrate, power dynamics also permeated those spaces that claimed to be designed with and for LGBTIQ+ refugees.

I have engaged with these critical events as an LGBTIQ+ refugee and advocate for LGBTIQ+ refugees. I have come to conceptualize and analyse these events and their outcomes as an LGBTIQ+ refugee and a feminist academic trained in post-structuralist and queer scholarship. My intersectional positionality and queer auto-ethnographic approach provide a distinct perspective, one that may not be shared by those who are trained in refugee and international law, regardless of their lived experience. Where language like 'and other status' is seen as enabling by those trained in law, for those of us with lived experience of LGBTIQ+ displacement, it represents the lived reality of othering. In the context of human rights where the lives of LGBTIQ+ people in all their diversity are under constant attack and erasure, language matters. Often, language is the only tool we have left to defend our existence and hold ground.

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[3]   Analysis of the GCM and LGBTIQ+ inclusion in it is not in scope of this article.

This article explores the power of language, examining how it can amplify voices and dismantle silences, or further exclude. In analysing the text of the GCR, I aim to determine whether explicit references to LGBTIQ+ refugees can foster the visibility necessary to drive substantive material change. I question whether the international human rights system is truly receptive to queer voices in displacement without imposing its normalizing effects. By paying attention to what remains unspoken, I seek to understand the implications of silencing LGBTIQ+ voices in these discussions. Ultimately, my objective is to explore whether emphasizing the human rights of LGBTIQ+ refugees contributes to the recognition and validation of their existence and experiences. Recognizing that 'to date, no global human rights instrument has explicitly granted human rights protections' to LGBTIQ+ persons (D'Amico 2015: 55), I offer my critique with optimism and imagination for an alternative queer future.

Reflectively engaging with my positionality as an LGBTIQ+ refugee and an advocate, I present and explore two key arguments in this article. First, I argue that the GCR, along with refugee supporters, missed a crucial opportunity to recognize LGBTIQ+ refugees as holders of human rights and integral members of the refugee category. By failing to provide explicit textual visibility for LGBTIQ+ refugees and instead coding their representations through phrases such as 'the other status', the GCR effectively silenced these experiences and pushed them outside the realm of refugeeness. Second, I problematize the notion that visibility alone can lead to recognition. I argue instead that within refugee spaces, true recognition of LGBTIQ+ refugees requires a redistribution of power within policy and advocacy.

Despite the growing interest in the issues of LGBTIQ+ displacement (El-Tayeb 2012; Chávez 2013; Murray 2016; Camminga 2018; Güler et al. 2019; Luibhéid and Chávez 2020; Camminga and Marnell 2022), several critical gaps remain in this field of research. This includes the lack of research conducted by those with lived experience of LGBTIQ+ displacement, the lack of analysis regarding the importance of recognizing the existence of LGBTIQ+ refugees, and the material consequences of their misrecognition. This article makes a significant contribution to refugee scholarship and offers practical guidance to those engaging in refugee advocacy.

1.1 Lived-experience lens: methodological considerations

I write this article as a queer Ukrainian feminist who has sought asylum in Australia, worked with queer refugee women as a part of my PhD, and co-founded the Forcibly Displaced People Network, the first Australian LGBTIQ+ refugee-led organization. I am guided by my lived experience of queer displacement and activism as well as my professional positions as an academic and policy-maker. Engaging with my lived experience, I aim to not simply criticize but transform the politics.

In adopting the lens of lived experience methodologically, I consider the discursive production of experiences and the politics of their construction. My focus on lived experience moves beyond noting the differences or claiming the final truths to elucidating the work of power and the conditions under which these experiences are permitted to enter the public domains. The perspective of lived experience is inaccessible to those who have not undergone displacement. Those who have are uniquely positioned within a web of power that defines and regulates these experiences.

My focus on lived experience is methodologically significant for capturing the diverse experiences, memories and practices that hold political relevance (Adams and Jones 2011; Denzin 2013). This focus is strengthened by feminist approaches, which aim to bring visibility to marginalized and silenced experiences, providing a lens to understanding gendered and embodied subjectivities (McIntosh and Wright 2019). Feminist and intersectional approaches view reality and knowledge as socially constructed (Undurraga 2012), allowing researchers to uncover power dynamics. Harding (2020: 2) notes that 'feminist research is produced for the purpose of action against power'. Additionally, intersectional and feminist perspectives support the creation of knowledge that can lead to societal change and practical application (Tracy 2013). Amid imperfect language and power imbalances, I engage with lived experience in writing and analysis to

offer ways of working together that maximize possibilities for life for those living through LGBTIQ+ displacement in this very moment. Ultimately, is there anything in research more significant than first-hand experiences (McIntosh and Wright 2019)?

1.2 Why focus on recognition?

For us, LGBTIQ+ refugees, the quest for recognition emerges from our positioning as being rendered 'unrecognizable by state systems' (Shuman and Hesford 2014: 1017). The unrecognizability begins from our countries of origin, which, by failing to recognize our equal rights, enable our persecution and drive us into displacement. Unrecognizability continues to countries of asylum, which either have persistent issues with refugee status determination for LGBTIQ+ people, thereby protracting our displacement (Millbank and Dauvergne 2003; Murray 2014) or altogether neglect enabling our inclusion in host communities (Mejia-Canales and Leonard 2016; Cochrane et al. 2023). As LGBTIQ+ refugees, we are caught between the homonationalist tensions that frame the acceptance of sexual, gender, and bodily diversity as a measure of modernity, establishing a rigid South–North divide (Puar 2007). Those outside the Global North resist recognizing our (LGBTIQ+) human rights (Rahman 2019; Asante and Hanchey 2021).

For LGBTIQ+ refugees, the issue of recognition is central for many reasons. First, safety from persecution is achieved through recognition. Being recognized as a refugee who has experienced SOGIESC-driven persecution validates the harms endured and ensures protection from such harms in the future. In the context of trauma healing, recognition of the traumatic experiences offers validation of those experiences, restoration of one's sense of agency, empowerment, and reconnection to a community among others (Herman 1997). Socially, recognition is crucial for community belonging. Recognizing a group's existence not only resists dehumanization but bears materials consequences for their conditions of life.

Despite earlier attempts to recognize 'LGBT people as rights-holders' at UN (Langlois 2019: 76), I argue that the refugee discourses, policy, and representations within the UNHCR ecosystem have remained largely heteronormative, if not openly anti-gender (McEwen and Narayanaswamy 2023). The language of gender is systematically replaced with that of sex, leading to the assumption that refugee women are exclusively heterosexual and cisgender (Hajdukowski-Ahmed et al. 2008). While these assumptions are not explicitly stated, they are implied through the use of the category 'women', which establishes a normative definition that excludes gender and sexual diversity. LGBTIQ+ refugees are reduced to the 'other category', too exceptional for the normative refugee category. Tsilimpounidi and Carastathis (2020) call this process heteronormativization of refugee policy. It influences whether appropriate support will be provided for LGBTIQ+ refugees, whether ongoing violence will be addressed, and protection under the law guaranteed. In attempts to resist this heteronormativization, an appeal to the language of human rights seems enticing—'It is our human right. Recognise us'.

1.3 Theories of recognition

Recognition is a rich area of scholarship. Charles Taylor and Axel Honneth explored the concept of recognition by emphasizing its critical role in human identity and well-being, highlighting the importance of mutual recognition (Taylor and Gutmann 1994; Honneth 1995; Fraser and Honneth 2003; Taylor 2007). Iris Marion Young (1990) emphasized the importance of recognizing identities that were historically marginalized in the society, calling for them to be empowered rather than assimilated in the dominant culture. Franz Fanon (1967) and later Nancy Fraser (2000, 2007, 2013) argued that access to recognition is mediated through race, gender, and sexuality and the experiences of misrecognition may undermine one's humanity. Judith Butler (2006) highlighted the performative and discursive process that recognition entails, arguing that it is based on established norms. Seyla Benhabib (2002) stated the importance of recognition in multicultural societies to ensure full acknowledgement and respect beyond tolerance. The process of recognition always involves an unequal power dynamic: one party holds the power to recognize the other and must choose to do so. The other is always designated an inferior position and

is robbed of their epistemic authority, having their point of view silenced or disregarded (Naples and Gurr 2014). Kelly Oliver (2001) contends that one of the major problems with recognition is that it is conferred by the very institutions that are denying it in the first instance.

For the purposes of this article, I find the theory of recognition that is developed by Nancy Fraser to be the most productive for the claims I make. Fraser offers a focus on recognition that illuminates the institutional patterns of valuing some over others. Theorizing misrecognition, she writes that it is not about a personal self-esteem but an 'institutionalised social relation' where institutional patterns 'constitute one as comparatively unworthy of respect' (Fraser 2013: 141). In this way, recognition is a matter of justice, and misrecognition is the injustice (Fraser 2013). For her, the impacts of misrecognition move beyond being symbolic to bear material consequences. These material consequences can be summarized as a lack of participatory parity (Fraser 1999, 2013). The concept of participatory parity refers not only to formal inclusion but also the conditions necessary for meaningful participation. Participatory parity demands the elimination of institutional hierarchies and power imbalances that hinder certain groups from being treated as equals in decision-making processes. The gap in participatory parity for LGBTIQ+ refugees is the first productive concept to note in this article when analysing the struggle for recognition at the UN. Another valuable aspect of recognition is its intrinsic link to justice and the inherently political nature of this relationship. Fraser (2005: 75) writes:

> Establishing criteria of social belonging, and thus determining who counts as a member as the political dimension of justice specifies the reach of those other dimensions: it tells us who is included in, and who is excluded from the circle of those entitled to a just distribution and reciprocal recognition.

In this way, justice is linked to the question of representation. Redistribution and representation are deeply interconnected and essential for achieving social justice (Fraser 2005).

While Fraser's theory is productive, I must also attend to the questions of power that are illuminated in the process of conferring recognition. Kelly Oliver (2001, 2015) argued that those seeking recognition are imbricated in complex webs of symbolic and social power. This implies that the process is never straightforward and is contingent upon visibility. To be recognized, one needs to appear as familiar, and to be familiar, one needs to be visible. Questions of visibility and invisibility are central for the recognition of LGBTIQ+ refugees. I see the importance of visibility in its capacity not simply to make something seen but also to bring an issue into the realm of the possible.

In the context of international law, however, visibility can often bring more danger than protection. In the West, visibility is understood as having 'a privileged epistemological status' (Edenborg 2019: 351). Yet, being visible does not equate to being seen as an equal; in fact, it can lead to increased violence. For example, LGBTIQ+ refugees in Kenya's Kakuma refugee camp were placed in a 'protection zone'—a designated area for queer and trans refugees—which by making them more visible exposed them to ongoing violence (Pincock 2021). Visibility is a complex issue for individuals without migration status who must carefully decide whether to come out or remain closeted (Cisneros and Bracho 2019). Despite its pitfalls, visibility is critical in the construction of political communities and in determining who counts as 'the people' in the public domain (Butler 2015). This understanding of visibility is particularly relevant when considering who is deemed human enough to warrant the protection of their rights.

2. The Global Compact on Refugees and LGBTIQ+ refugees

This article puts forward two main arguments: that textual visibility is an important prerequisite of recognition; and that power redistribution is necessary for visibility to translate into recognition. To demonstrate how I arrive to these arguments, I begin with a textual analysis of the GCR before proceeding to analyse the outcomes of the Roundtable.

Commissioned by UNHCR, Dr Linda Bartolomei and Dr Eileen Pittaway, academics from the UNSW Forced Migration Research Network and advocates for refugee women's rights, initiated the formation of the Gender Audit Team (GAT) in 2017 to help operationalize the commitment to ADG Policy mainstreaming in the GCR (Pittaway and Bartolomei 2023). To form the first GAT, Pittaway and Bartolomei brought together several refugee women, and I was one of the five invited to join in 2017. At that time, I was the only openly queer woman among other refugee women. Our responsibilities included taking verbatim notes of preparatory meetings, quantifying gender mentions by states and NGOs, recording the context of these mentions, analysing the text of all GCR drafts, and making brief interventions on key gender-related issues. Additionally, each of us used this opportunity to advocate for the visibility of communities we represented.

2.1 Recognition of queerness within the refugee category: textual analysis of the GCR

In my textual analysis, I am guided by the theory on the modalities of silencing in relation to LGBTIQ+ refugees, which I developed with my partner Renee (Dixson and Dixson 2023). Drawing on the work of Wendy Brown (2005), we argued that silence needs to be read as a part of the regulatory discourse, with its power to construct specific meanings. We write:

> The conceptualisation of silence as meaning-making shows that an absence of narratives on LGBTIQ+ displacement is not an absence of the phenomenon but a deliberate construction of a normative category of displacement with its inclusions and exclusions, its terms and conditions. Silence surrounding discourses of LGBTIQ+ displacement is productive. It erases, excludes, others, censors and even redefines meanings. (Dixson and Dixson 2023: 155)

In Dixson and Dixson (2023), we defined six modalities of silence. I find 'silence as a code' as the most useful tool to analyse the texts of the GCR. Silence as a code refers to examples where direct mentions of a particular group are absent, and instead, other words are used as codes to signify these groups. To decode such mentions, a reader must have sufficient epistemic capacity to interpret the dual nature of the words' meaning. Such silencing delegitimizes experiences and creates the impression that a minority status is unworthy of attention or inclusion. While some may argue that such coding as 'other' allows for legal challenges (Mooney Cotter 2010), it is crucial to recognize the state's significant power to determine which aspects of 'the other' are deemed compatible with its political agenda, ultimately influencing whether these legal challenges are pursued (D'Amico 2015).

During 2017–2018, negotiations of the GCR occurred through several drafts. I will focus solely on the differences between the zero draft issued in January 2018 and the final adopted text, to juxtapose the initial aspiration against the final outcome. Since the text was intended to reflect the AGD commitments, it is important to provide some context regarding the definitions used in the AGD Policy.[4] In 2017, the definitions for each AGD category were as follows: age referred to children, young people, and seniors; diversity encompassed people with disability, national or ethnic minorities, religious and linguistic minorities, and Indigenous peoples; and gender included three cohorts: men and boys, women and girls, and LGBTIQ+ persons.

The inclusion of LGBTIQ+ persons under the category of gender is curious. If one approaches such categorization from a lens of post-structuralism, which understands gender as the regulatory power (Butler 2006), this categorization helps explain why LGBTIQ+ identities are often the subject of contested politics. These contestations arise because LGBTIQ+ identities 'represent a challenge to the dominant organization of gender identities, which has rigid, binary divisions between men and women and rigid, binary expectations of their respective sexual behaviours as heterosexually oriented' (Rahman 2019: 19). However, while such an argument is tempting, I am not convinced that this was the policy intent. The inclusion of LGBTIQ+ persons under the

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[4] The policy has significantly evolved since 2017 and while its updated version still lists LGBTIQ+ people under gender, it notes the inseparability of achieving gender equality from combating discrimination based on sexual orientation and gender identity.

gender category designates them as a separate category (which is not necessarily negative), but it implicitly conveys a message that this community is not fully recognized as possessing the same humanity as men and women. By this logic, the exclusion of LGBTIQ+ people from being equated with womanhood or manhood reinforces their separation from these gender categories. This perceived exceptionality further entrenches their othering.

Critiquing the categorization of LGBTIQ+ people as subsumed within the category of gender is crucial for understanding the broader implications of silencing and exclusion. This categorization implies that when 'gender' is used, it inherently includes LGBTIQ+ people. However, in practice, this often serves as a code for their erasure, effectively excluding them from meaningful inclusion. 'Gender' is frequently conflated with 'sex' and used interchangeably with 'women' (Hagen 2016; McEwen and Narayanaswamy 2023). As a result, the use of terms like 'gender' or 'AGD considerations' do not necessarily ensure the inclusion of LGBTIQ+ people. For example, during the GCR negotiations, many stakeholders treated age, gender, and diversity as a generic, catch-all phrase, frequently omitting specific references to LGBTIQ+ refugees. Only a few organizations like Plan International and certain governments, including Canada, Iceland, and Sweden, explicitly mentioned LGBTIQ+ refugees. This example underscores my argument about the need for more precise language and deliberate inclusion.[5]

The AGD commitments were inconsistently enshrined in the GCR, included in some areas but notably absent in others, such as the housing section. For the purposes of this article, I will focus on two sections to support my argument. Through the textual analysis of these sections, I demonstrate how silence operates as a code in the GCR, exposing missed opportunities for recognition. Both the zero draft and the final text included sections on the root causes of displacement and linkages of the displacement experience with other human rights. The two sections I analyse are those addressing specific needs and gender. They are the key areas that set the tone for who was to be included and who was to be silenced through the GCR.

The *Addressing Specific Needs* section[6] acknowledges differential impacts of displacement on refugees, based on identity categories and experiences. This section is important as it sets out the considerations and best practices for humanitarian assistance. This section offers the potential for the needs of LGBTIQ+ refugees to be met at any stage of their displacement journey. The definition of who had specific needs remained consistent across draft and final versions:

> Persons with specific needs include: children, including those who are unaccompanied or separated; women at risk; survivors of torture, trauma, trafficking in persons, sexual and gender-based violence, sexual exploitation and abuse or harmful practices; those with medical needs; persons with disabilities; those who are illiterate; adolescents and youth; and older persons. (UN 2018: 22, para. 59)

The specific needs definition, while fairly broad, is finite and lacks flexibility for broader interpretation. It does not include phrases such as 'and others'. The definition combines identities (e.g. youth) and experiences (e.g. survivors) but fails to specifically include LGBTIQ+ persons as a distinct category, which is problematic. Whenever I make such an argument in UN circles, I am often met with opposition suggesting that any listed identity or experience can implicitly include

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[5]   Since the Global Refugee Forum in 2019 and the 2021 Global LGBTIQ+ roundtable, UNHCR moved to produce several good resources. Renee and I were engaged by UNHCR to develop a page on integration practices for LGBTIQ+ refugees (UNHCR n.d.) *LGBTIQ+ refugees*. Integration Handbook. https://www.unhcr.org/handbooks/ih/age-gender-diversity/lgbtiq-refugees, accessed 19 April 2023). This also includes engagement with LGBTIQ+ issues in the 2020 UNHCR Gender Equality Toolkit and the 2021 Age, Gender, and Diversity Accountability report that highlights the work with LGBTIQ+ communities across UNHCR missions. In 2021, UNHCR created a website dedicated to age, gender, and diversity, reporting on their work with every diverse cohort, including LGBTIQ+ people and produced a range of tip sheets on applying UNHCR age, gender, and diversity policy to those diverse groups. Each of those documents references sexual and gender identity at least once with the exception of tip sheet on disability that only references gender identity. With the growing attention and pressure on UNHCR, it is only timely that such shifts, at least on paper, have started to occur.

[6]   The *Addressing Specific Needs* Section is listed under part III. Program of Action, B. Support for the application of the CRRF (comprehensive refugee response framework), 1. Reception and admission, subheading 1.5 in the zero draft and part III. Program of Action, B. Areas in need of support, 1. Reception and admission, subheading 1.5 in the final text.

LGBTIQ+ people. An argument is often made that any attempt at comprehensive listings is destined to fail, as it is inevitable that someone will be omitted. Both of these opposing arguments are flawed, as I will now demonstrate.

Although it may be argued that LGBTIQ+ refugees are automatically included in all age categories, including 'children', there is limited discourse on asylum-seeking children and their sexuality. Despite academic focus on SOGIESC-based refugee status determination, children are often erroneously equated with asexuality. Their sexuality is either dismissed as a phase or seen as mutually exclusive with childhood (Crawley 2011; Hazeldean 2011; Hedlund and Wimark 2019). The 2012 UNHCR Guidelines on International Protection No. 9 is one of the few documents that references LGBTIQ+ childhood experiences, but only to establish credibility for adult applicants' claims based on sexual or gender identity. The guidelines briefly acknowledge children's experiences of sexuality using such phrase as 'being perceived as different' and highlight the likelihood that children may not fully understand their gender identity until adolescence, early adulthood, or later in life. This exemplifies the claims of McEwen and Narayanaswamy (2023) about anti-gender advocacy at the UN preventing feminist and LGBTIQ+ inclusive policy language. While one might hypothetically argue that the term 'children' inherently includes LGBTIQ+ children, it is evident that this assumption is fundamentally flawed in practice.

Similarly, the category 'women at risk' could theoretically include LGBTIQ+ women. I have demonstrated earlier why such an interpretation is unlikely in my discussion about the categorization of LGBTIQ+ people as separate to women and men. The category 'women at risk', as defined in the UNHCR Resettlement Handbook,[7] includes women and girls facing multiple, intersecting protection risks as refugees, many of which stem from experiences of sexual and gender-based violence (SGBV). The only additional listed vulnerabilities apart from SGBV are related to disability, age, and being the head of a household—a concept reliant upon a history of a heterosexual marriage to begin with. The Handbook does not mention sexuality, gender experience (e.g. being trans), or intersex status when discussing protection needs, nor does it address sexuality and gender identity conversion practices or unnecessary medical interventions for intersex people as manifestations of SGBV.

As demonstrated by these two examples, the specific needs definition does not allow for recognition of an LGBTIQ+ refugee outside of the context of women's vulnerability to violence. Nor does it consider SOGIESC status as a factor that determines specific needs (e.g. in healthcare or housing) and mediates access to services. For instance, a service working with women at risk may not be affirming or safe for trans women, despite its purported mandate to serve all women.

In the zero draft, there was a subsection titled *Gender*. Despite the title, the content exclusively discussed the experiences and needs of women and girls, thereby limiting the scope of gender to a sex binary understanding. The zero draft included three specific measures to meet the needs of women and girls, which were promotion of participation and leadership, support for women-led organizations, and prevention of and responses to SGBV (UN 2018: 11, para. 63). A new development emerged in the final draft—it was renamed *Women and Girls*. The finalized section only expanded on the text of the zero draft by adding points about improved access to services for women.

The renaming of the *Gender* section resulted from pressure by countries that viewed the term 'gender' as a threat. According to McEwen and Narayanaswamy (2023), anti-gender advocacy within the UN is highly professionalized, well-funded, and strategically skilled at using the language of rights and development to advance its agenda. Key players in these efforts include the Catholic Church, US Christian Right organizations, and the Russian Orthodox Church, often allied with the Organisation of Islamic Cooperation. Together, they have enforced a traditional, pro-family agenda, redefining 'gender' to mean exclusively cisgender women and 'family' as a

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[7] UNHCR (n.d.) Resettlement Handbook, https://www.unhcr.org/resettlement-handbook/3-resettlement-submission-categories/3-4-women-and-girls-at-risk/accessed, accessed 1 Aug. 2024.

heterosexual unit, while excluding sexual and reproductive rights from the discussion (McEwen and Narayanaswamy 2023).

2.2 Conflation of the categories of 'gender' and 'women'

The conflation of the categories of 'gender' and 'women' warrants closer examination, as it underscores the hierarchy within human rights discourses, revealing what is deemed as acceptable concessions for the sake of the 'greater cause'. The 'greater cause' is always the dominant majority—in this case, refugees—who are presumed to be devoid of characteristics such as gender, sexuality, or disability. For example, during the Gender Audit, it quickly became evident that gender equality was measured in relation to the freedom to achieve basic needs (e.g. access to menstrual products) and was framed within heteronormative and patriarchal norms, focusing on (heterosexual) marriage, childbearing, and a 50/50 distribution of access to rights comparable to those of men. This is somewhat related to the smart economics approach (Chant and Sweetman 2012) where gender equality initiatives and a focus on women and girls are seemingly instrumentalized to achieve broader economic development goals. In reality, this approach often conflates 'gender' with 'women' in ways that reinforce traditional gender roles and prioritize the heterosexual family structure, rather than addressing gender equality through an intersectional framework (Narayanaswamy 2016, 2017; Khandaker and Narayanaswamy 2020).

Failing to see the regulation of sexuality as key to sustaining gender oppression, and thus recognizing that gender equality efforts must address LGBTIQ+ discrimination, the exclusion of queer women was legitimized (Rahman 2019) during the GCR negotiations. The silencing of sexuality and the refusal to use the term 'gender' in ways that include trans, gender diverse, and non-binary individuals echoed pro-family efforts to uphold the heteropatriarchal social order (McEwen and Narayanaswamy 2023: 18). Thus, the drafting of the GCR reinforced the compulsory heterosexuality of refugee women (Rich 2003; Ahmed 2004) as the only intelligible sexuality.

Throughout the GCR negotiations, texts and narratives frequently portrayed refugee women as particularly vulnerable to SGBV. With the interchangeable use of 'gender' and 'women', and an implicit assumption of compulsory heterosexuality, SGBV was framed as something that happens to women solely because of their gender. This framing, combined with the categorization of LGBTIQ+ people under the gender category in the AGD Policy, resulted in automatic categorization of LGBTIQ+ refugees as SGBV victims (Micinski 2020). This approach, however, failed to recognize that the drivers of SGBV against LGBTIQ+ people differ from those affecting heterosexual and cisgender women, despite some commonalties. Instead, it reinforced a narrow perspective in which LGBTIQ+ women were viewed only through the lens of inevitable violence. Under this logic, conflating gender and sexuality were deemed acceptable due to this presumed sameness between women and LGBTIQ+ people.

A homogenizing view of the drivers of SGBV leads to several significant consequences. It ignores the intersectional drivers of SGBV, overlooks specific manifestations like forced marriage as a tool for enforcing sexual orientation conversion practices, and fails to address its ongoing impact on LGBTIQ+ women. Without such an understanding, prevention and response efforts are unlikely to be safe and appropriate. The distinct experiences of cisgender queer/bi women, cisgender queer/bi men, trans and gender diverse people, and intersex people (whose experiences should not be forced into a gendered frame at all) were entirely overlooked in their unique complexity in the GCR. As a result, conflating gender and sexuality erased the richness and diversity of LGBTIQ+ experiences.[8]

When I joined the GAT, my goal was to advocate for the visibility and inclusion of queer refugee women, just as others championed issues important to them. The possibility to advocate for LGBTIQ+ inclusion in the context where gender was conflated with sexuality was different. Consider what Pittaway and Bartolomei (2023: 274) have written about the Gender Audit:

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[8] During the GCR negotiations, the topic of sexual violence against men during conflict was barely mentioned and sexual violence against gay men was not all mentioned at all.

> A key objective was to encourage adherence to the emerging UNHCR Age, Gender and Diversity Framework (AGD) which recognises the different needs of children, youth, women, the elderly, LGBTIQ+ communities, ethnic minorities and people with a disability. These categories are cross-cutting, for example, a disabled elderly woman can also be a member of a minority ethnic group. Pragmatically, it was accepted that we would not get specific mentions of LGBTIQ + communities into the document so decided to use the words 'all women' to ensure their inclusion.

The experiences of LGBTIQ+ people were ambiguously coded under the term 'all women', highlighting a key issue with categorizing LGBTIQ+ identities under gender. When gender is conflated with womanhood, all other gender experiences are effectively erased. This also obscures the differing impacts of displacement and settlement for queer and trans individuals compared to their heterosexual and cisgender counterparts. As I have argued elsewhere, 'LGBTIQ+ lives [were] a concession that one [was] willing to make for the sake of a bigger cause' (Dixson and Dixson 2023: 157).

Given the assumed inclusion of LGBTIQ+ people within the 'all women' category, any commitment in the GCR towards women was considered a win for *all* women. Pittaway and Bartolomei write that while all efforts were made towards the inclusion of AGD perspectives, any omissions would have been an acceptable price to pay:

> Major commitments to women and girls include an AGD approach, although the AGD policy was not specifically mentioned, giving states leeway to exclude the LGBTQI+ communities. *We were still very happy*[9] […] (2023: 278).

Looking back, the title *Gender Audit* implicitly focused attention on gender as synonymous with 'women', rather than adopting an intersectional approach. This focus on cisgender and heteronormative experiences neither threatened existing power structures nor redistributed power. Although the team's templates included age, sexuality, and disability, it was cisgender, able-bodied experiences that took precedence. Pittaway and Bartolomei (2023: 272–73) note that the idea of a Gender Audit was inspired by the Gender Rapporteur for the GCM, but UNHCR declined to appoint one, fearing other minority groups would demand similar representation. By prioritizing gender in ways that obscured other identities and emphasized womanhood, the limits of recognition were set early on. The satisfaction with 'all women' commitments ultimately reflects a willingness to sacrifice LGBTIQ+ needs to maintain the patriarchal status quo (D'Amico 2015).

2.3 The impacts of silence as a code

The coding of LGBTIQ+ experiences through AGD categories pushed the community into the zones of non-recognition, denying not only their protection needs but also their very existence. Within a year of the GCR's adoption, several articles were published to address its numerous gaps and missed opportunities (Aleinikoff 2019; Betts 2019; Chimni 2019; Gammeltoft-Hansen 2019; Gilbert 2019; Türk 2019). None of these articles mentioned the omission of LGBTIQ+ people as a gap of the GCR, with one exception (Micinski 2020).

The coding of LGBTIQ+ experiences under other terms failed to implement intersectional approaches in humanitarian work, instead resorting to segregated categories of age, gender, and diversity. This approach missed a crucial opportunity to emphasize the importance of human rights and inclusion for all. The process also failed to galvanize the overwhelming support for the inclusion of LGBTIQ+ displaced people, as none of the major international LGBTIQ+ human rights organizations, such as ILGA International, participated in the negotiations. This absence likely reflects a downplaying of the GCR's importance within the LGBTIQ+ movement, either because it was not a treaty body or due to the marginalization of refugee issues as irrelevant to their agenda.

In conclusion, the silencing of LGBTIQ+ refugees in the GCR reflects their exclusion as deserving citizens in both their countries of origin and resettlement. While UN documents can be

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[9] Added emphasis.

interpreted to include LGBTIQ+ people, these silences are strategically used to exclude them (McEwen and Narayanaswamy 2023). Explicit inclusion in the GCR could have led to tangible outcomes, such as improved safety pathways, tailored services, and LGBTIQ+ inclusive family reunions. Instead, LGBTIQ+ refugees were misrecognized—both at the level of justice, by ignoring structural injustices and power imbalances, and political agency, by excluding them from meaningful decision-making.

3. Transformative potential of visibility for effective recognition
3.1 The insufficiency of visibility alone

While LGBTIQ+ individuals were textually invisible, their physical presence during the GCR negotiations and the Roundtable was undeniable. However, this presence produced few tangible outcomes. For example, as a member of the GAT, I made numerous interventions highlighting the specific protection challenges faced by LGBTIQ+ individuals. I contributed to a panel on AGD responses, discussing drivers of displacement and potential solutions for LGBTIQ+ refugees. Selected as one of six refugee co-sponsors for the 2019 Global Refugee Forum (GRF), I delivered a speech at the Speakers Corner focused on queer refugee women (Dixson 2021). I co-authored and delivered the closing speech on behalf of refugee co-sponsors, highlighting the needs of LGBTIQ+ refugees. Despite this visibility, the final text of the GCR did not offer recognition of LGBTIQ+ refugees. Similarly, the visibility of the issues of LGBTIQ+ displacement did not result in any significant number of pledging outcomes during the 2019 GRF. Based on the data from the GCR Pledges dashboard,[10] in April 2023, there were only fifteen pledges referencing LGBTIQ+ people, which is 0.84% of the total number of pledges ($n = 1,684$).

This brings me to my second argument that in a context of marginalization and power imbalances, visibility alone cannot undo the persistent silencing. This argument should not be misconstrued. Even mere visibility remains crucial. For example, in spaces like the UN, it helps define political communities—in other words—who counts as 'the people' (Butler 2015) and who counts as human to be afforded human rights (Hesford 2011). For visibility to result in changes to the material conditions of life, it needs to be transformative rather than simply illustrative. The transformational potential of visibility can only be realized under conditions where the power imbalances between those with and without lived experience of displacement (even if they are allies) are addressed.

3.2 Illuminating power imbalances: refugees vs everyone else

Because of the sustained power imbalances, visibility does not offer automatic recognition (Oliver 2001). During the GCR negotiations, UNHCR, states, and NGOs were designated as agents with enough power to confer recognition on those needing protection and rescue. The 'subject/other-object dichotomy' in establishing claims to human rights was clearly manifested (Doxtader 2011: 284). The refugees present in the room exemplified this power divide. Although rhetoric emphasized the meaningful participation of refugees, their involvement remained constrained by the parameters of UN institutions. Refugees were required to conform to established norms, which selectively amplified certain voices while silencing others. Ultimately, asylum seekers—particularly those held in refugee camps and detention centres, those who were stateless or stranded, those unable to speak the languages of English, policy, or diplomacy, and those without documents—were neither invited nor able to gain access to these spaces.

While it is tempting to conclude that such a failure of recognition happened because it was a mainstream space, I will demonstrate the replication of power imbalances through the example of the UNHCR Global Roundtable that specifically focused on LGBTIQ+ refugees. The Roundtable was announced in 2020 as the second ever UNHCR event fully dedicated to the

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[10] Pledges refer to tangible commitments made officially by a range of actors during the GRF. The dashboard can be accessed here: UNHCR. (n.d.). Pledges and Contributions, https://globalcompactrefugees.org/pledges-contributions, accessed 29 July 2023. Noting the timing of writing of this article, the above-mentioned statistics do not include any new pledges made leading to and during the second Global Refugee Forum in December 2023.

issues of LGBTIQ+ refugees.[11] An advisory group was established to guide the event's planning, consisting of UNHCR staff, humanitarian actors, and a limited number of people with lived experience. As co-founder of the Forcibly Displaced People Network, I was invited to join the advisory group and had the opportunity to moderate the closing plenary and deliver its opening remarks.

Due to the COVID pandemic, the Roundtable took place in June 2021 through a series of online events.[12] I argue that the Roundtable is an example of how embedded the power imbalance is in international refugee spaces. Despite the final event spanning an entire month and featuring fifteen standalone sessions, the event was *about* and not *for* LGBTIQ+ refugees. It failed to meaningfully centre lived experience, relegating the roles of refugees to merely providing testimonies or facilitating the proceedings. For example, during the opening session, an LGBTIQ+ refugee speaker was specifically thanked for their testimony, despite them addressing not only personal experiences but political demands. Similarly, when I delivered my speech, I was also thanked for my 'story', even though my personal narrative occupied only one sentence, with the remainder of the speech devoted to expert recommendations and reflections. These moments revealed the perception that LGBTIQ+ refugees contribute only stories, while experts provide analysis. Ironically, the expertise of these experts relies on refugee stories, without which their analysis would lack foundation.

The invitation-only nature of the Roundtable significantly limited attendance, including for those with lived experience. In organizing the programme, UNHCR prioritized the needs of international humanitarian organizations. Attendance at sessions was limited to around thirty participants, with each participant allowed to attend the opening and closing sessions and only two of the other thematic ones. This approach not only restricted access but also compartmentalized the issue of displacement, creating a hierarchy that determined which issues were deemed important and which were considered secondary.

The final report celebrated the fact that refugee-led organizations (RLOs) made up 11% of all attendees, compared to 30% representing civil society organizations and 41% from UN agencies (UNHCR and IESOGI 2021). However, I do not share the satisfaction that the 11% representation of RLOs constitutes a success. The imbalanced representation of RLOs underscores the system's fragility in recognizing the growing demands for power redistribution. LGBTIQ+ RLOs are run by individuals who, while enduring LGBTIQ+ displacement, actively contribute to addressing it, whether at the policy or service levels. Yet, they are compelled to continually prove their legitimacy and equal status, in contrast to humanitarian actors without lived experience, who are regarded as experts by virtue of their paid positions. Moreover, no session on LGBTIQ+ refugee-led work was included, nor were offers to organize such a session accepted by UNHCR. The selective invitation of RLOs exemplified the use of visibility as a form of regulation (Edenborg 2019).

Importantly, the invitation-only nature of the Roundtable explicitly excluded those who openly criticized UNHCR for their inaction on LGBTIQ+ refugees, such as representatives from Block 13 of the Kakuma Refugee Camp, from participating in the discussions. In this context, UNHCR exercised its power to subordinate and dictate acceptable narratives. As with a 'subaltern' that accepts its construction through the lens of otherness (Spivak 1998), only an LGBTIQ+ refugee who knows and accepts their place in the hierarchy is allowed to stay and speak.

The Roundtable generated thirty-eight recommendations, yet no agency was assigned responsibility for their implementation or for monitoring their progress. LGBTIQ+ and LGBTIQ+ refugee-led organizations were used interchangeably in some parts of the final report. It was assumed that LGBTIQ+ organizations were already working with LGBTIQ+ refugees. For example:

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[11] UNHCR partnered with Victor Madrigal-Borloz, the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, to deliver the event.
[12] UNHCR (2021) 2021 *Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement—Summary Conclusions*, https://www.unhcr.org/media/2021-global-roundtable-protection-and-solutions-lgbtiq-people-forced-displacement-summary, accessed 19 June 2023.

Engage local LGBTIQ+ civil society organizations in host countries and LGBTIQ+ refugee-led organizations in the humanitarian response, especially with the smaller organizations who are working with LGBTIQ+ displaced and stateless individuals as the leaders and the knowledge base on the topic. They are best placed to know the risks, protection strategies, and availability of LGBTIQ+ friendly response services. Responses should be led by LGBTIQ+ organizations and individuals. […] Refugee-assisting organizations and social service providers must work with LGBTIQ+ led organizations and community groups as formal implementing partners to provide holistic protection services for LGBTIQ+ people in forced displacement. (UNHCR and IESOGI 2021: 38)

Limited attention was given to the fact that in only a few contexts were LGBTIQ+ organizations actively engaging with issues related to LGBTIQ+ refugees. Australia serves as a stark example where no large LGBTIQ+ organization is involved in refugee work. Additionally, in the section on coalition-building between mainstream humanitarian organizations and LGBTIQ+ civil society (notably excluding refugee-led initiatives), the role of LGBTIQ+ RLOs was diminished to that of storytellers. They were not recognized as experts:

In all communities of practice, support LGBTIQ+ refugee-led civil society organizations to participate in the humanitarian and human rights systems. Learn from them about the risks for forcibly displaced and stateless LGBTIQ+ persons, as well as strategies for creating safe and *dignified contexts for sharing stories*.[13] (UNHCR and IESOGI 2021: 38)

The final recommendations were presented in two ways: thematically and targeted towards specific actors, including UNHCR, the United Nations Independent Expert on Sexual Orientation and Gender Identity, civil society, and states. However, none of the recommendations committed to better resourcing LGBTIQ+ refugee-led work as a means of redistributing power. Notably, one recommendation urged 'to establish a bilateral network, led by LGBTIQ+ people with lived experiences in forced displacement, that is funded by UNHCR, organized at the global level, and includes space for these individuals to come together to interact with one another and with UNHCR leadership' (UNHCR and IESOGI 2021: 30). As of 2024, this recommendation remains unimplemented, with no commitment to advancing it.

4. Conclusion

Through a lived-experience lens, I have emphasized the overlooked significance of the GCR's failure to recognize LGBTIQ+ refugees, address their needs, and develop tailored solutions. I have argued that the GCR perpetuated ambiguity surrounding their status, relying on language of othering and silencing. Despite the GCR's ambition towards inclusion of all displaced individuals, it ultimately reflected a history of selective visibility and differential recognition, reinforcing certain bodies, populations, and nations as objects of recognition while marginalizing others (Hesford 2011).

The invisibility of LGBTIQ+ lives in refugee discourses actively sustains specific political agendas (McEwen and Narayanaswamy 2023). Since the GCR's development was led by UNHCR, reliant on funding from UN member states, discussions on the root causes of LGBTIQ+ displacement were avoided. Issues like colonialism and the ongoing persecution of LGBTIQ+ individuals by states championing the GCR (e.g. Uganda) were left unaddressed. Despite occasional mentions by UNHCR officials, the agency's silence, coupled with insufficient staff training and operational guidelines, further marginalized this group. The exclusion of LGBTIQ+ lives and neglect of SOGIESC issues in the GCR reinforced existing power dynamics and normative discourses, undermining human rights' potential to affirm the 'right to be queer' (D'Amico 2015) and ensure safety and freedom. The absence of explicit recognition of LGBTIQ+ refugees not only failed to

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[13] Added emphasis.

acknowledge their sexual, gender, and bodily diversity but also widened the gap in participation parity, hindering access to recognition and justice.

My application of the lived-experience lens necessitated finding practical solutions, even when they risked sounding radical. In seeking a shared epistemic position with refugee supporters who lack lived experience, I am willing to make certain concessions. I can acknowledge that the mere textual inclusion of LGBTIQ+ individuals does not guarantee immediate change within the global refugee regime. I can empathize with the anxieties surrounding the pursuit of greater recognition for diverse groups, particularly when responses to the broader refugee population are contested and far from being humane. I may understand the legal argument that views a phrase 'and other status' as enabling. However, what I cannot accept is the willingness to sacrifice the marginalized groups—whether through naming or in practice—as means of achieving justice for the dominant majority. I cannot accept the selective application of intersectionality that, contrary to its original aims, fragments human lives in pursuit of easier victories. I cannot accept that my people—LGBTIQ+ people who are displaced—are continually treated as 'sacrificable people' (Vergès 2022: 21).

As the final text of the GCR remains unchanged and accountability for implementing the Roundtable recommendations is still lacking, the solutions must focus on redistributing power between those working with LGBTIQ+ refugees and the LGBTIQ+ refugees themselves. A key step towards achieving this is recognizing LGBTIQ+ RLOs as experts equal to other humanitarian actors—not only valuing their expertise beyond storytelling but also ensuring equitable access to resources for their sustainability. The alternative queer future I envision here is one where we have rights without needing to fight for something as basic and fundamental as your recognition of our existence. Now that you hopefully recognize us, we can work towards building collective solutions to address LGBTIQ+ displacement.

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