

THE U.N. SECURITY COUNCIL'S ARRIA-FORMULA  
MEETING ON VULNERABLE GROUPS IN  
CONFLICT: ISIL'S TARGETING  
OF LGBTI INDIVIDUALS

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I. INTRODUCTION

On August 24, 2015, the Permanent Mission of the United States and Chile to the United Nations convened an Arria Formula<sup>1</sup>—the first ever to address lesbian, gay, bisexual,

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1. Arria-Formula discussions are informal meetings called by the U.N. Security Council where states may engage in candid and private discussion of international importance. For more information, see United Nations, Working Methods Handbook: Background Note on the 'Arria-Formula' Meetings

transgender, and intersex (LGBTI) rights in the U.N. Security Council.<sup>2</sup> While the Security Council previously addressed other tragedies created by the Islamic State of Iraq and the Levant (ISIL)<sup>3</sup>—particularly the sexual enslavement of women and girls; attacks on Christians, Turkmanis, and Kurds; and its intent to destroy the Yazidi as a group—this time the Security Council addressed LGBTI concerns in the context of the conflict.

The meeting opened with statements from the United States, Chile, and the Deputy Secretary-General. The statements emphasized the historic significance of holding a meeting devoted to examining violence against LGBTI people in the Security Council, and underlined the importance of linking ISIL's extremist violence to the global context of discrimination and violence fueled by homophobia and transphobia.

Two gay men, Subhi Nahas from Syria and "Adnan" from Iraq, recounted their personal stories of persecution and violence in horrific detail.<sup>4</sup> Both men stressed that while family members and government agents perpetrated violations before the conflict, the conflict and take-over by ISIL and other extremist forces exacerbated the problem exponentially. Such examples of violence and persecution of LGBTI people in Iraq and Syria are part of a larger ISIL strategy of cleansing all those who they perceive as not conforming to the community standards.<sup>5</sup>

One NGO, Muslims for Progressive Values, spoke from the floor and reaffirmed the need to address abuses commit-

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of the Security Council Members (Oct. 25, 2002), <http://www.un.org/en/sc/about/methods/bgarriformula.shtml>.

2. For more information on the U.N. Security Council Arria-Formula addressing LGBT rights, see Jessica Stern, Exec. Dir., Int'l Gay and Lesbian Human Rights Comm'n, Remarks to the U.N. Security Council (Aug. 24, 2015), in *UN Briefed on LGBT Persecution, Killings in Iraq and Syria*, WINDY CITY TIMES (Aug. 24, 2015), <http://www.windycitymediagroup.com/lgbt/UN-briefed-on-LGBT-persecution-killings-in-Iraq-and-Syria/52570.html>.

3. Also known as the Islamic State of Iraq and Syria (ISIS) and the Islamic State (IS).

4. Name withheld to protect the individual's identity.

5. OUTRIGHT ACTION INTERNATIONAL (FORMERLY IGLHRC), MADRE & OWFI, WHEN COMING OUT IS A DEATH SENTENCE: PERSECUTION OF LGBT IRAQIS 4 (2014) [hereinafter WHEN COMING OUT IS A DEATH SENTENCE], <http://www.law.cuny.edu/academics/clinics/hrqj/publications/Coming-Out-Death-Sentence-Iraq.pdf>.

ted against all marginalized persons impacted by the conflict, including LGBTI persons. Muslims for Progressive Values called on the international community to acknowledge the realities faced by those living under violent extremism as well as their own privilege.<sup>6</sup>

Thirteen out of the fifteen members of the Security Council, including all five permanent members, attended the Arria, and nine members delivered remarks. Following statements from Security Council members, numerous other states also made interventions from the floor. The remarks from states repeated certain themes, including the condemnation of the killings and their connection to the larger pattern of attacks on vulnerable groups. At least a half-dozen states invoked the Universal Declaration of Human Rights to recognize sexual orientation and gender identity alongside historically protected classes such as race, religion, and ethnicity. States discussed LGBTI rights on a continuum, recognizing rights violations over history and not only through the silo of ISIL or conflict.

The Arab Group discussed the Arria later that day. A consensus of sorts emerged with the states condemning the “indiscriminant” killings by ISIL (unsurprisingly without reference to potential LGBTI targeting). This understated conclusion from the Arab Group is notable because it seems the Arria was not viewed as one country’s initiative alone or simply as an LGBTI problem.

## II. HISTORICAL PERSECUTIONS OF LGBTI PERSONS

Importantly, the Arria crystalized the notion that comprehensively addressing the rights and humanitarian needs of those abused by ISIL necessitates taking into account the historical context of human rights violations in Iraq and Syria and addressing pre-existing threats to LGBTI persons embedded in laws and social norms.<sup>7</sup> LGBTI Iraqis and Syrians were

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6. Muslims for Progressive Values, Remarks at the U.N. Security Council Arria-Formula Meeting on ISIL’s Targeting of LGBTI Individuals (Aug. 24, 2015), <http://static1.squarespace.com/static/55120ecae4b01593abadc441/t/55dcfe81e4b013a6e423227b/1440546433491/Statement+by+Muslims+for+Progressive+Values+at+the+United+Nations+Security+Council+Arria.pdf>.

7. Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Human Rights in the Context of Conflict*, 22 Sw. J. INT’L L. 27, 29 (2016) (providing an interesting

persecuted long before the emergence of ISIL.<sup>8</sup> Their vulnerability today is exacerbated by the conflict but exists on a continuum of long-term social exclusion, discrimination, and violence.<sup>9</sup>

For example, OutRight Action International (formerly the International Gay and Lesbian Human Rights Commission, or IGLHRC)<sup>10</sup> and others documented the killings of both men perceived as gay in Iraq in 2009<sup>11</sup> and people perceived as non-conforming in the anti-*emo* attacks of 2012.<sup>12</sup> The militias drove the campaigns for so-called “purity” and put up target posters in the heart of residential districts listing names of men accused of sodomy and having long hair.<sup>13</sup> Nevertheless, no one has ever been charged or convicted in these killings. There has been utter impunity for these crimes.<sup>14</sup>

Murder is the most extreme form of violence, but LGBTIQ Iraqis and Syrians have been persecuted by intolerance permeating all aspects of life, including education, employment, and healthcare. Not only did the State abdicate responsibility; some families chose to harm their own children in a twisted interpretation of faith.

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discussion about how to create sustainable peace and gender justice post-conflict).

8. WHEN COMING OUT IS A DEATH SENTENCE, *supra* note 6, at 6–9.

9. *Id.* at 9; See also Lisa Davis, MADRE AND WOMEN’S INT’L LEAGUE FOR PEACE AND FREEDOM (WILPF), Joint Written Statement submitted to the U.N. Human Rights Council, *The Threat of ISIL and the Situation of Women in Iraq* ¶ 3 (Sept. 1, 2014).

10. On October 29, 2015, IGLHRC changed its name to OutRight Action International. For more information, see *Why We Changed Our Name to Out-Right Action International*, OUTRIGHT INT’L, <http://www.outrightinternational.org/content/why-we-changed-our-name-outright-action-international> (last visited May 29, 2016).

11. *Iraq: IGLHRC Asks the Iraqi Government to Protect LGBT People*, OUTRIGHT ACTION INT’L (Apr. 17, 2009), <https://www.outrightinternational.org/content/iraq-iglhrc-asks-iraqi-government-protect-lgbt-people>.

12. *Iraq: Investigate Emo Attacks: Official Impunity Enables Violent Intimidation Campaign*, OUTRIGHT ACTION INT’L (Mar. 16, 2012), <https://www.outrightinternational.org/content/iraq-investigate-emo-attacks>.

13. *Id.*

14. WHEN COMING OUT IS A DEATH SENTENCE, *supra* note 6, at 10.

### III. PERSECUTION OF LGBTI PERSONS TODAY

This brings the discussion to where things stand today. The conflict has not only increased the vulnerability of millions of Iraqis and Syrians, it has also further entrenched structural and cultural violence against women and LGBTI persons.<sup>15</sup>

Documented in gruesome detail, OutRight Action International has assembled a timeline of alleged killings by ISIL for sodomy as well as so-called “morality-based offenses.”<sup>16</sup> ISIL is the primary source of information for these killings, using social media to advertise their crimes. Much of its narrative should be questioned; yet, some things are clear.<sup>17</sup>

- ISIL claimed responsibility for at least 39 executions for sodomy in Iraq and Syria in over 27 separate incidents. The killings occurred in at least nine provinces across Iraq and Syria, including Fourat, Aleppo, Neinava, Homs, Raqqa, Alajazeera, Al-Kheir, Fallujah, and Hama.
- A number of provinces have only one documented incident of murder as a result of what is broadly referred to as sodomy. However, several provinces have experienced an alarmingly higher number of killings. Among them, Neinava province has the highest number with a total of ten murders, followed by Homs province with five, and Fallujah with four murders.
- ISIL-established courts have claimed to punish sodomy with stoning, firing squads, beheadings, and by pushing men off tall buildings.
- ISIL advertises these killings to give the impression of as many executions as possible.
- Evidence supports the assertion that fear of ISIL has fueled violence against LGBTI persons by other militias and private actors.

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15. See THE INT’L WOMEN’S HUMAN RIGHTS CLINIC (IWHR) AT CUNY SCH. OF LAW, MADRE, THE ORG. OF WOMEN’S FREEDOM IN IRAQ (OWFI) ET AL., DYING TO BE FREE: LGBT HUMAN RIGHTS VIOLATIONS IN IRAQ 1 (Sept. 28, 2015) [hereinafter DYING TO BE FREE], [https://www.madre.org/sites/default/files/PDFs/ICCPR%20Iraq%20Shadow%20Report%20LGBT%20ENG-100715%20\(1\).pdf](https://www.madre.org/sites/default/files/PDFs/ICCPR%20Iraq%20Shadow%20Report%20LGBT%20ENG-100715%20(1).pdf).

16. *Timeline of Publicized Executions for “Indecent Behavior” by IS Militias*, OUTRIGHT ACTION INT’L, <http://www.outrightinternational.org/dontturnaway/timeline> (last visited May 31, 2016).

17. *Id.*

#### IV. INTERSECTIONS WITH LGBTI VIOLENCE AND DISCRIMINATION

In addition to men perceived as gay, trans-identified people and lesbians are among those who face the threat of rape and murder.<sup>18</sup> Yanar Mohammed, founder of the Baghdad-based Organization for Women's Freedom in Iraq (OWFI), said, "there's no question that lesbians and transgender people endure extreme levels of violence and constant restriction of movement. The misnomer is that they are safer, but the reality is they live with an onslaught of oppression."<sup>19</sup> When people experience multiple forms of discrimination, for instance on the basis of both gender and sexuality, it compounds their vulnerability to severe human rights abuses, including loss of life. The international community must therefore be as concerned with the well-being of lesbians and transgender people in Iraq and Syria as with the treatment of men perceived as gay.

Violence and discrimination not only directly effects LGBTI persons and other marginalized and at-risk persons, but also has a ripple effect in the oppression of other rights, including freedom of expression. For example, in 2014, in a politically motivated government intervention, the Communication and Media Commission (CMC) of Iraq issued an order to shut down OWFI's Al Mousawaat radio station, among several other independently-run Iraqi radio stations.<sup>20</sup> Up until the forced shutdown, Al Mousawaat was providing messages of peace and tolerance towards all marginalized Iraqis, including LGBTI persons.<sup>21</sup>

Therefore, it is of utmost significance to take into account the politics of gender in violence committed against LGBTI individuals before, during, and after conflict and to analyze

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18. DYING TO BE FREE, *supra* note 16, at 4, 5; THE INT'L WOMEN'S HUMAN RIGHTS CLINIC (IWHR) AT CUNY SCH. OF LAW, MADRE, THE ORG. OF WOMEN'S FREEDOM IN IRAQ (OWFI) ET AL., *LIVING WITH FEAR: TORTURE AND DISCRIMINATION COMMITTED AGAINST LGBT PERSONS IN IRAQ 4* (Sept. 28, 2015).

19. Skype Conversation with Yanar Mohammed, Co-founder and Director, Org. of Women's Freedom in Iraq (Aug. 20, 2015).

20. *Id.*; *Iraq: Cancel Revocations of TV Station Licenses: Licenses Suspended Amid Rising Death Toll, Civil War Fears*, HUMAN RIGHTS WATCH (April 13, 2013), <http://www.hrw.org/news/2013/04/30/iraq-cancel-revocations-tv-station-licenses>.

21. Skype Conversation with Yanar Mohammed, *supra* note 20.

how both gender and sexuality heighten vulnerability to abuse.

## V. OBLIGATIONS OF THE INTERNATIONAL COMMUNITY

The final topic this essay aims to address is the crucial question of what obligations the international community bears in mitigating abuses and eliminating violence and discrimination against LGBTI people in Syria and Iraq.

Action by the global community requires nuance. We must understand anti-LGBTI persecution as part of the way that ISIS labels those who are “different” as “impure.” We must also recognize that these threats exist on a continuum of violence and discrimination—before, during, and after conflict—and are committed by perpetrators on all sides of the conflict. And, while there is little we can do for women, religious or ethnic minorities, LGBTI persons, or anyone living under ISIS control, there’s much we can do when they flee. Holistic analysis leads to more sustainable solutions for addressing LGBTI violations, while helping to dismantle long-term structural violence. Otherwise, we run the risk of increasing the vulnerability of LGBTI Iraqis and Syrians through their perceived association with the West.

We need LGBTI-specific strategies as well as integration into broader human rights and humanitarian initiatives. These solutions follow the same basic principles to address LGBTI abuses globally. The rule of law, poverty, literacy, and the safety of women and religious minorities are all LGBTI issues. To this end, the following are recommendations for action formulated and supported by Iraqi and Syrian LGBTI rights activists and their local and international allies. These recommendations include immediate needs as well as addressing the root causes of the present crisis.

1. All U.N. agencies in Iraq and Syria must have tailored LGBTI programming.
2. The Office of the U.N. High Commissioner for Refugees (UNHCR), as well as national governments, must continue to act with urgency for those most in need of relocation.
3. The Government of Iraq must acknowledge anti-LGBTI violence, remove barriers to access direct services, and provide justice for victims.

4. The Government of Iraq must respect the right to freedom of expression and allow independently run radio stations to operate and disseminate messages of peace and tolerance.
5. Donors must fund initiatives by LGBTI Iraqis, Syrians, and their allies. Resources should support immediate needs, like safe houses and psychosocial support, and long-term rights-based initiatives and norm building.

Since the Arria meeting, representatives of U.N. agencies have told us that the panel helped them make the case for stronger LGBTI specificity within larger programming in Iraq and Syria. While we remain cautious in our expectations for change, such programs could offer safer havens for LGBTI Iraqis and Syrians.

Within the past year, Amir Ashour, a gay man from Iraq, founded a new organization for LGBTI Iraqis: IraQueer.<sup>22</sup> Now with members across the country, they're finding ways to survive—even in ISIS-controlled areas. If they can find a way, so can the international community.

The hope is that this Arria conversation helps lead to actions for all marginalized groups affected by the conflict. Only time will tell if effective policies and changes result.

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22. James McDonald, *Iraq's Queer Community to Receive Support & Protection From New Organization*, OUT (Sept. 29, 2015), <http://www.out.com/news-opinion/2015/9/29/iraqs-queer-community-receive-support-protect-new-organization>.