

SEXUAL ORIENTATION & GENDER IDENTITY

in Contexts Affected
by Fragility, Conflict
and Violence

DISCUSSION PAPER

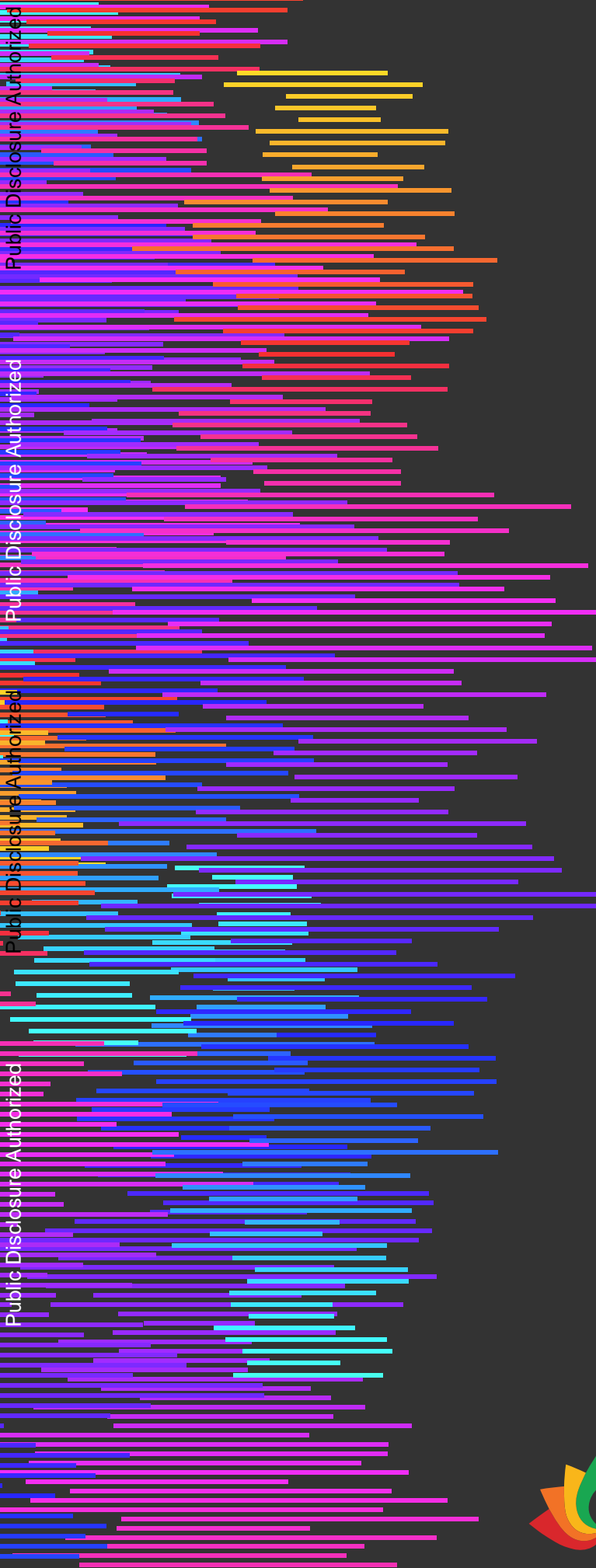
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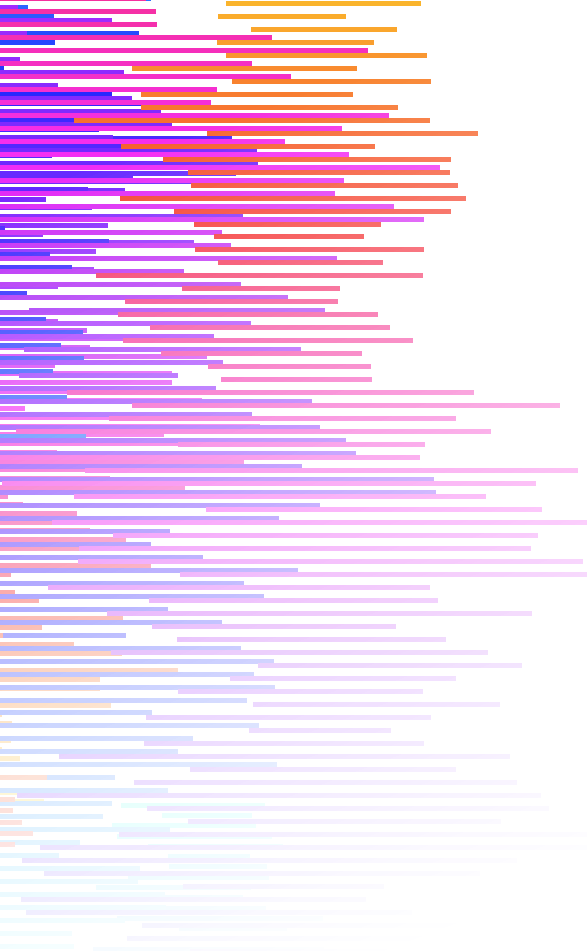


SOGI
SEXUAL MINORITIES
AND DEVELOPMENT



WORLD BANK GROUP





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March 2020



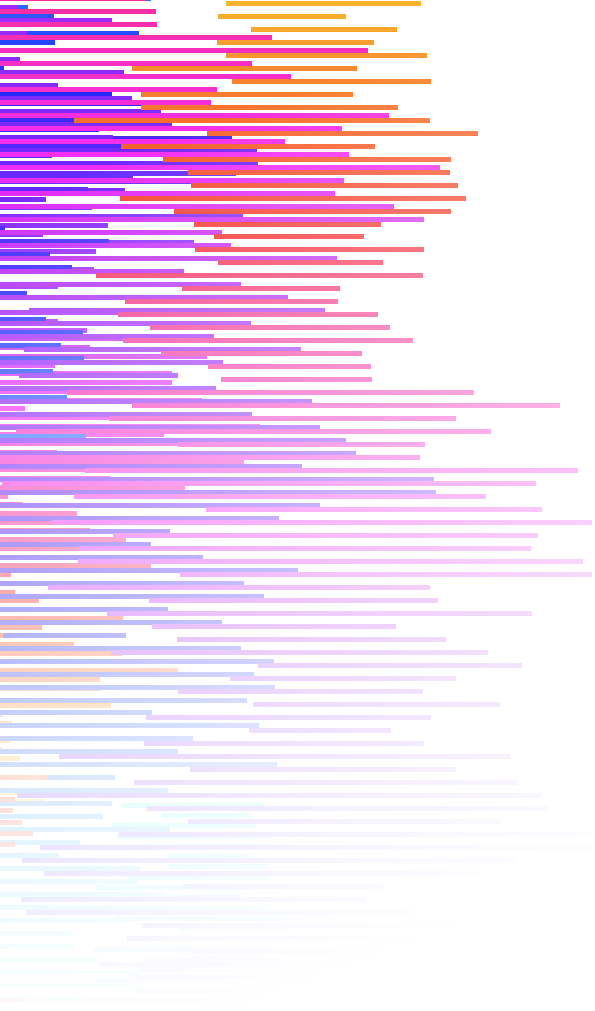


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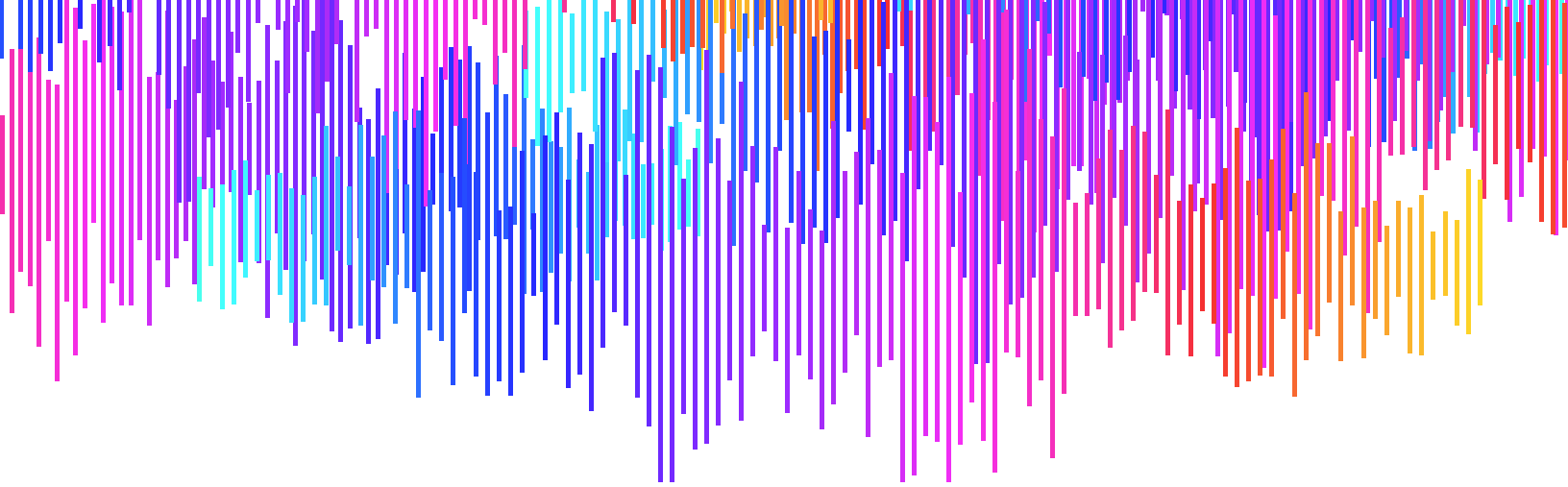
ACRONYMS



AIDS	Acquired Immunodeficiency Syndrome
CMU	Country Management Unit
CSO	Civil Society Organization
DDR	Disarmament, Demobilization, and Reintegration
ESF	Environmental and Social Framework
ESS	Environmental and Social Standard
FCV	Fragility, Conflict and Violence
GDP	Gross Domestic Product
GILRHO	Global Index on Legal Recognition of Homosexual Orientation
GPN	Good Practice Note
HDI	Human development Index
HIV	Human Immunodeficiency Virus
IBRD	International Bank for Reconstruction and Development
IDA	International Development Agency
IDPs	Internally Displaced Persons
IFC	International Finance Corporation
IHL	International Humanitarian Law
ILO	International Labor Organization
LEGEN	World Bank Environment and International Law unit
LGBTI	Lesbian Gay Bisexual Transgender Intersex
MIGA	Multilateral Investment Guarantee Agency
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCS	World Bank Operations Policy and Country Services unit
RSD	Refugee Status Determination
RUV	Registro Único de Víctimas
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SOGI	Sexual Orientation and Gender Identity



UARIV	Comprehensive Attention and Reparation for Victims Unit
UN	United Nations
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODA	United Nations Office on Drugs and Crime
VPU	World Bank Vice Presidential Unit
WB	World Bank
WDR	World Development Report
WFP	World Food Programme
WHO	World Health Organization



“ There is a need to devote specific attention to the LGBT population, particularly in post-disaster and post-conflict situations. Stigmatization and discrimination on the bases of sexual orientation increase gender-based violence in post-conflict and post-disaster situations, negatively affecting LGBT persons in the provision of food assistance, shelters & humanitarian aid.

– UN Human Rights Council Advisory Committee, 2014¹

INTRODUCTION

In recent years, the world has seen a sharp rise in attacks against sexual and gender minorities in countries affected by fragility, conflict, and violence (FCV).² Worldwide, sexual and gender minorities face distinctive development and protection challenges. Such challenges, however, are significantly more complex to address in FCV-affected environments, and particularly in countries that criminalize homosexual acts. The collapse of institutions and safe spaces—and the breakdown of already-weak community and family bonds—exacerbate the vulnerabilities of sexual and gender minorities in insecure, fragile, and conflict zones. At least half of the world’s poor will be living in fragile and conflict-affected countries by 2030.³ Sexual and gender minorities are, and will continue to be, among the most vulnerable in these settings.

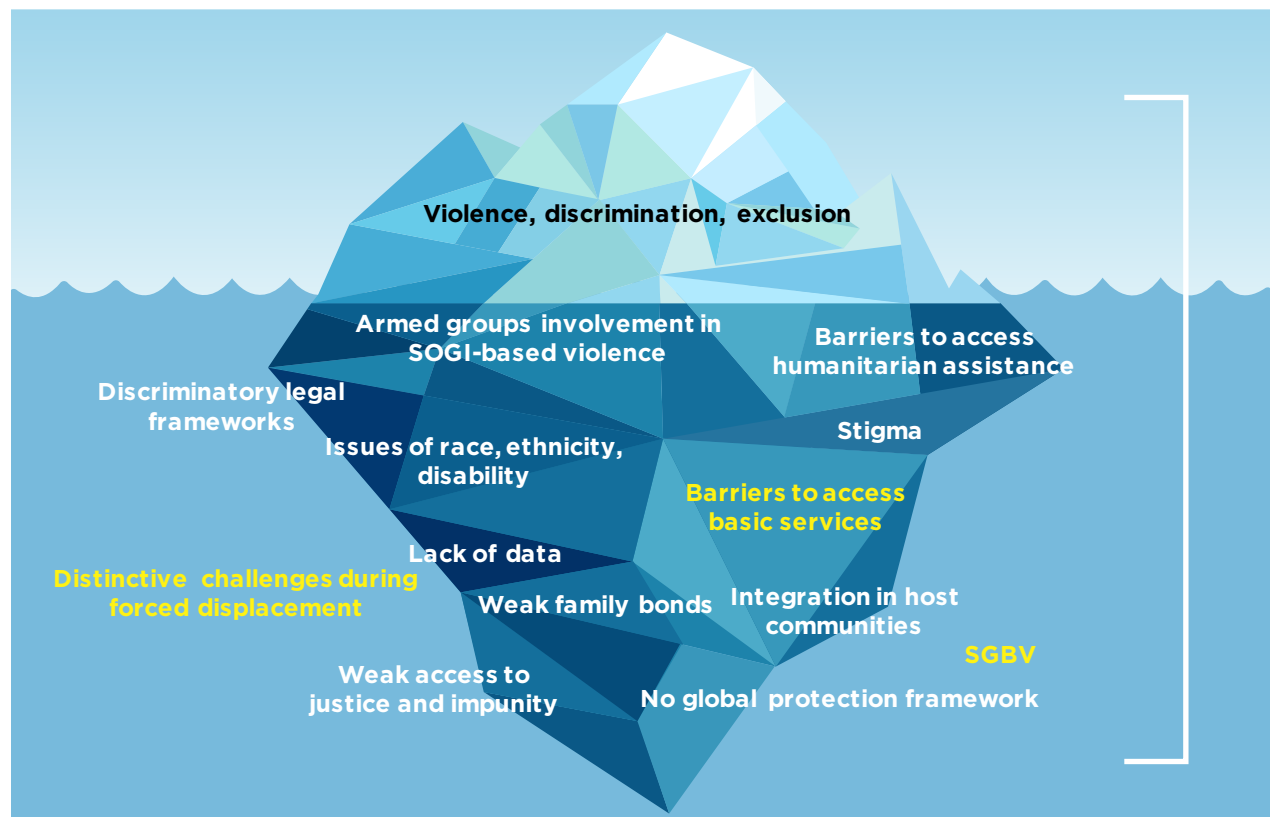
Development and humanitarian actors have documented the disproportionate vulnerabilities of sexual and gender minorities in FCV-affected contexts. These minorities encounter additional barriers to access justice, basic services, and employment opportunities,⁴ and they have unique protection needs in situations of forced displacement.⁵ They are also more prone to experience sexual and gender-based violence (SGBV).⁶ Furthermore, in recent years, homophobia and transphobia have been exploited for political purposes in various fragile states.⁷ Many of the countries experiencing fragility and violence-associated stresses—or hosting large numbers of refugees—are among those that criminalize consensual same-sex sexual acts.⁸ As of 2019, 68

countries have laws that explicitly criminalize consensual same-sex acts, two states criminalize such acts de facto, and six states impose the death penalty for consensual same-sex acts.⁹

In the last decade, the donor community has recognized the importance of addressing sexual orientation and gender identity (SOGI) considerations in development and humanitarian programming. Today, there is broad consensus that development and humanitarian interventions deployed in FCV-affected contexts must be gender sensitive. Yet, the gender dialogue remains overwhelmingly focused on the impacts of fragility on girls and women. Insufficient attention is given to the multiple ways in which FCV impacts sexual and gender minorities, and to the various issues that inform violence, discrimination, and exclusion against this minority (figure 1).

Moving beyond a narrow, binary understanding of gender to adequately respond to SOGI-based discrimination is increasingly a programmatic priority for donors. Several United Nations agencies—most notably, the UN High Commissioner for Human Rights (UNCHR) and the UN High Commissioner for Refugees (UNHCR)—are devoting more attention to the protection of sexual and gender minorities in conflict-affected settings. There is still no global protection framework to safeguard the rights of sexual and gender minorities. However, major legal advances have been achieved in recent years (figure 2).

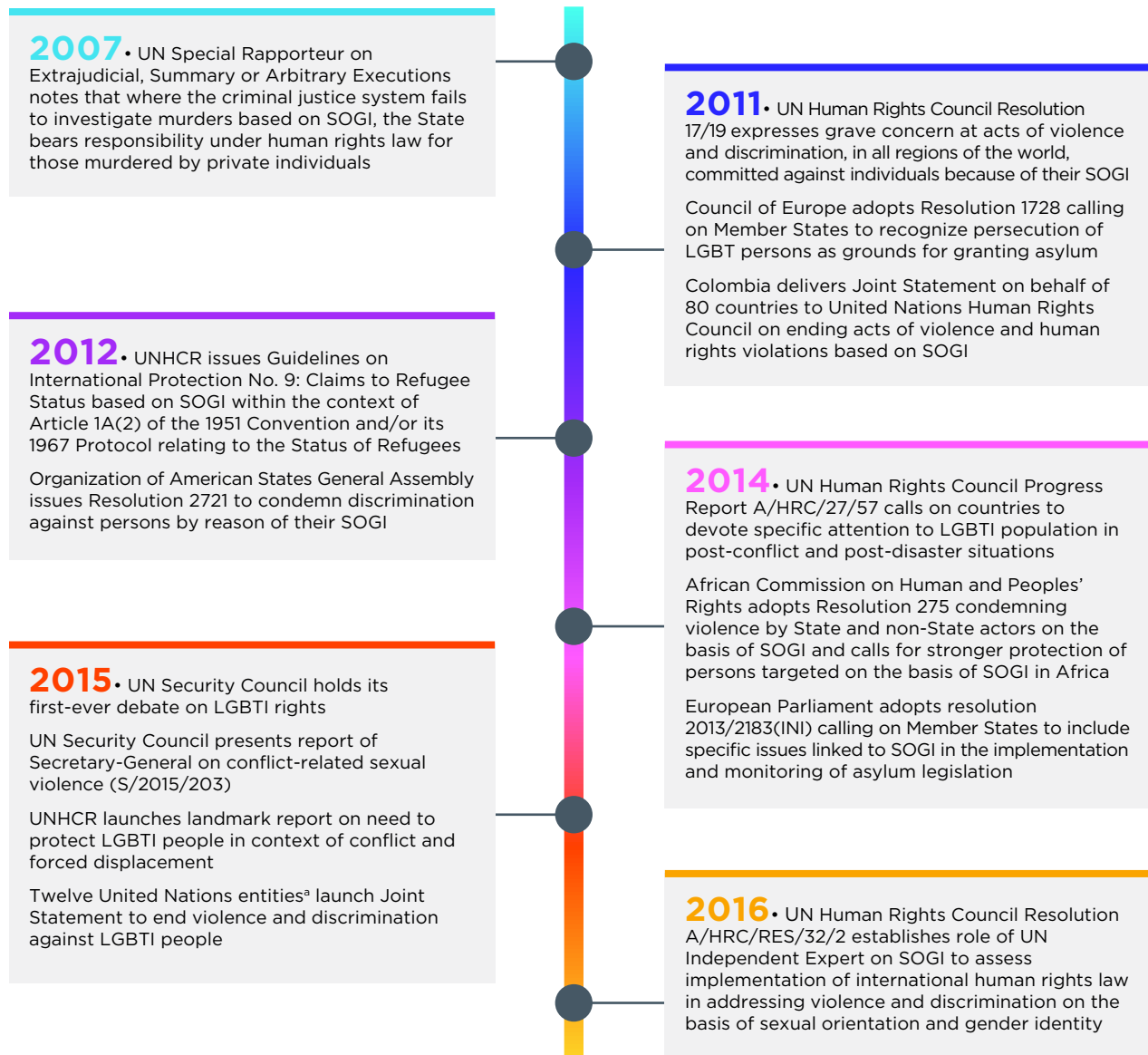
FIGURE 1 • Issues Driving Violence, Discrimination, and Exclusion in FCV-affected Zones



In 2015, the UN Security Council held its first-ever debate on the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people. The session was prompted by the violence perpetrated

by the Islamic State of Iraq and the Levant against gay men in Iraq and the Syria Arab Republic, but also by what many consider to be a global backlash¹⁰ against the rights of sexual and gender minorities. Although progress has been made over the last decade to recognize the shared responsibility to protect the rights of sexual and gender minorities living in FCV-affected countries,¹¹ action overall has been insufficient.

FIGURE 2 • Recent Major Legal Advances to Safeguard Sexual and Gender Minority Rights



a. These entities are the International Labor Organization (ILO); Office of the United Nations High Commissioner for Human Rights (OHCHR); the UNAIDS Secretariat; the United Nations Educational, Scientific and Cultural Organization (UNESCO); the United Nations Development Programme (UNDP); the United Nations Population Fund (UNFPA); UNHCR; the United Nations Children's Fund (UNICEF); the United Nations Office on Drugs and Crime (UNODC); UN Women; the World Food Programme (WFP); and the World Health Organization (WHO).

This discussion paper identifies some of the development and protection challenges that sexual and gender minorities face in FCV-affected areas. By doing so, it seeks to enhance the World

Bank's commitment to promoting social inclusion and development opportunities for the most vulnerable individuals or groups. The paper should be read in conjunction with the World Bank Social and Environmental Framework (ESF), including the policy, the Environmental and Social Standards (ESS1-10), the accompanying guiding notes, the Bank Directive on Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups, the Good Practice Note (GPN) on Non-Discrimination: Sexual Orientation and Gender Identity, and the World Bank Group's Strategy for Fragility, Conflict, and Violence 2020-25 (hereafter referred to as the FCV Strategy).

This paper, which is advisory in nature, is based on a thorough review of secondary sources and case studies in more than ten client countries in varying geographic regions conducted between 2018 and 2019 and builds upon the literature on the humanitarian-development-peace nexus. The paper has three sections. Section I provides a brief overview of the World Bank's work on social inclusion and gender equality and clarifies multiple key gender theory concepts relevant to the scope of this discussion. It also presents SOGI-related analytical work conducted by the World Bank, introduces the FCV Strategy, and discusses the links between addressing the needs of sexual and gender minorities and making progress toward the United Nations Sustainable Development Goals. Section II identifies the main obstacles that sexual and gender minorities face in FCV-affected zones and builds upon well-documented cases from various countries in different regions. Special attention is given to the barriers to access basic services in moments of tension for certain excluded groups, to the main risks and obstacles that sexual and gender minorities face in conditions of forced displacement, and to the issue of SGBV against sexual and gender minorities. Section III turns to the potential entry points for World Bank engagement in targeting SOGI-associated development obstacles.

I. SOCIAL INCLUSION, SOGI, AND THE WORLD BANK

Despite legal and social advances over the past two decades, sexual and gender minorities continue to face widespread social exclusion, discrimination, and violence. In this paper, social inclusion is defined as the process of improving the ability, opportunity, and dignity of people—disadvantaged on the basis of their identity—to take part in society.¹² People that are excluded on the basis of their identity (ethnic, racial, gender, disability status, religion, and so on) exist in all countries.¹³ However, in some countries and contexts, and for some excluded groups, barriers to social inclusion are higher than in others. Access to services (health, education, social protection) and to spaces that have a social, political, and cultural character is key to promoting social inclusion. Social exclusion has adverse impacts on the lives of sexual and gender minorities and their families as well as on the communities and economies in which they live. When social exclusion is coupled with FCV-associated stresses, however, securing inclusion can be significantly more complex. Economic development does not necessarily entail social inclusion, and some groups may remain excluded from development gains. In other words, 'a rising tide does not necessarily lift all boats,'¹⁴ and action must be taken to ensure the inclusion of all groups of society.

The World Bank approaches exclusion and discrimination based on SOGI through its commitments on gender equality and social inclusion. In this paper, discrimination on the basis of SOGI means creating a distinction, exclusion, or restriction with the purpose or effect of excluding a person based on their real or perceived SOGI. Discrimination can be direct or indirect. Direct discrimination occurs when a person is treated less favorably than others on the grounds of SOGI. An example of direct discrimination is the exclusion of an individual from accessing services because she or he is transgender. Indirect discrimination refers to often unintentional discrimination arising from practices that are not necessarily designed to exclude but result in that outcome. Indirect discrimination is commonly embedded in policies, norms, and standards.

An expanding body of empirical evidence suggests that sexual and gender minorities suffer lower education outcomes due to discrimination, bullying, and violence, higher unemployment rates, and a lack of access to adequate housing, health, and financial services. In Brazil, for example, a 2014 study on education policies indicated that roughly 45 percent of the transgender people interviewed did not finish elementary school due to bullying, violence, and other forms of direct or indirect discrimination based on their gender identity. Similarly, a 2012 survey in Chhattisgarh (India) found that most of the transgender population lives below the poverty line.¹⁵ These types of surveys are challenging to produce in FCV-affected regions. Fragile countries are among the most data-deprived, and collecting information in such circumstances is challenging. Yet quality data is critical for development interventions.

The World Bank has embarked on an effort to foster a coherent institutional approach to addressing SOGI-based exclusion by providing leadership on data generation, building the evidence base, and encouraging the application of relevant knowledge in operational settings. In this context, the SOGI Task Force was established to serve as an institutional resource for World Bank Group country teams and senior management. The Task Force also plays an internal and external advocacy role on the impact of exclusion on the basis of SOGI on the twin goals of eliminating extreme poverty and boosting shared prosperity. To date, a number of client countries have included information on SOGI in Country Partnership Frameworks, Country Economic Memoranda, and Systematic Country Diagnostics. The SOGI Global Advisor and his core team provide analysis, which can range from a simple overview of the SOGI-related climate to a full economic analysis of specific industries. This information is typically couched within the social development elements of the documents and aims to help identify SOGI entry points in country-facing operations and analytics. Albania, Bosnia and Herzegovina, Botswana, Cambodia, Honduras, Kosovo, Maldives, Montenegro, São Tomé and Príncipe, Serbia, South Africa, Sri Lanka, Thailand, and Tunisia are among the client countries including information on SOGI in key World Bank Group documents.

Development practitioners have identified the lack of data on sexual and gender minorities, particularly in low-income countries, as a major barrier to addressing SOGI-based exclusion and stigma. Robust, quantitative data is extremely thin on the development experiences and outcomes of individuals belonging to sexual and gender minorities. This data gap poses a challenge to the



World Bank and other development institutions and undermines borrowers' commitment to the principle of 'leaving no one behind.'

In response to the urgent need to advance knowledge on SOGI-based exclusion, in 2014 the World Bank attempted to quantify the productivity, investment, and other economic costs of such exclusion. The resulting report, *The Economic Cost of Stigma and the Exclusion of LGBT People: A Case Study of India*,¹⁶ highlights important challenges to LGBTI inclusion for economies. The report provides empirical evidence demonstrating

that the exclusion of LGBTI people can generate economic costs through several important channels including lower productivity, diminished human capital development, and poorer health outcomes.¹⁷ The report emphasizes the complementary nature of human rights protection and economic inclusion, and the need to work with the humanitarian community in support of the social inclusion of LGBTI people. The report argues that "human rights and equality for LGBT people are also economic development issues." Subsequent analytic work carried out by the World Bank in Thailand¹⁸ and the Western Balkans¹⁹ came to similar conclusions. Section II includes a discussion of the findings of these reports. Although the Bank does not categorize Thailand and India as FCV-affected countries, lessons drawn from these country-specific studies contribute to understanding SOGI-associated obstacles in FCV countries.

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Other studies have highlighted the economic gains associated with adopting and enforcing LGBTI-inclusive policies. A 2014 study found a positive correlation between GDP per capita and legal rights for LGBTI people across countries, as measured by the Global Index on Legal Recognition of Homosexual Orientation (GILRHO) and the Transgender Rights Index.²⁰ Accordingly, 'one additional right in the GILRHO (out of eight rights included) is associated with a GDP per capita that is \$1,400 higher and a higher HDI value.'²¹

KEY GENDER THEORY CONCEPTS

Every person has a sexual orientation and a gender identity. Sexual orientation refers to a person's enduring capacity for profound romantic, emotional, or physical feelings for, or attraction to, a person of a particular sex or gender. While a large percentage of the population is heterosexual, lesbian and gay individuals, for example, are attracted to people of the same sex, while bisexual people can have such feelings for people of both sexes and asexual people have no such feelings for anyone of either/any sex. Gender identity, on the other hand, is a deeply felt internal and individual experience of gender and is part of a person's overall identity. Most people are cisgender, meaning they have a gender identity that aligns with their sex assigned at birth. Those whose

sex assigned at birth differs from their gender identity often identify as transgender. Intersex is a medical term that describes a variety of chromosomal, hormonal, and anatomical conditions or sex characteristics in a person that do not fit the typical definitions of male and female bodies.

People who do not identify as heterosexual or cisgender can generally be referred to as sexual and gender minorities. Lesbian, gay, bisexual, transgender, and intersex—grouped together under the acronym LGBTI—are English-language, self-identifying terms for sexual and gender minorities. In Latin America and the Caribbean and Europe and Central Asia, the acronym increasingly serves as an umbrella term for a diverse set of sexual and gender identities. Yet, it is crucial to consider the unique experiences of *each subgroup* within the so-called LGBTI community, in addition to other aspects of their identities, which combined may result in exacerbated forms of discrimination. Intersectionality is critical to understanding how disadvantages overlap.

Intersectionality is defined in this paper as a framework to understand how race, ethnicity, gender, sexuality, disability, and other aspects of individual identity might combine and exacerbate the exclusion or discrimination of particular groups. Studies on development promotion provide ample evidence that when various disadvantages overlap, access to development opportunities may decrease.²² In other words, intersectionality refers to the overlapping of disadvantages and is of critical importance to understanding the challenges experienced by sexual and gender minorities in FCV-affected areas. For example, the development and protection challenges of an older lesbian belonging to an ethnic minority in a refugee camp in a neighboring country will be different than those of a young, able-bodied, gay asylum-seeker in a fragile urban environment. An intersectional approach is critical to understanding additional barriers to accessing basic services, extra protection challenges in situations of forced displacement, and vulnerability to SGBV.

FCV AT THE WORLD BANK

Fragility, conflict, and violence represent critical development challenges that threaten efforts to end extreme poverty. The World Bank projects that 50 percent of the world's extreme poor will live in conflict-affected situations by 2030. Violent conflict has spiked dramatically since 2010, and the fragility landscape is becoming more complex. Conflicts also drive 80 percent of all humanitarian needs and reduce GDP growth by two percentage points per year, on average. Climate change, rising inequality, demographic change, new technologies, illicit financial flows, violent extremism, and other global trends are creating fragility-associated risks in both low- and middle-income countries.²³

Over the past decade, the World Bank Group has scaled up its resources and types of financial services to address the FCV challenge. The FCV Strategy aims to enhance the Bank's effectiveness to support countries in addressing the drivers and impacts of FCV and strengthen their resilience, particularly for the most vulnerable regions and populations. The Strategy articulates a differentiated approach to FCV structured around four pillars of engagement and a set of



guiding principles designed to adapt the Bank's approach and address challenges across the full spectrum of FCV (figure 3).

FIGURE 3 • The Four Pillars of Engagement



Previous World Bank engagement strategies in FCV situations focused predominantly on assisting borrowers in post-conflict reconstruction efforts. For decades, development planning tools such as Recovery and Peacebuilding Assessments and Risk and Resilience Assessments have informed medium- and long-term interventions in conflict-affected countries. These have helped clients to assess, plan, and prioritize investments in countries or regions emerging from conflict or political crisis. Today, however, the FCV Strategy envisions World Bank support in post-conflict scenarios, but *also* in key scenarios such as violence prevention, conflict management, and mechanisms to support countries as they transition out of fragility.²⁴

Two seminal documents provide the analytical foundations for the FCV Strategy—the *2011 World Development Report*²⁵ and a 2018 United Nations-World Bank report, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*.²⁶ The *2011 World Development Report* (WDR)—with a focus on conflict, security, and development—emphasizes that cycles of violence can only be interrupted if legitimate institutions are in place, and that short-term or partial solutions cannot resolve legacies of violence.²⁷ Post-conflict stabilization and peacebuilding strategies require the deployment of comprehensive multi-sectoral, multi-stakeholder interventions aligned with medium- and long-term development goals. The Report stresses the need to strengthen efforts aimed at assisting and promoting the inclusion of the most vulnerable in conflict and fragile zones and emphasizes the centrality of social inclusion for securing sustainable development. This emphasis is consistent with the analysis of the World Bank's flagship report on social inclusion, *Inclusion Matters: The Foundation for Shared Prosperity*.²⁸ The other seminal study, *Pathways for Peace*, examines how development processes can better interact with diplomacy and mediation, security, and other tools to prevent conflict from becoming violent. It also reaffirms the urgent need to bring together the development, humanitarian, and peace/security communities.

The key messages of the 2011 WDR and *Pathways for Peace* are critically important for understanding how the current FCV Strategy addresses challenges across the full spectrum of fragility. In addition to the four pillars of engagement, the Strategy sets 23 measures to strengthen its effectiveness in FCV settings.²⁹ These measures are categorized into “Four Ps:” policies, programming, personnel, and partnerships. On policies, the World Bank Group will update the framework with regards to engagement in humanitarian crises, forced displacement situations, and approaches to dealing with security and military actors within its mandate and comparative advantage. Regarding programming, the Bank’s strategies and operations will more systematically address the drivers of FCV in their design and will adapt implementation and supervision approaches to the complex and rapidly changing dynamics of FCV settings. Thirdly, regarding personnel, the World Bank Group will increase its field presence in FCV settings. And lastly, on partnerships, based on respective complementarities and comparative advantages, the Bank will deepen its partnerships with humanitarian, development, peacebuilding, security, and private sector actors to maximize on-the-ground impact.³⁰ The FCV Strategy focuses consistently on reducing the negative impacts of FCV, especially among the most marginalized groups facing challenges related to exclusion, and has a strong gender focus.

Regarding gender-associated interventions in FCV, it is noteworthy that in recent years the World Bank has increased its support to projects aimed at addressing the specific impacts of conflict and fragility on women and girls. In fiscal year 2017, 188 projects specifically addressed the needs of women and girls^{31–49} of these in fragile and conflict-affected settings (as per the Harmonized List of Fragile States in those respective years).³² The Great Lakes Emergency Sexual and Gender-Based Violence, the Multi-Sectoral Crisis Recovery Project for North Eastern Nigeria, and the Health Resilience Project in Lebanon are examples of projects that illustrate the Bank’s increased engagement in promoting the rights of women and girls. The Bank, however, is mindful that an effective response to the dynamics of conflict and violence must engage men and boys in championing gender equality. The Bank’s pioneering work in the realm of masculinity and conflict in the Democratic Republic of Congo, Liberia, and Somalia, illustrates a consolidated consensus on the need to ensure a wide gender perspective in development programming.³³ Multi-donor trust funds for FCV countries have played a key role in these achievements. Yet, the discussions and considerations on the extent to which conflict and fragility affect the lives of sexual and gender minorities are virtually absent from most if not all of these projects.

In this paper, the acronym FCV refers to the challenge of fragility, conflict, and violence—regardless of a country’s status in the Harmonized List of Fragile Situations (table 1)—and consequently adopts a broader definition of FCV. It includes countries that suffer from subnational conflict (such as Nigeria and Colombia) or factors like high levels of crime and violence (the Central American countries of the Northern Triangle³⁴ and Brazil, for example). The paper builds upon evidence of situations of fragility (countries with deep governance issues and institutional weakness), conflict (countries in active conflict), and violence (countries with high levels of interpersonal and gang violence).



TABLE 1 • FY20 List of Fragile and Conflict-affected Situations

HIGH-INTENSITY CONFLICTS	MEDIUM-INTENSITY CONFLICTS	HIGH INSTITUTIONAL AND SOCIAL FRAGILITY	
		NON-SMALL STATES	SMALL STATES
Afghanistan Central African Republic Libya Somalia South Sudan Syria Yemen	Burkina Faso Burundi Cameroon Congo, Dem. Rep. Iraq Mali Niger Nigeria Sudan	Chad Congo, Rep. Eritrea Gambia, The Guinea-Bissau Haiti Kosovo Lebanon Liberia Myanmar Papua New Guinea Zimbabwe West Bank and Gaza (territory)	Comoroa Kiribati Marshall Islands Micronesia, Fed. Sts Solomon Islands Timor-Leste Tuvalu

Source: World Bank Group. For more information, see <http://pubdocs.worldbank.org/en/333071582771136385/Classification-of-Fragile-and-Conflict-Affected-Situations.pdf>.

II. DEVELOPMENT AND PROTECTION OBSTACLES OF SEXUAL AND GENDER MINORITIES IN FCV

This section provides an overview of some of the development and protection challenges faced by sexual and gender minorities in FCV areas. It does not document country-specific cases in detail but instead presents relevant empirical evidence illustrating the myriad obstacles and risks facing sexual and gender minorities in conflict and fragile zones. These are clustered into three distinct categories: (i) access to basic services and employment opportunities in FCV; (ii) sexual and gender minorities in forced displacement; and (iii) SGBV.

ACCESS TO BASIC SERVICES AND EMPLOYMENT

Sexual and gender minorities face distinctive barriers to access basic services and employment opportunities in many developing countries. These barriers are even higher in contexts where weak service provision is coupled with discriminatory legal frameworks and violence and fragility-associated stresses. Access to basic services and spaces with a social, political, and cultural character is key to promoting social inclusion.³⁵ The World Bank has documented barriers to accessing basic services and employment opportunities experienced by sexual and gender minorities in developing countries or regions, some affected by fragility-associated risks.

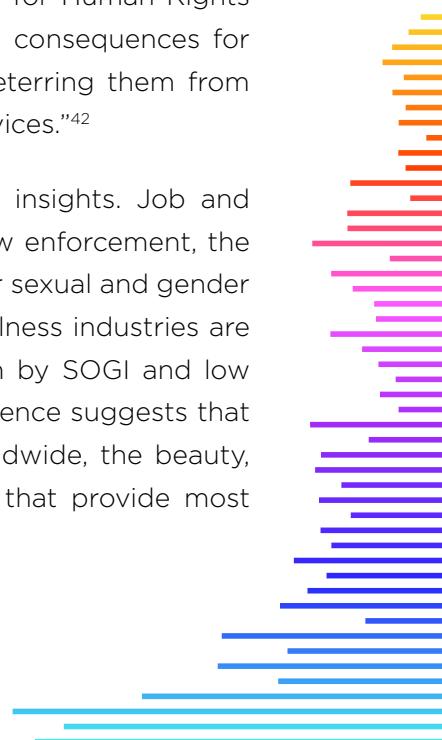
World Bank studies in Thailand³⁶ and the Western Balkans³⁷ find that discriminatory practices are prevalent when LGBTI people look for employment, access education and health care

services, buy or rent properties, and seek legal protection. In Thailand, more than one-third of non-LGBTI survey respondents found it acceptable for employers to discriminate against LGBTI people. Almost half suggested it was reasonable for LGBTI people to experience some form of discrimination when seeking government services. In five countries in the Western Balkans—Albania, Bosnia and Herzegovina, Kosovo, Macedonia, and Montenegro—a 2018 survey indicated that LGBTI people frequently prefer to hide their SOGI when requesting government services for fear of discrimination, or legitimate concerns about their safety. In India, barriers to accessing basic services were also prevalent, and environments of service provision were often places of stigma, exclusion, and verbal and physical violence.³⁸

Access to health services for sexual and gender minorities is particularly problematic in FCV situations. The combination of weak service delivery capacities and fragility and conflict-associated stresses can exacerbate existing vulnerabilities faced by minority groups, making access to health services more complicated in FCV than in non-FCV-affected contexts.³⁹ Like most vulnerable groups, sexual and gender minorities are highly likely to face barriers to accessing services in contexts of instability, and this affects their development outcomes in both the medium and long term.

Research on access to health services in conflict and post-conflict situations indicates that HIV+ men and women face significant barriers to accessing medication and treatment. Fear of mistreatment discourages gays and lesbians from getting tested and accessing health care. HIV transmission rates are higher in areas affected by conflict, food insecurity, and poverty.⁴⁰ Scientific evidence shows that the prohibition of same-sex relations contributes to increased HIV infection rates,⁴¹ and that men who have sex with men bear disproportionate burdens of HIV and sexually-transmitted diseases risk. The correlation between SOGI-based discrimination and HIV infection rates has been documented in various countries. In Nigeria, for example, the Office of the High Commissioner for Human Rights (OHCHR) expressed concern regarding the correlation between harsh discriminatory regulation of same-sex relations and HIV infection rates. Nigeria has one of the highest HIV infection rates in the world. The UN High Commissioner for Human Rights determined that “Nigerian discriminatory regulations have serious negative consequences for public health by driving sexual and gender minorities underground and deterring them from signing up for HIV educational programs, prevention treatment, and care services.”⁴²

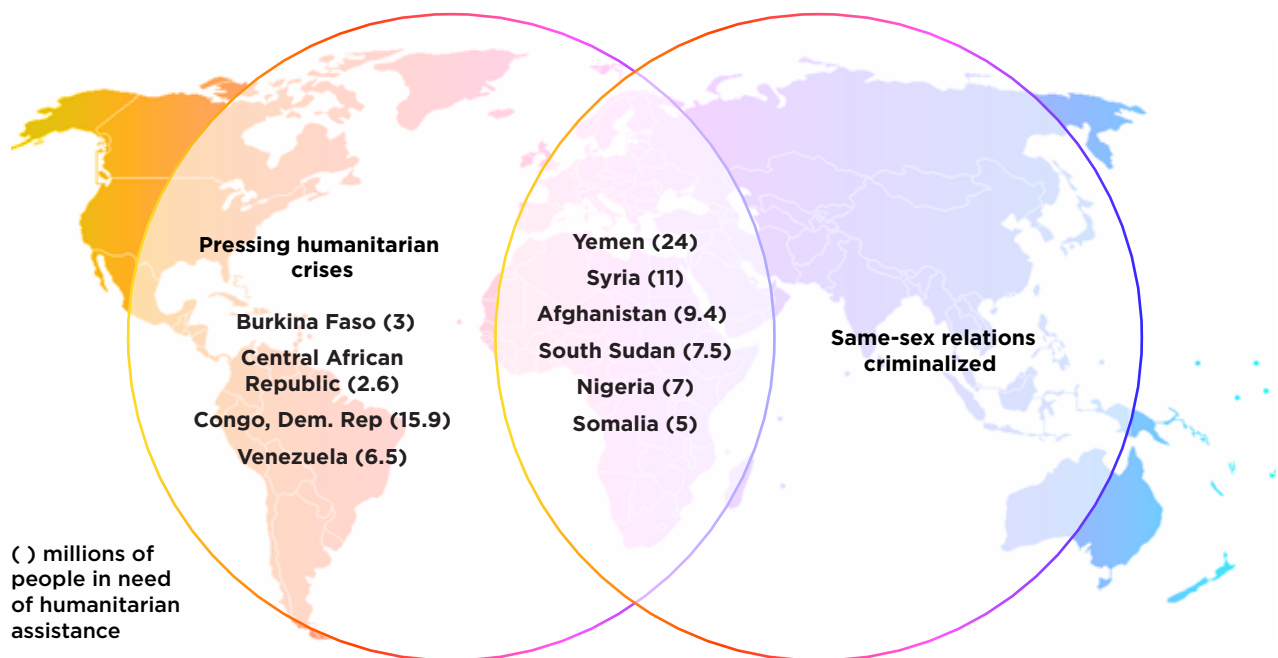
Regarding access to employment, the Thailand study provides important insights. Job and work discrimination vary across occupations and sectors—the police and law enforcement, the military, and religious institutions, for example, are particularly inaccessible for sexual and gender minorities in Thailand. In contrast, the agriculture, retail, and beauty and wellness industries are more accessible.⁴³ This finding indicates potential occupational segregation by SOGI and low mobility of sexual and gender minorities in the labor market. Anecdotal evidence suggests that such occupational SOGI-based segregation is not unique to Thailand. Worldwide, the beauty, entertainment, and wellness industries appear to be some of the sectors that provide most employment opportunities for gay and transgender people.



Studies on access to education—both in FCV and non-FCV contexts—suggest that violence is a major barrier to education and learning for persons regarded as nonconforming to established sexual and gender norms. UNESCO’s comprehensive global review of violence based on sexual orientation and gender identity/expression in schools and other educational settings confirms this finding.⁴⁴

In recent years, the humanitarian community has enhanced efforts to ensure access to aid for sexual and gender minorities during humanitarian crises. Bilateral and multilateral organizations have increased efforts to ensure equal access to aid based on sound considerations of SOGI-associated vulnerabilities in complex field operations. The Global Equality Fund—specifically, its Dignity for All Emergency Fund—highlights the increased engagement of bilateral actors. However, more could be done. Same-sex relations are illegal in the countries currently experiencing the world’s greatest humanitarian crises (Syria, Uganda, Somalia, Pakistan, and Afghanistan⁴⁵); in some, same-sex relations are punishable by death. Many sexual and gender minorities conceal their SOGI, fearing for their safety. In most countries experiencing the most pressing humanitarian crises in 2020, same sex relations are criminalized. Figure 4 shows the number of persons in need of humanitarian assistance according to the International Rescue Committee 2020 estimates. SOGI-based considerations are of critical importance to the humanitarian-development-peace nexus.

FIGURE 4 • Humanitarian Crises and the Criminalization of Same-Sex Relations



Source: IRC (2020) <https://www.rescue.org/article/top-10-crises-world-should-be-watching-2020>.

For the list of countries where same-sex conducts are illegal please check ILGA 2019 Report (https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf)

Discriminatory legal frameworks play a key role in driving sexual and gender minorities to conceal their SOGI. However, some humanitarian organizations sometimes operate under the incorrect assumption that households—the most-frequently utilized unit for aid distribution—include a

heterosexual man and a heterosexual woman. Doing so ignores the fact that households can also be made-up of same-sex couples and people of diverse SOGI. Some United Nations agencies and nongovernmental organizations have adopted specific policies for registering and managing same-sex households and non-traditional partnerships.⁴⁶ Increasingly, gender experts have called upon humanitarian and development actors to move beyond the narrow, binary understanding of gender to respond to the humanitarian needs of *all*.⁴⁷

The lack of data on sexual and gender minorities in FCV jeopardizes effective, needs-based development programming, and represents a major barrier to addressing SOGI-based exclusion. Robust, quantitative data on differential development experiences and outcomes of LGBTI people—especially those in developing countries—is extremely thin. Enhancing access to basic services and providing development or humanitarian aid in FCV environments requires quantitative evidence. To be effective, post-conflict stabilization measures like disarmament, demobilization, and reintegration (DDR) programs or peacebuilding strategies require quantitative data on sexual and gender minorities. Data on ex-combatants, LGBTI-identified staff in aid agencies, and security personnel operating in contexts of humanitarian emergencies that belong to sexual and gender minorities are key to ensuring effective programming.

In the absence of such data, governments and the development and humanitarian communities lack the quantitative grounds for developing SOGI-sensitive policies and programs. Cognizant of this data gap—and the need to consider the impact of the country’s armed conflict on sexual and gender minorities—the Colombian government established a registry of victims and used it to identify those entitled to reparations (box 1). A Medellín-based civil society organization (CSO) that works for gender equality, Casa Diversa, was targeted by armed groups during Colombia’s internal armed conflict. In August 2019 it became the first Colombian CSO to receive reparations in the context of Colombia’s transitional justice and peacebuilding efforts.⁴⁸

BOX 1 • LGBTI VICTIMS, DATA COLLECTION AND REPARATIONS IN COLOMBIA

Colombia developed a comprehensive during-conflict registration mechanism to identify, assist, and provide reparations to the victims of its 60-year internal armed conflict. The Registro Único de Víctimas (RUV, or unitary registry of victims) collects disaggregated data, and those listed in the registry can voluntarily identify their sexual orientation or gender identity. SOGI-sensitive data collection allowed the identification of LGBTI victims; however, and perhaps more importantly, it raised awareness of the multiple ways in which conflict and violence affect the lives of LGBTI people. The registry identified 2,130 LGBTI people that suffered human rights violations between 1986 and 2016. Forced displacement, disappearance, and SGBV were among the most-commonly reported human rights violations. Registration is followed by a comprehensive assistance and reparations package led by Colombia’s Comprehensive Attention and Reparation for Victims Unit (UARIV). In 2017, the World Bank awarded the Jose Edgardo Campos Collaborative Leadership Award to Paula Gaviria Betancourt, former General Director of the UARIV and former Presidential High Counselor for Human Rights, for her leadership in the development of the registry. In 2015, the Colombian government launched *Killing the Difference*,^a a report on the impact of the internal armed conflict on the lives of LGBTI Colombians.

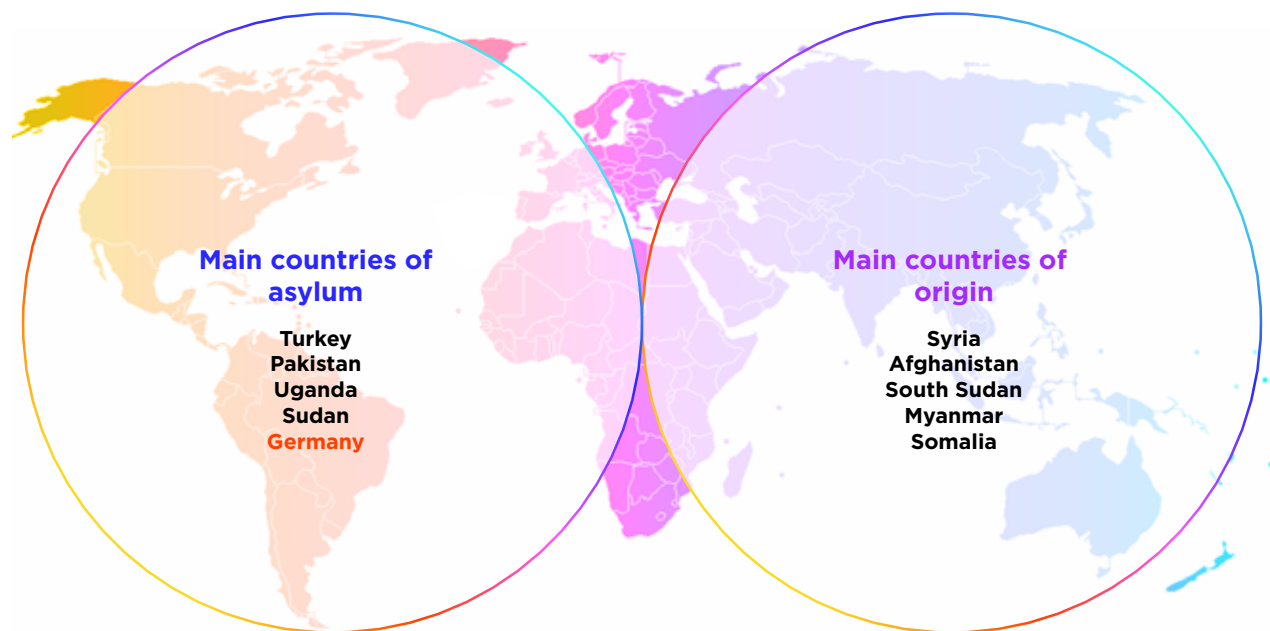
a. See the full report at <http://www.centrodememoriahistorica.gov.co/descargas/informes2015/aniquilar-la-diferencia/aniquilar-la-diferencia.pdf>.

SEXUAL AND GENDER MINORITIES IN FORCED DISPLACEMENT

In 2020 the world faces the largest forced displacement crisis ever recorded. As many as 65 million people—95 percent of which live in developing countries—are forcibly displaced.⁴⁹ In June 2018, the UNHCR reported that the number of refugees under its mandate exceeded 20 million for the first time, and reported a total population of concern of 70.8 million people. While data on the numbers of LGBTI asylum-seekers globally are lacking, the UNHCR has reported a sharp increase in the number of international protection claims on the basis of SOGI. In 2018, the countries hosting the largest numbers of refugees were Turkey, Pakistan, Uganda, Sudan, and Germany. Over 60 percent of all refugees worldwide came from five countries—Syria, Afghanistan, South Sudan, Myanmar, and Somalia (figure4).⁵⁰ Some of the main countries of origin and countries of asylum share something in common: same-sex relations are illegal and, in some countries, are punishable by death. The number of internally displaced persons (IDPs) also rose sharply in 2019 in Colombia, Syria, and the Democratic Republic of Congo.⁵¹

Some of the main countries of origin and countries of asylum share something in common: same-sex relations are illegal and, in some countries, are punishable by death.

FIGURE 5 • Countries of Asylum and Origin



*Note: Germany is the only country of asylum listed where same-sex relations are not banned. *Sixty percent of the global refugee population comes from these five countries.*

Source: https://www.thenewhumanitarian.org/feature/2020/1/1/humanitarian-crisis-to-watch?gclid=EAIaIQobChMI7Ny8jLcJ6AIVAT0MChOS3QIOEAAYaIAAEgJfjFD_BwE

FCV-associated risks, coupled with legal frameworks that criminalize same-sex conduct, are push factors that are steadily driving the international and internal migration of sexual and gender minorities. In recent years, the UNHCR and other humanitarian actors have studied the links between FCV and SOGI-based protection gaps in multiple countries and sounded the alarm on the

sharp rise in SOGI-based claims for international protection.⁵² According to the UNHCR, refugees, asylum-seekers, returnees, IDPs, and stateless LGBTI people are prone to experience “violence and harassment by members of the asylum-seeker and refugee community as well as from the host community; insensitive and inappropriate questioning at various stages of the refugee status determination (RSD) procedure; intolerance, harassment, and violence by State and non-State agents in countries of first asylum, undermining the possibility of local integration as a durable solution; discrimination and safety threats in accommodation, healthcare, and employment; and subjection to SGBV or survival sex in forced displacement.”⁵³ Issues of race, ethnicity and disability—coupled with SOGI-based discrimination and exclusion—are also key to understanding the protection and development challenges experienced by forcibly displaced persons in FCV-affected areas. The UNHCR’s Policy on Age, Gender, and Diversity has played a central role in addressing these issues. Box 2 illustrates the main profiles of persons in forced displacement.

BOX 2 • PROFILES IN FORCED DISPLACEMENT^a

Internally displaced person. An individual who has been forced or obliged to flee from their home or place of habitual residence, “...in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally-recognized State border.

Asylum-seeker. An individual who is seeking international protection. In countries with individualized procedures, an asylum-seeker is someone whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognized as a refugee, but every refugee was initially an asylum-seeker.

Refugee. A person who meets the eligibility criteria under the applicable refugee definition, as provided for by international or regional instruments, under UNHCR’s mandate or in national legislation.

Returnee. A person who was of concern to UNHCR when outside their country of origin and who remains so for a limited period after returning home to their country of origin. It also applies to internally displaced persons who return home to their prior place of residence.

Stateless person. Persons who are not considered as nationals by any State under the operation of its law, including persons whose nationality is not established.

Economic migrant. Persons who leave their countries purely for economic reasons, or in order to seek material improvements in their livelihood. Economic migrants are not persons of concern to the UNHCR.

a. These definitions are from the glossary to the UNHCR Global Report 2005, available at <https://www.unhcr.org/449267670.pdf>.

Protection risks and challenges are present during all phases of forced displacement. However, vulnerabilities are experienced differently. Sexual and gender minorities are highly likely to face challenges at registration and identification centers, police and military stations, collective shelters, public health facilities, sanitation facilities, aid distribution centers, and detention facilities. These challenges are even greater in host countries where homosexuality is illegal, and where street harassment occurs with impunity. Same-sex couples and their families, for example, are often forcibly separated in housing facilities because temporary shelters are designed to accommodate different sex couples.⁵⁴

Transgender women and men are the most vulnerable. Barriers for transgender people can begin when their identification documents differ from their perceived gender. Often livelihood opportunities suggested for transgender asylum-seekers are mismatched and inappropriate, as they are often linked to their gender assigned at birth (for example, manual construction work for transgender women or tailoring for transgender men). Empirical evidence demonstrates that the exclusion of transgender people from housing, education, and employment opportunities in the country of origin and host country makes them highly vulnerable to resorting to survival sex work and becoming trapped in human trafficking networks.⁵⁵ Transphobia is not unique to heterosexual people; transgender people may also be rejected by bisexual, gay, and lesbian people.

The inclusion of SOGI considerations is key to identifying adequate rights-based durable solutions in conditions of forced displacement. The UNHCR defines durable solutions as the alternatives available for those in conditions of forced displacement. The three rights-based solutions for those that have crossed an international border are local integration in the host country, voluntary resettlement to a third country, and facilitated voluntary repatriation. For IDPs, local integration in the host community, voluntary resettlement in a safe area, or voluntary return are the available solutions. In all options, SOGI-based considerations are relevant.

RSD is one of the legal procedures to which such considerations are increasingly relevant. In this paper, RSD refers to the administrative and legal procedures undertaken by states and the UNHCR to determine whether an individual should be recognized as a refugee in accordance with national and international law. Today, there is greater awareness that people fleeing persecution for reasons of their SOGI can be provided international protection under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. In light of this, in 2012 the UNHCR issued the *Guidelines on International Protection No. 9*⁵⁶ to provide legal interpretative guidance for governments, legal practitioners, decision makers, and the judiciary on claims to refugee status based on SOGI. In 2015 the UNHCR launched the report *Protecting Persons with Diverse Sexual Orientation and Gender Identities: A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender, and Intersex Asylum-Seekers and Refugees*. In spring 2020, UNHCR will convene the multi-stakeholder Global Roundtable on Protection of and Solutions for LGBTI People in Forced Displacement.

Today, there is greater awareness that people fleeing persecution for reasons of their SOGI can be provided international protection under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

More than 40 million people worldwide are internally displaced as a result of conflict and violence. Seventy-six percent of the world's conflict IDPs are concentrated in just ten countries, and the number of new displacements associated with conflict and violence almost doubled between 2016 and 2017 (from 6.9 million to 11.8 million).⁵⁷ Although the number of IDPs worldwide is roughly twice the number of refugees, no global system of protection is available for the forcibly displaced that do not cross an international border. The Guiding Principles on Internal Displacement is the

only 'soft law' protection instrument that applies to IDPs. Although the Guiding Principles are not legally binding, they are consistent with international human rights, humanitarian, and refugee law. Stateless LGBTI persons are the most difficult to track, owing to their lack of "credible" legal documentation, especially regarding gender identity.

Cities are the preferred destination of forcibly displaced persons, and internal displacement is becoming an urban phenomenon in a rapidly-urbanizing world.⁵⁸ More than four billion people around the world live in cities; with armed conflicts on the rise, the World Bank estimates that 60 percent of the forcibly displaced live in urban areas.⁵⁹ Urban shanty towns with high concentrations of IDPs have proliferated in countries engaged conflicts that are both international (Yemen and Syria) and internal (Colombia and Nigeria)—and in middle-income economies where the impacts of climate change are driving forced migration (Brazil and Ethiopia).

Cities offer opportunities for the internally displaced, but also additional protection challenges.⁶⁰ In Colombia, for example, gay IDPs in urban areas have been forced into human trafficking networks.⁶¹ In Central America, threats and violence against LGBTI IDPs by criminal gangs have triggered intra-urban displacement. Both in Colombia and Central America, LGBTI organizations operating urban reception centers for IDPs have offered a haven to sexual and gender minorities—but armed actors have also targeted these organizations.⁶²

BOX 3 • HIV+ LGBTI VENEZUELAN IN CONDITIONS OF FORCED DISPLACEMENT IN COLOMBIA

The political, economic, and social crisis in Venezuela has produced the largest mixed migration ever recorded in Latin America and the Caribbean. According to the International Organization for Migration, four million people left the country between 2015 and 2019; over 1.3 million Venezuelans fled to neighboring Colombia.^a Sexual and gender minorities are particularly vulnerable in this mixed migration flow, but the protection and health-associated risks for HIV positive (HIV+) people are particularly high. With antiretroviral treatments unavailable, many HIV+ Venezuelans—including members of sexual and gender minorities—have left their country in search of adequate treatment.

Authorities in Colombia report a sharp rise in requests for antiretroviral medicines by Venezuelan refugees and migrants. They have sounded the alarm on the magnitude and gravity of survival sex work in border towns. The UNHCR has urged the Colombian government to comply with its obligations under the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol and binding responsibilities, to assist and protect HIV+ persons in need of international protection.

Organizations that work with HIV+ persons in Venezuela—Aid for Aids, for example—have pleaded for increased supplies of antiretroviral medications to diminish push factors. Access to such treatments, however, should be accompanied by prevention campaigns, condom distribution, psychological support and—most importantly—anti-stigma and anti-discrimination campaigns. Articulated actions involving line ministries, UN agencies, international NGOs, CSOs, and civil servants with a health and rights protection mandate are a huge gap in this context.

a. *Somos Panas Colombia*. 2019. "Colombia, una oportunidad de vida para los venezolanos con VIH-SIDA." *El Tiempo*, January 24. <https://www.eltiempo.com/mundo/venezuela/que-puede-hacer-un-venezolano-que-padece-de-vih-sida-318724>.

SGBV AND SEXUAL AND GENDER MINORITIES

SOGI-based protection risks make sexual and gender minorities more prone to experience SGBV in conflict and fragile zones. In this paper, SGBV refers to any act perpetrated against a person's will, is based on gender norms and unequal power relationships, and includes physical, emotional or psychological, and sexual violence.⁶³ SGBV against sexual and gender minorities has been widely reported and condemned. The United Nations has sounded the alarm on the increase in cases of SGBV against sexual and gender minorities in various countries.⁶⁴ The exacerbation of sexual and gender minorities' vulnerabilities in insecure, fragile, and conflict zones is broadly enabled by the collapse of institutions, justice systems, and safe spaces, and by the virtual breakdown of already-weak community and family bonds. In countries with weak institutional capacities, barriers to address cases of SGBV are enormous, and impunity is rife. Stigma and discrimination, coupled with poor access to justice and institutions, often inform the failure to prosecute these crimes.

Although sexual and gender minorities are particularly vulnerable to experience SGBV in FCV-affected contexts, most responses focus on SGBV against women and girls.⁶⁵ As such, access to legal, humanitarian, and psychological assistance for SGBV victims is frequently directed at girls and women—leaving men, boys, and sexual and gender minorities behind.⁶⁶ Although some humanitarian actors have addressed this gap, it remains concerning. Empirical evidence suggests that SGBV survivors who do not receive assistance carry deep psychological wounds which, left unattended, manifest themselves in the breakdown of community and family bonds, depression, suicide, and increased alcohol and drug consumption.⁶⁷

There is no global protection framework to safeguard the rights of sexual and gender minorities (box 4). International humanitarian law, international human rights law, and international refugee law are, however, of critical importance to redressing SGBV and other crimes. More recently, the Yogyakarta Principles represented the culmination of a long collaborative process among international human rights experts and civil society groups to promote the rights of LGBTI people.

BOX 4 • INTERNATIONAL LAW AND THE PROTECTION OF LGBTI PEOPLE IN FCV-AFFECTED CONTEXTS

No global legal framework exists to safeguard the rights of sexual and gender minorities—let alone in conflict zones—but there is also no general human rights treaty addressing the rights of LGBTI people. States have the legal obligation to respect, protect, and fulfill the rights of sexual and gender minorities under international human rights law and customary law. In essence, the State must refrain from interfering with or curtailing the enjoyment of fundamental human rights, protect individuals and groups against human rights abuses by third parties, and facilitate the exercise of these rights. In the context of armed conflict, however, the legal scenario is more complicated.

In situations of armed conflict—whether domestic or international—the parties involved in hostilities are obliged to protect persons who are not participating in the confrontation and to restrict and regulate the means and methods of warfare available to combatants under international humanitarian law (IHL).

Box continues next page

IHL does not replace international human rights and customary law during times of conflict. Instead, international human rights law applies at all times and complements IHL. Ensuring the fulfillment of the humanitarian imperative is key to addressing the vulnerabilities of sexual and gender minorities in the context of humanitarian crises.^a The principles of impartiality and non-discrimination in aid delivery must extend to SOGI.^b

International refugee law is relevant to promoting protection for sexual and gender minorities in conditions of forced displacement and, many would argue, is the branch of international law that has most integrated SOGI-sensitive considerations. The UNHCR's *Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity* can assist governments in processing international protection requests based on SOGI considerations.^c

Legal experts, however, have observed with concern that SOGI is not expressly provided for in IHL at this time. Common Article 3 of the Geneva Conventions, for example, prohibits the targeting of individuals on the basis of race, color, religion, faith, sex, birth or wealth, or other similar criteria. Yet, it does not include sexual orientation and gender identity as explicit criteria.

Similarly, SOGI are not expressly included in the Rome Statute. International law scholars argue that the failure to expressly include SOGI in the treaty that established the International Criminal Court could hinder the prosecution of State and non-State actors for certain breaches of IHL committed on the basis of sexual orientation and gender identity and that conclude in war crimes, genocide, or crimes against humanity.^d

The Yogyakarta Principles—which aim to promote and protect the rights of LGBTI people on the basis of standards of international human rights law—represent the culmination of a long collaborative process among international human rights experts and LGBTI civil society groups. The original 2007 document contemplated 29 Principles; in 2017, an additional ten were added. UN Member States, however, have repeatedly rejected the Principles, which are not legally binding character and do not enjoy universal recognition.

a. UNHCR 2011.

b. O'Connor, Jasmine. 2012. "A Humanitarian Blind Spot?" *Humanitarian Practice Network (blog)*, October 9. <https://odihpn.org/blog/a-humanitarian-blind-spot/>.

c. Volker 2013.

d. *Human Dignity Trust* 2015.

III. AREAS FOR WORLD BANK ENGAGEMENT

This section identifies four entry areas for World Bank engagement in addressing gender inequality and ensuring social inclusion of sexual and gender minorities in FCV-affected environments. Entry areas are clustered into four categories: (i) data generation; (ii) programming and project design; (iii) knowledge generation, training and learning; and (iv) partnerships.

DATA GENERATION

Filling the data gap. Fragile countries are among the most data-deprived. Data is critical to developing programming and project design. Quantitative and qualitative data on sexual and gender minorities is essential for effective development programming. Filling the data gap



in FCV-affected countries may be significantly more challenging, however. Technology and social networks can provide innovative avenues for data collection, and partnerships with local stakeholders could also be key in securing safe and regular access to these areas. Methodologies for data collection and analysis should be defined per the security and social conditions of these contexts, and should always be guided by do-no-harm principles. Monitoring and evaluation frameworks and fit-for-purpose surveys could also be developed.

Fit-for-purpose data collection methods. Data collection on diverse SOGI groups and individuals should also be undertaken in line with international human rights law, data protection, and confidentiality standards. Discussions on any data collection exercise should include relevant national and international actors, including local partners who can advise on the practicalities and associated risks.

SOGI country profiles. This tool could incorporate FCV-associated data and considerations, including information on armed actors, forcibly-displaced persons, stakeholders mapping of key humanitarian and development actors, SGBV, victims, and peace-building initiatives.

PROGRAMMING AND PROJECT DESIGN

One World Bank Group approach. Efforts in addressing the development and protection challenges of sexual and gender minorities shall not be limited to the International Development Agency (IDA) and the International Bank for Reconstruction and Development (IBRD). They must include all World Bank Group institutions. Recognizing that the private sector lies at the center of a sustainable development model in FCV, the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) are of critical importance to addressing the development obstacles of sexual and gender minorities.

World Bank development planning tools and policies. Development planning tools such as Systematic Country Diagnostics and Country Partnership Frameworks, among others, could incorporate aspects relating to SOGI. Specifically, these tools could observe how FCV drivers affect the lives of sexual and gender minorities. Cooperation with the Operations Policy and Country Services (OPCS) Vice Presidency will be important.

Environmental and Social Framework (ESF). The ESF involves a thorough identification and assessment of potential social risks and risk management commitments that can stem from World Bank-funded projects. ESF's Environmental and Social Standards (ESS) 1 and 10—Assessment and Management of Environmental and Social Risks and Impacts (ESS1) and Stakeholder Engagement and Information Disclosure (ESS10)—could incorporate SOGI considerations in FCV-affected areas. As discussed, the GPN on Non-Discrimination: Sexual Orientation and Gender Identity provides Bank staff and borrowers expert guidance on the management of SOGI-associated risks.

World Bank planning tools in FCV. SOGI-sensitive considerations could be incorporated in planning tools used in different phases of Bank engagement in FCV-affected environments. As discussed, the FCV Strategy envisions interventions beyond the post-conflict reconstruction phase. The tools envisaged in the new strategy could incorporate SOGI considerations. Cooperation with the OPCS Vice-Presidency and Environment and International Law (LEGEN) will be of critical importance.

Private sector engagement through IFC and MIGA support. IFC and MIGA are scaling up their efforts significantly to assist the private sector in conflict-affected countries. IFC's 2018 capital increase package emphasized IFC's growth in IDA and fragile and conflict-affected countries. IFC and MIGA efforts were boosted further by the introduction in IDA18 of the \$2.5 billion Private Sector Window. Considering that the private sector is often stronger than public institutions in FCV countries, both IFC and MIGA could play a critical role in stimulating private sector-led economic opportunities for sexual and gender minorities.

Collaboration between the FCV Group and the Social Development Global Practice's SOGI Inclusion Team. In light of the FCV Strategy, joint operations and analytical products—resulting from collaborations between the FCV Group and the Social Development Global Practice's SOGI Inclusion Team—could be explored in countries that are amenable to addressing SOGI issues.

Cooperation between Country Management Units (CMUs) and borrowers amenable to addressing SOGI issues. The Social Development Global Practice's SOGI Inclusion Team has developed tools for supporting CMUs in their engagements with SOGI-friendly clients, mainly focused on helping to identify operational entry points for SOGI inclusion. Early experience with some clients has shown that operations with a gender inequality focus are especially relevant for SOGI inclusion.

KNOWLEDGE GENERATION, TRAINING, AND LEARNING

Knowledge generation and dissemination. Country, sector, and Global Practice-specific analysis will be required to develop SOGI-sensitive projects. The needs of sexual and gender minorities can vary significantly between sectors and countries. Generating qualitative knowledge on the needs of sexual and gender minorities in different key development sectors is of critical importance.

Key thematic areas. Opportunities exist to produce knowledge products and form partnerships in various key thematic areas in FCV-affected environments. The potential list of topics includes forced displacement,⁶⁸ SGBV,⁶⁹ DDR programs,⁷⁰ interpersonal crime and violence in middle-income countries, and community-driven development.⁷¹



Training World Bank staff and World Bank LGBT staff who work on FCV countries.

Frequently, development, humanitarian, and government staff ignore the risks and challenges that sexual and gender minorities have to cope with in conflict zones. Education and training are unparalleled agents for stimulating inclusion. The preparation of workshops, handbooks, and manuals could be beneficial. For LGBT Bank staff members, training on well-being, safety, and security before, during, and after assignments in FCV settings could be provided.

Documenting good practices. Lessons learned from counties that have incorporated SOGI-sensitive considerations in their work could be useful for replication purposes.

Communications and outreach. The SOGI Advisor and the Social Development Global Practice's SOGI Inclusion Team could lead internal outreach initiatives (such as staff meetings in key sector units, brief presentations on SOGI in FCV in Department and VPU Town Halls, brown bag lunch presentations, online training, and so on).

PARTNERSHIPS

Drawing on the World Bank Group's comparative advantage as a development actor, partnerships are needed at the country level to address the needs and challenges of sexual and gender minorities in FCV-affected contexts. Country-specific analysis and stakeholder mapping should be conducted to tailor such partnerships. The social inclusion of sexual and gender minorities will only be possible by creating partnerships with a variety of stakeholders. Partnerships should be embedded in the principle of shared responsibility to achieve the SDGs, in accordance with the UN-WB partnerships and in full observance of UN Security Council Resolutions 1325 on Women, Peace, and Security and 2250 on Youth, Security, and Peace.

While partnerships at the country level may help address the needs and challenges of sexual and gender minorities, increasing interactions with key global partners will also be essential. A Community of Practice on this agenda—that gathers partners from across humanitarian, development, and peace sectors—could be established. Such partnerships could include humanitarian, development and peace actors across UN agencies, multilateral development banks, bilateral donors, NGOs, CSOs, academia, think tanks, the private sector and the media.

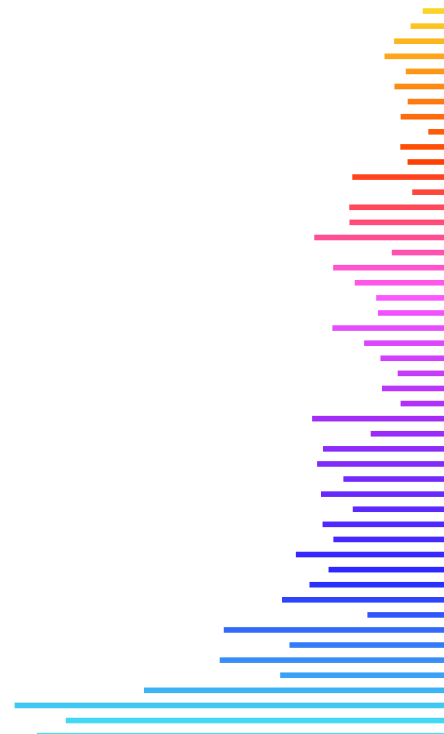
CONCLUDING REMARKS

Sexual and gender minorities face many development and protection obstacles in FCV-affected contexts. In recent years the United Nations has devoted particular attention to sexual and gender minorities in FCV, highlighting the relevance of gender-sensitive approaches in both development and humanitarian interventions in fragile and conflict environments. Yet donors must move


beyond a narrow, binary understanding of gender to adequately respond to the needs and risks of sexual and gender minorities.

Addressing the unique challenges faced by sexual and gender minorities is significantly more complex in FCV-affected settings. The collapse of institutions, destruction of already-weak safe spaces, and breakdown of community and family bonds exacerbate this process. A lack of data on sexual and gender minorities is a cross-cutting factor that hinders effective programming in areas such as health, education, access to justice, housing, employment, and basic services. This paper devotes special attention to persons who are forcibly displaced on the basis of their SOGI. It illustrates the challenges faced by refugees, asylum-seekers, IDPs, and stateless persons in their country of origin as well as in the main countries of asylum. In 2020, consensual same-sex acts are illegal in three of the five countries with the largest refugee populations.

Analytical work on the intersections between SOGI and FCV-associated processes and challenges is needed to improve World Bank operational engagement. Bilateral meetings with key World Bank actors involved in FCV operations should be used to further develop the scope of the potential entry points identified above. In the absence of comprehensive gender-sensitive policies, interventions, and programs in FCV-affected settings, the social inclusion of sexual and gender minorities will continue to be jeopardized, and cycles of violence repeated. Urgent action must be taken to protect the lives of minorities—including sexual and gender minorities—living in FCV-affected countries.



ENDNOTES

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- 1 UNHRC 2014, para. 57.
 - 2 In this paper, the acronym FCV refers to the challenge of fragility, conflict and violence regardless of classification as Fragile and Conflict-Affected Situations and the Harmonized List of Fragile Situations. Consequently, this paper adopts a broader definition of FCV and includes countries that suffer from sub-national conflict (such as Colombia and Nigeria), or factors such as high levels of crime and violence (the Northern Triangle countries in Central America and Brazil).
 - 3 World Bank 2018a.
 - 4 World Bank. 2018b.
 - 5 UNHCR 2011.
 - 6 Dolan 2014.
 - 7 Encarnación, Omar. 2017. "The Global Backlash Against Gay Rights. How Homophobia Became a Political Tool." *Foreign Affairs*, May 2. <https://www.foreignaffairs.com/articles/2017-05-02/global-backlash-against-gay-rights>.
 - 8 O'Connor, Jasmine. 2012. "A Humanitarian Blind Spot?" (blog), October 9. <https://odihpn.org/blog/a-humanitarian-blind-spot/>.
 - 9 ILGA World 2019.
 - 10 Encarnación, Omar. 2017. "The Global Backlash Against Gay Rights. How Homophobia Became a Political Tool." *Foreign Affairs*, May 2. <https://www.foreignaffairs.com/articles/2017-05-02/global-backlash-against-gay-rights>.
 - 11 Human Dignity Trust 2015.
 - 12 World Bank 2013.
 - 13 World Bank 2013.
 - 14 World Bank 2013.
 - 15 Badgett 2014.
 - 16 Badgett 2014.
 - 17 Badgett 2014.
 - 18 World Bank 2017a.
 - 19 World Bank 2018b.
 - 20 The GILRHO is an index that gives a numerical value to the level of legal recognition of homosexual orientation. The index measures eight types of laws, including, for example: Are consensual homosexual acts between adults (women and men) legal in criminal law? After decriminalization, are age limits now equal for consensual homosexual and heterosexual acts? Is (some) sexual orientation discrimination regarding employment explicitly forbidden in legislation? Is there any recognition in law of non-registered cohabitation by same-sex partners? Can same-sex couples enter into a registered partnership? Is second-parent or joint adoption by same-sex partner(s) legally possible? Can same-sex couples legally get married? See Badgett and others (2014, p. 57).
 - 21 Badgett and others 2014.
 - 22 World Bank 2019.
 - 23 World Bank 2018a.
 - 24 World Bank 2020.
 - 25 World Bank 2011.
 - 26 World Bank and United Nations 2018.

- 27 *The World Development Report 2011* presents five key messages relevant to national, regional and global institutions. First, cycles of violence can only be interrupted if legitimate institutions are in place. When state institutions do not adequately protect citizens, guard against corruption or provide access to justice, the likelihood of violent conflict increases. Second, investing in citizen security, justice and jobs is essential to reducing violence. Special attention should be given to private sector job creation, and the empowerment of women. Third, confronting this challenge means that institutions need to change and actions should be taken to measure results. A better handoff between humanitarian and development actors is needed. Fourth, there is a need to adopt a layered approach and to involve regional and global institutions to address problems at the country level. Fifth, policy makers must be aware of the changing nature of the global political landscape, and more attention should be given to middle-income countries. Institutional legitimacy is a cross-cutting issue in the five messages.
- 28 World Bank 2013.
- 29 Some of 23 measures in the FCV Strategy are also included as policy commitments under the FCV Special Theme for the IDA19 Replenishment.
- 30 World Bank 2020.
- 31 These are operations marked according to a new World Bank monitoring system for operations entitled 'Gender Tag', launched in January 2017. This system distinguishes and highlights projects and programs that identify relevant gaps between women and men, and boys and girls, and aims to address these gaps through specific actions supported by the project, and link them to indicators in the results framework.
- 32 World Bank 2018a.
- 33 For more on the impacts of FCV on men and masculinity, see World Bank (2015).
- 34 The Northern Triangle refers to the three Central American countries of El Salvador, Guatemala, and Honduras.
- 35 World Bank 2013.
- 36 World Bank 2017a.
- 37 World Bank 2018b.
- 38 Badgett 2014.
- 39 World Bank 2011.
- 40 Spiegel 2004.
- 41 Beyrer 2014.
- 42 Pillay, Navi 2014. "Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Nigeria." Abuja, March 14, 2014. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14374&LangID=E>.
- 43 World Bank 2017a.
- 44 World Bank 2019.
- 45 https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf
- 46 UNHCR 2015.
- 47 Human Dignity Trust 2015.
- 48 Morales Quiceno, Isabella. 2019. "El colectivo LGBT de Medellín que persiste en medio del conflicto." *El Tiempo*, August 26. <https://www.eltiempo.com/colombia/medellin/casa-diversa-el-colectivo-lgbt-de-medellin-que-persiste-en-medio-del-conflicto-404928>.
- 49 World Bank 2017b.
- 50 UNHCR 2015.
- 51 Internal Displacement Monitoring Center and Norwegian Refugee Council 2019.
- 52 UNHCR 2015.
- 53 UNHCR 2015.
- 54 UNHCR 2015.
- 55 IOM 2016.
- 56 UNHCR 2012a.
- 57 Internal Displacement Monitoring Center and Norwegian Refugee Council 2018.
- 58 Internal Displacement Monitoring Center and Norwegian Refugee Council 2019.

- 59 World Bank 2017c.
- 60 UNHCR 2012b.
- 61 Human Rights Center, Berkeley Law, University of California and UNCHR 2013.
- 62 IOM 2016.
- 63 This definition is taken from UNHCR's SGBV Prevention and Response Training Package, available at <https://www.unhcr.org/583577ed4.pdf>.
- 64 See the United Nations Human Rights Council Resolution 17/19 on human rights, gender identity and sexual orientation (UNHRC 2011a). For further information, see UNHRC (2011b).
- 65 Salazar-Godoy, Nicolás. 2014. "The UK Stabilization Unit and Sexual Violence in Conflict." *Engenderings* (blog), April 23. <https://blogs.lse.ac.uk/gender/2014/04/23/uk-stabilisation-unit-sexual-violence-conflict/>.
- 66 In recent years, however, attention has been given to boys and men that experience SGBV and to the study of masculinity in conflict zones. See World Bank (2015).
- 67 Anad 2007.
- 68 The World Bank is engaged in supporting host countries and communities to cope with forced migration-associated challenges. These challenges are frequently combined with fragility-associated stresses. Considering that both countries with the largest refugee populations (for example, Uganda, Iran and Lebanon) and the countries with the largest expulsion rates (such as Syria, Afghanistan and the Democratic Republic of Congo) criminalize same-sex conduct, SOGI-based considerations could be incorporated in Bank-supported forced migration-associated projects.
- 69 The World Bank has strengthened its response to addressing issues involving sexual exploitation and abuse through the establishment of its SGBV Task Force and various strategic partnerships. Recently, the World Bank Group and the Sexual Violence Research Initiative partnered to create the Development Marketplace for Innovation on SGBV Prevention and Response. The work of the SGBV Task Force, however, focuses primarily on cases of SGBV against women and girls. The inclusion of sexual and gender minorities in the operational work of the SGBV Task Force and its initiatives is important.
- 70 The World Bank is well-positioned to support borrowers in their efforts to reintegrate ex-combatants. The Bank is one of the main development stakeholders that support DDR programs in fragile and conflict contexts. SOGI considerations could be incorporated when working with male and female LGBTI ex-combatants. Other Bank-funded post-conflict stabilization measures and programs with vulnerable groups in FCV-affected environments—such as victims or youth at risk—could similarly mainstream SOGI considerations.
- 71 CDD is the most frequently used approach in contexts affected by FCV. As of June 2018, the Bank's active CDD portfolio in FCV-affected situations totaled \$3.3 billion, with an additional \$1.1 billion provided by other donors. As of November 2018, the CDD portfolio covered 44 projects in 29 countries, with almost half the financing going to countries in Africa. CDD operations devote special attention to addressing the needs of the most vulnerable (minority groups, for example) and to ensuring the participation of minorities. Increased cooperation between the SOGI Task Force and the CDD Community of Practice could benefit sexual and gender minorities' inclusion in development interventions under the CDD approach.

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