

How to help LGBT refugees ?



A HELPFUL GUIDE BY:

BENAVENTE Theo

Youth Center of Epirus



INTRODUCTION

According to EU laws, LGBT+ people are eligible to receive the refugee status, even though LGBT+ asylum seekers still face multiple forms of discrimination. Asylum authorities and procedures are often not equipped to deal with their particular situation which generally puts LGBT+ refugees in a difficult position concerning their asylum. In most EU Member States there are no special accommodation facilities for LGBT+ people.

According to ILGA World's latest report on state sponsored homophobia (December 2020) :


70 countries criminalize people based on their sexual orientation or their gender identity

6 apply the death penalty

Countries that criminalize sexual orientation can sentence someone from 3 years to a lifetime in jail, for example in Kenya, Tanzania, and Bangladesh.

Nigeria is one of the least safe countries in the world for being LGBT+ as people are usually either sent to prison or beaten to death.

In Baghdad and in the middle of Iraq, groups supported by the government have been organized for killing people, following a list of names of suspected LGBT+ individuals. Also, suspected "safe community places" have been burned down or even bombed.



The number of LGBT+ people turned into refugees keeps increasing every year. Even though countries that are already accepting of LGBT+ people are getting more and more accepting, countries that are dangerous are getting worse too.

It is legitimate for LGBT+ people to want to leave their country as they are not safe in their country of origin since they risk either death, jail, and/or harassment. It is our duty to provide them with help in the same way as the other refugees, without judgement or discrimination.

The Qualification Directive (2011/95/EU) which defines the criteria for international protection, expressly mentions sexual orientation and gender identity as one of the possible reasons for persecution (Article 10).

Sexual orientation and gender identity are not referred to in the Receptions Conditions Directive (2013/33/EU) but the Article 21 includes a list of vulnerable people where the LGBT+ people can be included even though they are not explicitly mentioned.

Now, the objectives of this guide are to spread awareness on the situation of LGBT+ refugees by mentioning the different kind of discriminations they may face during their asylum procedure, and in some cases to give potential solutions to treat their cases in a proper way. It is mostly directed to any workers involved in refugee's situation and/or asylum seekers.





SAFE COUNTRIES... OR NOT ?

A country is considered as a “**safe country of origin**” if “it can be clearly demonstrated that persons in these countries do not suffer persecution, [...] nor torture or inhuman or degrading treatment or punishment [...]” according to the AIDA (Asylum Information Database) website.

The "safe countries" criteria does not include every individual's situation, since it does not take into consideration the situation LGBT+ people are facing, for one example. Despite being victims of torture, suffering persecution, and in the worst cases being threatened of death, some LGBT+ refugees are considered being a part of a safe country (for example : Senegal)

Being part of a safe country of origin as an asylum seeker means that you will go through the **Accelerated asylum procedure**. This specific procedure is faster, and usually ends up with negative results. It is more difficult to obtain asylum when going through this procedure, it significantly reduces your chances to obtain rights and protection.

It is necessary to revisit these criteria and/or to adapt the safe countries list to a more accurate one that takes into consideration more factors such as countries who persecute LGBT+ people but also, countries that legalize arranged marriage between minors and adults, countries that practice genital mutilation and more...

Non exclusive list of countries that persecute LGBT people

In this document I am classifying all countries that have been declared as not safe for LGBT+ people, which includes countries that perpetuate discrimination and persecution, such as countries that criminalize LGBT+ people to either imprisonment or death penalty. No matter if they are considered "safe" or not.

A	H	N	T
Afghanistan	//	Namibia	Tanzania
Algeria		Nigeria	Togo
Antigua and Barbuda	I	O	Tonga
	Indonesia (in some areas)	Oman	Tunisia
B	Iran		Turkmenistan
Bangladesh	Iraq	P	Tuvalu
Barbado	J	Pakistan	U
Bhutan	Jamaica	Papua New Guinea	Uganda
Brunei	K		United Arab Emirates
Burundi	Kenya	Q	Uzbekistan
	Kiribati	Qatar	V
C	Kuwait	R	//
Cameroon	L	//	W
Chad	Lebanon	S	//
Comoros	Liberia	Samoa	X
Cook Islands	Libya	Saudi Arabia	//
D	M	Senegal	Y
Dominica	Malawi	Sierra Leone	Yemen
	Malaysia	Singapore	Z
E	Maldives	Solomon Islands	
Egypt	Mauritania	Somalia	
Eritrea	Mauritius	South Sudan	
Ethiopia	Morocco	Sri Lanka	
F	Myanmar	St Kitts and Nevis	
/		St Lucia	
G		St Vincent and the Grenadines	
Gambia		Sudan	
Ghana		Swaziland	
Grenada		Syria	
Guinea			
Guyana			



HARASSMENT INSIDE THE REFUGEE CENTER

It is complicated to provide **special accommodation** to LGBT+ refugees because gender identity and sexual orientation are not always identifiable. When starting the process of asylum seeking, it happens that LGBT+ people hide their situation by fear of being targeted and/or persecuted. They do not directly claim the real reason they are asking for asylum, so social workers and other people involved can not always correctly accompany the persons in their asylum process.

Persecution does not only interfere with their life in their country of origin, but it also takes effect in refugee centers and refugee camps inside EU countries, that's why they have to keep hiding their true identity.

Refugee camps **increase** the risk of isolation and trauma retriggering because they are usually away from the city so they are put away from other LGBT+ refugees or from safe spaces and community for LGBT+ people.

Also, overcrowded centers expose them to a lot more violence and risk of harassment because they usually have to share rooms with a lot of people. They don't have any other place to go, or to sleep so they are stuck and have to hide their identity as much as possible. If their sexuality is exposed they can get physically assaulted and/or rejected by the rest of the group.

It is important to try to provide special accommodation such as creating safe space for LGBT people inside the refugee center. For example, putting them in the same room together can significantly reduce the risk of being persecuted by their roommates.




LACK OF INFORMATION

When asking for asylum in a EU member state, your case needs to be **assessed**. The court asks you to provide proof that you are in a position of danger and that it is not safe for you to return to your country of origin. In this situation, LGBT+ people find it difficult to provide actual proof about their sexual orientation and/or gender identity.

Questions that are gonna be asked in court are often stereotypical, and they don't respect the privacy of the applicants. They are gonna ask if the applicants know of any gay bar or gay social meeting places from their original country, for example.

It is complicated to give actual proof about your sexuality, most LGBT+ people have to hide their orientation when in the country of origin to survive, so most of the time they don't know any gay social meeting places, or their image does not correspond to the stereotypical idea of what an LGBT+ person is.

A 16 years old applicant was rejected because he was not able to verbally formulate in sufficient detail his inner thoughts and emotions regarding his sexual orientation. The assessment of LGBT+ people's cases is not adapted to their situation and it reduces their chance to receive their asylum status.



Another problem comes from the fact that social workers, judges, officers, and even interpreters involved in the case of the applicant do not have in their possession all the required information to treat the case of an LGBT+ person, or they sometimes discriminate intentionally.

Cases have been reported that interpreters refused to correctly translate the statement of applicants when they realize they are LGBT+. Sometimes they just don't know how to use a correct word.

It is necessary that every person, mostly workers involved in asylum seeking have at least basic knowledge of what being LGBT means. Knowing the definition, the correct translated words, but also having basic information about the situations of LGBT people in non-safe countries.

While assessing a case, it is important not to ask too private of a question about the sexual life of the applicant. It is complicated to assess an individual's gender identity or sexual orientation, but the current way is sanctioning LGBT people. Helping an LGBT refugee means having a neutral and a non-stereotypical judgement of the situation.



ACCESS TO HIV AND HORMONAL TREATMENT

Transgender refugees will also face their own problems and discriminations, mostly when it comes to hormonal treatment access. Most of the time, transgender people who started their treatment in their country of origin have to interrupt their treatment once in the new country because of the lack of guidelines on the provision of specific healthcare. The interruption of treatment can be very dangerous to transgender people and can have severe consequences.

The same situation happens to asylum seekers living with HIV; lack of assistance leads to interrupting the HIV treatment which has bad consequences as well. The Covid19 situation has made it worse; The lockdowns, limitations on mobility, and the cutting of services at medical centers have pushed trans asylum seekers and asylum seekers living with HIV to interrupt their treatments.

It is necessary to help and accompany transgender people to access hormonal treatment for the first time, or to at least keep the treatment they were originally taking before leaving their country, the same way for people living with HIV.

Also, it is important for every worker involved in asylum seeking to have at least basic knowledge on what being transgender means, since they are subject to misgendering for example. Respecting people's gender is a must, and we have to be careful since they are gonna face harsh discrimination such as isolation, violence and even sexual assault.



REFERENCES

- ILGA Europe Blog : "The shocking truth about LGBTI asylum seekers living through COVID-19 in Europe"
- ILGA World : "World map sexual orientation laws December 2020"
- Asylum Information Database (AIDA) : website
- Fundamental Rights Agency : "Current migration situation in the EU: Lesbian, gay, bisexual, transgender and intersex asylum seekers" March 2017
- Qualification Directive (2011/95/UE)
- Receptions Conditions Directive (2013/33/EU)

Thank you for reading

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