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LGBTI persons in migration

*Based on the chapter on LGBTI issues of the
Train the Trainer manual by IOM*



PROTECT

Implementing countries: Belgium, Bulgaria, Croatia, Greece, Hungary, Ireland, Italy, Malta, The Netherlands, Poland, Slovenia, Spain

Aim of the project:

- to strengthen the capacities of existing national support services for sexual and gender based violence to coordinate better and make these systems available for refugee, migrant and asylum seeker victims and potential victims of SGBV
- to raise awareness among and empower these communities.

Project outputs:

- SOPs/Guidelines developed / reviewed / contributed to in 8 countries
- 120+ trainings organized over 12 countries
- 13 000+ information materials distributed
- 200+ information session organized on SGBV prevention

Project period: October 2018 – March 2020



International Organization for Migration (IOM)
The UN Migration Agency



Who has experience in working with LGBTI persons in migration?



LGBTI persons in migration

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LGBTI persons in migration?



Structure of training

Divided into 3 parts:

- Basic language and terminology
- LGBTI persons in (forced) migration
- LGBTI persons at risk of SGBV or victims of SGBV



Basic language and terminology



Basic language and terminology

- Societal level: appropriate language promotes gender equity and gender diversity and contributes to the eradication of gender bias.
- Interpersonal level: forming trustworthy relations based on respect.
- The terminology describing diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) is varied and non-standardised.
- In the languages of origin of many migrants and persons in forced migration, there is no uniform terminology. It can be scarce and unnuanced.



Basic language and terminology

- **LGBTI**: an acronym for lesbian, **g**ay, **b**isexual, **t**ransgender and **i**ntersex people.
- **SOGIESC**: an acronym referring to **s**exual **o**rientation (SO), **g**ender **i**ntity (GI), **g**ender **e**xpression (E) and **s**ex **c**haracteristics (SC).



Basic language and terminology

Sexual orientation refers to each person's enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, individuals of a different gender or the same gender or more than one gender.



Basic language and terminology

Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth or gender attributed to them by society, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms. Some people's gender identity falls outside the gender binary, and related norms.



Basic language and terminology

Gender expression refers to people's manifestation of their gender identity to others, by for instance, their name, pronouns, dress, speech and mannerisms. People's gender expression may or may not match their gender identity, or the sex and corresponding gender they were assigned at birth. It is important to keep in mind that our predominant notions of what gender expression matches what gender identity and/or gender are socially constructed.



Basic language and terminology

Pronouns are words that refer to either the person talking (I or you) or someone or something being talked about (she, he, it, them or this). In order to refer to someone respectfully, we should know the pronoun(s) they use to refer to themselves.

NEVER ASSUME.

LISTEN HOW A PERSON REFERS TO THEMSELVES OR ASK.



Basic language and terminology

Sex: A person's sex is a combination of bodily characteristics, including:

- chromosomes, which can include such variations as XXX, XXY, XYY and X0, in addition to the more common XX and XY variations;
- hormones;
- internal reproductive organs (such as ovaries and testes);
- external genitalia (such as vulvas and penises) and
- secondary sex characteristics (such as breasts, Adam's apple, hair or lack of it on certain parts of body).



Basic language and terminology

How is sex determined?

- An infant's sex is typically based on the appearance of external genitalia and a binary vision of sex (male-female).
- The process may exclude or discriminate against intersex persons.
- The sex is usually written on a birth certificate and other personal identification documents, which makes sex a legal category.
- Sex influences the socialisation of persons.



Basic language and terminology

Intersex is an umbrella term used to describe a wide range of natural bodily variations. Intersex individuals are born with sex characteristics that are either female and male at the same time, not quite female nor male, or neither female nor male. Intersex people's sex characteristics and bodies are healthy variations of the human sexes.

For some intersex people, their intersex body becomes visible at birth, for some during childhood and with others, their body shows itself to be intersex during adolescence or even adulthood. For some, the differences will be so small they may never realise they are intersex at all.



Activity I

Discussing definitions of basic terminology



Sexual orientation terminology

Gay refers to a person whose enduring romantic, emotional and/or physical attraction is to people of the same gender. It traditionally refers to men, but other people who are attracted to the same gender or multiple genders may also define themselves as gay. The term can be used to describe both gay men and lesbians.

Lesbian is a woman whose enduring romantic, emotional and/or physical attraction is to other women.

Homosexual describes persons whose enduring romantic, emotional and/or physical attraction is to person(s) of the same sex or gender (also referred to as “gay”). Note that, in English, many people consider homosexual an out-dated clinical term that should be avoided.



Sexual orientation terminology

Bisexual refers to a person who has the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex or gender, as well to person(s) of a different sex or gender, not necessarily at the same time and equally among persons of the genders they are attracted to.

Pansexual refers to a person who has the capacity for romantic, emotional and/or physical attraction to person(s) of all genders or regardless of their gender.

Heterosexual refers to a person who has the capacity for enduring romantic, emotional and/or physical attraction to person(s) of different sex or gender.



Gender identity and gender expression terminology

Transgender or trans is an inclusive umbrella term referring to people whose gender identity and, in some cases, gender expression, differs from what is typically associated with the sex they were assigned at birth.

It may include, but is not limited to: transgender, non-binary, androgyne, polygender, genderqueer, agender, gender variant, gender non-conforming, or with any other gender identity and/or expression which does not meet the societal and cultural expectations and norms placed on gender identity.



Gender identity and gender expression terminology

Transition is a process of modifying one's external gender presentation in order to be more in line with one's gender identity. This is a complex process that typically occurs over a long period of time. Transition includes some or all of the following personal, medical and legal steps: telling one's family, friends and co-workers, using a different name and new pronouns, dressing differently, changing one's name and/or sex on legal documents, hormone therapy and possibly (though not always) one or more types of surgery. The steps involved in transition vary from person to person.



Gender identity and gender expression terminology

Gender recognition is a process whereby a person's gender that differs from the sex assigned at birth is recognised in law, or the achievement of the process.



Personal development and prejudice terminology

Coming out is a life-long process of self- acceptance of one's own sexual orientation and/or gender identity, and can include providing information to others. The decision to publicly share one's identity may be influenced by internalised and/or structural and persistent homophobia, biphobia and/or transphobia in society.

Safer spaces: These are places where positive information about human gender and sexual diversity is available. These are places where there are people on hand to accompany and support a person through their search for their own sexual orientation and identity.



Personal development and prejudice terminology

Homophobia, Biphobia or Transphobia: Fear or hatred of gays, lesbians, bisexual and/or transgender persons. It can manifest itself in social exclusion, discrimination and violence against LGBT people.

Outed/Public Outing: Describes an individual's gender, sexual orientation or gender identity being made public against their will or without their knowledge, often for malicious purposes. Outing is a form of violence rooted in homophobia, biphobia and/or transphobia.



Other terminology

Men who have sex with men (MSM) is a term that refers to sexual conduct and encompasses males who engage in sexual activity with other males regardless of how they identify themselves. It is a term that is widely used in the field of HIV and other sexually transmitted infections (STIs), including by experts, activists and policy makers etc.

Women who have sex with women (WSW) is a term that refers to sexual conduct and encompasses females who engage in sexual activity with other females regardless of how they identify themselves.



Other terminology

Queer was used as a derogatory term to refer to LGBTI individuals in English language. Queer has been reclaimed by people who identify beyond traditional gender categories and heteronormative social norms. However, depending on the context, some people may still find it offensive. It also refers to queer theory, an academic field that challenges heteronormative social norms concerning gender and sexuality.

Questioning: People who are uncertain of their gender, sexual orientation or gender identity.



Gender and sexual orientation norms

Most societies are predominantly constructed around the following norms:

- heteronormativity
- cisnormativity
- gender binary



Heteronormativity

A set of social norms and everyday life practices which have evolved over the course of history around heterosexuality and are based on a binary opposition of female and male.



Cisnormativity

If heteronormativity connects to sexual orientation, then cisnormativity connects to gender identity. If the person's gender identity matches their sex assigned at birth, the person is cisgender. The Latin prefix cis means “on the same side”.



Gender binary

The gender binary is a socially constructed system that divides humanity into two distinct groups: women or men.

The gender binary is inextricably linked to sex characteristics, which include internal anatomy, genitals and chromosomes. Many people assume that sex characteristics define gender identity, gender expression and gender roles.

However, there are more genders than just male and female, and one's gender identity does not necessarily correspond with their sex characteristics. There are hundreds of societies that have developed traditions recognising many genders.



Summing up

There is no one way of being lesbian, gay, bisexual, transgender and/or intersex.

LGBTI persons do not form a homogenous group. They define their sexual orientation and gender identity differently, express their gender differently and have diverse sex characteristics.

They also differ in age, race, ethnicity, religion, political persuasions, socio-economic status, education, and other factors. When designing a support plan for an individual person, all of their personal circumstances should be taken into consideration.



LGBTI persons in migration



Introduction

Voluntary migration

- Some migrate to, for example, pursue their education or career.

Forced migration

- Some flee persecution unrelated to their SOGIESC.
- Others have been persecuted or at risk of persecution because of their SOGIESC.



Risks faced by LGBTI persons in forced migration

LGBTI persons in forced migration are often at risk of additional dangers:

- during their journey and
- upon arrival/stay in transit or destination countries.

For example:

- harassment and discrimination
- exclusion
- sexual violence
- or other forms of violence



Risks faced by LGBTI persons in forced migration

They may qualify as vulnerable persons with specific needs in terms of:

- legal assistance
- reception conditions
- receipt of non-food items
- access to healthcare
- access to justice



EU perspective: LGBTI persons in forced migration

There is still notable diversity in the handling of LGBTI international protection claims in the various EU Member States and in the field of reception conditions. This was confirmed by the Court of Justice of the EU in December 2014, in the A, B and C case.



EU perspective: LGBTI persons in forced migration

ILGA-Europe has identified the following main challenges for LGBTI persons in forced migration:

- the relevance of laws in the country of origin criminalising consensual same-sex sexual acts or the expression of non-standard sexual or gender identities;
- the requirement for LGBTI applicants to conceal their sexual orientation or gender identity upon return to the country of origin in order not to “provoke” violence and discrimination;
- the requirement to seek protection from homo- or transphobic state authorities in the country of origin;



EU perspective: LGBTI persons in forced migration

- the growing trend of rejections based on non-credibility of the sexual orientation or gender identity itself, in many cases based on stereotypes;
- the problem of late disclosure (coming out) to the migration authorities, which causes increased disbelief in the person's non-normative sexual orientation, gender identity and/or sex characteristics. There is little or no consideration of taboo or stigmatisation in the countries of origin, which can lead to seekers of international protection not disclosing their sexual orientation, gender identity and/or sex characteristics from the beginning of the international protection procedure;
- discrimination and violence faced by LGBTI applicants in reception facilities.



Activity II

Discuss why LGBTI persons may decide not to disclose certain personal information to migration authorities.

Example:

A gay man claimed international protection in one of the EU Member States on the ground of being persecuted based on his sexual orientation in one of the countries of the Global South. Fearing that his claim would be considered invalid, he decided not to disclose to the asylum authorities that he is married to a woman, which he was forced to do in his country of origin. He was granted refugees status. The asylum authorities later found out about his marriage and reopened his case.



Activity III

Discuss what could be done to resolve the following case:

A transgender woman claimed international protection in one of the EU Member States. Her official documents were not in line with her actual gender identity; therefore, she expressed the need for legal gender recognition in the mentioned EU country. As this particular country does not have any legal provisions regulating legal gender recognition for non-citizens and persons who were not born there, the woman decided to travel to another EU member country, despite the restrictions established by the Dublin Convention.



Summing up

LGBTI persons in (forced) migration are at risk or experience an array of specific and additional obstacles due to their sexual orientation, gender identity, gender expression and/or sex characteristics at all stages of their migration journeys.



SGBV experienced by LGBTI persons in forced migration



Introduction

LGBTI persons may experience SGBV in all stages, and in all areas, connected to forced migration, including:

- on route to another country ;
- in accommodation facilities (including asylum centers, camps and camp-like settings and detention centres);
- in accessing health care (for example, hormone replacement treatment for transgender persons, antiretroviral treatment for persons living with HIV, mental health services, assistance in SGBV related conditions or survival sex related conditions);
- in accessing national, provincial, or municipal justice mechanisms, including law enforcement and judiciary mechanisms, for SOGIESC related grievances;
- in accessing any other type of support.



Introduction

The perpetrators of SGBV can be:

- family members
- community members
- other migrants
- police staff
- military staff
- migration authorities
- staff and other service providers in accommodation facilities
- And others



Activity IV

Discuss examples of possible manifestations of SGBV experienced by LGBTI persons in forced migration.

Keep in mind that LGBTI persons do not form a homogenous group. They define their sexual orientation and gender identity differently, express their gender differently and have diverse sex characteristics. They also differ in age, race, ethnicity, religion, political persuasions, socio-economic status, education and other characteristics. All of these diverse personal circumstances and characteristics influence the vulnerability of each person, including in relation to sexual and gender based violence.



Lesbians

- May experience persecution based on their gender and sexual orientation.
- May be exposed more frequently to honour crimes and rape at the hands of private actors, including family and community members; perpetrators may be male or female, and crimes in which the woman is a perpetrator may be underreported by women.
- May also be victims of 'corrective rape', which is perpetrated in an attempt to 'cure' an individual's sexual orientation.
- May have impeded access to international protection procedures, police, and other forms of protection and support in other countries.
- May have other factors, such as living with a disability, that increases her dependency on other people, thus increasing her risk of SGBV.



Same-sex couples

- May not be recognised as family members by the authorities in the country of refuge or residence, and may therefore face the risk of being accommodated in separate facilities.
- May be impeded in claiming the right to family unity and to reunify with their family members.
- May face forced separation, which has a negative effect on mental health and socio-economic status, further exacerbating risks for SGBV.
- Note that non-recognition of same-sex couples is further complicated when the couple has children.

Gay men

- Often at more immediate risk of harm, especially from state actors in countries where male same-sex conduct is a criminal offence.
- May be reluctant to reveal to authorities or service providers the SGBV endured, due to threats, stigma or feelings of shame.
- Generally socialized into thinking that men cannot experience SGBV and can only be the perpetrators of SGBV.
- May be forced to perpetrate SGBV.



Bisexual persons

- Bisexuality is not well understood in many countries.
- Even though bisexual persons are attracted to people of more than one gender, they are persecuted because of their same-sex conduct.
- Bisexual women's experiences may be similar to those of lesbians.
- Bisexual men's experience may be similar to those of gay men.



Transgender persons

- May experience particularly severe persecution based on their gender, gender identity and/or sexual orientation.
- Are often persecuted under the laws that criminalise same-sex conduct.
- Partly depending on their visibility, they may be exposed more frequently to honour crimes and rape.
- Socio-economic status may impede their access to international protection procedures.



Intersex persons

- May experience persecution based on their sex characteristics.
- Persecution in the form of exclusion, harassment and violence can start when the individual is a baby or a child, due to traditional views in some societies that intersex people are ‘unnatural’ or even evil.
- Humanitarian aid workers, medical practitioners and others may be unfamiliar with intersex variations, further impacting individuals who experience abuse by providing uninformed, inappropriate or medically abusive care, or by outing the individual to others.
- The entire family of an intersex individual can also be affected.



Measures to address the needs of LGBTI victims of SGBV and LGBTI persons at risk of SGBV

- In accommodation
- Standard operating procedures for prevention and action in cases involving SGBV
- Trainings on LGBTI issues and forced migration
- Safer spaces for LGBTI persons in forced migration
- Working with local LGBTI NGOs



Accommodation

- In some countries, there are special accommodation facilities for LGBTI people in forced migration.
- In many countries, the establishment of such facilities is not (yet) possible or is not advisable for reasons related to safety, security and wellbeing.
- Other solutions may include:
 - private accommodation
 - accommodation provided by LGBTI NGOs and other NGOs
 - accommodating LGBTI person in facilities for families in forced migration



Protection of LGBTI persons in camp and camp-like settings

- In a camp setting vulnerability that existed before a crisis or that developed as a consequence of the crisis affect the needs of camp residents.
- LGBTI persons are often excluded from assistance and do not have a safe and dignified access to services.
- Agencies and organizations managing the camp and providing assistance to its residents should work to increase awareness of all stakeholders on protection issues facing the LGBTI persons.
- Identify local NGOs who have experience working with LGBTI persons.



Standard operating procedures for prevention and action in cases involving SGBV

- Check if SOPs are inclusive of the diverse needs of LGBTI persons;
- try to include a provision enabling LGBTI persons to access safe house(s);
- include LGBTI NGO(s) on the list of support providers and other bodies the SOPs envisages;
- if a revision of the SOPs is not possible, develop informal operational guidelines with relevant stakeholders for LGBTI victims of SGBV.



Trainings on LGBTI issues and forced migration

- Consider using or developing training materials and standard outreach materials.
- Try including LGBTI NGOs in the process.



Safer spaces for LGBTI persons in forced migration

- Creating support group(s) for LGBTI victims of SGBV and groups for LGBTI persons at risk of SGBV.
- Creating visual information materials, such as posters clearly stating that this place welcomes and respects all people.
- Displaying a rainbow flag or other socially-recognized signs and symbols.
- Anonymous comment and complaint boxes in accommodation facilities.
- Arranging visits by community services staff to areas assumed to have denser LGBTI populations.



Working with local LGBTI NGOs

- Including LGBTI NGOs into different processes and action is considered a good practice.
- Maintaining open communication with LGBT NGO(s) and/or (in)formal groups to obtain as much information as possible.



NGOs in Europe working with LGBTI persons and/or LGBTI persons in migration

- The number of NGOs in a given local community largely depends on the degree of social acceptance of diverse SOGIESC experiences and the level of development of the NGO sector.
- ILGA-Europe's membership list is a valuable source of information on LGBTI NGOs in Europe and is available at: <https://www.ilga-europe.org/who-we-are/members>



Summing up

- Identify specific needs of LGBTI persons in forced migration who have experienced SGBV or are at risk of SGBV.
- Create measures that take into consideration those specific needs and resources available.
- Form alliances with LGBTI NGOs and other stakeholders.



Last questions and suggestions

