



THESSISMUN



Study Guide

UN Human Rights Council



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1. Welcoming letter

Dear Delegates,

We are more than delighted to welcome you to the Human Rights Council of ThessIs MUN 2025! We look forward to meeting you in person and promise to help make this experience memorable. This year's agenda is focused on a subject matter that proves itself more and more important and contemporary; Protecting LGBTQ+ Rights in Migration and Asylum Processes.

We trust that you will collaborate in a diplomatic and productive manner throughout the days of debate. We would like to remind you that remaining friendly and polite towards the procedure and your fellow delegates is only going to facilitate the sessions and committee environment, in order for us all to enjoy the experience as much as possible.

When it comes to material preparation, we encourage you to study the Rules of Procedure, regarding the Human Rights Council. Furthermore, we advise you to study the present Study Guide, which contains essential information for the comprehension of this issue. However, we strongly suggest that you do not rely solely on it and conduct further research on both the subject matter and the specifics of your country's policy.

We, as your Chairs, will be glad to stand with you during the process of preparation and the days of the conference. We hope to see you achieve your goals in fruitful debate and definitely contribute to the provision of measures and solutions. Any queries or clarifications concerning the procedure and the agenda are certainly welcome!

Best regards,

The Board of the Human Rights Council,
Thomas Kefalos, President
Vasso Vasilonikolou, Vice President



2. Introduction to the Committee

2.1. Overview of the UNHRC

In 1950, the United Nations High Commission for Refugees (UNHCR) was created to protect and assist refugees and displaced people throughout the world in the wake of World War II. In order to guarantee that every refugee gets the support and protection they require, the organization functions in accordance with the tenets of international humanitarian law¹. The Human Rights Council was created as a subsidiary body in 2006 and came to replace the former Commission on Human Rights.² It consists of 47 Member States and addresses the promotion of respect for universal human rights and issues of thematic human rights and their violations. It has adopted the Universal Periodic Review, a tool for human rights assessment in Member States, the Advisory Committee and the Complaint Procedure, aiming to receive thorough research and reports of human rights violations accordingly, as well as the UN Special Procedures, officers that advise the body from a more targeted (state or theme-wise) perspective.

The aforementioned are included in the “Institutions Building Package”, encompassing several critical functions directed to the protection of displaced individuals³:

- **International Protection** to refugees, ensuring they are not returned to countries where they face persecution (the principle of non-refoulement).
- **Durable Solutions**, including voluntary repatriation, local integration, and resettlement in third countries.
- **Advocacy and Capacity Building**, supporting governments in building systems that uphold these rights.

2.2. The Importance of LGBTQ+ Rights within the UNHRC Framework

The United Nations Human Rights Council (UNHRC) plays a pivotal role in advancing the recognition and protection of LGBTQ+ rights as integral to global human rights. Although sexual orientation and gender identity have historically been marginalized within international human rights law, the UNHRC has increasingly emphasized the need to protect LGBTQ+ individuals from violence and discrimination. Landmark resolutions, such as Resolution 32/2 adopted in 2016, mandated the appointment of an Independent Expert to assess and combat violence and discrimination based on sexual

¹ UNHCR, “About UNHCR,” UNHCR, accessed November 27, 2024, <https://www.unhcr.org/about-unhcr>.

² “UN Human Rights Council”, International Justice Resource Center, accessed February 4th, 2025, <https://ijrcenter.org/un-human-rights-council/>

³ UNHCR, “United Nations, Statute of the Office of the United Nations High Commissioner for Refugees, Annex to General Assembly Resolution 428 (V),” 1950, <https://emergency.unhcr.org/sites/default/files/United%20Nations%20Statute%20of%20the%20Office%20of%20the%20United%20Nations%20High%20Commissioner%20for%20Refugees%20Annex%20to%20General%20Assembly%20Resolution%20428%2028V%29%20of%2014%20December%201950.pdf>.



orientation and gender identity⁴. This resolution marked a significant turning point by institutionalizing LGBTQ+ rights as a priority within the UN system.

The UNHRC's advocacy for LGBTQ+ rights underscores the universality of human rights. Reports by the Office of the High Commissioner for Human Rights (OHCHR) have highlighted the pervasive nature of discrimination, violence, and exclusion faced by LGBTQ+ individuals worldwide⁵. These reports have prompted calls for states to enact anti-discrimination laws, ensure legal gender recognition, and protect freedom of expression for LGBTQ+ communities. By framing these issues within established international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR), the UNHRC reinforces the principle that LGBTQ+ rights are fundamental and non-negotiable aspects of human dignity and equality.

The UNHRC's efforts have also fostered international cooperation and accountability. Through the Universal Periodic Review (UPR) process, member states are encouraged to address LGBTQ+ rights issues in their human rights assessments, leading to increased state commitments to address discrimination. Despite ongoing opposition from some states, the UNHRC's leadership demonstrates that the international community's recognition of LGBTQ+ rights continues to evolve, strengthening global norms for inclusivity and equality.

3. Introduction to the Topic

3.1. Current Global Landscape

The worldwide situation for LGBTQ+ persons seeking asylum is particularly alarming. According to a 2022 study by the UNHCR, nearly 1 in 5 refugees and migrants identify as LGBTQ+, with many escaping persecution from countries where same-sex relationships are criminalized⁶. Many countries, such as Iran, Saudi Arabia, and Uganda, have not only criminalized homosexuality but also imposed severe penalties, including imprisonment or death⁷.

3.2. Contextual Challenges in Asylum Processes

⁴ United Nations Documents, Resolution adopted by the Human Rights Council on 30th June 2016, accessed 8th February 2025, <https://documents.un.org/doc/undoc/gen/g16/154/15/pdf/g1615415.pdf>

⁵ UNHCR, "Publications of the Office of the United Nations High Commissioner for Human Rights", accessed 8th February 2025, https://www.ohchr.org/en/publications?field_subject_target_id%5B8087%5D=8087&field_subject_target_id%5B823%5D=823&hide_hero_cards=TRUE

⁶ UNHCR, "UNHCR Global Trends :: Forced Displacement in 2021," 2022, <https://digitallibrary.un.org/record/3977817>.

⁷ Gerardo Bandera, "Where Is Homosexuality Illegal and Punishable by Death?," FairPlanet, accessed November 27, 2024, <https://www.fairplanet.org/story/death-penalty-homosexuality-illegal/>; "Amnesty Uganda: The Anti-Homosexuality Bill Violates the Human Rights of Ugandans," International, January 16, 2014, <https://www.amnesty.org/en/documents/afr59/001/2014/en/>.



Asylum seekers from the LGBTQ+ community have systematically faced unique challenges during their application processes. Some of these adversities worth mentioned are the following⁸:

- **Systemic Barriers:** Insufficient knowledge and training in asylum systems to manage LGBTQ+ claims.
- **Cultural Stigma:** The fear of violence or harassment in refugee camps or institutions is known as cultural stigma.
- **Fear of Disclosure:** The inability to reveal one's sexual orientation or gender identity because of violence or prejudice is known as “fear of disclosure”.

4. Definitions

4.1. LGBTQ+ Community

The LGBTQ+ community encompasses a diverse range of individuals who identify with various sexual orientations and gender identities. Understanding this community is crucial for addressing their unique vulnerabilities⁹:

- **Lesbian:** a woman who is sexually or romantically attracted to other women¹⁰
- **Gay:** is a person who is sexually or romantically attracted to people of the same gender or sex.¹¹
- **Bisexual:** is a person who is sexually or romantically attracted to people of your own gender and people of a different gender.¹²
- **Transgender:** it is used to describe someone whose gender does not match the body they were born with¹³
- **Queer/Questioning:** is a person having or relating to a gender identity or a sexuality that does not fit society's traditional ideas about gender or sexuality¹⁴
- **Intersex:** is a person with sexual characteristics that do not fit into the male or female binary¹⁵
- **Asexual:** the person who is not experiencing sexual attraction (= the feeling of liking someone sexually), or relating to people who do not experience sexual attraction¹⁶.

⁸ “Challenges Facing LGBT Asylum-Seekers: The Role of Social Work in Correcting Oppressive Immigration Processes,” *ResearchGate*, October 22, 2024, <https://doi.org/10.1080/10538720902772246>.

⁹ UNHCR, “Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and Gender Identity.”

¹⁰ Cambridge Dictionary, “Lesbian” Definition, <https://dictionary.cambridge.org/dictionary/english/lesbian>

¹¹ Cambridge Dictionary, “Gay” Definition”, <https://dictionary.cambridge.org/dictionary/english/gay>

¹² Cambridge Dictionary, “Bisexual” Definition, <https://dictionary.cambridge.org/dictionary/english/bisexual>

¹³ Cambridge Dictionary, “Transgender” Definition, <https://dictionary.cambridge.org/dictionary/english/transgender>

¹⁴ Cambridge Dictionary, “Queer” Definition, <https://dictionary.cambridge.org/dictionary/english/queer>

¹⁵ Oxford Dictionary, “Intersex” Definition, https://www.oxfordlearnersdictionaries.com/definition/english/intersex_1?q=intersex

¹⁶ Cambridge Dictionary, “Asexual” Definition, <https://dictionary.cambridge.org/dictionary/english/asexual>



- +:Represents other sexual orientations and gender identities that are not specifically captured by the above categories.

4.2. Discrimination

Discrimination based on sexual orientation and gender identity can take many forms, impacting individuals at various levels¹⁷:

- **Structural Discrimination:** Institutional barriers preventing LGBTQ+ access to services that are accessible to the general public
- **Interpersonal Discrimination:** Individual prejudice acts like verbal abuse, harassment, violence and other.

4.3. Hate Crime

Hate crimes, which occur independently of violations of international law, are violent crimes perpetrated against a person or group because of their real or perceived sexual orientation, gender identity, religion, ethnicity, or race. Most likely, hate crimes go undetected and are not thoroughly investigated. Data point to a concerning pattern:

- According to the FBI's Hate Crime Statistics report (2024), 18.6% of hate crimes were based on sexual orientation, and 4.4% were based on gender identity. The report highlighted that hate crimes against LGBTQ+ individuals have consistently been on the rise¹⁸.
- In the United Kingdom, the Home Office reported that hate crimes based on sexual orientation increased by 144% from 2014 to 2019¹⁹.

5. Challenges Faced by LGBTQ+ Individuals in Migration and Asylum Processes

LGBTQ+ people are particularly at risk during the asylum and migration process. Governments frequently lack the adequate understanding of the needs of the LGBTQ+ community which often leads to the ignorance of their satisfaction. Due to their sexual orientation and gender identity, LGBTQ+ people have several difficulties during the migration and asylum procedures.²⁰ They often experience fear and persecution that differ from the fears that are driving the forced migration of non-LGBTQ+ individuals. Other challenges for LGBTQ+ individuals in migration processes include the

¹⁷ Mark L. Hatzenbuehler, "Advancing Research on Structural Stigma and Sexual Orientation Disparities in Mental Health Among Youth," *Journal of Clinical Child and Adolescent Psychology: The Official Journal for the Society of Clinical Child and Adolescent Psychology, American Psychological Association, Division 53* 46, no. 3 (2017): 463–75, <https://doi.org/10.1080/15374416.2016.1247360>.

¹⁸ FBI, "Hate Crime Statistics," 2024, <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime>.

¹⁹ "Hate Crime, England and Wales, 2019 to 2020," GOV.UK, October 28, 2020, <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2019-to-2020>.

²⁰ Carly Fuglei, "Migration Experiences of People with Diverse SOGIESC" (UN Women, 2023), https://www.unwomen.org/sites/default/files/2024-02/policy-paper_migration-experiences-people-diverse-sogiesc-updated.pdf.



fragmented international legal protection framework, the deficiencies in the asylum application processes, and challenges related to belonging. In this legal field, LGBTQ+ movements and their allies have progressively called on sources of authority to pay special attention so that this existence is preserved. However, the challenges faced by LGBTQ+ individuals in migration and asylum processes are still substantially impactful, specific, and contemporary. Understanding these challenges is critical for formulating effective policies and protections²¹.

5.1. Targeted Violence and Attacks

LGBTQ+ individuals may be targeted, attacked, and otherwise harmed due to the persecution of their identity before migrating, during the migration process, by other migrants and asylum seekers, and during the asylum determination process while the offenders can also be officers and experts handling their cases. LGBTQ+ individuals are at heightened risk for targeted violence during migration and in host countries. This violence can manifest in various forms, including physical assault, emotional abuse, and even murder.

According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 69 countries worldwide still criminalize same-sex relationships, creating an environment where LGBTQ+ individuals are often victims of violence²². Additionally, based on the 2021 survey by the Pew Research Center found that 40% of LGBTQ+ individuals in countries with anti-LGBTQ+ laws reported feeling unsafe in public spaces²³.

An interesting case study is Uganda, where homosexuality is illegal, and LGBTQ+ people are subjected to extreme violence, such as mob assaults and extrajudicial executions; the 2011 murder of well-known LGBTQ+ campaigner David Kato is a clear reminder of the perils the group faces²⁴. Another example is South America, where alarming rates of violence against LGBTQ+ people have been documented in nations like Brazil and Mexico. The prevalence of violence in the area is demonstrated by the fact that 120 LGBTQ+ individuals were murdered in Mexico in 2020, while at least 237 were murdered in Brazil alone in 2020 and 316 in 2019²⁵.

Protecting individuals during the continuance of migration and asylum processes is critical. According to the Universal Declaration of Human Rights, all humans are born free and with equal rights. However, discrimination-based violence has persevered. Governments share responsibility for violence occurring within their territories and should protect everyone from violence, rather than individuals merely being asked for protection—whether seeking asylum or not. That being said, organizations offering

²¹ Fuglei.

²² ILGA World, “State-Sponsored Homophobia Report,” ILGA World, 2020, <https://ilga.org/state-sponsored-homophobia-report/>.

²³ Jacob Poushter and Nicholas Kent, “The Global Divide on Homosexuality Persists,” *Pew Research Center* (blog), June 25, 2020, <https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/>.

²⁴ “Uganda.”

²⁵ “Dossiê Contabiliza 273 Mortes Violentas de Pessoas LGBTI+ Em 2022,” Agência Brasil, May 11, 2023, <https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2023-05/dossie-contabiliza-273-mortes-violentas-de-pessoas-lgbti-em-2022>.



spaces of protection, asylum, or other forms of support beyond state protection to individuals within these contexts or in any part of the migration process are critical sources of information about incidents of violence and survivor experiences, as well as the adamant and dangerous work being done to support and protect LGBTQ+ individuals and communities²⁶.

5.2. Sexual Abuse and Exploitation

Sexual abuse and exploitation are pervasive issues for LGBTQ+ asylum seekers, particularly in contexts where they are vulnerable, such as refugee camps or detention centers. According to a Refugees International report, LGBTQ+ people in refugee camps frequently face harassment and are vulnerable to sexual violence, especially when living with people who have discriminatory beliefs²⁷. Additionally, LGBTQ+ migrants may experience sexual exploitation when traveling, especially in areas where they are not legally protected. Vulnerable groups are frequently the focus of human trafficking networks, especially LGBTQ+ people escaping persecution.²⁸ For all of these and more reasons the UNHCR has called for the creation of safe spaces in refugee accommodations, recognizing the need for particular safeguards against sexual abuse and exploitation for LGBTQ+ people.²⁹

5.3. Safe Housing for LGBTQ+ Asylum Seekers

Asylum seekers are persons who might find themselves in dire circumstances. People seeking asylum flee due to persecution because of their sexuality, gender identity, or expression. With so many considerations and decisions, the first thing LGBTQ+ asylum seekers need is a secure place to stay. Although, many LGBTQ+ individuals encounter barriers in securing housing due to their sexual orientation or gender identity. A study by the National Center for Transgender Equality (NCTE) found that 40% of transgender individuals experienced homelessness at some point in their lives, highlighting the gap in safe housing options³⁰.

Nation-states and international law should protect LGBTQ+ asylum seekers and secure accommodations that correspond to their needs to restore privacy, and dignity, and safeguard the mental health and safety of every person without exception. Asylum processes must ensure confidentiality to protect personal information and individual

²⁶ Maria Gottvall et al., “Post-Migration Psychosocial Experiences and Challenges amongst LGBTQ+ Forced Migrants: A Meta-Synthesis of Qualitative Reports,” *Journal of Advanced Nursing* 79, no. 1 (2023): 358–71, <https://doi.org/10.1111/jan.15480>.

²⁷ Amnesty International, “Kenya: Justice like Any Other Person. Hate Crimes and Discrimination against LGBTI Refugees,” n.d., <https://www.amnesty.nl/content/uploads/2023/05/NGLHRC-AI-Kenya-LGBTI-refugees-report-FINAL-ENG.pdf?x48457>; “Kenya’s Kakuma Refugee Camp Not yet Safe for LGBTI Asylum Seekers,” Amnesty International, May 19, 2023, <https://www.amnesty.org/en/latest/news/2023/05/kenyas-kakuma-refugee-camp-not-yet-safe-for-lgbti-asylum-seekers/>.

²⁸ UNODC, “Global Report on Trafficking in Persons 2020,” 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf.

²⁹ UNHCR, “Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and Gender Identity.”

³⁰ S. James et al., “The Report of the 2015 U.S. Transgender Survey” (National Center for Transgender Equality, 2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.



identities. As much as living amongst their kin in a city sounds ideal, LGBTQ+ asylum seekers are at a high risk of facing continuous threats, discrimination, harassment, and violence³¹.

Because of the various facets of identity, the problem of LGBTQ+ asylum seekers is complicated. Safety is further complicated by the perplexing layer of hate that exists within the household and internal social group, as some feel that it is against the religion or tradition of their home while feeling stigmatized by financial, commercial, personal, and defensive pressures. As a result, many are frequently escaping their local LGBTQ+ communities in search of a safe haven. LGBTQ+ people shouldn't feel limited in many faith-based shelters and services. Each person, regardless of their views, must have full rights and protections under the law, even when their faith is typically a source of personal comfort or conflict³².

- **Case Studies of Best Practices:**
 - *Canada:* The Canadian government has put in place initiatives to give LGBTQ+ asylum seekers safe lodging, making sure they can find shelters that understand and meet their requirements³³.
 - *Germany:* In order to provide safe housing for those escaping persecution because of their sexual orientation or gender identity, efforts have been made in Germany to establish LGBTQ+-specific shelters. These shelters provide psychological assistance, integrating services, and physical safety³⁴.

5.4. Discrimination in Access to Services

5.4.1. Addressing Health and Mental Health Needs

Ensuring that services are available and accessible to meet the health and mental health needs of LGBTQ+ asylum seekers requires vigilance about the harm that may be caused when any part of a health care or mental health care system is not affirming and safe. In some contexts, health and mental health facility or support staff may harbor bias or lack the skills and experience required to provide appropriate care or support. Medical and psychiatry faculty personnel may also lack training or even lack willingness to build

³¹ Henrique Da Silveira Zanin, "Fleeing Persecution: A Study on LGBTQI+ Asylum in Europe and Germany" (Mestrado em Direitos Humanos, São Paulo, Universidade de São Paulo, 2022), <https://doi.org/10.11606/D.2.2022.tde-29092022-100954>.

³² "The Many Coloured Rainbow: Exploring Identity and Wellbeing in LGBTQIA+ Individuals with Refugee and Asylum-Seekers Backgrounds" (University of Adelaide, 2022), <https://digital.library.adelaide.edu.au/server/api/core/bitstreams/701e53a0-3106-4c13-8273-17b31923f800/content>.

³³ Government of Canada, "LGBTQI+ Refugees," 2024, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/about-refugee-system/2slgbtqi-plus.html>.

³⁴ Federal Anti-Discrimination Agency, "Protection against Discrimination in Germany A Guide for Refugees and New Immigrants," 2019, https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Refugees/fluechtling_s_broschuere_englisch.pdf?__blob=publicationFile&v=5.



their awareness about such needs. Providing adequate training can alleviate this knowledge and attitudinal gap³⁵.

The general existence of discrimination in healthcare settings leads to the exacerbation of the substantial gaps in health outcomes and access that LGBTQ+ people experience. For instance, LGBTQ+ people may put off getting medical treatment out of fear of prejudice or because they have experienced it in the past³⁶. Moreover, it should not be ignored the trauma associated with violence, discrimination, and relocation which is common among LGBTQ+ asylum seekers. According to research, the experiences of LGBTQ+ immigrants put them at greater risk for mental health conditions including anxiety and despair. For their rehabilitation and general well-being, they must have access to culturally competent mental health care³⁷.

5.4.2. Lack of Personnel with Knowledge of LGBTQ+ Issues

In addition to the misconduct described above, many other forms of ill-treatment and misfeasance can occur to LGBTQ+ asylum seekers and refugees specifically due to a lack of adequate training, and discriminatory attitudes.

The most common examples of such misfeasance stem from professionals with whom LGBTQ+ asylum seekers or refugees may come into contact. The first and most primary point of contact is border guards and immigration officers - the first line when someone is trying to enter the system, and potentially the last, and most dangerous if the state continues to reject asylum seekers to neighbors who do not have adequate protections for LGBTQ+ individuals³⁸.

LGBTQ+ people may also come into contact with local police officers who observe or receive reports of them being attacked, harassed, assaulted, or discriminated against by local residents. Most, or even virtually all, of the professionals who fall into these categories do not have prior knowledge or have been trained on these issues.

6. Role of Stakeholders

In order to guarantee that the needs and rights of LGBTQ+ people are acknowledged and respected, a complex web of stakeholders is involved in the protection of LGBTQ+ rights in immigration and asylum procedures.

6.1. UN Agencies and International Organizations

The United Nations High Commissioner for Refugees (UNHCR) and other UN agencies are leading the charge to defend the rights of LGBTQ+ refugees and asylum

³⁵ Azadeh Nematy, Yudit Namer, and Oliver Razum, "LGBTQI+Refugees' and Asylum Seekers' Mental Health: A Qualitative Systematic Review," 2023, <https://link.springer.com/content/pdf/10.1007/s13178-022-00705-y.pdf>.

³⁶ "Discrimination Prevents LGBTQ People From Accessing Health Care - Center for American Progress," accessed March 31, 2024, <https://www.americanprogress.org/article/discrimination-prevents-lgbtq-people-accessing-health-care/>.

³⁷ B. Heidi Ellis et al., "Mental Health of Somali Adolescent Refugees: The Role of Trauma, Stress, and Perceived Discrimination," *Journal of Consulting and Clinical Psychology* 76, no. 2 (April 2008): 184–93, <https://doi.org/10.1037/0022-006X.76.2.184>.

³⁸ Bartzi.



seekers. To address the particular difficulties LGBTQ+ people have during the asylum process, the UNHCR has created certain regulations and guidelines, such as the "Guidelines on International Protection No. 9"³⁹.

The Yogyakarta Principles and other international human rights frameworks also give a foundation on which to promote LGBTQ+ rights. According to the Yogyakarta Principles, nations have a duty to protect LGBTQ+ persons from discrimination and violence⁴⁰.

6.2. National Governments and Local Authorities

In order to protect LGBTQ+ rights in their respective jurisdictions, local and federal governments play a critical role. By integrating international human rights standards into domestic legislation and policy, they must provide safe and supportive asylum applications. During the asylum-seeking process, they must also make sure refugees at asylum receiving facilities get education on non-discrimination, equitable treatment, and respect for human rights.

For instance, Canada has established a comprehensive framework for protecting LGBTQ+ asylum seekers, which includes specific guidelines for immigration officers on how to handle claims based on sexual orientation and gender identity. The Canadian "Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics" provides detailed instructions on how to assess claims from LGBTQ+ individuals sensitively and effectively⁴¹. Additionally, Programs that provide shelters and support services exclusively for LGBTQ+ people have been put in place in cities like Toronto. These programs give LGBTQ+ asylum seekers a secure place to transition and access essential assistance because they understand their special requirements for acceptance and protection⁴².

The prevalence of violence and discrimination against LGBTQ+ individuals by both state and non-state entities highlights the need for ongoing advocacy and reform. For example, in countries like Uganda and Russia that have anti-LGBTQ+ laws, it is far more difficult for someone to apply for asylum on the basis of their sexual orientation or gender identity. Under such circumstances, it becomes imperative that human rights organizations and international organizations exert pressure on these governments to foster a more inclusive environment for LGBTQ+ individuals.

6.3. Civil Society and Non-Governmental Organizations

Advocates for the rights of LGBTQ+ people must include civil society groups and non-governmental organizations (NGOs). Frequently, these groups offer vital services

³⁹ UNHCR, "Guidelines on International Protection No. 9: Claims to Refugee Status Based on Sexual Orientation and Gender Identity."

⁴⁰ "Yogyakarta Principles."

⁴¹ Immigration and Refugee Board of Canada, "Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics," June 21, 2018, <https://www.irb-cisr.gc.ca:443/en/legal-policy/policies/Pages/GuideDir09.aspx>.

⁴² City of Toronto, "City of Toronto, The 519 and Homes First Society Announce Toronto's First Dedicated Shelter for 2SLGBTQ+ Adults," City of Toronto (City of Toronto, November 30, 2022), Toronto, Ontario, Canada, <https://www.toronto.ca/news/city-of-toronto-the-519-and-homes-first-society-announce-torontos-first-dedicated-shelter-for-2slgbtq-adults/>.



including secure housing, mental health help, and legal assistance. Without access to assistance, LGBTQ+ individuals are more vulnerable to danger during the migration and asylum process⁴³.

Efforts to build the capacity of these organizations are necessary to improve these conditions for migrants, both local and international. Efforts to build the capacities of LGBTQ+ serving organizations can go a long way in addressing this, including providing training on LGBTQ+ in the migration and asylum setting to non-LGBTQ+ specialized protection organizations⁴⁴. For instance, in the United States, organizations such as the Human Rights Campaign and Lambda Legal work tirelessly to protect the rights of LGBTQ+ asylum seekers by offering legal assistance and advocacy⁴⁵.

Moreover, NGOs often serve as a bridge between LGBTQ+ individuals and governments, facilitating access to services and resources. In South Africa, organizations like the Triangle Project provide health and support services specifically tailored to LGBTQ+ refugees and migrants. Their work is vital in addressing the health disparities that LGBTQ+ individuals often face due to discrimination and stigma⁴⁶.

Additionally, NGOs contribute to raising awareness of the problems and rallying support for legislative reforms through campaigns, reports, and public advocacy initiatives. In certain nations, legislation have been changed to better safeguard LGBTQ+ rights as a result of the efforts of advocacy groups. For instance, NGOs in Argentina helped legalize same-sex marriage in 2010, recognizing the rights of LGBTQ+ people and setting a precedent for others in the area⁴⁷.

6.4. The Media and Public Opinion

Public opinion and legislation pertaining to LGBTQ+ rights are greatly influenced by the media. They must take responsibility for the accurate and respectable portrayal of LGBTQ+ individuals. Thus, training for the media on LGBTQ+ issues is essential. Another important factor influencing government policy is public opinion. Protective policies for LGBTQ+ asylum seekers are more likely to be implemented by governments in nations where LGBTQ+ rights are widely supported. Increasing public support for LGBTQ+ rights, for example, has resulted in the adoption of inclusive laws that safeguard LGBTQ+ asylum seekers in Germany and Spain. On the other hand, asylum seekers may encounter severe obstacles and hostility in areas where anti-LGBTQ+ prejudice is widespread. In order to advance LGBTQ+ rights and protections, it is imperative to promote positive media portrayal and educated public conversation⁴⁸.

⁴³ Kamonlaya Phouruean and Ajirapa Pickhantod, "Civil Society Organizations and Social Protection of Vulnerable Gender-Diverse Persons (LGBTQ+) in Isan, Thailand," 2022.

⁴⁴ Phouruean and Pickhantod.

⁴⁵ "Human Rights Campaign Calls for Asylum Laws to Be Upheld During..." HRC, December 13, 2023, <https://www.hrc.org/press-releases/human-rights-campaign-calls-for-asylum-laws-to-be-upheld-during-ongoing-negotiations>.

⁴⁶ "Triangle Project," accessed November 25, 2024, <https://triangle.org.za/>.

⁴⁷ ILGA Europe, "Annual Review 2021: The Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia between January-December 2020," February 16, 2021, <https://www.ilga-europe.org/report/annual-review-2021/>.

⁴⁸ ILGA Europe, "Annual Review 2021: The Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia between January-December 2020."



7. Case Studies

7.1. Regional Analysis

The experiences of LGBTQ+ asylum seekers are greatly influenced by the geographical environment. The legal environment in Africa is predominantly unfriendly, with many nations making same-sex partnerships illegal. The International Lesbian, Gay, Bisexual, Transgender, and Intersex Association (ILGA) reports that homosexuality is expressly illegal in 32 African nations⁴⁹. For example, countries like Uganda and Nigeria have enacted harsh penalties against LGBTQ+ individuals, including imprisonment and, in some cases, the death penalty⁵⁰. Many LGBTQ+ people have fled Uganda in pursuit of safety as a result of regulations the government has put in place that cause them to be publicly shamed, subjected to violence, and persecuted. Despite being repealed, the 2014 Anti-Homosexuality Act highlighted the nation's strong anti-LGBTQ+ attitude and resulted in many acts of violence against the group⁵¹.

Conversely, there have been notable advancements in LGBTQ+ rights in Western Europe and North America. Nations like Canada and the Netherlands have put in place extensive legislative frameworks that shield LGBTQ+ people from prejudice and offer asylum applications based on gender identity and sexual orientation. For example, Canada has adopted a significant number of LGBTQ+ refugees, especially from nations where they are persecuted, including Syria and Iraq, and has distinct standards for evaluating LGBTQ+ asylum requests⁵². In Europe, countries such as Portugal and Germany have implemented policies that recognize the unique vulnerabilities of LGBTQ+ asylum seekers, ensuring that their claims are handled with sensitivity and respect⁵³.

Despite advancements in Taiwan's 2019 same-sex marriage law, the LGBTQ+ population in Asia still confronts obstacles in nations like Bangladesh and Pakistan where homosexuality is still illegal. Asylum seekers frequently look for accepting nations as a result of state-sponsored violence and social prejudice. Even while activism in South Asia is on the rise, societal and legal hurdles cause many people to flee to more accepting countries⁵⁴.

7.2. Specific Country Case Studies

Although there has been some progress in LGBTQ+ rights in a number of countries, this is far from universal. There are still around 64 countries where same-sex sexual

⁴⁹ ILGA World, "State-Sponsored Homophobia Report."

⁵⁰ Human Rights Watch, "Nigeria: Events of 2023," *World Report 2024*, December 18, 2023, <https://www.hrw.org/world-report/2024/country-chapters/nigeria>; ILGA World, "State-Sponsored Homophobia Report," 124.

⁵¹ ILGA World, "State-Sponsored Homophobia Report," 124.

⁵² Government of Canada, "LGBTQI+ Refugees."

⁵³ Federal Anti-Discrimination Agency, "Protection against Discrimination in Germany A Guide for Refugees and New Immigrants"; "LGBT Rights in Portugal," Equaldex, accessed December 2, 2024, <https://www.equaldex.com/region/portugal>.

⁵⁴ "ILGA Asia Joint 2021-2022 Annual Report.Pdf," Google Docs, accessed November 27, 2024, https://drive.google.com/file/d/14abe4uMwKte_S1WT_h1Zt9Om8NY3Z40m/view?usp=drivesdk&usp=embed_facebook.



activity is illegal, including nine countries where trans women are subjected to criminal punishment⁵⁵. As of 2024, 27 countries offer explicit protection for LGBTQ+ individuals in their asylum determination procedures⁵⁶.

Uganda: Uganda is well known for treating LGBTQ+ people harshly. Despite being overturned, the 2014 Anti-Homosexuality Act was a prime example of the state's animosity against LGBTQ+ rights. Numerous LGBTQ+ people have been forced to leave the nation due to widespread reports of violence, arbitrary arrests, and torture. Many Ugandans flee this persecution by applying for asylum in the US, Europe, or neighboring countries in the hopes of greater safety and acceptance⁵⁷.

Canada: When it comes to LGBTQ+ asylum protection, Canada is a global leader. To guarantee that LGBTQ+ asylum seekers get equitable and respectful treatment, the Canadian government has created extensive initiatives. Canada's refugee intake from Syria and Iraq, including LGBTQ+ people escaping ISIS persecution, grew dramatically in 2017. The Canadian strategy focuses on the significance of comprehending the particular difficulties LGBTQ+ people have and trains immigration officers to evaluate these claims with tact. In addition, community groups in Canada provide LGBTQ+ refugees with integration support, legal assistance, and tools to help them adjust to their new surroundings⁵⁸.

Germany: In accordance with the Federal Anti-Discrimination Agency's standards, the German government has put in place programs for LGBTQ+ refugees that offer safe and sensitive asylum proceedings⁵⁹.

Argentina: With the 2010 legalization of same-sex marriage, Argentina has created a friendly atmosphere for LGBTQ+ immigrants, offering both legal and social assistance. Through training and materials on LGBTQ+ concerns, the government's collaboration with NGOs enables a more inclusive asylum procedure⁶⁰.

The Netherlands: The country has established extensive regulations that guarantee LGBTQ+ asylum applicants obtain the necessary protection. For the purpose of evaluating asylum requests based on gender identity and sexual orientation, the Dutch government has set up a clear framework⁶¹.

⁵⁵ "Homosexuality: The Countries Where It Is Illegal to Be Gay," April 20, 2018, <https://www.bbc.com/news/world-43822234>.

⁵⁶ ILGA Europe, "Rainbow Map," February 20, 2024, <https://rainbowmap.ilga-europe.org/>.

⁵⁷ "Uganda."

⁵⁸ Government of Canada, "LGBTQI+ Refugees."

⁵⁹ Federal Anti-Discrimination Agency, "Protection against Discrimination in Germany A Guide for Refugees and New Immigrants."

⁶⁰ "Annual Report 2020 - ILGA World," accessed November 25, 2024, <https://ilga.org/resources/annual-report-2020/>.

⁶¹ Nini Pieters and Maren Stegink, "Annual Report 2021 Migration and Asylum in the Netherlands," *ANNUAL REPORT*, 2021, https://www.emnetherlands.nl/sites/default/files/2022-10/EMN_jaaroverzicht2021_ENG_final.pdf.



8. Strategies for Protection and Support

It takes cooperation from a wide range of actors using a variety of legal, psychological, and practical tactics to defend the rights of LGBTQ+ individuals in immigration and asylum procedures. Preventive measures include addressing the underlying reasons of migration and bolstering LGBTQ+ rights in the nation of origin. When planned and carried out in collaboration with governments, international actors, and targeted and safe host communities, utilizing established and implemented human rights mechanisms, efforts to prevent and address gender-based violence, forced and early marriage, and corrective rape are especially successful. Social reintegration strategies and programs are particularly important for people whose health, safety, and livelihood are directly impacted by discriminatory laws, policies, social attitudes, and violent practices. Such people may also bear an economic burden when they are unable to return to and support loved ones from whom they have become geographically separated. Helping such people navigate the enhanced likelihood of episodic and chronic crises while addressing isolation, travel documents, financial barriers, fear of persecution and deportation in host communities, and family and friends in countries of origin are intersecting, complex protection and support challenges⁶².

8.1. Ensuring Safe and Inclusive Spaces

Refugee claimants must be given a secure and encouraging environment during interviews so they may open up about a variety of personal experiences. In addition to being done in a non-adversarial way, interviews should be sensitive for the LGBTQ+ population in particular in order to yield high-quality data. To make sure someone is comfortable and encourage their disclosure, it could occasionally be required to explicitly request a gender identity-sensitive interview. To establish a setting where people feel comfortable enough to reveal, it is imperative that staff members receive training to ensure they are adequately knowledgeable about LGBTQ+ problems and how to build a friendly atmosphere⁶³.

Making sure that participants feel safe and comfortable is also important during asylum reception and processing. In some circumstances, LGBTQ+-designated accommodations are available, but not consistently so; as often as possible, separate accommodations are appropriate. In the absence of such specialized housing options, social agencies can help develop and provide safe and gender-sensitive living arrangements (i.e., separate sleeping, changing, and shower facilities, and options for women to either be housed with cisgender men or women, are necessary). Proper implementation of transgender people's rights in the country of origin can be the basis of a negative refugee protection decision. Due to the difficulties they face, it is important for refugee claimants with gender-based persecution claims to feel safe and

⁶² IOM, "Migration and Lesbian, Gay, Bisexual, Trans and Intersex People. Module for Awareness-Raising and Training of Public Institutions, Social Organizations, and LGBTI Collectives and Activists in the Mesoamerican Region," 2016.

⁶³ UNHCR, "Guidelines on International Protection No. 9 Sexual Orientation and or Gender Identity within the Context of Article 1A(2) of the 1951 Convention and/or Its 1967 Protocol Relating to the Status of Refugees," October 23, 2012, <https://www.unhcr.org/libraries/pdf.js/web/viewer.html?file=https%3A%2F%2Fwww.unhcr.org%2Fsites%2Fdefault%2Ffiles%2Flegacy-pdf%2F50ae466f9.pdf?version1692332201>.



supported when disclosing. Training staff in how to support and accommodate this population is necessary better to assess gender-based persecution claims⁶⁴.

8.2. Access to Justice and Legal Protection

Effectively defending the rights of LGBTQ+ individuals who file asylum applications on the basis of their sexual orientation, gender identity, or intersex status requires both access to justice and the ability to appeal. LGBTQ+ asylum applicants as a group might not have safe and equitable access to the current asylum procedures in the absence of these safeguards. Although a number of regional and international processes allow claimants to seek restitution when their rights have been infringed, these systems are not always legally upheld, which raises questions about how important it is to establish cutting-edge protection strategies⁶⁵.

The first foundational decision affirming LGBTQ+ refugees' rights was in the United Kingdom in the case of *R v. Immigration Appeal Tribunal, Ex parte Shah*. The House of Lords determined that, based on the Refugee Convention's 'well-founded fear of persecution' requirement, a reasonable person in the claimants' circumstances should be entitled to refuse to dissemble their sexual identity, even if they were at an increased risk of criminal charges in their home country. Since the asylum process is often the first exposure that most refugees have to the domestic and international legal rights of LGBTQ+ persons, the fairness and justice provided to them is crucial not only for the specific issues at play but also for providing a firm foundation for future claims⁶⁶.

8.3. Health and Psychosocial Support

There is a need for more transgender-inclusive training and services for the medical staff of the UN Refugee Agency and other service providers. This way, trans migrants and refugees could access initial hormonal therapy in the country or city they arrive in. It's very important for their safety, well-being, and mental health while waiting for the examination of the asylum application, which can take a few months, and return to gender-affirming care without interruptions wherever they relocate. Also, trans health care and mental health should be included in health programs targeting migrants and refugees throughout Southeast Europe—Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Greece and Kosovo. Providing services for all marginalized groups who need them can reduce both gender-based and intersex-based risks and prevent them from becoming even more highly marginalized, such as disappearing or remaining undocumented⁶⁷.

8.4. Advocacy and Awareness Raising

⁶⁴ UNHCR.

⁶⁵ UNHCR.

⁶⁶ United Kingdom: Court of Appeal, “*R v. Immigration Appeal Tribunal, Ex Parte Shah*,” Refworld, July 23, 1997, <https://www.refworld.org/jurisprudence/caselaw/gbrcaciv/1997/en/94996>.

⁶⁷ TGEU, “Asylum Seekers’ Need for Trans-Specific Healthcare - TGEU - Transgender EuropeTGEU – Transgender Europe,” February 23, 2018, <https://tgeu.org/asylum-seekers-need-for-trans-specific-healthcare/>.



Advocacy and awareness-raising efforts are vital in promoting LGBTQ+ rights and ensuring that the needs of LGBTQ+ asylum seekers are prioritized. Engaging with policymakers and stakeholders to influence the development of inclusive legislation and policies is essential. Advocacy efforts can take many forms, including campaigns that highlight the challenges faced by LGBTQ+ individuals, public demonstrations, and collaborations with influential community leaders⁶⁸.

Non-governmental organizations (NGOs) can play a crucial role in these advocacy efforts by conducting research, publishing reports, and using media platforms to shed light on the issues confronting LGBTQ+ asylum seekers. For instance, reports documenting cases of discrimination, violence, and human rights abuses can mobilize public opinion and encourage governments to take action. Collaborating with media outlets can amplify these messages, fostering informed public discourse around LGBTQ+ issues⁶⁹.

Education and outreach programs aimed at the general public can also help to reduce stigma and discrimination against LGBTQ+ individuals. By promoting acceptance and understanding, these initiatives can create a more supportive environment for LGBTQ+ asylum seekers, facilitating their integration into society⁷⁰.

8.5. Capacity Building and Training for Humanitarian Workers

Training humanitarian workers and service providers on LGBTQ+ concerns is critical to ensuring their ability to properly help LGBTQ+ asylum seekers. This training should address themes including understanding the particular issues encountered by LGBTQ+ people, detecting indications of trauma, and offering sensitive and inclusive services⁷¹.

8.5.1. Training for Asylum Officers and Interpreters on LGBTQ+ Issues

The asylum procedure depends heavily on interpreters and asylum authorities. For them to be able to handle situations with the requisite compassion and empathy, they must obtain specific training on LGBTQ+ problems. Programs for training should concentrate on the unique vulnerabilities of LGBTQ+ asylum seekers, particularly the effects of prejudice and stigma in society. This training can ensure that translators enable communication in a way that respects the privacy and dignity of LGBTQ+ people while also assisting asylum officers in making more equitable and efficient assessments of claims⁷².

It is recommended that training programs include modules on cultural competency to help translators and asylum officers better understand the diverse experiences of LGBTQ+ individuals from various cultural backgrounds. Also, these classes can

⁶⁸ Neela Ghoshal, "Audacity in Adversity: LGBT Activism in the Middle East and North Africa," *Human Rights Watch*, April 16, 2018, <https://www.hrw.org/report/2018/04/16/audacity-adversity/lgbt-activism-middle-east-and-north-africa>.

⁶⁹ Ghoshal.

⁷⁰ Ghoshal.

⁷¹ "LGBTIQ+ Refugees," UNHCR Integration Handbook, March 9, 2024, <https://www.unhcr.org/handbooks/ih/age-gender-diversity/lgbtiq-refugees>.

⁷² "LGBTIQ+ Refugees."



provide useful guidance on how to do interviews and hearings in a safe and supportive environment⁷³.

In conclusion, thorough training for translators and asylum officials is essential to enhancing the asylum procedure for LGBTQ+ people. Governments and organizations can guarantee that LGBTQ+ asylum seekers get respect and dignity throughout their asylum journey by promoting awareness of LGBTQ+ problems and putting best practices into action.

9. Recommendations for Policy and Practice

Comprehensive policies and procedures must be developed and put into place in order to effectively protect LGBTQ+ people's rights during the migration and asylum processes. The main suggestions for national governments, aid agencies, and tactics to improve international collaboration are outlined in this chapter.

9.1. Policy Recommendations for National Governments

National governments have a critical role in establishing legal frameworks and policies that protect LGBTQ+ rights. The following recommendations aim to create a more inclusive and protective legal environment:

1. ***Legal Recognition of LGBTQ+ Rights:*** Laws that specifically acknowledge and defend the rights of LGBTQ+ people should be passed by national governments. Examples of such laws include anti-hate crime and non-discrimination measures. By including LGBTQ+ protections in their legal frameworks, nations like Canada and Portugal set an example for best practices that not only protects rights but also fosters social acceptance. For example, other nations can learn from Canada's Bill C-16, which made gender identity and expression illegal grounds for discrimination⁷⁴.
2. ***Asylum Procedures Sensitive to LGBTQ+ Issues:*** Governments ought to create and put into effect particular policies for evaluating asylum applications based on gender identity and sexual orientation. Immigration authorities should get training as part of these recommendations to make sure they are aware of the particular difficulties LGBTQ+ asylum seekers experience. Similar policies have been implemented in nations like Germany, which has enhanced the asylum application procedure for LGBTQ+ people. This includes acknowledging that the social and cultural aspects of LGBTQ+ persecution must be taken into account when evaluating authenticity⁷⁵.
3. ***Data Collection and Research:*** Better policies and procedures can be informed by research on the experiences of LGBTQ+ asylum seekers. To find patterns, problems, and the efficacy of current measures, governments should gather disaggregated data on asylum requests according to sexual orientation and

⁷³ "LGBTIQ+ Refugees."

⁷⁴ Immigration and Refugee Board of Canada, "Guideline 9"; ILGA Europe, "Annual Review 2021: The Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia between January-December 2020."

⁷⁵ Federal Anti-Discrimination Agency, "Protection against Discrimination in Germany A Guide for Refugees and New Immigrants."



gender identity. Such information can enhance service delivery and assist develop focused interventions⁷⁶.

4. ***International Commitments and Compliance:*** National governments must to restate their adherence to international human rights norms, such as the Yogyakarta Principles, which uphold the applicability of international human rights law concerning gender identity and sexual orientation. The protection of LGBTQIA+ people can be improved by governments by bringing national legislation into compliance with international norms. Successfully incorporating these ideas into their national legal systems, nations like Argentina serve as a positive model for others.⁷⁷.
5. ***Public Awareness Campaigns:*** Putting LGBTQ+ rights and problems into public education campaigns can aid in the fight against discrimination and stigma. Initiatives that foster awareness and acceptance of LGBTQ+ people among the general public, service providers, and legislators should be funded by nations. To promote an inclusive atmosphere, campaigns may involve community workshops, media outreach, and collaborations with educational institutions⁷⁸.

9.2. Practice Recommendations for Humanitarian Organizations

Humanitarian organizations play a vital role in supporting LGBTQ+ asylum seekers and must adopt practices that prioritize inclusivity and sensitivity. The following recommendations are proposed:

1. ***Inclusive Programming:*** Programs created by humanitarian groups should be especially adapted to the requirements of LGBTQ+ people. This entails establishing safe places, making LGBTQ+-friendly healthcare accessible, and making sure legal aid providers are informed about LGBTQ+ problems⁷⁹.
2. ***Training and Capacity Building:*** Staff members must receive ongoing education on LGBTQ+ concerns and rights. Comprehensive training programs that address issues like trauma-informed care, cultural competency, and the unique difficulties experienced by LGBTQ+ asylum seekers should be put in place by humanitarian organizations. The effectiveness of the services offered to this demographic will be improved by this strategy. For instance, staff training sessions may incorporate modules from groups such as the Rainbow Refugee Committee, which offers training and resources to service providers that assist LGBTQ+ asylum seekers⁸⁰.
3. ***Partnerships with LGBTQ+ Organizations:*** Humanitarian solutions can be more successful when local LGBTQ+ organizations work together. These groups frequently possess important knowledge and experience that can enhance the provision of services. Additionally, partnerships may guarantee that programs are pertinent and sensitive to the needs of LGBTQ+ people. LGBTQ+

⁷⁶ Ari Shaw and Namrata Verghese, "LGBTQI+ Refugees and Asylum Seekers: A Review of Research and Data Needs," Williams Institute, 2022, <https://williamsinstitute.law.ucla.edu/publications/lgbtqi-refugees-asylum-seekers/>.

⁷⁷ "Yogyakarta Principles."

⁷⁸ Ghoshal, "Audacity in Adversity: LGBT Activism in the Middle East and North Africa."

⁷⁹ "Social Inclusion in IOM Programming | UN Migration," accessed December 5, 2024, <https://www.iom.int/social-inclusion-iom-programming>.

⁸⁰ "Rainbow Refugee Committee -," accessed November 27, 2024, <https://refugee-committee.org/rainbow-refugee-committee/>.



asylum seekers can have their views heard via collaborative efforts including advocacy campaigns and community outreach.

4. *Monitoring and Evaluation:* In order to determine how their initiatives affect LGBTQ+ asylum seekers, humanitarian organizations should set up systems for tracking and analyzing their progress. In order to enhance programs and make sure that services are fulfilling the requirements of LGBTQ+ people, it is important to ask for their feedback. Regular surveys and focus groups to get feedback directly from service users may be part of this.
5. *Advocacy for Policy Change:* In order to change national laws that impact LGBTQ+ asylum seekers, humanitarian groups should take an active part in lobbying campaigns. Research, coalition participation, and elevating LGBTQ+ perspectives in policy debates are a few examples of how to do this. Increasing financing for LGBTQ+-specific projects in the humanitarian sector is another area where advocacy efforts might concentrate⁸¹.

9.3. Strategies for Enhancing International Cooperation

International cooperation is essential for addressing the challenges faced by LGBTQ+ asylum seekers. The following strategies are recommended to enhance collaboration among countries and organizations:

1. *Bilateral and Multilateral Agreements:* In order to exchange resources and best practices pertaining to the defense of LGBTQ+ rights throughout the migration and asylum procedures, nations should sign bilateral and multilateral agreements. These agreements might make it easier to share expertise and work together on projects. By encouraging collaboration among member states in creating uniform responses to asylum seekers, especially those from LGBTQ+ backgrounds, the European Union has achieved progress in this area.
2. *International Funding for LGBTQ+ Programs:* International organizations and donor nations ought to set aside money expressly for initiatives that assist LGBTQ+ asylum seekers. Enhancing advocacy activities, doing research, and improving services are all possible with this financing. LGBTQ+ rights initiatives have already received funding from the Global Fund for Human Rights, indicating the possibility of focused financial assistance⁸².
3. *Global Advocacy Networks:* The collective voice supporting LGBTQ+ rights may be strengthened by establishing international networks of NGOs, LGBTQ+ groups, and human rights supporters. In order to affect global policy, these networks can coordinate activities, pool resources, and work together on campaigns. One network that encourages student involvement and activism on LGBTQ+ issues is the International LGBTQ+ student and Student Organization (IGLYO)⁸³.

⁸¹ Ghoshal, "Audacity in Adversity: LGBT Activism in the Middle East and North Africa."

⁸² "Global Fund Reports Significant Progress in Breaking Down Human Rights-Related Barriers to HIV and TB Services," accessed November 27, 2024, <https://www.theglobalfund.org/en/news/2022/2022-07-31-global-fund-reports-significant-progress-in-breaking-down-human-rights-related-barriers-to-hiv-and-tb-services/>.

⁸³ IGLYO, "Annual Report 2020," 2020, https://assets-global.website-files.com/63fdd3923aa8fbc7d5b6f168/64590ca18451723ea2150aa9_IGLYO%20Annual%20Report%202020.pdf.



4. *Sharing Data and Research Findings:* Global policy and practice may be informed by creating channels for the exchange of information and research findings about LGBTQ+ asylum seekers. Organizations and nations should work together to establish a consolidated database that documents the difficulties LGBTQ+ people encounter throughout asylum procedures. This might contain data on asylum requests, their results, and the particular difficulties LGBTQ+ people encounter⁸⁴.
5. *Strengthening UN Mechanisms:* The UN's systems for tracking and reporting on the state of LGBTQ+ people's human rights across the world should be strengthened. One aspect of this is making certain that LGBTQ+ rights are incorporated into all pertinent UN agendas and that member nations are held responsible for fulfilling their pledges to safeguard LGBTQ+ people. LGBTQ+ rights and visibility are promoted by the UN Free & Equal campaign, for instance, although it needs more assistance and integration into larger UN plans⁸⁵.

10. Legal Framework

A robust legal framework is essential for protecting LGBTQ+ rights in migration and asylum processes. This chapter examines various initiatives by international and regional organizations, human rights associations, and the evolving legal status of LGBTQ+ rights globally.

10.1. Initiatives of the United Nations

10.1.1. The Importance of Protecting LGBTQ+ Rights

International law mandates protections for LGBTQ+ individuals as part of broader human rights protections. Key legal frameworks include:

- **The 1951 Refugee Convention:** Defines nations' rights and responsibilities to provide refugee protection⁸⁶.
- **Universal Declaration of Human Rights (UDHR):** Article 2 affirms rights without discrimination, including based on sexual orientation or gender identity⁸⁷.
- **Yogyakarta Principles:** Provides a framework for states to protect LGBTQ+ individuals⁸⁸.

The United Nations (UN) has been instrumental in advancing LGBTQ+ rights through various initiatives and mechanisms. Key efforts include:

⁸⁴ Shaw and Verghese, "LGBTQI+ Refugees and Asylum Seekers: A Review of Research and Data Needs."

⁸⁵ "UN Free & Equal | UN Free & Equal Campaign for the Rights of LGBTIQ+ People," accessed November 27, 2024, <https://www.unfe.org/>.

⁸⁶ UNHCR, "Convention and Protocol Relating to the Status of Refugees," 1951, <https://www.unhcr.org/sites/default/files/legacy-pdf/3b66c2aa10.pdf>.

⁸⁷ United Nations, "Universal Declaration of Human Rights," United Nations (United Nations, 1949), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁸⁸ "Yogyakarta Principles," 2017, <https://yogyakartaprinciples.org/>.



1. *UN Free & Equal Campaign*: Launched by the UN Human Rights Office, this campaign promotes equal rights for LGBTQ+ individuals globally. It aims to raise awareness about discrimination and violence faced by LGBTQ+ individuals and to promote human rights standards that protect these rights. The campaign engages in advocacy, public education, and outreach efforts to foster acceptance and equality⁸⁹.
2. *Special Procedures*: The UN has designated special rapporteurs and independent experts to handle LGBTQ+ rights problems. On behalf of LGBTQ+ people, these experts—such as the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity—provide advocacy, recommendations, and reports, drawing attention to violations and urging governments to enact protective measures⁹⁰.
3. *UNHCR Guidelines*: Guidelines that explicitly address the requirements of LGBTQ+ asylum seekers have been released by the UNHCR. These recommendations stress the need for decision-makers to be sensitive and empathetic, and they stress that claims based on sexual orientation and gender identity must be given appropriate attention during the asylum procedure⁹¹.
4. *Yogyakarta Principles*: Formulated in 2006, the Yogyakarta Principles are a set of international legal standards that affirm the application of human rights law in relation to sexual orientation and gender identity. These principles provide guidance on how states and other actors should protect and promote LGBTQ+ rights, including in asylum processes⁹². They emphasize that individuals should not be subject to persecution, violence, or discrimination based on their sexual orientation or identity.

10.1.2. Challenges to Legal Protections

There are still issues despite improvements in the legal safeguards for LGBTQ+ people. Discrimination against LGBTQIA+ people continues in many nations, and legislation protecting their rights are not adequately implemented. The application of protective laws is hampered by a lack of political will, social stigma, and financial constraints. Additionally, politicians and activists are spreading anti-LGBTQ+ narratives that impede development, and there is a rising reaction against LGBTQ+ rights in some areas.

11. Conclusion

LGBTQ+ rights protection in immigration and asylum procedures is a critical worldwide issue that necessitates extensive legislative frameworks, international collaboration, and activism. Significant advancements have been made thanks to efforts by the UN, IGOs, and human rights groups, as this study guide has explained. But there

⁸⁹ “UN Free & Equal | UN Free & Equal Campaign for the Rights of LGBTIQ+ People.”

⁹⁰ “Independent Expert on Sexual Orientation and Gender Identity,” OHCHR, accessed December 6, 2024, <https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity>.

⁹¹ UNHCR, “Guidelines on International Protection No. 9 Sexual Orientation and or Gender Identity within the Context of Article 1A(2) of the 1951 Convention and/or Its 1967 Protocol Relating to the Status of Refugees.”

⁹² “Yogyakarta Principles.”



are still issues, especially in areas where LGBTQ+ people experience extreme violence and prejudice.

It is crucial to put the suggestions made in earlier chapters into practice in order to provide a more welcoming and equal environment for LGBTQ+ asylum seekers. This entails creating focused policies, improving humanitarian workers' training, and encouraging global cooperation. The international community can guarantee that everyone is given the protection and dignity they are entitled to, irrespective of their sexual orientation or gender identity, by giving LGBTQ+ rights first priority in the migration and asylum procedures.

A good trend toward more acceptance and protection is indicated by the development of legislative frameworks and the expanding acknowledgement of LGBTQ+ rights. To address the persistent issues and strive toward a future where LGBTQ+ people may live freely and without fear of persecution, governments, civic society, and international organizations must make consistent efforts.

12. Points to be Addressed

1. How can the implementation discrepancies between legal frameworks and practical rights be resolved?
2. How can efforts be made to promote LGBTQIA+ rights through cultural contexts?
3. How can LGBTQIA+ rights be successfully intersected with other human rights challenges?
4. How can continued efforts for advocacy on national and international agendas be pursued?
5. How can the Human Rights Council ensure the prioritization of resource allocation?
6. How can global cooperation among governments, NGOs and intergovernmental organizations be achieved?
7. How can the Human Rights Council go about establishing monitoring and reporting mechanisms on the human rights of LGBTQIA+ individuals?
8. How can migration and asylum policies be reformed to specifically address the vulnerabilities of LGBTQ+ individuals, particularly in detention and transit contexts?
9. What strategies can be implemented to engage states that are resistant to LGBTQ+ rights in the context of migration and asylum, and how can these strategies be reconciled with broader international human rights obligations?
10. How do intersecting identities (such as race, ethnicity, and class) further complicate the asylum experiences of LGBTQ+ individuals, and what targeted measures can be introduced to address these compounded challenges?



11. How can refugee resettlement programs be redesigned to be more inclusive and responsive to the specific needs of LGBTQ+ individuals, and what role can the UNHRC play in standardizing best practices globally?

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