

# LGBTIQ+ REFUGEES

BACKGROUND GUIDE  
CHALLENGE TOPIC #4



The MUN Refugee Challenge is an initiative launched by UNHCR, the UN Refugee Agency, to encourage students worldwide to shape solutions for people forced to flee their homes.

This guide was drafted to help students prepare for their debates as part of the 2022 edition.

Emilio hugs Daniel in Casa Miga, a LGBTIQ+ friendly house in Brazil. Emilio and Daniel left Venezuela in search of security. © UNHCR/Vincent Tremeau



## THE CHALLENGE

Like refugees around the world, LGBTIQ+ people are forced to flee dangerous situations such as the war in Syria or economic and political turmoil in Venezuela. But many also leave their homes because they face violence and threats on the basis of their sexual orientation, gender identity, gender expression, and sex characteristics.

This violence can be the result of State laws that target LGBTIQ+ people – such as those that criminalize same-sex relationships – or can be the result of the State's failure to protect LGBTIQ+ people because of who they are. Many LGBTIQ+ people face violence at the hands of gangs or even members of their own family.

Under the 1951 Convention, anyone facing persecution because they belong to a particular social group has the right to seek asylum in another country. This includes persecution based on sexual orientation, gender identity, gender, expression and/or sex characteristics. States have an obligation to protect LGBTIQ+ refugees.

## WHO ARE WE TALKING ABOUT?

**LGBTIQ+ people:** Lesbian, gay, bisexual, transgender, intersex, and queer people.

**Refugees:** People who have fled war, violence or persecution and found safety in another country; they have an official status and are protected under international law.

**Asylum-seekers:** An asylum-seeker hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim.

## WHY IS THIS ISSUE IMPORTANT TO ADDRESS?

Although LGBTIQ+ people are protected under international law, their lives remain at risk in many places. Due to lack of protection within their country, they are sometimes forced to flee their own homes. In recent decades, the number of LGBTIQ+ refugees and asylum-seekers has risen. In addition, LGBTIQ+ refugees may continue to face discrimination in the country where they have sought refuge, including during the asylum process. The international community needs to address the root causes of discrimination that force LGBTIQ+ people to flee and ensure that they remain safe at all times.



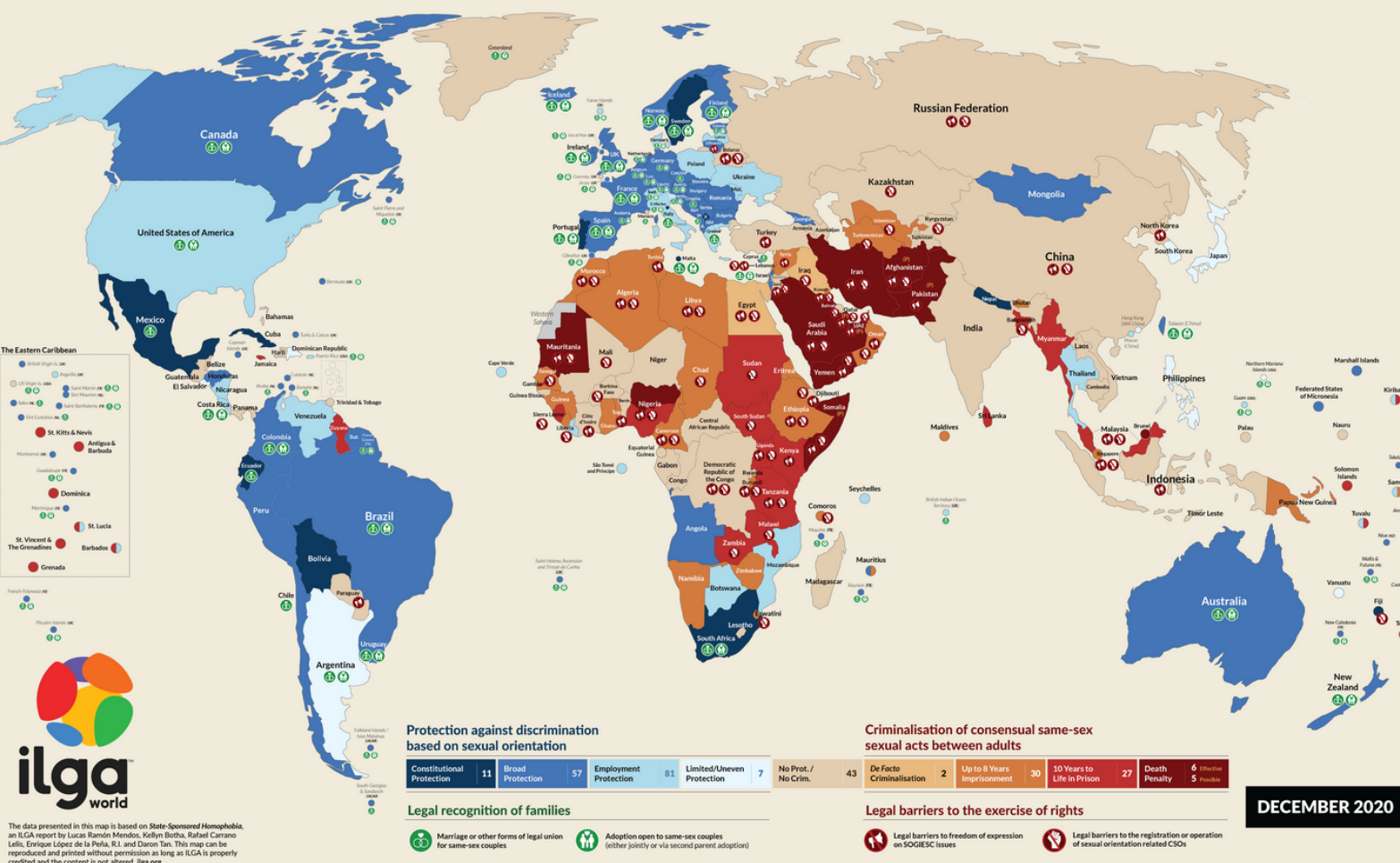
## CHALLENGES FACED BY LGBTIQ+ REFUGEES

### Criminalization



Many states still have laws that directly discriminate against LGBTIQ+ people. Some [70 countries](#) criminalize same-sex relationships and at least five countries make it punishable by death. This means that more than two billion people live in countries where being gay, lesbian or bisexual is illegal. In more than a dozen countries, homosexuality and gender-nonconforming identities are a capital offense; and in many places those convicted can face fines, jail time, lashings and even life imprisonment. Even if the laws are not strictly enforced in a given country, their simple existence is dangerous. Criminalization often provides legal cover and incentive for those who would persecute LGBTIQ+ people.

### Sexual orientation laws in the world (ILGA)



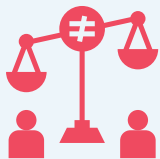
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## CHALLENGES FACED BY LGBTIQ+ REFUGEES

### Discrimination



LGBTIQ+ refugees often continue to suffer from discrimination in the countries where they have sought refuge. This discrimination can come from hosting communities but also from diaspora and refugee communities. It is often rooted in religious and cultural beliefs. There is also a correlation between tolerance and economic development; researchers find that economic development spurs more open-minded attitudes toward a wide range of groups.

### Violence and hate crimes



Discrimination can lead to physical violence and crime. Homophobic and transphobic violence occurs in all regions of the world although official data is scarce. In the US, LGBTIQ+ people are four times more likely to experience violence, including rape, according to [UCLA](#). In Latin America and the Caribbean, four LGBTIQ+ people are estimated to be murdered every day, according to a [regional network of gay rights groups](#), and 12% of these killings are carried out by people known to the victims, including family members.

### Asylum Process



People who cross a border and apply for asylum go through what is called a “refugee status determination procedure”. During this process they have to share their story to help determine whether they fled due to fear of persecution based on their race, religion, nationality, membership of a particular social group, or political opinion. For LGBTIQ+ people, discussing their experience, especially if they have been subjected to sexual violence can be difficult. LGBTIQ+ people might struggle to prove the risk of persecution based on their sexual orientation, gender identity and expression, or sex characteristics. A research team from the University of Sussex found that in Europe, one in three LGBTIQ+ asylum-seekers see their claims rejected because officials don't believe their sexual orientation or gender identity.



## CHALLENGES FACED BY LGBTIQ+ REFUGEES

### Access to housing



Like many other refugees, LGBTIQ+ people often arrive in a country of asylum with no support networks in place and it is important that an LGBTIQ+ person forced to flee has access to safe and dignified housing. Selecting an appropriate housing option can improve their safety and integration.

### Access to health



LGBTIQ+ people regularly experience stigma and discrimination while seeking health services. All refugees, including LGBTIQ+ refugees, need access to inclusive healthcare. Some LGBTIQ+ refugees may require specific medical care, including mental health support, HIV treatment, hormonal or gender affirming treatments for trans people.

### Access to work



Often arriving with broken or fractured support networks, LGBTIQ+ refugees are vulnerable to social isolation. Like many other refugees, they struggle to find jobs because of gaps in their CVs or a lack of knowledge of the language or market. Discrimination towards LGBTIQ+ people creates additional obstacles to accessing jobs and social safety nets.



**“There is great cruelty when the forced displacement of persons is the result of who they are or who they love – and it will take a global coalition to address the institutional drivers of violence and to deconstruct stigma at the base of it.”**

—Victor Madrigal-Borloz, UN Expert on Protection against violence and discrimination



## WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?



- UNHCR helps LGBTIQ+ refugees to resume their lives in a new country. UNHCR works with governments and partners to help give LGBTIQ+ refugees access to housing, training, job and support networks.
- UNHCR works to ensure that the rights of LGBTIQ+ people are respected, and to prevent discrimination.
- UNHCR helps put in place inclusive reception programs to make LGBTIQ+ asylum seekers feel safe. UNHCR trains caseworkers within reception and integration agencies, including interpreters, to build trust with LGBTIQ+ refugees, know the services available to them and respect confidentiality.
- UNHCR drives global conversations to better support LGBTIQ+ refugees. In June 2021, UNHCR led a [global roundtable](#) to develop joint action for the protection of forcibly displaced LGBTIQ+ people. More than 500 people from around the world from governments, civil society, and the private sector, as well as LGBTIQ+ people, convened to discuss experiences, policies and programs that have worked.
- UNHCR works with LGBTIQ+ people and NGOs to ensure their meaningful participation and leadership in programming and decisions that affect their lives.

## HOST COMMUNITY & NGOs



- Host communities and NGOs can support the social integration of LGBTIQ+ refugees. For example, [Rainbow Refugee](#) is a dedicated group of community volunteers and activists helping LGBTIQ+ refugees in Vancouver, Canada.
- Host communities and NGOs can show their support to LGBTIQ+ people by calling for urgent government action. For example, after several LGBTIQ+ murders, [South Africans](#) gathered online, courts and police stations to call for the protection of LGBTIQ+ people.
- NGOs and legal experts from host communities can advise LGBTIQ+ refugees and provide support during the legal process. [Queer Refugees Germany](#) is a project that connects, supports and advises LGBTIQ+ refugees. Their website provides information on services in various languages.

## WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?

### GOVERNMENTS



- Governments can change the laws that criminalize or discriminate against LGBTIQ+ people. For example, in 2018, India's Supreme Court struck down a 150-year-old ban on gay sex. The same year, Trinidad and Tobago ruled to decriminalize homosexuality in the country. Worldwide, same-sex marriage is legal in [30 countries](#).
- Governments can investigate and prosecute perpetrators of homophobic and transphobic violence. They can establish systems for recording and reporting such violence, train law enforcement staff and develop public education campaigns to promote mutual respect.
- Governments can allow people to seek asylum in their countries and be registered as a refugee based on their LGBTIQ+ status.

### BUSINESSES



- Businesses can hire and help create a good workplace for LGBTIQ+ people. For example, health and human services organisations can become accredited for providing a safe and inclusive workplace for the LGBTIQ+ community by using the [Rainbow Tick Accreditation](#).
- Businesses can start mentorship programs for LGBTIQ+ refugees. For example, The Human Rights Campaign Foundation and the Tent Partnership for Refugees launched [mentorship programs](#) in Canada, Mexico and the US. More than 20 companies have collectively committed to mentor over 1,250 LGBTIQ+ refugees over the next three years.



Businesses can hire LGBTIQ+ refugees. Getting a job helps refugees forge friendships, build a social network, and make a living.





## WHAT IS CURRENTLY BEING DONE TO ADDRESS THIS ISSUE?



### REFUGEES

- Refugees can provide LGBTIQ+ refugees with resources about the host country and asylum process. For example, [Queer Sisterhood Project](#) is a refugee-led and peer-run support group that provides resources and training for LGBTIQ+ asylum seekers.
- Refugees can make LGBTIQ+ refugees feel welcome in their communities. For example, "[Famille au grand coeur](#)," is an association run by a group of refugees and asylum seekers in the south of France that aims to accompany newly arrived LGBTIQ+ refugees.



LGBTIQ+ activist and Regional Nansen Refugee Award winner [Bianka Rodriguez](#) is the president of Comcavis Trans in El Salvador. Bianka brings visibility and dignity to the trans community, creates support networks and teaches trans men and women about their rights.

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Christophe and Armand host Louis (left), a refugee from Mali, in their apartment in Paris. Louis was persecuted because of his sexuality and his activities in the LGBTIQ+ community.

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## Questions to Guide the Debate

- How can we urge governments to stop criminalizing LGBTIQ+ people?
- How can we fight discrimination against LGBTIQ+ refugees?
- How can we ensure the physical protection of LGBTIQ+ refugees?
- How can we better support LGBTIQ+ people during the asylum process?
- How can we ensure that LGBTIQ+ people are meaningfully engaged in any efforts to identify barriers to their participation in decisions that affect their lives?
- How can we ensure LGBTIQ+ refugees' access to health, housing and work?
- What role can local citizens and local organizations play to support LGBTIQ+ refugees?
- What role can businesses play to support LGBTIQ+ refugees?
- What role can refugee communities play to support LGBTIQ+ refugees?
- How can we ensure that refugees who are victims of violence have access to justice and psychological counselling?

## Useful Resources

- [What it means to be an LGBTI refugee | by UN Refugee Agency | Medium](#)
- [UNHCR Integration Handbook: LGBTIQ+ refugees](#)
- [UNHCR, Discussion Paper, The Protection of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees \(2010\)](#)
- [UNHCR Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity \(2008\)](#)
- [UNHCR Guidelines on International Protection No. 9](#)
- [Global report on UNHCR's efforts to protect lesbian, gay, bisexual, transgender, and intersex asylum-seekers and refugees](#)
- [UNHCR Emergency Handbook: Lesbian, gay, bisexual, transgender and intersex \(LGBTI\) persons](#)
- [LGBTIQ+ Training Package](#)
- [No Safe Place | Amnesty International: Salvadorans, Guatemalans and Hondurans Seeking Asylum in Mexico Based on their Sexual Orientation and/or Gender Identity](#)

## Contact us

If you have any questions about UNHCR's MUN Refugee Challenge or this background guide, please visit our [webpage](#) or contact [hqmunrefugee@unhcr.org](mailto:hqmunrefugee@unhcr.org).