

## RECOMMENDATIONS

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# Strengthening Protection for LGBTI Refugees

*“Many lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including adolescents, continue to be compelled to flee their home countries and seek protection abroad due to the discrimination and abuse they experience. In many countries around the world, these individuals and the specific protection problems they face in flight and in exile remain largely invisible. It is clear, however, that the nature of the discrimination they encounter can be particularly virulent, their isolation from family and community profound, and the harm inflicted on them severe.”*

- U.N. High Commissioner for Refugees António Guterres, International Day Against Homophobia and Transphobia (IDAHO), 05-17-2012

## BACKGROUND

In many parts of the world, refugees continue to face serious threats to their human rights, even after seeking safety in another country. They may be targeted for violence or may face serious obstacles in accessing the assistance that is available to refugees. Lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees frequently face such challenges in many countries.

In our May 2012 report *The Road to Safety*, Human Rights First found that in Uganda and Kenya, LGBTI refugees had been abducted, beaten, raped, and forced to relocate homes. They experienced extreme isolation, faced discrimination, harassment, and brutality in the form of bias-motivated and sexual and gender-based violence, and were under threat of arrest and criminal convictions for consensual same-sex conduct. In addition, LGBTI refugees often struggled to access assistance from NGOs, UNHCR offices or health care providers due to discrimination by service providers or the fear of being identified as LGBTI by other refugees and subjected to harassment or violence as a result.

UNHCR’s Age, Gender and Diversity (AGD) policy seeks to ensure that “all persons of concern enjoy their rights on an equal footing”. The AGD policy makes explicit reference to the need to include LGBTI refugees in decisions affecting them in order to maximize their “protection, access to rights and the positive contribution they can make to community life”. UNHCR has taken a number of steps to improve the protection and assistance available to LGBTI refugees and should continue these measures, with support from donors. Host governments and resettlement countries also have important roles to play in strengthening the protection of LGBTI refugees.

## RECOMMENDATIONS

### To UNHCR

1. **Improve general access to protection and assistance for LGBTI refugees.** UNHCR should continue to take steps to improve access to protection and assistance mechanisms including:
  - Continue to revise and roll out key protection tools and guidance such as the Heightened Risk Identification Tool, the Registration Handbook and the Pocket Guide for Urban Refugees in order to identify and assist LGBTI refugees, provide guidance on working in countries with laws that criminalize same-sex conduct and provide guidance to resettlement staff on working with LGBTI refugees including making submissions for expedited resettlement;
  - Develop joint strategies with NGOs in field offices to include LGBTI refugees in efforts to provide protection against violence, support for survivors of violence, safe shelter, access to durable solutions and measures to improve access to existing services;
  - Further the development and provision of ongoing training to address negative UNHCR and NGO staff attitudes towards LGBTI refugees and hold staff or partners who discriminate accountable;
  - Train UNHCR staff, government officials and adjudicators on sexual orientation and gender identity as grounds for asylum and develop strategies to provide access to asylum in countries that do not grant refugee status on this basis;
  - Monitor the inclusion of LGBTI refugees in protection and assistance plans through the AGDM Accountability Framework;

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- Include the specific needs of LGBTI refugees in advocacy for access to services, such as health care, with host governments in terms of the provisions of the Urban Refugee Policy; and
  - Reform registration procedures and develop targeted outreach strategies to ensure that LGBTI refugees are identified and their protection needs are addressed.
2. **Enhance emergency protection mechanisms such as safe housing and Emergency Transit Facilities for LGBTI refugees facing imminent risks of harm.** UNHCR should expand access to safe shelter for highly vulnerable refugees at risk, including LGBTI refugees, and put in place measures to prevent victimization in these shelters. In some cases, a “scattered housing” approach, with discrete housing separate from where other refugees live, may be safer than the use of a “safe house”. Where no in-country safe shelter is possible, UNHCR should support the transfer of LGBTI refugees to Emergency Transit Facilities and train staff at these facilities to assist refugees with specific needs, including LGBTI refugees.
  3. **Protect LGBTI refugees from violence and assist victims of violence.**
    - Working with partners such as NGOs and National Human Rights Institutions, UNHCR should document and report bias-motivated violence attacks against LGBTI and other refugees/persons of concern to UNHCR to the authorities and assist victims; and
    - Urge host states to protect LGBTI and other refugees/persons of concern to UNHCR from bias-motivated violence, including through improved policing, prosecutions and public condemnations of violence.

### To Host Governments

1. **Increase efforts to protect all, including LGBTI refugees, from violence.** Host governments should take steps to strengthen the protection of all against bias-motivated violence, including for LGBTI refugees, by encouraging equal protection for all by the police and access to justice. States with laws criminalizing same-sex conduct should repeal such provisions. UN Special Rapporteurs have emphasized that these contribute towards hate crimes, police abuse, torture, and family and community violence.
2. **Identify and address obstacles preventing LGBTI refugees from accessing government services.** Host

governments should work with UNHCR and NGOs to identify specific obstacles preventing LGBTI refugees from accessing government services such as health care on an equitable basis to other refugees and take steps to address these.

### To Donors

1. **Support efforts to expand safe shelter for refugees at risk of violence, including LGBTI refugees.** Donors should support efforts to increase access to safe shelter for refugees at risk, including LGBTI refugees. Measures should be put in place to prevent the victimization of particular refugees, including LGBTI refugees, in such facilities.
2. **Encourage grantees to make their projects accessible to LGBTI refugees and monitor their inclusion.** Donors should encourage grantees to make their projects, including SGBV interventions, health care initiatives and livelihood projects, accessible to LGBTI refugees and should monitor the extent to which LGBTI refugees are included.

### To Resettlement Countries

1. **Encourage the submission of LGBTI refugees for resettlement from countries where they face significant legal or protection challenges and strengthen post-arrival assistance.** Resettlement countries should encourage submissions from UNHCR or NGO partners of LGBTI refugees located in countries where they are known to face significant legal and protection challenges. Resettlement countries should also strengthen measures to ensure that LGBTI refugees are placed into supportive environments after resettlement to strengthen their ability to integrate.
2. **Strengthen measures to expedite the resettlement of refugees facing high risks of violence, including LGBTI refugees, in order to provide emergency protection.** Resettlement countries should strengthen access to emergency resettlement places by reviewing their emergency resettlement criteria with a view to increase acceptance rates, increasing the number of emergency resettlement places and taking steps to remove obstacles to rapid resettlement for those facing high risks of violence in the country of asylum, including by providing rapid resettlement interviews and addressing potential delays due to security or medical checks.