THE GEORGE WASHINGTON UNIVERSITY

THE ELLIOTT SCHOOL
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**THE INSTITUTE FOR MIDDLE EAST STUDIES**

## IMES CAPSTONE PAPER SERIES

# TREADING SOFTLY: RESPONDING TO LGBTI SYRIAN REFUGEES IN JORDAN

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## Introduction

The Syrian refugee crisis has evolved into "the biggest humanitarian emergency of our era."[1] Since the Syrian conflict broke out in 2011, millions of refugees have fled their homes to neighboring countries in search of safe havens. Jordan, consisting of a population of which approximately half is Palestinian, has historically served as a home for victims of regional turmoil. Neighboring Lebanon and Turkey have also become main recipients of the Syrian refugee population.

As the Syrian conflict rages on, Jordan continues to provide refuge in the midst of severe national water scarcity issues and economic strains. With a high level of dependence on humanitarian actors and the international community for financial support and service provision, Jordan has been able to maintain internal stability and works with a variety of institutions to give refugees access to shelter, food, water, healthcare, and other needs. In light of cultural gender norms that transcend the Syria-Jordan border, there is a great deal of humanitarian aid specifically targeting women, and services are tailored to address their needs.

With this in mind, we questioned the broader debate regarding gender and access to humanitarian services. We examined the role that gender identity and sexual orientation play in access to humanitarian services, especially with regards to vulnerable groups that do not fall within a heterosexual binary. Specifically, we asked: how do refugee service providers in Jordan incorporate LGBTI sensitive components into their work?

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[1] Eyder Peralta, "U.N.: Syrian Refugee Crisis Is 'Biggest Humanitarian Emergency Of Our Era,' " *NPR: The Two-Way*, August 29, 2014, accessed April 19, 2015, http://www.npr.org/blogs/thetwo-way/2014/08/29/344219323/u-n-syrian-refugee-crisis-is-biggest-humanitarian-emergency-of-our-era.

The Organization for Refuge, Asylum & Migration (ORAM) conducted a study in 2012 on global NGO attitudes towards LGBTI asylum seekers and refugees.[2] The results of the study demonstrate that "... many refugee-serving NGOs are not aware of the LGBTI people in their midst. Many more do not perceive a need to identify LGBTI refugees' specific needs or develop relevant policies and practices."[3] These attitudes, in combination with most LGBTI individuals refraining from self-identifying due to fear of being denied services[4], make it abundantly clear that there are global gaps in effective service provision. LGBTI individuals do have specific needs and face particular vulnerabilities especially in times of displacement. In the Jordanian context specifically, LGBTI Syrian refugees are particularly vulnerable to experience deportation as a result of their HIV status, be at risk for engaging in transactional sex, and to lack a safe shelter. We sought to examine what was being done to combat these issues, and how the humanitarian community was working in Jordan to create enabling spaces, provide effective trainings, and assess LGBTI vulnerability within humanitarian service provision in Jordan.

According to UNHCR's Age, Gender and Diversity Policy, "people who are lesbian, gay, bisexual, transsexual or intersex (LGBTI) are often exposed to discrimination and abuse linked to their sexual orientation and gender identity."[5] In situations where these individuals are displaced, risk factors are "often severely compounded" and the "nature of the discrimination they encounter can be particularly

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2 Organization for Refuge, Asylum & Migration, *Opening Doors: A Global Survey of NGO Attitudes Towards LGBTI Refugees and Asylum Seekers* (ORAM, 2012), accessed May 3, 2015, https://data.unhcr.org/syrianrefugees/working_group.php?Page=Country&LocationId=107&Id=70.

3 Ibid., 8.

4 Ibid.

5 UNHCR, "Age, Gender and Diversity Policy: Working with People and Communities for Equality and Protection," 4, accessed April 19, 2015, http://www.unhcr.org/543b922a6.html.

virulent, their isolation from family and community profound, and the harm inflicted on them severe."[6] In these situations where refugees often lack agency and opportunities to ensure that their needs are being met, it is particularly important to incorporate especially vulnerable groups into program development, as "their participation in decisions affecting them is central to maximizing their protection, access to rights and the positive contribution they can make to community life."[7] To understand how this policy is being implemented within the Jordanian context, we first examine Jordan's role within the international context as a place of refuge, and what that means in terms of international agreements like the *1951 Convention on the Status of Refugees* and the *1998 Memorandum of Understanding* between UNHCR and Jordan. These agreements provide insight as to what the Jordanian government can be held accountable for when serving asylum seekers and refugees. Then, we provide a general framing of how LGBTI persons have been affected in other humanitarian crises, including the refugee influx in Lebanon. After outlining Jordan's national legal environment and spaces for LGBTI CSOs, we examine UNHCR and implementing partner policies and practices. The only organization we have been authorized to refer to in this report is UNHCR. Other organizations and individual interviewees asked to not be referred to by name in this report. The concluding section then provides recommendations in terms of realistic next steps.

6 UNHCR, "Age, Gender and Diversity Policy: Working with People and Communities for Equality and Protection,".

7 Ibid., 5.

**Background**

Many Syrian LGBTI refugees are not unfamiliar with hostile laws criminalizing their gender identity or sexual orientation. Within the Syrian Penal Code of 1949, Article 520 states "any unnatural sexual intercourse shall be punished with a term of imprisonment up to three years."[8] Since the conflict began in 2011, the Syrian regime has used terminology associated with the LGBTI community as a way to slur and discredit the revolution. The Assad government called pro-rebellion news channel owners homosexuals, and maintained that everybody supporting the rebellion was gay and, consequently, immoral.[9]

Since ISIS became an active regional player in the Syrian conflict, the group has been targeting members of the LGBTI community and throwing them off buildings, followed by stoning.[10] In videos and pictures released by ISIS, the militant group refers to the LGBTI community as belonging to the tribe of Lot, a group of individuals that refused to abstain from engaging in homosexual activity, therefore being responsible for the destruction of Sodom. [11]

Consequently, many LGBTI Syrians fled and are continuing to flee Syria in the face of this kind of violence, in addition to a number of other factors. As of early 2015, it

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[8] Zeynep Bilginsoy and Arwa Damon, "Amid brazen, deadly attacks, gay Syrians tell of fear of ISIS persecution," *CNN*, March 6, 2015, accessed April 19, 2015, http://www.cnn.com/2015/03/05/middleeast/isis-lgbt-persecution/.

[9] Morgan Winsor, **"**ISIS Stones Gay Man To Death In Syria, Where Homosexuality Is Criminal," *International Business Times*, April 9, 2015, accessed April 19, 2015, http://www.ibtimes.com/isis-stones-gay-man-death-syria-where-homosexuality-criminal-1875943.

[10] Zeynep Bilginsoy and Arwa Damon, "Amid brazen, deadly attacks, gay Syrians tell of fear of ISIS persecution."

[11] Ibid.

is estimated that there are 747,360 Syrian refugees residing in Jordan.[12] Conservative estimates suggest that approximately 5% of the total refugee population identifies as LGBTI, though some estimates are even higher.[13]

Jordan is not a signatory to the *1951 Convention on the Status of Refugees*, or the *1967 Protocol on the Status of Refugees*.[14] Instead, the *1998 Memorandum of Understanding* (MOU) between UNHCR and the Jordanian government sets the parameters for cooperation between the two bodies on the issue of refugees and asylum-seekers.[15] This MOU outlines the principles of international protection within Jordan, and specifies that asylum-seekers may stay in Jordan pending refugee status determination (RSD) and allows refugees a maximum stay of six months after recognition, during which a durable solution (normally resettlement to a third country) must be found.[16]

This time-limited aspect of the MOU is not frequently enforced in practice, and is instead used to establish that refugees' residence in Jordan will be temporary. Additionally, the MOU indicates that local integration is not an option for refugees in Jordan.[17] This type of policy increases the vulnerability of refugees, as they are less likely to protest or openly question the government given the insecurity of their legal status.

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12 UNHCR, "Jordan: 2015 UNHCR country operations profile - Jordan," last modified 2015, accessed April 19, 2015, http://www.unhcr.org/pages/49e486566.html.

13 Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*, (Chicago, IL: Heartland Alliance International, 2014), 8, accessed April 19, 2015, http://www.heartlandalliance.org/ international/research/no-place-for-people-like- you_hai_2014.pdf.

14 UNHCR, "Submission by the United Nations High Commissioner for Refugees, for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Jordan," 1, accessed April 19, 2015, http://www.refworld.org/pdfid/513d90172.pdf..

15 Ibid.

16 Ibid.

17 Akram, Susan M. et al., *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing* (Boston: Boston University), 59, accessed April 19, 2015, http://www.bu.edu/law/central/jd/programs/clinics/ international-human rights/documents/FINALFullReport.pdf.

Still, the Jordanian government refers to Syrians within its borders as refugees, and UNHCR continues to describe the protection environment for Syrians within the country as "generally favorable,"[18] though this protection environment is fragile due to the socio-economic challenges that refugees are exacerbating within the country.[19]

Additionally, while a number of faith-based organizations do offer services for refugees, social stigma and discrimination often prevent the LGBTI population from accessing services from these particular providers. Since UNHCR is the leading coordinator on the refugee response in collaboration with the Jordanian government[20] and adheres to the UNHCR Age, Gender and Diversity Policy that explicitly outlines the compounded vulnerabilities LGBTI individuals face in displacement contexts, our research largely focuses on their efforts and their implementing partners' efforts in the field.

**Literature Review**

An unknown number of individuals have left Syria since 2011 due to risk of violence from family and friends because of their sexual orientation or gender identity, in addition to the risks posed by the Syrian government and various militant groups. As a result, many seek refuge in host countries in absence of networks like families or friends that will support them. Therefore, these individuals have particular needs in terms of accessing food, shelter, psychosocial support, general health care, and a number of other

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[18] UNHCR, " Global Appeal 2015 Update: Jordan," accessed April 19, 2015, http://www.unhcr.org/5461e6070.pdf, 1.

[19] Akram, Susan M. et al., *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing*, 59.

[20] UNHCR, "Jordan: 2015 UNHCR country operations profile - Jordan," last modified 2015, accessed May 1, 2015, http://www.unhcr.org/pages/49e486566.html.

international and national humanitarian services. The reasons for these particular needs will be highlighted throughout this report.

As Jennifer Rumbach and Kyle Knight argue, the LGBTI community tends to be particularly vulnerable in emergency situations.[21] Even though individuals might be able to access some services, there are structural obstacles in terms of their ability to access services due to stigma and discrimination. Unfortunately, this problem has proven to be a pattern in emergency situations worldwide. For example, in certain emergency contexts such as the 2010 Mt. Merapi eruption in Indonesia, many individuals in the displaced LGBTI community feared hostility and discrimination from the state and NGOs in charge of evacuation sites.[22] Therefore, these individuals heavily relied on informal networks for support and protection because they did not have the option to rely on formal networks, unlike their heteronormative counterparts.[23] Access and infrastructure for discreet services such as HIV treatments can entirely collapse in emergency contexts, and at times these particular forms of assistance are not offered through general emergency healthcare.[24]

As this example highlights, people who are unable to identify within a heteronormative binary are at risk of being excluded from service provision. As Oxfam documented during the 2004 Indian Ocean tsunami, individuals who did not exclusively identify as female/woman or male/man were unable to access basic sanitation services

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[21] Kyle Knight and Jennifer Rumbach, "Sexual Orientation and Gender Minorities in Humanitarian Emergencies," in *Issues of Gender and Sexual Orientation in Humanitarian Emergencies: Risks and Risks and Risk Reduction*, edited by Larry Roeder Springer, 33-74 (Switzerland: Springer, 2014).
[22] Ibid., 37.
[23] Ibid.
[24] Ibid.

like toilets or showers at evacuation sites, causing public humiliation, discrimination, and additional stress on top of that created by the tsunami and its effects. [25]

With regards to the Jordanian context, the Women's Refugee Commission identified gaps that currently exist in Jordan's response to the Syrian refugee crisis. One report highlighted that individual male refugees face challenges in finding housing due to "cultural limitations on having unrelated men in the household," [26] consequently compounding the vulnerability of this particular population. With existing case studies showing that LGBTI males are coming to host countries without their families, homelessness is an acute problem.

*Heartland Alliance Report*

In December 2014, Heartland Alliance International published one of the only reports available on the specific needs, vulnerabilities, and experiences of LGBTI Syrian refugees in host countries. The report focuses exclusively on the experiences of LGBTI Syrians in Lebanon, but still provides valuable information as a comparative case for our research.[27] This study was based on interviews with 60 LGBTI Syrian refugees residing in Lebanon, as well as several other key stakeholders including the Lebanese government and Lebanese businesses. This study asked extensive questions in both questionnaires and focus groups to determine LGBTI Syrian refugees' reasons for fleeing Syria, and to

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[25] Kyle Knight and Jennifer Rumbach, "Sexual Orientation and Gender Minorities in Humanitarian Emergencies," 40.

[26] Women's Refugee Commission, *Unpacking Gender: The Humanitarian Response to the Syrian Refugee Crisis in Jordan*, (New York: Women's Refugee Commission, 2014), 11, accessed April 19, 2015, https://womensrefugeecommission.org/resources/gender-issues/985-unpacking-gender-the-humanitarian-response-to-the-syrian-refugee-crisis-in-jordan.

[27] Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*.

analyze how their backgrounds, circumstances, and security concerns have limited their access to services in Lebanon.

Over half the respondents interviewed for the study reported being sexually abused in Syria prior to fleeing, and eighty-eight percent of all respondents reported being directly threatened with violence or intimidation.[28] This highlights the fact that LGBTI individuals are frequently targeted for violence, and that this violence is often among their main reasons for fleeing Syria. Seventy percent of respondents cited the rising violence towards LGBTI persons as the primary motivating factor in deciding to flee.[29]

Among the most relevant key findings of the report is the fact that LGBTI refugees in Lebanon face double discrimination due both to their sexual orientation and/or gender identity and their status as refugees.[30] Given the increasing strain refugees are placing on the economy, Syrian refugees are regarded by Lebanese citizens as a burden and as objects of xenophobia. The additional stigma against LGBTI individuals for their sexual and gender non-conformity is yet another area of discrimination.[31]

The study also found that LGBTI Syrians suffered from reduced sources of social and emotional support. Given the fact that many LGBTI refugees were estranged from their families and ostracized by their communities, they had less of a network to rely on during displacement.[32] As a result of this diminished support, over half of the refugees interviewed for the study admitted to engaging in transactional sex to fulfill their basic

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[28] Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*,16.
[29] Ibid.
[30] Ibid., 13.
[31] Ibid.
[32] Ibid.

needs.[33] This reliance on transactional sex in turn makes these individuals more vulnerable to sexual and gender-based violence (SGBV).[34] Fifty-six percent of respondents reported having been physically assaulted, harassed, or abused because of their sexual identity in Lebanon, which included incidents of sexual assault.[35] Very few of these incidents were ever reported to the police, due to fears for their own safety and well-being.[36]

*Legal Issues*

Unlike other countries in the region, Jordan does not have explicit anti-homosexuality or anti-sodomy laws. Since the Arab Spring began in 2011, however, there has been noticeable public backlash against the gay community in Jordan, particularly from the Muslim Brotherhood.[37] According to Pew Research's Global Attitudes Project in 2013, Jordan citizens make up the second most homophobic country in the world, following Ghana.[38] The legal system has a Criminal Prevention Law stating: "provincial governors can administratively detain persons."[39] According to Human Rights Watch, while the legal system requires governors to have evidence of criminal activity in order to detain an individual, this is not always enforced and therefore leads to

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33 Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*,22.

34 Ibid.

35 Ibid.

36 Ibid.

37 Eliran Levy, "Jordan activist struggles to shore up oppressed LGBT community," *Deutshe Welle* (*DW*), January 15, 2014, accessed November 6, 2014, http://www.dw.de/jordan- activist-struggles-to-shore-up-oppressed-lgbt-community/a-17312881.

38 Pew Research, "Global Views on Morality," last modified 2015, accessed November 6, 2014, http://www.pewglobal.org/2014/04/15/global-morality/country/united-states/.

39 Human Rights Watch, *World Report Chapter: Jordan* (Human Rights Watch, 2010), 1, accessed April 4th, 2015, http://www.hrw.org/sites/default/files/related_material /jordan_0.pdf.

illegal detention in practice.[40] Jordan's Foreign Ministry reported holding 14,000 individuals under administrative detention in 2009 alone.[41] This practice is often "used to circumvent the obligation to present suspects to the prosecutor within 24 hours, or to overrule judges who have released suspects on bail."[42] Therefore, authorities within the criminal justice system are not held accountable to upholding the law as it appears on paper, and are in a position to utilize their power to interpret the law as they see fit. In an environment where the LGBTI community is largely constrained by heteronormative social beliefs, this type of discretion with the law is not conducive to creating an enabling environment for the Jordanian LGBTI community, let alone LGBTI refugees. While we were unable to find any hard numbers on how many LGBTI individuals are administratively detained under these laws, administrative detention of LGBTI individuals was mentioned by several of our respondents, and also appeared in the UNHCR-sponsored training session materials. Therefore, this is clearly a concern for both the Jordanian LGBTI community and also for LGBTI refugees within Jordan's borders.

Additionally, the civil society environment in Jordan prevents the formation of LGBTI-focused CSOs. This is due both to the legal regulations regarding CSO registration as well as the conservative environment and social norms that do not favorably view LGBTI people. Furthermore, the most recent CSO Sustainability Report for Jordan and Lebanon came out in 2011, and Jordan's assessments were overall rated as

[40] Human Rights Watch, *World Report Chapter: Jordan*, 1.
[41] Ibid., 1-2.
[42] Ibid., 2.

"impeded."[43] USAID used various indicators to study Jordan's CSO sustainability, including the legal environment, advocacy for CSOs, service provision, and organizational capacity.[44] CSOs must have open membership, start with at least seven members, and provide services on a voluntary basis.[45] The report highlights the fact that "the Jordanian government both supports civil society and attempts to depoliticize it. It encourages the overall growth of the sector while impeding CSO operations that support initiatives deemed threatening to Jordan's political stability and security."[46] CSOs, according to the report, have faced harassment from security services and favoritism within the Ministry of Social Development.[47] As Stefanie Eileen Nanes argues, "… by creating restrictive requirements for civil society organizations and overtly managing some of them, the state in fact enhances its control over society through the very institutions that are supposed to provide a space for action outside the state's reach. Thus, through a political liberalization process theoretically intended to advance democratic liberty, the Jordanian state has paradoxically expanded its control."[48] In an environment where LGBTI issues are heavily stigmatized, receiving approval for CSO registration can be particularly difficult.

One gay Jordanian activist attempted to start an LGBTI organization and was outright rejected by the Ministry of Social Development: "I told them: if the government

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[43] USAID, *2011 CSO Sustainability Index for the Middle East and North Africa* (Washington, DC, 2011), 24, accessed April 10, 2015, http://www.usaid.gov/sites/default/files/documents/1866/2011_MENA_CSOSI.pdf.

[44] Ibid.

[45] Ibid.

[46] Ibid.

[47] Ibid., 26-27.

[48] Stefanie Eileen Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan," in *Deconstructing Sexuality in the Middle East*, edited by Pinar Ilkkaracan, Hampshire, England: Ashgate Publishing Limited, 2008, 68.

can't protect us, allow us to protect each other. Let me open this association so that the next time someone will be kicked out of their home, we can protect them. They took my application and threw it to the trash can in front of my eyes, while thanking me and promising to take it under consideration."[49] This experience indicates that these types of informal barriers within the bureaucratic system, potentially heavily influenced both by cultural norms and lack of sensitivity training, are detrimental to the protection needs of the LGBTI community. CSOs and NGOs are not able to function unless registered, and consequently international institutions are not able to openly work with local organizations to promote and provide effective services and safe spaces for the LGBTI community in Jordan, for Jordanians or Syrians.

In sum, as of early 2015, Jordan lacks a formally recognized civil society sector that specifically focuses on LGBTI advocacy and assistance. Some organizations have identified discreet champions to help provide an LGBTI-sensitive lens in service provision in addition to having employees go through LGBTI sensitization training and have services in place for this particular community. We were not able to identify a durable foundation consisting of formally recognized and nationally supported actors to advance LGBTI humanitarian issues in Jordan's specific context. We were, however, able to examine informal networks and their roles in service provision.

**Methodology**

We began our research by conducting a literature review which focused on the information available regarding LGBTI issues in humanitarian contexts and the humanitarian response within Jordan and neighboring countries. With so little existing

[49] Eliran Levy, "Jordan activist struggles to shore up oppressed LGBT community."

data on our topic, we largely relied on news reports of LGBTI Syrian refugees in Jordan and Lebanon. To supplement this literature review, we also conducted interviews with key actors both in-country and abroad.

We conducted interviews with 8 Jordanian humanitarian actors and service providers in-country between March 5 and March 13. Because the majority of our respondents were non-native speakers of Arabic, our interviews were conducted in English. Interviews normally lasted between thirty and forty five minutes. Various respondents consented to being recorded, and these interviews were later transcribed and presented to respondents to amend any portions they wished to clarify. For the purposes of maintaining confidentiality at the request of several of our interviewees, many organization and individual names have either been changed or omitted. We recognize that LGBTI issues are highly sensitive, and we do not want to unintentionally create harmful consequences either for service providers or for those receiving services.

Additionally, given the busy schedules of some of our respondents, we were unable to meet with various actors while still in-country. In these cases, attempts were made to set up electronic interviews over Skype to collect information after returning to the U.S. These interviews were not recorded.

Our research methodology is not without limitations, and as such we are cognizant that our research is only representative of one half of an extremely complex puzzle. Because of the sensitive and potentially dangerous subject matter of our research, we were unable to interview actual refugees to strengthen our findings, since we were not certain of our ability to adequately safeguard them in such a short and preliminary trip. Thus, our research does not have the benefit of actual refugees' narratives and their

impressions of the response in Jordan. Additionally, we were unable to make contact with the Sexual and Gender Based Violence (SGBV) working group at UNHCR in Jordan due to time constraints, so our analysis in this regard is limited to what we were able to glean from other sources – both from interviews with service providers and during our literature review.

One particular problem that needs to be addressed is the difficulty of targeting lesbians in humanitarian service provision, particularly in Jordan. One UNHCR official noted that this is a global problem and very complex.[50] In Jordan's context, women tend to get married by choice, or through arranged or forced marriages in adherence to strict social norms.[51] Due to cultural expectations of gender, more men come out and identify outside of non-binary heterosexual norms than women. Therefore, in the context of the research for this paper, we were unable to obtain information specifically pertaining to the lesbian refugee population.

*Language*

Academics such as Joseph Massad argue that restricting the gay and lesbian community to the western-oriented understanding of sexual orientation and gender identity is orientalist in nature.[52] Universalizing such terminology confines those who engage in non-heteronormative behavior within parameters that the West has established and applied in an international development context. While conducting research, we were cognizant of the fact that terms such as "LGBTI" do not accurately represent the rich

[50] Interview with UNHCR Protection Unit, March 9, 2015.

[51] Ibid.

[52] Joseph Massad, "Re-Orienting Desire: The Gay International and the Arab World," *Public Culture* 14, no. 2 (Spring 2002): 361-385, accessed April 1, 2015, http://publicculture.dukejournals.org.proxygw.wrlc.org/content/14/2/361.full.pdf+html.

diversity of globally understood sexual behaviors, gender identities, and sexual orientations. That being said, because the goal of this research was not to design the best term to define these spectrums, we used the term "LGBTI" as it is the term that was most commonly used in our research to define individuals who do not self-identify within binary heteronormative parameters. As discussed later in the report, many commonly used Arabic terms that refer to the LGBTI community are derogatory in nature, so we did not feel comfortable utilizing these terms in our paper. While advocates are trying to mainstream literal Arabic translations of the English terms within the LGBTI acronym, as will be discussed later, we recognize the limitations of using this western-oriented acronym and hope that future research will be done to create more inclusive terminology.

## Findings

### *Trainings*

Our first area of investigation focused on how UNHCR trains its staff and partners on LGBTI needs and confidentiality. Given the sensitivity of sexual orientation and gender identity, particularly in the Jordanian context, it is essential that direct points of contact with refugees are trained on how to respectfully deal with LGBTI individuals and to ensure their safety and the confidentiality of any information disclosed. This training must also include direct service providers, so that they are equipped to deal with the unique concerns of LGBTI individuals.

Over the course of our field research, it became apparent that UNHCR trained staff and implementing partners on LGBTI sensitivity and confidentiality, although the extent of this training varied depending on the organization. UNHCR senior

management, for instance, regard LGBTI protection as a priority in the protection unit in Jordan, and as such has provided in-house training sessions for its staff, in close consultation with the local Jordanian LGBTI community.[53] These trainings have included a basic introduction to LGBTI identity terms and definitions, with an emphasis on using respectful Arabic terminology in place of the commonly used terms that carry extensive negative connotations.[54]

Sessions have included learning tools on the difference between biological sex, gender, and gender identity in order to encourage participants to begin to think outside the gender binary.[55] As part of these sessions, participants are also instructed on the existing legal framework in Jordan, and these sections highlight the fact that while the Jordanian constitution protects certain freedoms, these protections are not absolute. Participants are made aware of the fact that while there is no legislative provision that criminalizes homosexual relations or same-sex sexual activity, there are still "elastic clauses" referring to public morality that have "been used as reasons to limit the rights of LGBTI individuals, including here in Jordan."[56] The training has also focused on detailing how principles of respect and non-discrimination apply to LGBTI refugees.

This initial training session has been made a requirement for all UNHCR's incoming staff, and partner organizations are recommended to send participants as well. Introductory training sessions are led by a local Jordanian LGBTI activist, which is regarded as necessary because it is such a controversial and complex topic that it requires a facilitator with extensive personal knowledge to confront any challenges from

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[53] Interview with UNHCR Protection Unit, March 9, 2015.
[54] Interview with activist, March 10, 2015.
[55] Activist, "Lesbian, Gay, Bisexual, Transgender, Intersex," (Training Powerpoint, 2015).
[56] Ibid.

participants.[57] This activist trainer also stated that UNHCR management within Jordan has been extremely supportive of these training efforts, and that this support has included sternly reminding training participants that the UNHCR code of conduct prohibits discrimination on any grounds, including sexual orientation and gender identity, and that all staff must abide by it.[58]

These trainings have been the first part in UNHCR's efforts to create an "in-house network" of staff members in each field location and urban center that will be continuously trained on how to deal with LGBTI cases.[59] Following these introductory sessions, UNHCR management has attempted to identify volunteers from within different units of the organization to receive further training on how to best address the needs of LGBTI cases. These staff members act as focal points to which LGBTI cases can be referred, in an effort to create a "discreet referral pathway" within the organization and its partners to provide LGBTI-sensitive case management and services.[60]

UNHCR's implementing partners have also received follow-on training on a voluntary basis. All of the service providers interviewed for our purposes indicated that they had received training on LGBTI-sensitivity. UNHCR has attempted to create LGBTI focal points within other organizations, including its implementing partners, to expand this referral pathway.[61] However, we had fewer interviews with people that were serving as designated focal points within partner organizations. A representative of one partnering organization that provides mental health and psychosocial support stated that

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[57] Interview with activist, March 10, 2015.
[58] Ibid.
[59] Interview with UNHCR Protection Unit, March 9, 2015.
[60] Ibid.
[61] Ibid.

his organization had created similar focal points within the organization, and that these individuals had received further training on how to best deal with LGBTI clients.[62] His organization has also included extensive training on promoting non-discrimination among its staff, particularly focusing on religious differences, gender, and sexual orientation and gender identity.[63] Trainings have also stressed the ability of staff members to refer cases to colleagues if they feel they are unfit to manage them.[64] While this ability to recuse themselves is likely better for staff that do not wish to interact with LGBTI individuals or feel that they would not be best able to provide care for this group, it is unclear how this can affect the LGBTI individual in question and whether this shuffling would create mistrust of the services provided.

*Service Provision*

While resettlement to another country is a safe and long-term solution for LGBTI refugees, the reality on the ground paints a rather dismal picture. It will take a minimum of 8-12 months for refugees to get resettled, which is a serious problem in light of the fact that the LGBTI community, like other refugees, needs to find ways to access health, education, jobs, shelter, and other means of surviving until resettlement. In addition, because of their gender identity or sexual orientation, they face particular, at times life-threatening, vulnerabilities in Jordan that their heteronormative counterparts do not face. Therefore, UNHCR relies on partnering international organizations to aid in implementing programs that include an LGBTI-sensitive lens.

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62 Interview with service provider, March 10, 2015.
63 Ibid.
64 Ibid.

As previously mentioned, UNHCR has a "discreet referral pathway" within the general scope of refugee humanitarian assistance services for the LGBTI community. Every UNHCR field location has an in-house network of providers that have been trained on LGBTI sensitization to feed into this referral system.[65] UNHCR has identified focal points in mental health, legal services, and within informal networks to which they can refer LGBTI refugees.

Before the Jordanian government cut off free health care access to Syrian refugees in December 2014, NGOs that provided free mental health and psychosocial support services were responsible for providing only a small percentage of the overall amount of healthcare services to Syrians. Now, due to national capacity constraints and the subsequent absence of government-supported health care, international and national NGOs are the main actors in healthcare provision. It is unknown how long the NGO community will be able to sustain their services in light of government cutbacks and rising medication prices with refugees still entering Jordan.[66] One organization we interviewed specifically serves over 2,000 refugees to date, and utilizes a multi-pronged approach with each client.[67] Each client is eligible to receive services through a team consisting of a psychologist, a psychiatrist, a health nurse, and an occupational therapist if the client is a child.[68] Currently, the organization does not charge its clients for service provision, and it also covers medication costs. According to one of our sources at the organization, 90 percent of its clients have financial problems.[69] Therefore, it is crucial

[65] Interview with UNHCR Protection Unit, March 9, 2015.
[66] Interview with service provider, March 10, 2015.
[67] Ibid.
[68] Ibid.
[69] Ibid.

that NGOs have the capacity and funding to cover these types of costs as otherwise refugees would not be able to access healthcare services. While it is not certain how sustainable this financial policy is in light of medication price increases in November 2014, the organization has been able to move budgets around in such a way that costs for refugee clients will be covered for the near future. [70]

During the first session meeting between a case manager and a client, the case manager explains to the client that they are allowed to have a different case manager. Clients then sign off during the first session to say they acknowledge that they can switch case managers. Additionally, the client is introduced to other members of the local team, so they are aware of who else to approach in case they do not feel comfortable disclosing information to their case manager.

In order to create space to forge trusting relationships between providers and male refugees, there is at least one male staff member at each location so as to contribute to services that are sensitive to the needs of men. According to one representative, men tend to "prefer to suffer and not talk to anyone, rather than just go and tell a female " 'Well, I have been abused.' "[71] Additionally, employees recognize that the effects of the conflict are blurring lines between roles of children and adults, and therefore children are taking on traditional adult gender roles at early ages: "The 12 year old boy feels like he's a man and sometimes he doesn't understand that he's a child and require special care. It's like, 'I'm a man and I want to go buy stuff and to help my family.' "[72] Children, therefore, are suffering from stress commonly associated with adults and feel the need to adopt adult-

[70] Interview with service provider, March 10, 2015.
[71] Ibid.
[72] Ibid.

like behaviors. One side effect of this, as highlighted by a representative, is that these children also do not want to talk about their experiences, which is a direct problem for the organization as one of their goals is to treat stress before it evolves into PTSD or a similar disorder. [73] Additionally, widespread cultural acceptance of this type of behavior creates stigma against boys and men who do want to talk about their experiences as individuals who have suffered from violence in one form or another, especially if it was in the form of male-on-male sexual violence.

In order to provide additional support for male refugees who have experienced violence, this same implementing partner facilitates focus groups.[74] It has created a space for men to come together and figure out how they can help their community and, presumably, each other. There is a facilitator at each session, and if the facilitator notices a particular group member struggling emotionally during a session, that group member is referred to a separate employee to talk to one-on-one.[75] After multiple sessions, the men tend to become more comfortable talking about problems they are currently facing or issues that have come up in the past.[76] A representative noted that the organization has a protection case model and a mental health case management model, and that teams following different models communicate professionally with each other so as to provide optimal support for refugees and protect each client's confidentiality.[77]

Additionally, we would like to emphasize the issue of HIV testing and treatment in Jordan. In recent history, Jordan has had a strong commitment to reducing HIV/AIDS

[73] Interview with service provider, March 10, 2015.
[74] Ibid.
[75] Ibid.
[76] Ibid.
[77] Ibid.

rates among their citizens.[78] In the spirit of adhering to this commitment and maintaining control over HIV rates, the Jordanian law "states that refugees who are HIV positive can be deported, which may reduce HIV testing and availability of treatment among refugee populations.[79] While the Ministry of Health does offer free testing and counseling for people with AIDS, the threat of deportation back to Syria might be too big of a risk for testing to be a viable option, even if it is free. This could have the unintended consequence of actually increasing HIV rates in Jordan as sexual relations and marriages between Syrians and Jordanians increase.

*Selection Criteria and Econometric Models*

The ways in which vulnerability is assessed and which cases receive priority also represents an area for potential inadvertent harm to LGBTI individuals. While humanitarian actors certainly must prioritize which cases will receive assistance given their dwindling resources, often families and households – rather than individuals – are prioritized. In fact, "selection criteria for refugee eligibility for services are usually based on the size of the household, with priority given to large, vulnerable families and female-headed households."[80] Given the fact that many LGBTI individuals are frequently isolated from their households, families, or the larger community – either by choice or by necessity – they are often regarded as single adults and placed far down the list in terms

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[78] Boston University of Public Health, et al., *Reproductive Health Services for Syrian Refugees in Zaatri Refugee Camp and Irbid City, Jordan: An evaluation of the Minimum Initial Service Package, March 17-22, 2013* (2013) 6, accessed April 19, 2015, https://data.unhcr.org/syrianrefugees/download.php?id=4108.
[79] Ibid., 6.
[80] Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*, 32.

of priority for services.[81] This can include vital necessities such as food assistance, non-food items, and conditional cash for rent programs that ensure refugees' safety, health, and shelter.

UNHCR is also beginning to pilot a new econometric model for assessing vulnerability. The Vulnerability Assessment Framework (VAF) has been designed to provide a more effective way of assisting refugees and ensuring that households most in need of assistance receive priority.[82] This econometric model involves a very detailed questionnaire that asks about the household's needs across sector in order to predict the economic vulnerability of the household.[83] Examples of the topics on the questionnaire include questions on the household's sources of incomes, their needs for non-food items, what poverty and coping strategies they are using to manage financial instability (begging, child labor, living in the same residence with other family members, selling assets, or borrowing money), etc.[84] These questions are then used and compared to other data to arrive at a vulnerability score that determines the economic vulnerability of the household.[85] This score is then used to determine the household's priority level for services, which can determine whether or not the receive assistance.

While the VAF model is billed as a "trustworthy, standard procedure for assessing vulnerability that agencies can use to inform how and to whom assistance is provided,"[86] it is not without limitations. For instance, the VAF questionnaire does not assess

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81 Heartland Alliance International, *No Place for People Like You: An Analysis of the Needs, Vulnerabilities, and Experiences of LGBT Syrian Refugees in Lebanon*, 32.

82 UNHCR, *Introducing the Vulnerability Assessment Framework*, (Amman, Jordan: 2014), 1, accessed April 19, 2015, http://data.unhcr.org/syrianrefugees/download.php?id=7877.

83 Ibid.

84 Ibid., 3.

85 UNHCR, *Introducing the Vulnerability Assessment Framework*, 2.

86 Ibid., 3.

protection needs, given that volunteers that are not qualified to collect such sensitive information and record questionnaire responses.[87] Additionally, this model also prioritizes household vulnerability over individual vulnerability, which leaves individuals once again low on the list of cases in need of services. Our fieldwork highlighted the fact that single males are particularly regarded as low-priority for services, which leads to their assistance being the first to be cut once resources decrease.[88]

Additional problems have arisen due to assistance being delivered at the household rather than individual level. When LGBTI individuals become separated from their families once in Jordan, often as a result of their families' discovery of their sexuality, they can lose out on the assistance that is meant to be provided to them. Amnesty International detailed a case where a gay man became estranged from his family after his brother discovered his sexual orientation. While this man was meant to receive food assistance from the World Food Programme, his ration was added on to his family's and thereby inaccessible to him once he separated from them for his own safety.[89] This case highlights the precariousness of LGBTI's access to needed items, since their family situation determines in a large part their ability to have access to the most basic necessities.

These gaps in understanding of vulnerability call into question the disproportionate emphasis on women and girls. While it is extremely clear that women and children are among the most vulnerable in conflict, this not always the case.

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[87] Interview with UNHCR representative, March 11, 2015.

[88] Ibid.

[89] Amnesty International, *Hardship, Hope and Resettlement: Refugees from Syria Tell Their Stories*, (London: Amnesty International, 2015), 18, accessed April 19, 2015, http://www.amnesty.org.au/images/uploads/crisis/Amnesty_Syria_Report_2015_Hardship,_Hope_and_Resettlement.pdf?utm_source=external_website&utm_medium=online&utm_campaign=refugees_2015_syria_report.

Sometimes, there are services provided at the harmful exclusion of other vulnerable populations. For instance, there is no male shelter for single men to go to, in contrast with several shelters for women and children. Additionally, young men are oftentimes viewed through a lens which dictates that they are "dangerous belligerents open to radicalization or prone to violence", which can affect perceptions of their vulnerability and have harmful implications on individual male refugees.[90] Therefore, it is important to recognize that while women and children certainly face particular issues in conflict, men, particularly men without family networks in displaced situations, also face compounded vulnerabilities that must be effectively addressed.

*Enabling Environment and Outreach*

While sensitization and issue-based trainings are important steps in promoting the best possible care for LGBTI refugees within Jordan, they alone are not sufficient. Without the creation of an enabling environment where LGBTI individuals know that they are welcome and that services will be provided free of discrimination or microaggressions, individuals are likely still to be hesitant to use these extremely vital services.

As mentioned, UNHCR currently has a discreet referral system embedded within its general services framework to provide the Syrian LGBTI community with appropriate humanitarian services.[91] According to one UNHCR employee, the system currently in place for general psychosocial support referrals is fairly developed, but efforts are not

[90] Rochelle Davis, Abbie Taylor and Emma Murphy, "Gender, Conscription and Protection, and the War in Syria," *Forced Migration Review* 47, (September 2014): 38, accessed May 2, 2015, http://www.fmreview.org/en/syria/davis-taylor-murphy.pdf.
[91] Interview with UNHCR Protection Unit, March 9, 2015.

specifically targeted at the LGBTI community.[92] Due to local social constraints in combination with increasing internal tension and shrinking of space for protection at this time, UNHCR does not publicly raise awareness of the particular services the LGBTI community can receive. Even though international funding commitments have reached their highest levels this past year since the conflict began, the Syrian war shows few signs of subsiding in the near future, and funding for humanitarian aid will most likely decrease in the long term and consequently affect service provision for all beneficiaries. Specifically targeting the LGBTI community for humanitarian services that are considered needed by all in the public sphere could create additional breeding grounds for discrimination and violence against this particular group.

Given this understanding of the social challenges pro-LGBTI advocates face in humanitarian service provision, enabling spaces are largely restricted to UNHCR locations themselves. In their offices, UNHCR staff wear rainbow pins to indicate to refugees that they are LGBTI allies. The Organization for Refuge, Asylum and Migration (ORAM), which provided LGBTI sensitivity training to UNHCR staff in 2013, created posters with rainbow chairs with the words "You are safe here."[93] The UNHCR office utilizes these posters as an additional indicator to let LGBTI refugees know that UNHCR is a safe space for them.[94] That being said, one UNHCR official did note that there is room for improvement.[95] As rainbows are a western import, more research could be done to identify what kinds of localized symbols best resonate with the Syrian LGBTI community.

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92 Interview with UNHCR Protection Unit, March 9, 2015.

93 ORAM, "You Are Safe Here," accessed May 4, 2015, http://www.oraminternational.org/images/stories/IDAHOT2014/oram_you-are-safe-here-poster_hd.pdf.

94 Interview with UNHCR Protection Unit, March 9, 2015.

95 Ibid.

When interviewing implementing partners on the ground, the leadership in one organization highlighted that they recognize the Syrian LGBTI refugee community is generally not "welcome to talk" in their communities about issues pertaining to their gender identity and sexual orientation, and therefore they are unwilling to try to access some of the humanitarian services they need,[96] like psychosocial support. This organization explained that it is cognizant of the importance of providing a safe space and sensitive humanitarian assistance to particularly vulnerable populations such as LGBTI refugees.

This same organization does not provide specific indicators in its offices specifying that it is an LGBTI-safe space, but it does have indicators in its offices showing that the organization accepts clients from all backgrounds and life experiences. Since they do not publicly disseminate the fact that they provide LGBTI-specific services, employees largely rely on word-of-mouth to bring these clients in.[97]

During the initial meeting with a client, organizational representatives do not ask questions about sexual orientation or gender identity.[98] If refugees choose to not put anything down regarding their gender identity during intake, case managers will not push for additional information and let the client decide if and when he or she wants to disclose this type of information. One of our interviewees stressed that a case manager's main goal is to earn client trust through meetings in order to provide appropriate assistance. [99]

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[96] Interview with service provider, March 10, 2015.
[97] Ibid.
[98] Ibid.
[99] Ibid.

Given the social taboos around LGBTI-related topics in both Jordanian and Syrian society, it makes sense that UNHCR and its partners are utilizing discreet referral systems to minimize causing harm to LGBTI refugees seeking services. However, it may be that the information gap between refugees and providers is actually be too wide given how discreet service provision is. In situations where LGBTI refugees are hiding their sexual orientation or gender identity from their families and communities, most likely in a culturally conservative context, or if they do not have the safe support networks in place or people they trust to find out about these types of services, they are essentially cut off from assistance. Additionally, without an active local civil society specifically focused on assisting LGBTI refugees within an LGBTI advocacy-based framework, the potential to consistently provide services and adequately target this population through localized partners simply does not exist.

We interviewed a local NGO that provides legal representation and accompanying assistance for Jordanians and non-Jordanians. With a presence throughout Jordan, including in the refugee camps, they reported that they spread information about their general services utilizing several methods.[100] These services extend to the LGBTI community, and staff have gone through training to specifically work with this vulnerable population. Our contact at the NGO disclosed that even with their methods of outreach, however, it seems as though Syrian LGBTI refugees are not familiar with the organization or their work, and therefore, to date, the organization does not currently have any LGBTI clients.[101] Our source attributed the lack of clients to Syrian LGBTI

[100] Interview with service provider, March 18, 2015.
[101] Ibid.

refugees being a minority within the total refugee population and to conservative social norms. [102]

Another small scale NGO that wishes to remain anonymous specifically provides LGBTI-sensitive services within the context of legal representation in resettlement cases. Representatives focus particularly on providing an enabling environment for LGBTI clients, especially in terms of access. For example, the organization's employees provide funds for transportation so that clients in financially challenging situations are in a position to travel and receive services.[103] Many refugees face economic hardships due to difficulties in obtaining work permits, depleted resources due to the longevity of the crisis, and a number of other factors. In these types of situations where refugees lack a source of income or a network to rely on for financial help, it is reasonable to assume that short-term survival needs like food and shelter would be prioritized financially over finding legal services for long-term needs like resettlement.

Financial help for public transportation to and from consultations, in combination with employees conscientiously giving this financial aid without questioning about where potential extra funds might go, fulfills three important goals: providing safe access, maintaining an enabling environment, and establishing trust between employees and refugees in need of help. While this organization also does not publicly spread information about the services it provides, it has noticed a significant increase recently in the number of LGBTI refugees seeking their services.[104]

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[102] Interview with service provider, March 18, 2015.
[103] Interview with service provider, March 8, 2015.
[104] Ibid.

## Conclusions

First and foremost, we commend UNHCR for its efforts in terms of working within constraining legal and cultural parameters to provide LGBTI-sensitive training for staff and partnering organizations. We recognize the difficulties associated with creating enabling environments and developing effective outreach in an environment not generally conducive to pro-LGBTI social norms. Additionally, we applaud partnering organizations for implementing LGBTI sensitivity training among staff and for making efforts to mainstream accepting attitudes towards all refugees from different backgrounds, with a focus on the particularly vulnerable.

That being said, there are still steps that need to be taken in order for humanitarian service providers to better address the specific needs of Syrian LGBTI refugees in Jordan:

- As of April 2015, little data exists on numbers of the LGBTI refugee population in Jordan. While LGBTI issues are taboo and difficult to research, more data must be collected in order to provide services that will better serve this population. Ideally, this research will serve as a starting platform for future, more in-depth research to take place on LGBTI Syrian refugees and the specific issues they face. We recommend that more research is conducted on the informal networks in place to aid LGBTI Syrian refugees and that this research gives refugees greater agency than we were able to give in this study. With so little data on this topic, researchers could examine and formally collect data on what context-specific symbols and methods resonate best with LGBTI Syrian refugees in addition to

what concrete steps could be taken to create more enabling environments and LGBTI-sensitive intake.

- When assessing vulnerability, more weight should be given to the needs of individual refugees rather than focusing almost exclusively on households. In the absence of family networks, income, and shelter, individuals living on their own suffer from compounded vulnerability. We are not debating that women and children have specific needs in times of displacement. However, individuals not part of a household unit also have specific needs that are currently unaccounted for in vulnerability assessments.
- UNHCR should work to establish a scattered housing program to address LGBTI refugees' needs for safe shelter. Under such a program, LGBTI refugees would be provided a housing stipend to rent apartments in areas where they feel safe while awaiting resettlement. Similar programs have been undertaken in Kenya[105] and are regarded as an emerging good practice for providing LGBTI refugees with safe shelter options. Additionally, scattered housing has been suggested as an approach that is more preferable to communal housing or safe-houses, since this approach guards against a single LGBTI safe-house becoming a target for harassment or violence. This also allows LGBTI refugees greater anonymity, since they can choose to live in areas away from other refugee communities.[106] UNHCR should also involve other humanitarian service providers in this effort,

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[105] HIAS, *Triple Jeopardy: Protecting At-Risk Refugee Survivors of Sexual and Gender-Based Violence: Older, Disabled, Male Survivors and Sexual Minority Refugees in Chad, Kenya, South Africa and Uganda* (HIAS), 38, accessed May 4, 2015, http://www.hias.org/sites/default/files/hias_-_triple_jeopardy_-_full_report.pdf.

[106] Duncan Breen and Yiftach Millo, "Protection in the City: Some Good Practice in Nairobi," *Forced Migration Review* 42 (April 2013): 55, accessed May 4, 2015, http://www.fmreview.org/en/sogi/breen-millo.pdf.

particularly since one organization we interviewed expressed their previous experience conducting a scattered housing program in another country.

- NGOs and service providers should work to provide more economic opportunities to at-risk LGBTI refugees as a means of preventing transactional sex.
- UNHCR should collaborate with Jordan to prevent the deportation of LGBTI Syrian refugees on the basis of their HIV status. While this measure is unlikely to lead to Jordan repealing this law, it will help to protect refugees within the country until a more durable solution can be found.
- While we recognize that public outreach is out of the question at this time, UNHCR and implementing partners must conduct more effective under-the-radar outreach in order to effectively target the LGBTI refugee population. This could include online and printed information on how LGBTI refugees can access available services, as well as information on resettlement possibilities for LGBTI individuals.

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