

# OPENING DOORS

A GLOBAL SURVEY OF NGO  
ATTITUDES TOWARDS  
LGBTI REFUGEES &  
ASYLUM SEEKERS

June 2012



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# Opening Doors:

A Global Survey of NGO Attitudes Towards LGBTI Refugees and Asylum Seekers

JUNE 2012

A publication of:



This project was conceived by ORAM with essential support from the United Nations High Commissioner for Refugees (UNHCR). We are deeply grateful to UNHCR for its review of the survey instrument, and for the access it gave us to UNHCR non-governmental organization (NGO) partners worldwide.

The web-based survey that is the basis of this report was designed and conducted collaboratively by ORAM and the Department of Sociology of Indiana University. The Center for Survey Research (CSR) provided data analysis support. We wish to acknowledge and thank Patricia McManus, Associate Professor of Sociology at Indiana University, and Oren Pizmony-Levy for developing the survey and their processing and analyzing of the results. We also wish to thank Hubert Izienicki and Aaron Ponce for their help with research and with conducting the survey. Except where indicated otherwise, statistical analyses presented in this work were performed by the Department of Sociology of Indiana University. This report exemplifies the extraordinary power of collaboration between the NGO and academic sectors, and their ability to integrate the strengths of scientific methodology with informed and impassioned advocacy. Indiana University's "technical report," Global Survey of Non-Governmental Organizations Serving Refugees and Asylum Seekers, documenting the methodological aspects of this work, is published under separate cover and is available online.<sup>1</sup>

This report is the result of the dedication of many individuals committed to excellence. The underlying project was conceived by Neil Grungras and brought to completion by Cara Hughes. Significant research, input, and writing were provided by ORAM staff, interns and volunteers: Anahid Bazarjani, Micah Bennett, Michaela Bruckmayer, Laura Callava, Joe Castrovinci, Lisa Ellerin, Lauren French, Pierre Hegay, Michael Gale, Nicholas Hersh, Chris Holland, Elodie Joubert, Nicole LaViolette, Lucie Leblond, Eunice Lee, Dr. Alberta Potter Levitan, Rachel Levitan, Darren Miller, Josselin Moreau, Valerie Nerio, John Odle, Jan Ondrus, Elise Piranda, Odessa Powers, Dorit Prince-Levine, Okan Sengun, Alexandra Sheldon, Michael Sisitzky, Marjolaine Vignola, Anna von Herrmann, Olga Antenenko Young, Wenxu Xu, and Sophia Zohdi.

We are grateful to the dedicated NGO workers around the world who so earnestly shared their organizations' triumphs and tribulations in serving lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees. Their candor and commitment to making the world safer for all refugees is the sine qua non for creating real improvements in the protection of LGBTI persons fleeing persecution.

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We dedicate this project to all LGBTI asylum seekers and refugees around the world, whose resilience is our daily inspiration.

<sup>1</sup> OREN PIZMONY-LEVY & PATRICIA McMANUS, BLOOMINGTON IND. UNIV., DEP'T SOC., GLOBAL SURVEY OF NON-GOVERNMENTAL ORGANIZATIONS SERVING REFUGEES AND ASYLUM SEEKERS: TECHNICAL PAPER (2012) [hereinafter TECHNICAL PAPER], available at <https://scholarworks.iu.edu/dspace/handle/2022/14388>.

## ABOUT ORAM

ORAM — Organization for Refuge, Asylum and Migration — is the leading agency advocating for lesbian, gay, bisexual, transgender, and intersex (LGBTI) refugees worldwide. Based in the United States, in San Francisco, California, ORAM is the only international NGO that focuses exclusively on refugees and asylum seekers fleeing sexual orientation and gender identity-based violence.

ORAM works to carry out its worldwide mission on multiple fronts, from direct client assistance and global advocacy to logistical support and training. Among ORAM's many groundbreaking undertakings are its "Joint Secretariat" on LGBTI refugee issues with United Nations High Commissioner for Refugees (UNHCR), its comprehensive and innovative trainings, and its work in the assisted resettlement of LGBTI refugees. Through these strategic activities, ORAM is expanding the international humanitarian agenda to include LGBTI persons and to secure LGBTI refugees' safety. Concurrently, ORAM advocates within a broad range of communities to encompass these refugees within their scope of protection.

Aided by its intensive legal fieldwork, ORAM conducts international and domestic advocacy to protect LGBTI individuals fleeing persecution worldwide through collaboration with a wide array of NGO partners. ORAM continuously provides educators, community leaders and decision-makers with much-needed information about LGBTI refugees.

ORAM's publications combine its unparalleled legal expertise with research-based insights in the social sciences and thorough knowledge of current events. Its work is also informed by ORAM's comprehensive community-based understanding of LGBTI issues. These three pillars give us an unsurpassed ability to achieve real change.

As a steward and educator on LGBTI refugee issues, ORAM develops and provides targeted, culturally competent trainings on refugee protection for professionals, adjudicators, and other stakeholders worldwide. This report is intended to enhance such trainings.

**Learn more about ORAM's life-saving work at [www.oraminternational.org](http://www.oraminternational.org).**

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# OPENING DOORS:

## A Global Survey of NGO Attitudes Towards LGBTI Refugees & Asylum Seekers

### I. EXECUTIVE SUMMARY

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) asylum seekers and refugees are among the most vulnerable people in the world. Having fled persecution in their home countries without the support of their families or local communities, they frequently confront even more social exclusion, severe discrimination, and violence in their countries of transit or asylum. Their extreme marginalization deepens the need for informed intervention by non-governmental organizations (NGOs). NGOs — central to international refugee protection efforts — play an especially crucial role on behalf of these most vulnerable of refugees. This report seeks to help NGOs protect LGBTI refugees. Moreover, because these individuals often hide their identity for fear of mistreatment, NGOs must affirmatively create for them an atmosphere of safety, understanding, and support.

This report is based on a survey of hundreds of NGOs around the world. It is the first wide-ranging, systemic attitudinal survey of international refugee protection by NGOs on any topic. Our findings reveal both extraordinary commitment to — and in other respects, considerable room for improvement in — LGBTI refugee protection by NGOs.

Of particular concern is the dense shroud of invisibility and silence that surrounds the realities of sexual orientation and gender identity. As the results of our survey show, many NGOs are unaware of the LGBTI refugees in their midst and many others are unaware of the need for targeted policies to help these vulnerable individuals. Few have the tools to inquire about LGBTI individuals' identities and circumstances, and a significant number espouse a "blind" approach to sexual orientation and gender identity, erroneously believing that these issues are not germane to their clients' protection. Some display deeply felt discomfort with this topic, in ways that limit their effectiveness. Lastly, a sizable minority of NGOs that span several regions of the world hold negative views on the morality of same-sex conduct and/or the expression of transgender identity. Together,

these factors produce a cycle of silence and invisibility: LGBTI refugees perceive NGOs as unwelcoming or hostile and therefore hide their identities, and NGOs in turn believe these persons do not exist.

Despite these challenges, many NGOs have resolved to protect LGBTI refugees: just over 95 percent of respondents to our survey believe that individuals persecuted on the basis of sexual orientation or gender identity deserve refugee protection.

Based on our findings and analysis — and above all on the direct input of NGO participants — this report makes several key recommendations, including the following: NGOs should build their knowledge and capacity on core LGBTI issues through ongoing, context-specific sensitization trainings. Where possible, openly LGBTI-identified individuals should be included as trainers. This report also recommends the adoption of codes of conduct that will reduce discrimination on the basis of sexual orientation and gender identity, as well as expanded collaboration with LGBTI groups. Perhaps most importantly, NGOs must affirmatively create welcoming environments for LGBTI individual by encouraging staff to address issues of sexual orientation and gender identity while avoiding stereotypes and assumptions. We encourage NGOs — particularly those operating in LGBTI-hostile environments — to seek the support of UNHCR, ORAM, and other organizations with expertise on LGBTI issues. Only by working together and supporting each other can we hope to win the crucial battle to extend meaningful protection to all refugees, including LGBTI individuals.

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## II. INTRODUCTION

We were referred to a local charity which runs a soup kitchen. But when they found out that we were gay, they refused to give us any food. Since we were wearing make-up and our hair was long, all the local people receiving food there laughed at us. I cut off my hair because of this and went back to the charity. But they still refused to serve us. We were told that we were not clean and that they could not give us food because they could not touch us. We are just asking for our rights, nothing more . . . . We just want to be treated like human beings, not like animals.<sup>2</sup>

The experiences of this gay Iranian refugee in Turkey are emblematic of the challenges that many lesbian, gay, bisexual, transgender, and intersex (LGBTI)<sup>3</sup> refugees face when seeking help in countries of first asylum. After suffering rejection and abuse from their own families, and then having fled persecution in their home countries, LGBTI refugees often confront social marginalization, hate-motivated violence, and dire poverty. Ostracized by other refugees and rejected by many locals, they endure a difficult struggle for protection and are excluded almost entirely from the international refugee protection regime.

This is why help from NGOs is crucial. Due to their particular vulnerabilities, LGBTI refugees require targeted and appropriate services. Unfortunately, many LGBTI people feel unable to openly approach refugee assistance agencies for help. This can be caused by debilitating shame and/or fear of mistreatment by NGO service staff, refugees, or local populations, and it causes the vast majority of LGBTI refugees to hide their identity when seeking protection in countries of first asylum. This is particularly true in places where same-sex relations and gender non-conformity are criminalized.

This report seeks to examine the attitudes of refugee-serving NGOs towards persons fleeing persecution based on sexual orientation or gender non-conformity. The publication also provides recommendations for creating welcoming and supportive environments for LGBTI refugees.

The questions on which this report was based were transmitted to 1,465 NGOs worldwide initially via an Internet-based survey, later expanded in follow-up telephone interviews. The response rate to the electronic survey was close to 30 percent – extraordinarily high for such endeavors. The follow-up telephone interviews, which ORAM conducted with 8.8 percent of the respondents, elicited essential and often more revealing anecdotal information regarding attitudes and conditions in the field. The information gleaned from these interviews was particularly important, as it provided more nuanced insights into respondents' attitudes, beliefs, and modes of expression.<sup>4</sup> ORAM believes NGOs with more discomfort or negative attitudes towards LGBTI people and those working where the topic cannot be safely discussed may represent a significant percentage of those who did not participate in the survey. For this and other reasons, while this report sheds much-needed light on the topic, it does not purport to present a scientifically precise look at attitudes in the field.

ORAM is using this report to develop the training programs and capacity building tools needed to increase protection for LGBTI refugees. We also present targeted policy recommendations to encourage best practices by refugee-serving NGOs. Once implemented, these steps will lead to the development of friendlier environments for LGBTI refugees, and allow better protection for this vulnerable population.

<sup>2</sup> HELSINKI CITIZENS' ASSEMBLY & ORAM - ORG. FOR REFUGEE, ASYLUM & MIGRATION, UNSAFE HAVEN: THE SECURITY CHALLENGES FACING LESBIAN, GAY, BISEXUAL AND TRANSGENDER ASYLUM SEEKERS AND REFUGEES IN TURKEY 24 (2011) [hereinafter UNSAFE HAVEN], available at <http://www.oraminternational.org/-images/stories/PDFs/oram-unsafe-haven-2011.pdf>.

<sup>3</sup> The "LGBTI" acronym subsumes a wide range of sexual orientations and identities. For purposes of this report the acronym is used to refer to individuals whose sexual orientation and/or gender identity are not considered traditional or widely accepted in their society.

<sup>4</sup> Paul J. DiMaggio & Walter W. Powell, *The Iron Cage Revisited: Institutional Isomorphism and collective Rationality in Organizational Field*, 48 AM. SOC. REV. 147 (1983) (noting that "isomorphism can result because . . . organizational decision makers learn appropriate responses and adjust behavior accordingly").



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### III. KEY FINDINGS

One of the most important findings of this report is that a powerful silence shrouds LGBTI individuals and their painful stories, even at well-meaning refugee-serving NGOs worldwide. This silence, expressed in discomfort and unawareness about the realities facing LGBTI refugees, likely reflects pervasive social, religious and cultural taboos, feelings of shame driven by various cultures and religions, and deeply-ingrained personal biases and fears.<sup>5</sup> Even in the absence of open hostility, such repressive atmospheres likely compound the LGBTI refugees' own life-long experiences of persecution and fear, interfering with the expression of their true sexual orientation or gender identity – and their real reasons for leaving home.

In follow-up interviews, a number of NGO representatives conveyed that the environments in their offices – including the attitudes and language of frontline staff, the lack of LGBTI-representative images on the walls, and the heterosexual orientation and gender-normative identity of staff members – all serve to create circumstances in which LGBTI refugees cannot speak openly about their lives. It is only reasonable to conclude that these factors prevent refugees from accessing essential and appropriate services and protection.

A crucial related finding is that very few NGOs worldwide have any significant experience or expertise in serving self-identified LGBTI refugees. The cycle of exclusion is thus perpetuated: NGO staff are deprived of knowledge about the true diversity of sexual orientation and gender identity of the clients they must understand in order to serve. Without that knowledge, they are unable to accurately see or effectively assist the LGBTI refugees in their midst. As a result, staff may not perceive a need for sensitization, training, or policy changes.

This report also highlights a source of pride and inspiration for NGO leaders that extends far beyond the issue of LGBTI refugees: this community's deep, consistent commitment to protecting all refugees, irrespective of personal opinions or beliefs. In this vein, the survey identified a significant gap between those who said they believed LGBTI persons deserved protection and those who readily accepted nonconforming sexual orientation or gender identity. On one hand, approximately 95 percent of respondents said they believed refugees "definitely" or "probably" deserve protection following persecution on the basis of sexual orientation or gender identity. On the other hand, around a quarter of the respondents indicated negative attitudes about the morality of sexual relations between same-sex consenting adults and transgender identity expression. The same survey results

revealed regional disparities among respondents on questions of morality: a far greater proportion of respondents from Africa, Asia, South America, and the Middle East North Africa (MENA) region expressed negative views about the morality of same-sex relations and transgender identity expression than their counterparts in North America and Europe. This raises questions about the extent to which such beliefs will impede the creation of LGBTI-safe environments.

Consistent with the survey data, most respondents in follow-up telephone interviews revealed discomfort that varied from mild to serious with the terms "lesbian," "gay," "transgender," "bisexual," "intersex," and/or "LGBTI." Moreover, 19 percent of those who responded to other sections of the survey declined to answer questions relating to sexual orientation and gender identity. For reasons discussed in detail in this report, we believe that those who did not respond to LGBTI-related questions may harbor attitudes significantly less LGBTI-positive than those who participated.<sup>6</sup> Similarly, there are reasons to believe that attitudes of frontline staff may be significantly less positive than those of the organizational leadership, who constituted the vast majority of respondents. The importance of their attitudes and behaviors cannot be overstated because frontline staff are the "gatekeepers" at NGOs, and often have the first contact with refugees.

In response to open-ended questions in the survey and follow up telephone interviews, many respondents stated that the sexual orientation or gender identity of their clients was irrelevant. This "blind" approach to LGBTI status is a welcome statement of non-discrimination, but also indicates an institutional silence about issues specific to sexual orientation and gender identity. This approach misses the crucial truth that LGBTI persons are often particularly at-risk because of their sexual orientation or gender identity. This vacuum reinforces the inability of LGBTI people to self-identify: their lifetime experiences of abuse and rejection have led them to expect disdain in any institutional setting. Before they can "come out," service providers must take affirmative steps to indicate that this is a "safe space" for LGBTI people.

Consistent with the social science literature,<sup>7</sup> the main factor that influences respondents' attitudes towards LGBTI refugees was the degree of interaction they had with people who are openly LGBTI. Respondents with LGBTI friends or relatives were markedly more willing to provide services to LGBTI refugees (well over 90 percent) than those who had no contact with known

<sup>5</sup> Tülin Gençöz & Murat Yüksel, *Psychometric Properties of the Turkish Version of the Internalized Homophobia Scale*, 35 ARCHIVES SEXUAL BEHAV. 597, 597 (2006) (citations omitted) ("Homosexuals may possess attitudes and beliefs about their sexual orientation that reflect the views of the heterosexual culture. As a result, sexual minorities learn to believe that homosexuals are inferior and that they should be ashamed of their sexual tendencies."); Kelvin Mwaba, *Attitudes and Beliefs about Homosexuality and Same-Sex Marriage Among a Sample of South African Students*, 37 SOC. BEHAV. & PERSONALITY 801, 801 (2009) (discussing studies showing that while there has been an improvement in attitudes towards homosexuality in the past decade, the prevalent attitude in many parts of the world is negative).

<sup>6</sup> Hilary B. Bergsieker, Lisa M. Leslie, Vanessa S. Constantine & Susan T. Fiske, *Stereotyping by Omission: Eliminate the Negative, Accentuate the Positive*, J. PERSONALITY & SOC. PSYCHOL. (forthcoming 2012) (manuscript at 1) [hereinafter *Stereotyping by Omission*], available at <http://www.princeton.edu/~hburbank/WWW/PDFs/-BergsiekerLeslieConstantineFiske2012.pdf> (finding that individuals selectively underreport negative content when they describe their impressions of stereotypes of groups or individuals, especially by omitting information or avoiding certain topics).

<sup>7</sup> E.g., L. Marvin Overby & Jay Barth, *Contact, Community Context, and Public Attitudes Toward Gay Men and Lesbians*, 34 POLITY 434 (2002).



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LGBTI people (55 percent to 65 percent). Importantly, those who said that their religious or spiritual beliefs guided their work were as willing to serve LGBTI refugees as those whose motivations were not faith-based.

The sheer magnitude of abuses against LGBTI persons worldwide, when combined with the fact that only a tiny fraction are able to access the international refugee protection, indicates that a complex story has been left untold by this report. As important as the responses to our survey was the silence of those who did not respond to our call for follow-up interviews. Were they simply too busy to respond? Were some unconcerned or uncomfortable with LGBTI issues? Once they knew the nature of our inquiry, did their inability to participate in the survey reflect an unwelcoming atmosphere within their agency or country of operation? Would that environment make it unsafe or undesirable for them to participate in this survey? What would non-managerial staff tell about their attitudes if they could be reached?

Many of the live interview respondents made varied and nuanced recommendations about needed courses of action. These included raising staff awareness of LGBTI refugees, providing staff with tools to provide meaningful protection, and creating more welcoming environments for this vulnerable, socially marginalized, and underserved refugee population.

### IV. KEY RECOMMENDATIONS

Many respondents who stated they were willing to serve LGBTI refugees also expressed attitudes of discomfort or avoidance towards LGBTI people. To address these attitudes, we urge NGOs to develop and implement context-specific sensitization trainings that address these concerns, and to increase awareness of the experiences and needs of LGBTI people. These trainings should be in-depth and inclusive, providing an opportunity to hear the concerns of the staff, and then, sensitizing staff members towards LGBTI refugees in a non-judgmental approach. Trainings should also educate staff on the importance of using appropriate and inoffensive terms when helping LGBTI individuals, and encourage open, matter-of-fact communication. NGOs should also provide other opportunities for open dialogue, such as discussions, events, or workshops on LGBTI experiences or needs.

The precise content of trainings will vary with the national or regional attitudes towards LGBTI refugees populations served and with the environment within a given NGO. Administrators and trainers should therefore first familiarize themselves with relevant external and internal factors, then vary trainings accordingly.

Except in places where being LGBTI-identified is patently unsafe, it is essential that trainers include openly self-identified LGBTI persons, preferably those sharing the local culture. Positive contact with trainers who are openly LGBTI dispels

stereotypes and fosters respect, trust, humanization, and empathy. Conversely, trainers who are only “tacitly understood” to be LGBTI, but who do not openly self-identify as such, inadvertently perpetuate the cycle of silence, shame, and taboo.

Secondly, a manager’s willingness to serve LGBTI refugees has little benefit if front-line staff demean, decline to assist or avoid these individuals. Refugee NGOs must implement codes of conduct that prohibit discrimination on the basis of sexual orientation and gender identity. NGOs must also ensure that these codes are enforced if they are to prevent staff members or contractors from discriminating against LGBTI refugees.

Perhaps most importantly, NGOs must create non-threatening, affirmatively accepting environments which clearly signal safety and inclusion to LGBTI people. This is especially needed in light of the exclusion and distrust that LGBTI refugees experience. Trainings and the implementation of codes of conduct help create such environments, but additional steps are needed. As an initial matter, NGOs must first break the silence that prevents LGBTI refugees from coming forward with their claims and protection needs. The “blind” approach—which essentially denies the existence of LGBTI persons—serves to perpetuate deeply-ingrained taboos. To the greatest extent possible, NGOs must discuss LGBTI matters and use appropriate LGBTI terms openly and matter-of-factly.

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Finally, NGOs are strongly encouraged to develop ties with LGBTI organizations and individuals, and their allies. Such connections not only augment the capacity and knowledge of service providers and community activists across sectors, but also increase referral pathways for individual LGBTI refugees, give credibility, and provide an atmosphere of safety for the refugees seeking assistance. In addition to leading vulnerable LGBTI refugees to safety, capacity building will ensure that LGBTI refugees are treated with dignity as they navigate lengthy and often intimidating refugee status determination and asylum procedures.

We recognize that NGOs operating in countries that criminalize same-sex relationships or gender non-conformity face serious challenges. We urge these NGOs to seek out the support of UNHCR, ORAM, and the few other entities and groups which effectively reach and serve LGBTI refugees in similar environments. Where laws or social conditions threaten the safety of LGBTI refugees, the need to take all of these steps is especially important.

## V. BACKGROUND

Although they are among the most pervasively and violently persecuted people in the world, LGBTI individuals confront significant barriers when seeking to secure international refugee protection. While over 175 million LGBTI people live under conditions of peril or violence worldwide, we estimate that fewer than 3,000 receive international protection each year.<sup>8</sup> Exactly what happens to most of the silent persecuted millions is simply unknown. However, we do know that only a handful dare expose their sexual orientation or gender identity to NGOs, intergovernmental organizations (IGO) or government officials. We also know that many of those who muster the courage to “come out” often report they are profoundly marginalized and entirely excluded from protection.

This report focuses on the guardians of refugees in the civil sector: NGOs that have taken upon themselves the herculean task of assisting those who flee persecution worldwide. The report is not only the first attempt to systematically understand the exclusion and marginalization of LGBTI refugees from the international protection system; it is also the first known global survey of international refugee assistance NGOs.

### A. Persecution of LGBTI People: The Global Context

While the last few years have seen significant advances towards the recognition of formal rights for LGBTI people in many countries,<sup>9</sup> others have seen a sharp backslide.<sup>10</sup> Persons whose sexual orientation or gender identity is perceived as different from cultural norms face systematic violence including rape, physical attack, torture, and murder.<sup>11</sup> They are subjected to arbitrary detention; the denial of rights to assembly, expression, and information; and discrimination in employment, health and education.<sup>12</sup> In many areas of the world, LGBTI people are routinely denied access to police protection and often suffer violence at the hands of law enforcement authorities.<sup>13</sup> Over seventy-six countries criminalize same-sex relations for men, women, or both.<sup>14</sup> Others punish minority sexual orientations or gender identities.<sup>15</sup> Of these, seven countries — Mauritania, Sudan, Iran, Saudi Arabia, Yemen, and some parts of Nigeria

and Somalia — prescribe the death penalty for consensual same-sex relations.<sup>16</sup> Many countries also apply morality laws or seemingly neutral legislation to restrict LGBTI individuals' rights to free speech, assembly, privacy, and personal dignity.<sup>17</sup>

Government-sponsored homophobia is believed to constitute only a small share of the anti-LGBTI persecution worldwide.<sup>18</sup> Abuses by non-state actors, including close and distant family, neighbors, schoolmates, community members, and others, are ubiquitous and extremely frequent.<sup>19</sup> Governments often compound the effects of these abuses, however, by approving and enforcing discriminatory laws.<sup>20</sup>

Equally harmful is the failure of government officials to protect LGBTI persons who request help.<sup>21</sup> LGBTI individuals are regularly taunted, assaulted, raped, and murdered by non-state actors. Their persecutors act with impunity knowing that law enforcement authorities will not protect LGBTI people or prosecute assailants.<sup>22</sup> LGBTI persons suffer pervasive, often crippling discrimination in education and employment. They are often expelled from their homes, schools, and jobs due to their sexual orientation or gender identity.<sup>23</sup> In these respects, these individuals have a dramatically different experience from those refugees who find support and comfort within their families or communities.

### B. LGBTI People in the International Refugee Protection System: A Global Perspective

The international refugee protection system serves millions of individuals each year.<sup>24</sup> Much of that assistance is provided by NGOs. In 2012, UNHCR reported that it had over 500 partner NGOs worldwide.<sup>25</sup> These NGOs provide the gamut of services which refugees need to survive, including legal advice and/or representation; assistance with registration and documentation; safety and protection; health services; access to food, water, and shelter; education and training; and help with family reunification.<sup>26</sup>

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The number of LGBTI people who seek and receive protection through the international system is unknown and will likely remain so. UNHCR does not maintain formal statistics regarding these refugees and asylum seekers.<sup>27</sup> Moreover, of the 100 nations with functioning asylum systems,<sup>28</sup> only a tiny handful currently track or release statistics regarding the LGBTI cases they consider or grant. The statistics from these countries indicate that between 4 and 6 percent of asylum seekers base their requests for protection explicitly on their sexual orientation or gender identity.<sup>29</sup> However, the number of reporting countries is too small, and their geographies and cultures too similar, to allow accurate extrapolation to other areas of the world. Moreover, for reasons set out below, it is likely that the vast majority of LGBTI refugees and asylum seekers conceal their identities and their motivations for flight.

The scant statistics available indicate that most of the LGBTI individuals who seek protection based explicitly on their sexual orientation or gender identity do so in LGBTI-“tolerant” countries such as the United Kingdom, Belgium, the Netherlands, the United States, Canada, and Australia. These are nations with relatively developed LGBTI communities with recognized legal rights and economies that permit the survival of socially marginalized communities. In contrast, LGBTI individuals in “transit”

countries are relatively scarce and almost always hidden. This is likely due to the fact that transit countries are generally close to refugees’ countries of origin. Within a given region, countries tend to share cultural and religious beliefs, social attitudes, and laws – including laws proscribing sexual behavior and gender expression.<sup>30</sup>

Despite many advances, the widespread violence and discrimination against LGBTI refugees often means that these individuals face severe obstacles to protection and long-term safety in countries of first asylum. These individuals commonly undergo regular and often violent harassment from the local communities and refugee populations.<sup>31</sup> Most are denied adequate police protection or are targeted for harassment or violence by the authorities.<sup>32</sup> These experiences are exacerbated by the fact that LGBTI refugees frequently face dual marginalization and insurmountable barriers to employment. They often also have difficulty securing adequate housing and health care because of their LGBTI identity.<sup>33</sup> Many LGBTI, refugees, moreover, are also plagued by continuing trauma, owing not only to the persecution in countries of origin, but also to years of debilitating marginalization in countries of transit. It is therefore not surprising that they almost uniformly fear revealing their sexual orientation or gender identity.

<sup>8</sup> See *infra* Figure 1.

<sup>9</sup> See, e.g., Hillary Rodham Clinton, *Remarks in Recognition of International Human Rights Day* (Dec. 6, 2011), <http://www.state.gov/secretary-/rm/2011/12/178368.htm> (discussing the importance of reaching a “global consensus that recognizes the human rights of LGBT citizens everywhere”); see also United Nations High Commissioner for Human Rights (UNHCR), *Discriminatory Laws and Practices and Acts of Violence Against Individuals Based on Their Sexual Orientation and Gender Identity: Rep. of the U.N. High Commissioner for Human Rights*, Human Rights Council, U.N. Doc. A/HRC/19/41 (Nov. 17, 2011) [hereinafter *Discriminatory Laws and Practices*], available at [http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.41_English.pdf).

<sup>10</sup> See, e.g., Nigeria: ‘Same Gender’ Marriage Ban Would Attack Rights, HUM. RTS. WATCH (Nov. 1, 2011), <http://www.hrw.org/news/2011/11/01/-nigeria-same-gender-marriage-ban-would-attack-rights> (reporting on a new law passed that passed the Nigerian Senate in 2011 dictates a prison sentence, not only to LGBTI individuals showing marks of affection in public and private places, but also to anyone who witnesses, aids or abets a same-sex relationship within Nigeria); Christian Purefoy & Faith Karimi, *Nigerian Senate Passes Anti-Gay Bill, Defying British Aid Threat*, CNN (Nov. 30, 2011), [http://articles.cnn.com/2011-11-30/africa/world\\_africa\\_africa-gay-rights\\_1\\_gay-rights-british-aid-anti-gay-rhetoric](http://articles.cnn.com/2011-11-30/africa/world_africa_africa-gay-rights_1_gay-rights-british-aid-anti-gay-rhetoric); see also Tiffany Lebrón, “Death to Gays!” – Uganda’s ‘One Step Forward, One Step Back’ Approach to Human Rights, 17 BUFF. HUM. RTS. L. REV. 173, 174 (2011) (discussing a law presented in the Ugandan Parliament that criminalizes homosexuality and allows for a death sentence).

<sup>11</sup> *Discriminatory Laws and Practices*, *supra* note 9, ¶¶ 1.

<sup>12</sup> *Id.* ¶¶ 47–65.

<sup>13</sup> *Id.* ¶¶ 35–36, 42.

<sup>14</sup> LUCAS PAOLI ITABORAHY, INT’L LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASS’N, STATE-SPONSORED HOMOPHOBIA 4 (2012).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 13.

<sup>17</sup> See, e.g., HUM. RTS. WATCH, “WE ARE A BURIED GENERATION”: DISCRIMINATION AND VIOLENCE AGAINST SEXUAL MINORITIES IN IRAN 22 (2010), available at [http://www.hrw.org/sites/default/files/reports/iran1210webwcover\\_1.pdf](http://www.hrw.org/sites/default/files/reports/iran1210webwcover_1.pdf) (explaining that LGBT individuals in Iran are routinely subject to charges “related to offenses against public morals or chastity instead of sexual crimes”). See generally *Discriminatory Laws and Practices*, *supra* note 9, at 15.

<sup>18</sup> Sabine Jansen, EU-Regulations and Asylum Issues: Workshop Held at the ILGA Europe Annual Conference 2–3 (Oct. 30 – Nov. 2, 2008), available at [http://www.ilga-europe.org/home/issues/asylum\\_in\\_europe/resources/eu\\_regulations\\_and\\_asylum\\_issues](http://www.ilga-europe.org/home/issues/asylum_in_europe/resources/eu_regulations_and_asylum_issues).

<sup>19</sup> UNHCR Guidance Notes on Refugee Claims Relating to Sexual Orientation and Gender Identity ¶ 21 (Nov. 21, 2008), <http://www.unhcr.org/refworld/pdfid/48abd5660.pdf>.

<sup>20</sup> *Discriminatory Laws and Practices*, *supra* note 9, ¶¶ 40, 42.

<sup>21</sup> *Id.* ¶¶ 23, 30.

<sup>22</sup> *Id.* ¶¶ 20, 23, 42.

<sup>23</sup> *Id.* ¶¶ 51–61, 66–67.

<sup>24</sup> See UNHCR, *The State of the World’s Refugees 2012: In Search of Solidarity 2* (2012), <http://www.unhcr.org/4fc5ceca9.html>.

<sup>25</sup> UNHCR, *Working in Partnership*, in UNHCR GLOBAL APPEAL 2012–2013, at 55, 58 (2012), available at <http://www.unhcr.org/4ec230ec16.html>.

<sup>26</sup> See UNHCR, *History of UNHCR-NGO Partnership*, <http://www.unhcr.org/pages/49c3646c341.html> (last visited June 6, 2012).

<sup>27</sup> See HUM. RTS. FIRST, PERSISTENT NEEDS AND GAPS: THE PROTECTION OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) REFUGEES (2010), available at [http://www.humanrightsfirst.org/wp-content/uploads/pdf/Persistent-Needs\\_LGBTI\\_Refugees\\_FINAL.pdf](http://www.humanrightsfirst.org/wp-content/uploads/pdf/Persistent-Needs_LGBTI_Refugees_FINAL.pdf) (citing the need to fill gaps in policy and practice concerning LGBTI refugees).

<sup>28</sup> See UNHCR, *UNHCR Statistical Yearbook 2010*, at 41 (10th ed. 2011), available at <http://www.unhcr.org/4ef9cc9c9.html>.

<sup>29</sup> See MICHAEL BELL & COLE HANSEN, OVER NOT OUT: THE HOUSING AND HOMELESSNESS ISSUES SPECIFIC TO LESBIAN, GAY, BISEXUAL AND TRANSGENDER ASYLUM SEEKERS 11 (2009), available at <http://www.ilga-europe.org/content/download/14121/86415/file/LGBT%20asylum%20seekers%20.%20UK%20Research%202009.pdf> (stating that of the 25,670 asylum applications submitted in the United Kingdom in 2008, an estimated 1,200 to 1,800 were based on sexual orientation or gender identity); OFFICE OF THE COMM’R GENERAL FOR REFUGEES AND STATELESS PERSONS, 2010 ANNUAL REPORT 5, 11 (Dirk Van den Bulck ed., 2011), available at [http://www.cgra.be/en/binaries/2010%20Annual%20report%20EN\\_tcm266-151869.pdf](http://www.cgra.be/en/binaries/2010%20Annual%20report%20EN_tcm266-151869.pdf) (stating that in Belgium in 2010, 522 out of a total of 19,941 applicants were based on sexual orientation or gender identity).

<sup>30</sup> See, e.g., *Straight but Narrow*, ECONOMIST (Feb. 4, 2012), <http://www.economist.com/node/21546002> (“[O]f the seven countries that impose the death penalty for homosexuality, all are Muslim.”). See generally, Phillip Tahmindjis, *Sexuality and International Human Rights Law*, 48 J. HOMOSEXUALITY 9, 21–22 (2008) (“[W]hile the application of human rights generally to GLBT communities is uneven, there is no question that the GLBT rights movement is developing, although the principal advances to date have been in western countries. . . . [I]n some regions, antipathy to GLBT rights can be so strong that nice questions of legal definition and process do not have an opportunity to arise.”).

<sup>31</sup> UNSAFE HAVEN, *supra* note 2, at 3–5.

<sup>32</sup> *Discriminatory Laws and Practices*, *supra* note 9, ¶¶ 35–36.

<sup>33</sup> *Id.* ¶¶ 54–57.

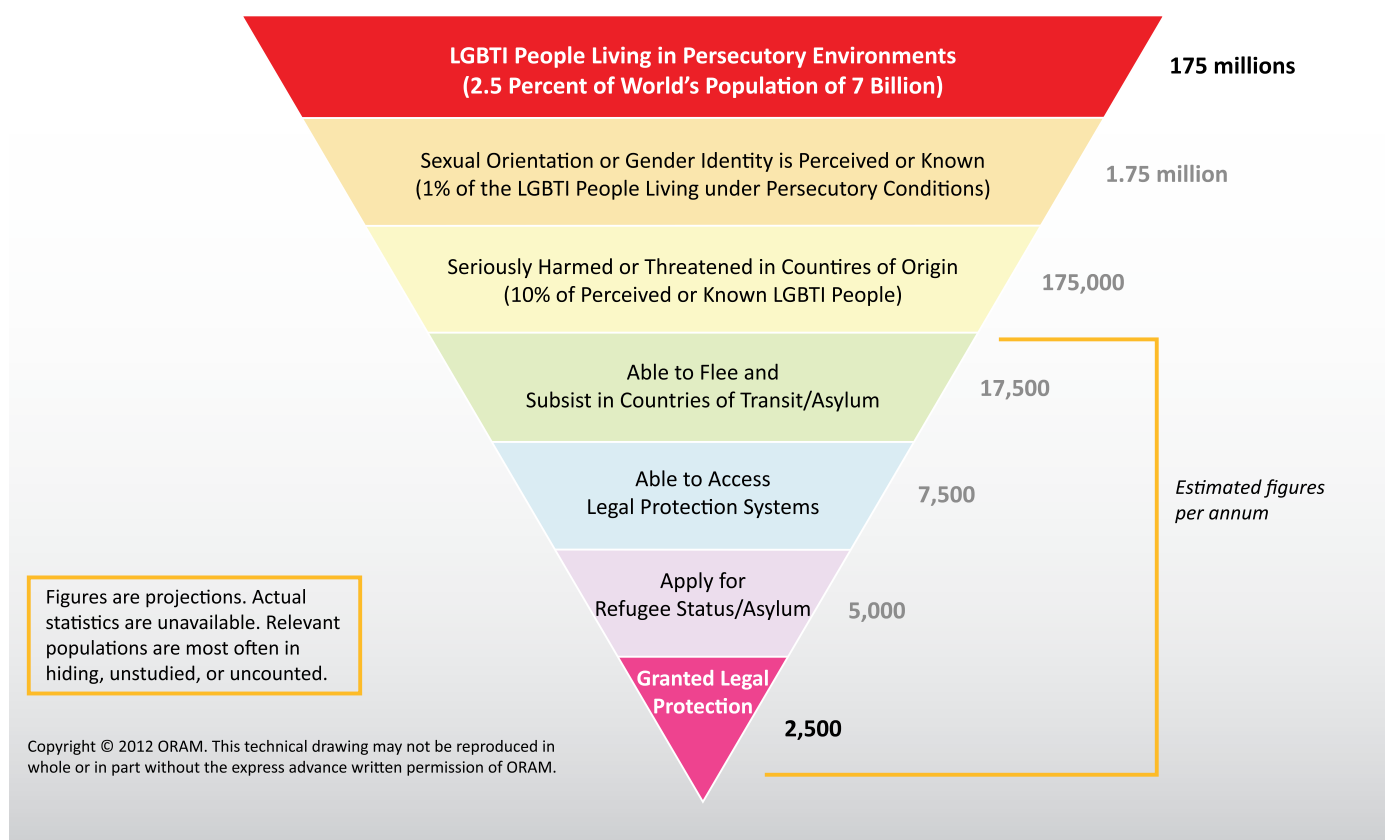
# OPENING DOORS:

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The inverted — triangle (Figure 1) tells the story of LGBTI refugees and asylum seekers in the international refugee protection system. In this diagram, of 175,000 persons in peril in their home countries worldwide, only 17,500 manage to escape. Of these, only 7,500 seek legal protection. Of those, only 5,000 are able to apply for refugee status or asylum. Only a tiny handful of the world's imperiled LGBTI people—estimated by ORAM at fewer than 2,500 per year worldwide—are granted legal protection based on sexual orientation or gender identity. While

we may never know the actual numbers of LGBTI refugees and asylum seekers, there are indications that the number of those resettled worldwide based on their sexual orientation or gender identity is close to that in Figure 1.<sup>34</sup> This estimate excludes those who do not reveal their LGBTI status to adjudicators or who receive refugee protection on other grounds (race, religion, nationality, political opinion, or membership in another particular social group).

**Figure 1 – Flow of LGBTI People through the International Protection System**



<sup>34</sup> Based on available figures for particular countries, one can extrapolate that between 4 and 6 percent of the asylees in key countries of destination could be lodging claims based on their LGBTI status. See REFUGEE SUPPORT, OVER NOT OUT: THE HOUSING AND HOMELESSNESS ISSUES SPECIFIC TO LESBIAN, GAY, BISEXUAL AND TRANSGENDER ASYLUM SEEKERS 8 (2009), available at [http://www.refugeesupport.org.uk/documents/MST\\_LGBTExec-screen\\_0509.pdf](http://www.refugeesupport.org.uk/documents/MST_LGBTExec-screen_0509.pdf) (stating that of 25,670 asylum applications submitted in the United Kingdom in 2008, an estimated 1,200 to 1,800 were based on sexual orientation or gender identity); see also Office of the Comm'r General for Refugees and Stateless Persons, 2010 Annual Report 11-12 (2011), available at [http://www.cgra.be/en/binaries/2010%20Annual-%20EN\\_tcm266-151869.pdf](http://www.cgra.be/en/binaries/2010%20Annual-%20EN_tcm266-151869.pdf) (stating that in Belgium in 2010, 522 out of a total of 13,170 applicants were based on sexual orientation or gender identity).

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### C. The Role of NGOs in International Refugee Protection

Increasingly, UNHCR, governments and the international community have partnered with and relied on the NGO sector to provide refugees with essential services, including medical, legal, housing, and educational services. NGOs that partner with or receive funding from UNHCR and governments are typically bound by those entities' minimum codes of conduct regarding refugees they serve.<sup>35</sup> In 2010, 687 NGOs (153 international and 534 national) partnered with the UNHCR to provide support services to refugees.<sup>36</sup> Hundreds more provide refugee assistance services with government or private funding. In fact, NGOs provide the lion's share of refugee support and protection services today.<sup>37</sup>

NGOs are often the only support network available to vulnerable, marginalized populations. It is therefore essential that their policies and practices towards LGBTI refugees be well informed and appropriately tailored to these refugees' unique needs. For this reason, ORAM chose to study the attitudes of NGOs worldwide, and UNHCR-implementing partners in particular, towards LGBTI refugees. We have assumed that NGOs, as gatekeepers of refugee protection, play an essential role in opening or closing doors to LGBTI refugees and asylum seekers.

## VI. PURPOSE OF STUDY

The central goal of the survey underlying this report was to ascertain NGO attitudes towards LGBTI refugees with an eye to learning how to increase the level of protection provided to them. Through survey results and qualitative data gathered in follow-up interviews, we sought a deeper understanding of how to create welcoming and meaningfully supportive NGO environments for LGBTI refugees around the world.

The ability of NGOs to create a "space" in which LGBTI refugees can safely self-identify is a critical part of ensuring their access to protection. As noted above, despite the widespread identity-based violence and harassment that LGBTI people undergo around the world, only a tiny handful apply for refugee protection, and an even smaller fraction are resettled. One of the main factors contributing to their inability to access asylum procedures or long-term protection is the shame, invisibility, and silence that characterize much of their migration experience.

Most LGBTI individuals have repressed their identities for most of their lives, out of fear of community rejection or persecution at the hands of government and non-state actors. Having fled to countries of transit or asylum, they refrain from self-identifying to their refugee communities because they fear being cut off from the little support available or having their sexual orientation or gender identity revealed to the communities from which they fled. For many LGBTI refugees, living in anonymity and isolation is the safest option.

This extreme reticence also plays a powerful role in LGBTI refugees' inability to access appropriate services from refugee-serving NGOs. They often fear that service providers, particularly in countries that criminalize same-sex relationships and gender nonconformity, will deny them services or turn them over to the authorities. They also fear that these service providers will reveal their identity to family and community members or other refugees.

As the results of this survey show, 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 to develop relevant policies and practices. Few have the tools to inquire about LGBTI individuals' identities or unique challenges. This creates a cycle of silence, in which LGBTI refugees see NGOs as unwelcoming and are too afraid to self-identify. For their part, NGOs do not perceive a need for services uniquely designed for LGBTI refugees, who are so rarely visible to them.

This study aims to arrive at a deeper understanding of how to create welcoming and supportive environments for LGBTI refugees. We especially hope that the survey's results will lead to the implementation of targeted policies and trainings that encourage LGBTI refugees to self-identify and achieve broader protection for them. The report aims to bring out the NGOs' own recommendations.

<sup>35</sup> UNHCR, Partnership: An Operations Management Handbook for UNHCR's Partners, 30–31 (Feb. 2003), <http://www.unhcr.org/4a39f7706.pdf>; UNHCR, Framework Agreement for Operational Partnership (UNHCR and NGO) ¶ 6 (July 26, 2003), <http://www.unhcr.org/refworld/docid/-42b7fc674.html>, reprinted in UNHCR, Partnership: An Operations Management Handbook for UNHCR's Partners, app. A1 (Feb. 2003), <http://www.unhcr.org/4a39f7706.pdf>.

<sup>36</sup> UNHCR, *Working in Partnership*, in UNHCR GLOBAL REPORT 2010, 65, 69 (2011), available at <http://www.unhcr.org/4d4dfbf39a.html>.

<sup>37</sup> Int'l Org. for Migration [IOM], Developing Solutions for Refugees, <http://www.iom.int/jahia/Jahia/about-migration/managing-migration/refugee-protection/pid/614> (last visited June 6, 2012) ("In countries of asylum, NGOs help, counsel, and assist refugees who may be eligible for resettlement. . . . In resettlement countries, NGOs are the primary providers of services to the arriving refugee.").



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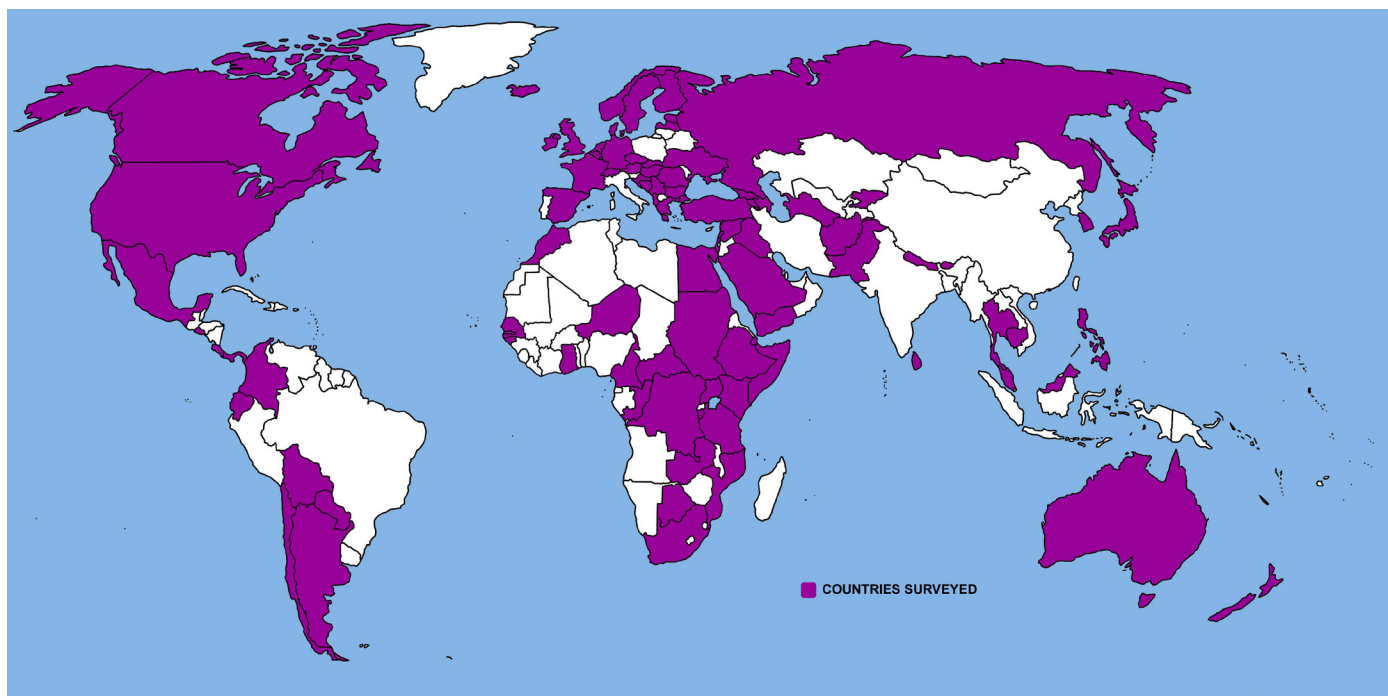
## VII. METHODOLOGY

To gather information on the current state of NGO engagement with LGBTI refugees, a survey and follow-up interview questionnaire were created for NGOs that service refugees through direct assistance or advocacy. The survey was designed and fielded jointly by ORAM and the Department of Sociology at Indiana University (IU) in 2010-2011. A database of target NGOs was compiled using the 2010 UNCHR List of Partners.<sup>38</sup> We supplemented this list with links and referrals from these NGOs' official websites, as well as through the online databases of other NGOs around the world. To reach NGOs that do not have a Web presence, we asked participants to nominate other NGOs they knew in the field. In addition, an electronic mailing with information about the survey was sent to activists and scholars in the refugee and forced migration field, containing a link to the survey. The finalized list totaled 1,465 NGOs serving refugees from 149 countries around the world. To protect survey participants in certain countries and to encourage participation by those who would a priori avoid participation in any discussion of sexual orientation or gender identity, the survey was formally titled "International Survey of Non-Governmental Organizations on Services for Refugees and Asylum Seekers."

The survey instrument was developed in consultation with IU, sociologists, sexuality researchers, LGBTI rights activists and scholars, UNHCR, and experts on survey design. Several components of the survey were augmented and fine-tuned with information from prior studies of NGOs worldwide.<sup>39</sup> After incorporating feedback and suggestions from selected pretest informants, the final English version of the survey was translated into Arabic, Farsi, French, Russian, Spanish, and Turkish. The completed survey included four sections: organizational questions; services and population serviced at the main work site; attitudes and opinions; and respondent demographic background. The Indiana University Institutional Review Board approved the final version of the survey in English as well as each translation.<sup>40</sup>

In February 2011, the survey was sent by IU to the 1,465 NGOs on the compiled list. Over the course of ten weeks, each NGO was contacted at least three times via email. Non-responsive NGOs for which ORAM had contact details were also contacted by fax and telephone, for a total of up to five attempts. A total of 110 NGOs could not be contacted because of missing, inaccurate, or obsolete contact information.

Figure 2 –Locations of NGOs Contacted for the Survey



<sup>38</sup> Partners, UNHCR, <http://www.unhcr.org/pages/49c3646c296.html> (last visited June 6, 2012).

<sup>39</sup> E.g., Jackie Smith, Ron Pagnucco & George A. Lopez, *Globalizing Human Rights: The Work of Transnational Human Rights NGOs in the 1990s*, 20 HUM. RTS. Q. 379 (1998) (surveying transnational human rights organizations to identify the geographic distributions, political activities, work with international agencies, organizational structure and resources, links with nongovernmental organizations, and definitions of human rights goals).

<sup>40</sup> See TECHNICAL PAPER, *supra* note 1.



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A total of 384 NGOs from 100 countries completed all or part of the survey. Overall, 46.9 percent of the NGOs on the compiled list received a request email and logged onto the survey. More than half of the NGOs from the compiled list did not respond to the request for participation. The final response rate for the survey was 29.2 percent.<sup>41</sup>

Recognizing that standard interview questions lacked depth and context, ORAM, in collaboration with IU, developed

a follow-up questionnaire. Of the survey respondents, 126 NGOs volunteered to be interviewed by phone. However, not all responded to multiple attempts by phone and email to arrange an interview. In total, ORAM interviewed thirty-three respondents from twenty-two countries. These interviews focused on the attitudes of front-line staff and solicited recommendations for effective LGBTI sensitivity training.

### VIII. NATURE, VALIDITY, AND LIMITATIONS OF THE FINDINGS

This report is based on the responses of 46.9 percent of 1,315 NGOs that were successfully contacted and eligible to complete the survey.<sup>42</sup> Of those, a total of 384 NGOs, or approximately 30 percent, completed all or part of the survey. The majority of the respondents were highly-educated directors or executive directors of their organizations. One can only guess why 70 percent of those queried did not participate in the survey and what their responses would have indicated about their attitudes towards LGBTI refugees. As noted above, it is logical to assume that a significant percentage of those who did not respond were uncomfortable discussing sexual orientation and gender identity, work in a place where these issues cannot be safely discussed, or have inimical views towards LGBTI people.<sup>43</sup>

Among recipients who answered the survey, at least in part, 19 percent chose not to respond in part or in whole to questions regarding attitudes and opinions on LGBTI individuals. In comparison, only 11 percent of questions regarding mission, finance, and resources were not answered in part or whole, and only 3 percent of questions regarding population and services were unanswered in part or whole. Moreover, in a profession dedicated to assisting victims of human rights abuses, few will condone animus against any group, regardless of their personal beliefs.

Of crucial importance, the results of the online survey do not reflect attitudes of front-line staff. A large majority of respondents (69.3 percent) were in positions of authority and made decisions affecting their entire organization (e.g., directors or executive directors). Only about one-fourth (24.8 percent) were in other positions (e.g., program managers, coordinators, or secretaries).<sup>44</sup> By virtue of their posts, managers and directors are highly likely

to be political in their statements, skilled in assessing their audiences and calibrating their remarks accordingly. In this instance, although it was not made explicit that the online survey focused on LGBTI issues, the concentration of questions regarding sexual orientation and gender identity would have made this fact plain to most respondents. Moreover, the survey was fielded by Indiana University, a world-renowned U.S. academic institution, whose Kinsey Institute spearheaded the study of human sexuality.<sup>45</sup> Even today, the Kinsey Institute's reports from the 1940s and the 1950s are cited worldwide to demonstrate the prevalent population distribution of male and female homosexuality.<sup>46</sup>

Moreover, the social and professional milieu to which the respondents belong and the social views to which they subscribe may be significantly different from those of local frontline staff at their organizations. The respondents are likely to have personal, professional, or organizational connections to the international refugee community. Director-level employees at international refugee organizations tend to be internationally conversant and highly educated. A high percentage of these staff have lived and worked in similar positions at two, three, or more countries. The very nature of their work ensures that most are fluent in major international languages — namely, English and French. The major thought-leading publications of the refugee industry are international in scope and distribution.<sup>47</sup> Even those in LGBTI-challenging locales often belong to, and take egalitarian professional queues from, international refugee organizations like the European Council of Refugees & Exiles (ECRE),<sup>48</sup> The Southern Refugee Legal Aid Network (SRLAN),<sup>49</sup> Refugee Council USA (RCUSA),<sup>50</sup> and InterAction.<sup>51</sup>

<sup>41</sup> Michael Braun Hamilton, *Online Survey Response Rates and Times: Background and Guidance for Industry 2* (2009) (on file with author).

<sup>42</sup> TECHNICAL PAPER, *supra* note 1, at 10-11 ("Six NGOs had multiple response records, either because a single individual had responded more than once or because several different persons had responded on behalf of a single NGO. Since each NGO could contribute a single response, the record was selected based on respondent's seniority . . . and data availability.")

<sup>43</sup> Harald Anderson, *On Nonresponse Bias and Response Probabilities*, 6 SCANDINAVIAN J. STAT. 107, 107-112 (1979) (discussing the relation between response probabilities and bias).

<sup>44</sup> See TECHNICAL PAPER, *supra* note 1, at 16.

<sup>45</sup> Alfred C. Kinsey's landmark sexuality research project at Indiana University resulted in *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953), known as the famous "Kinsey Reports." See ALFRED C. KINSEY ET AL., *SEXUAL BEHAVIOR IN THE HUMAN MALE* (Ind. Univ. Press 1998) (1948); ALFRED C. KINSEY ET AL., *SEXUAL BEHAVIOR IN THE HUMAN FEMALE* (Ind. Univ. Press 1998) (1953).

<sup>46</sup> Michael Kirby, *Sexuality and Global Forces: Dr. Alfred Kinsey and the Supreme Court of the United States*, 14 IND. J. GLOBAL LEGAL STUD. 485, 490 (2007).

<sup>47</sup> See *Rights and New Business Development*, OXFORD JOURNALS, [http://www.oxfordjournals.org/access\\_purchase/rights\\_permissions.html](http://www.oxfordjournals.org/access_purchase/rights_permissions.html) (last visited June 5, 2012) ("[Oxford Journals] license[s] rights for local editions of the Oxford Journals to be produced in more than a dozen countries."); *FORCED MIGRATION REV.*, <http://http://www.fmreview.org> (last visited June 5, 2012) ("Each issue of [Forced Migration Review] is distributed to at least 18,000 organizations and individuals in more than 175 countries[.]").

<sup>48</sup> EUR. COUNCIL ON REFUGEES AND EXILES, <http://www.ecre.org> (last visited June 5, 2012).

<sup>49</sup> *About SRLAN*, FAHAMU REFUGEE LEGAL AID, <http://www.frlan.org/content/about-srlan> (last visited June 5, 2012).

<sup>50</sup> REFUGEE COUNCIL U.S.A., <http://www.rcusa.org> (last visited June 5, 2012).

<sup>51</sup> INTERACTION, <http://www.interaction.org> (last visited June 5, 2012).

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One NGO director described the attitudinal differences between himself and his staff as follows:

[I]t's the mentality, the education, and open-mindedness. If I'm tolerant, and speak this way, it's not because I work at [this nonprofit organization], it's because I've traveled in my life. It's [because I have had] contact with the other.<sup>52</sup> (Africa)

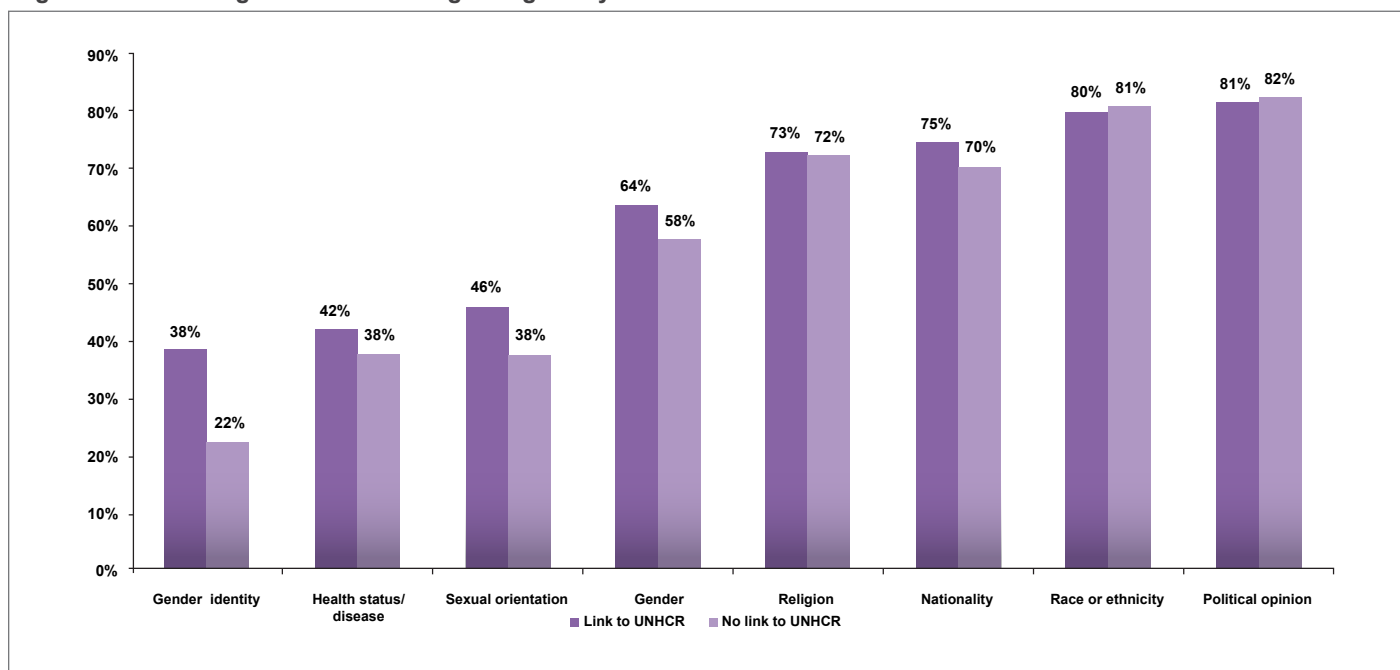
In this connection, the international humanitarian community has called increasingly for LGBTI protection. The United Nations Office of the High Commission for Human Rights has been particularly vocal in urging an end to abuse and discrimination based on sexual orientation and gender identity.<sup>53</sup> It is to be expected that high-level staff at organizations connected with the organized international community would either share or voice that community's sentiments.<sup>54</sup> Survey results support this expectation: two-thirds of respondents indicated that their agencies had a working relationship or consultative status with UNHCR. NGOs with such

a relationship were markedly more likely to have worked with individuals who had been persecuted on the basis of sexual orientation, and were even more likely to work with those who had been targeted on the basis of gender identity.

Finally, the majority of respondents were highly educated, with 89.9 percent having a college or university degree.<sup>55</sup> Multiple studies conducted in several countries, have made clear that acceptance of variation in sexual orientation and gender identity increases with educational level.<sup>56</sup> As one interviewee noted:

[T]hese regions are very homophobic really because of [a] lack of education and [a] lack of exposure.... I've lived everywhere in the world and had friends [who are LGBTI], so to me [it's] perfectly normal. And to [other] people it's very scary because they have not been exposed and they don't have enough knowledge . . . . (MENA)

**Figure 3 – Percentage of NGOs Serving Refugees by Claim Basis and Affiliation with UNHCR**



<sup>52</sup> Telephone Interview with anonymous respondent, Afr. (2011) (on file with author).

<sup>53</sup> Immediately prior to the launch of the online survey, in December 2010, the OHCHR Secretary-General stated in a major internationally-broadcast speech: "As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. When individuals are attacked, abused or imprisoned because of their sexual orientation, we must speak out . . . ." He pledged to put himself "on the line," promising "to rally support for the decriminalization of homosexuality everywhere in the world." Press Release, U.N. Secretary-General, Confront Prejudice, Speak Out Against Violence, Secretary-General Says at Event on Ending Sanctions Based on Sexual Orientation, Gender Identity, U.N. Press Release SG/SM/13311 (Dec. 10, 2010).

<sup>54</sup> See Sangeeta Kamat, *The Privatization of Public Interest: Theorizing NGO Discourse in a Neoliberal Era*, 11 REV. INT'L POL. ECON. 155, 168 (2004) ("[T]he leadership of community-based NGOs typically constituted middle-class Leftists who identified closely with the poor and were committed to social justice work at the grassroots.").

<sup>55</sup> See TECHNICAL PAPER, *supra* note 1, at 17.

<sup>56</sup> For Germany, see Melanie C. Steffens & Christof Wagner, *Attitudes Toward Lesbians, Gay Men, Bisexual Women, and Bisexual Men in Germany*, 41 SEX RES. 137, at 139, 141 (2004); for the U.S., Scandinavia, Australia and New Zealand, see Jonathan Kelley, *Attitudes Towards Homosexuality in 29 Nations*, 4 AUSTRAL. SOC. MONITOR 15, 18 (2001).

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While staff at humanitarian NGOs in general may be more likely than the general population to oppose human rights abuses of any kind, the degree to which less senior staff necessarily share such liberalism is uncertain.

Due to the inadequacy of the automated survey, and in order to imbue those initial responses with depth, our inquiry was supplemented with telephone interviews. Again, not all those who volunteered for a phone interview could be reached. Nevertheless, the interviews were highly instrumental in identifying the attitudes of staff in a range of agencies around the world, as well as contextualizing training and capacity building needs. As such, the perspectives revealed by the survey and interviews are a critical starting point for creating more welcoming and protection-focused environments for LGBTI refugees.

### A. Attitudes on Same-Sex Relationships and Gender Non-Conformity

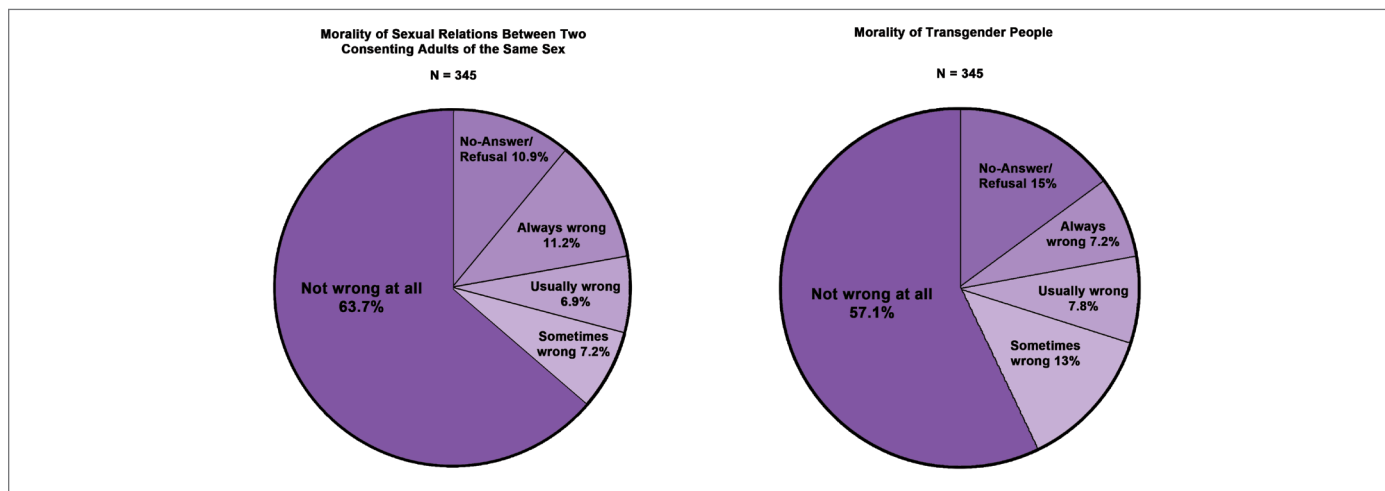
Overall, the majority of respondents to the online survey had positive and supportive reactions to questions regarding LGBTI identities. Approximately 64 percent said that it was “not at all wrong” to engage in same-sex sexual conduct. A significant minority, 11.2 percent, stated that same-sex sexual conduct was “always wrong.” Approximately 14 percent believed it was usually or sometimes wrong. Eleven percent did not answer the question. If selective refusal to answer is interpreted as discomfort or avoidance of the issue,<sup>57</sup> then the aggregate percentage of respondents who answered with a less than supportive reaction was 36 percent — over one-third of respondents.

About 57 percent of respondents stated they believed it was “not at all wrong” for people born as men to present themselves as women. Approximately 7 percent said that being transgender was “always wrong.” Around 21 percent stated that transgender identity expression was usually or sometimes wrong, and 15 percent did not answer the question. If we again interpret refusal to answer questions as a negative disposition,<sup>58</sup> then over one third of respondents — or 36 percent — expressed a less than supportive reaction to transgender identity expression.

**A significant minority, 11.2%, stated that same sex sexual conduct was “always wrong”.**

Also of significance was the regional disparity among respondents on questions of morality. Among respondents from South America, Africa, Asia, and the MENA region, approximately 38 percent expressed negative views on the morality of sexual relations between consenting same-sex adults, as compared to only 14 percent of respondents from North America and Europe. Similarly, when asked about the morality of transgender identity expression, respondents from South America, Africa, Asia, and the MENA region had a far higher negative response rate — 44 — percent than those in North America and Europe — 16 percent. The prevalence of negative moral views raises the question of whether such beliefs will impede the creation of LGBTI-friendly environments.

Figure 4 – Morality of Issues Related to Same-Sex Relations and Alternative Gender Identities



<sup>57</sup> Stereotyping by Omission, supra note 6.

<sup>58</sup> Id.

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A Global Survey of NGO Attitudes Towards LGBTI Refugees & Asylum Seekers

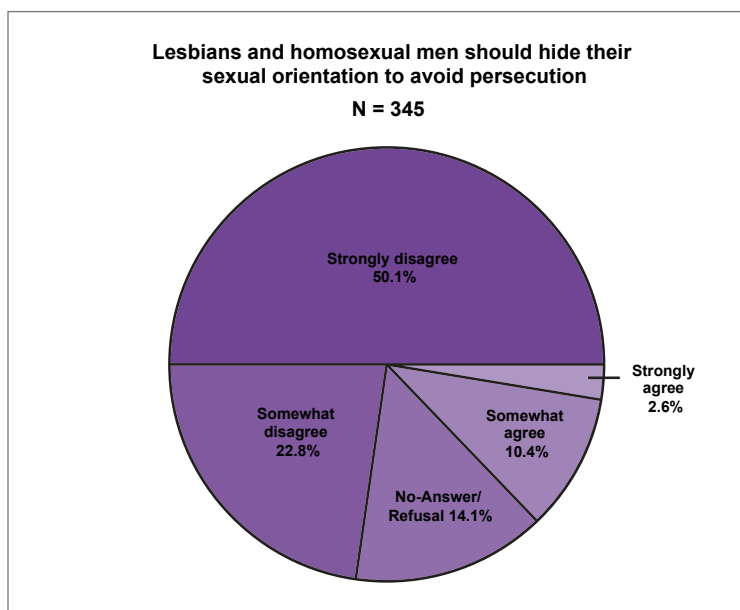
Over 80 percent of survey respondents said bisexuals should not be forced to choose a heterosexual relationship simply because they are attracted to members of both sexes.

should hide their identities to avoid persecution.

When asked about the right to express differing sexual orientations and gender identities, more than 70 percent of survey respondents disagreed or strongly disagreed that lesbians, gay men, and transgender individuals

Over 80 percent of survey respondents said bisexuals should not be forced to choose a heterosexual relationship simply because they are attracted to members of both sexes. In contrast, approximately half appeared to believe that intersex persons should be required to undergo medical treatment to select one gender. In light of the liberality indicated in other answers, one might have expected a majority of survey participants to defer to intersex persons' right to reject surgery. Given the scarcity of general knowledge about intersex issues, the responses to this question likely reflect a general lack of understanding of intersex conditions. These responses indicate a need for education on the issues surrounding intersex individuals.

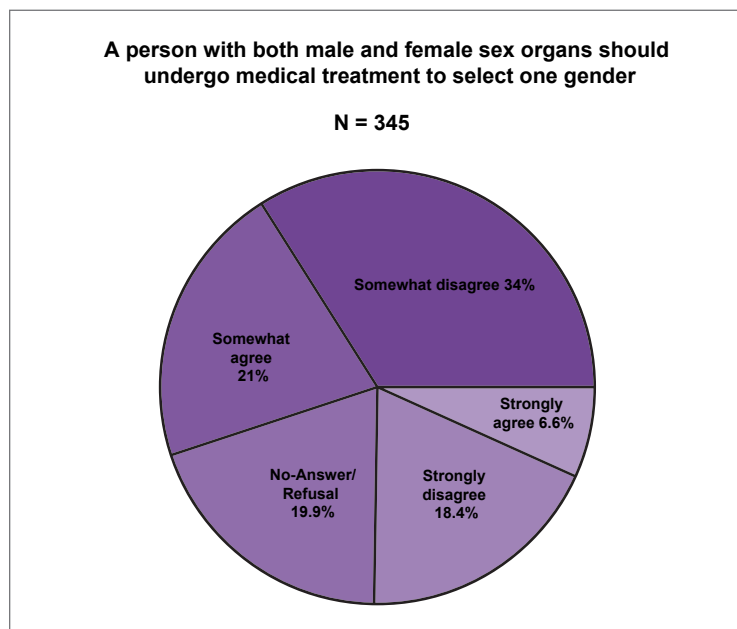
Figure 5 – Right to Express Sexual Orientation



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Figure 6 – Right to Choose Gender Assignment Surgery



Of note, in follow-up interviews, even respondents who reported generally positive views on LGBTI individuals in the Internet survey conveyed ambivalence or discomfort when responding over the phone. For example, many respondents hesitated to use terms describing sexual orientation or gender identity or avoided those terms altogether. As explained in greater detail in subsection (B)(1) below, such qualitative data indicates that survey results may in fact underreport unease or prejudices against LGBTI individuals.

## B. Engagement with LGBTI Refugees

The following subsections describe NGOs' responses in both survey and interview form with respect to LGBTI refugees. While respondents expressed an overwhelming willingness to protect LGBTI refugees, their responses to specific questions explicitly and implicitly revealed gaps in knowledge and understanding. Many NGO respondents also offered valuable and nuanced advice on how to close these gaps.

## 1. LGBTI Refugee Protection: Deservedness and Willingness to Protect

The core of the online survey focused on whether respondents believed LGBTI refugees are entitled to the same protection as other refugees and whether they were willing to provide that protection. Approximately 95 percent

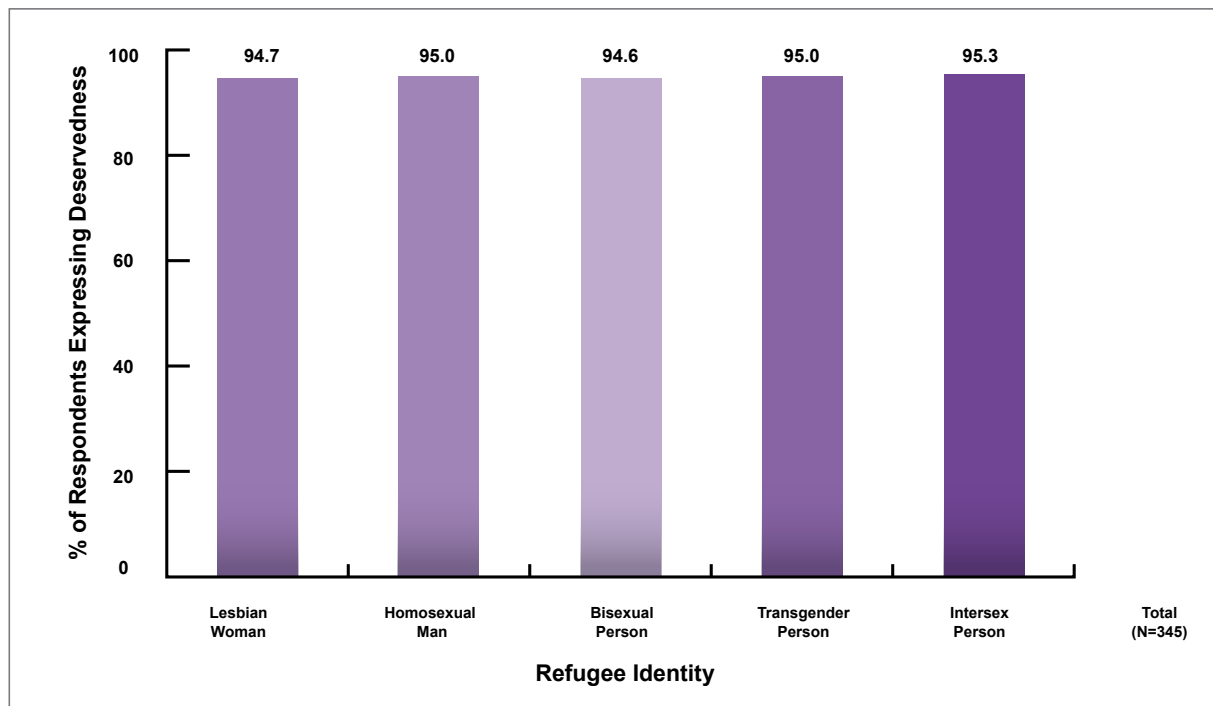
Approximately 95 percent of respondents to the online survey believed that refugees “definitely” or “probably” deserve protection if they have suffered persecution based on their sexual orientation or gender identity.

of respondents to the online survey believed that refugees “definitely” or “probably” deserve protection if they have suffered persecution based on their sexual orientation or gender identity.

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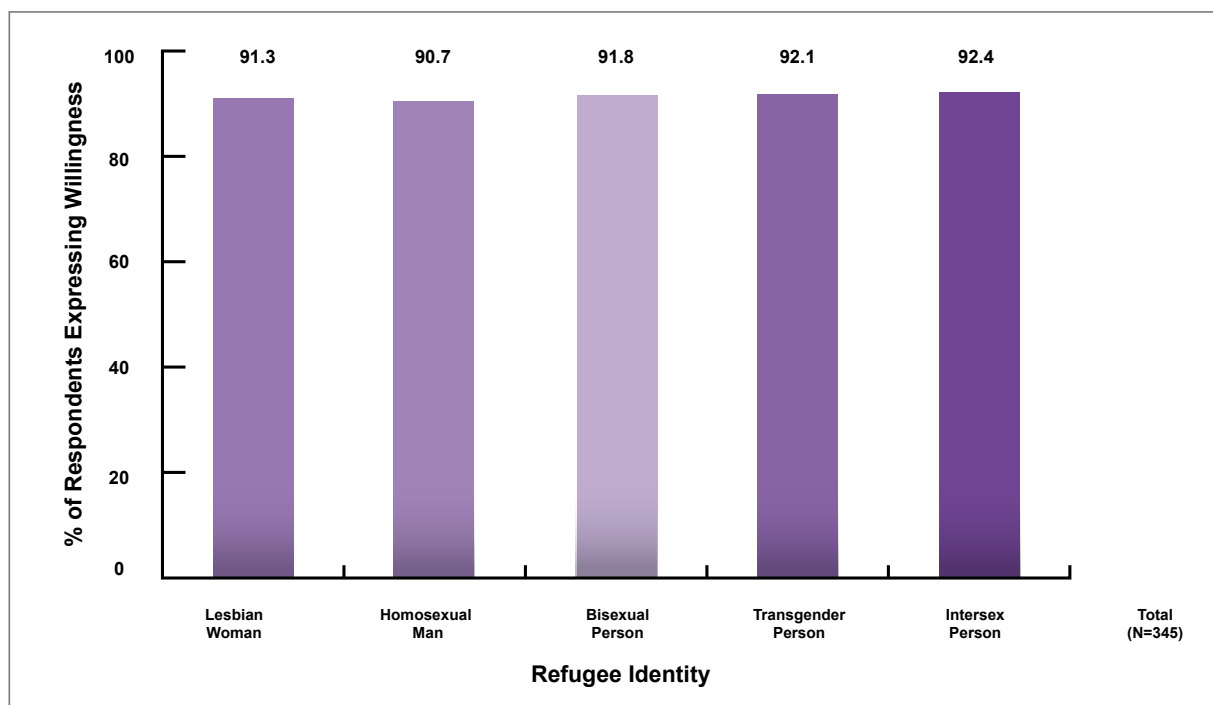
A Global Survey of NGO Attitudes Towards LGBTI Refugees & Asylum Seekers

Figure 7 – Deservedness of LGBTI Refugees to Receive Protection



Similarly, on the issue of willingness (as opposed to deservedness) more than 90 percent of respondents indicated that they were “probably” or “definitely” willing to provide the same level of service to LGBTI refugees provided to other refugees.

Figure 8 – Willingness to Provide Protection to LGBTI People





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A significant minority of respondents — 9 percent — said that they were probably or definitely not willing to provide services to someone who was LGBTI.

Perhaps the greatest predictor of respondents' attitude towards LGBTI people was the degree of their past contact with sexually-and-gender-diverse people. Overwhelming majorities (over 90 percent) of those respondents who said they personally knew LGBTI individuals were willing to serve LGBTI refugees. Those who had no contact with LGBTI individuals were significantly less willing to work with LGBTI refugees.

One respondent commented as follows on the transformative power of personal interactions and relationships with LGBTI individuals:

People don't talk about it until they have someone in their family or a close friend going through those things. And then they realize, it's someone they care for, someone who's a good person and stuff, so it opens their minds. (Africa)

Follow-up interviews confirmed the survey results. By and large, staff members believed that LGBTI asylum-seekers and refugees were just as deserving of support as others clients. However, as discussed below,<sup>59</sup> few had significant experience serving LGBTI refugees. Nevertheless, most respondents characterized the climate in their organizations towards LGBTI individuals as non-discriminatory:

We have absolutely zero tolerance for anybody who is intolerant. So there is no way anyone on my staff would have any problems with anyone who is LGBT. (Americas)

We are here to serve, to give support to refugees. It doesn't matter if they are gay, lesbian, bisexual, or heterosexual. (Europe)

Our organization provides legal assistance to asylum seekers and refugees, all kind[s], no matter if they are gay [or] lesbian...without any discrimination. So we're quite open and treat [everyone] equally. (Asia and the Pacific)

We are open to every asylum seeker, no matter his origin, his orientation, his sexual preferences. It doesn't matter. We're open to everyone. (Europe)

A minority of respondents described hostile environments in their organizations towards LGBTI refugees:

With regard to the clients, for example the refugees who are homosexual or who are bi as

"People don't talk about it until they have someone in their family or a close friend going through those things. And then they realize, it's someone they care for, someone who's a good person and stuff, so it opens their minds." (NGO survey respondent from Africa)

well, you can tell their case is frowned upon [by staff]. Let's imagine that [I announce] tomorrow [that] I want to change my sex or that I'm homosexual. Well, mark my word, the following day, first I will be persecuted, frowned upon. I'm going to be an outsider and I will be the topic of [ridicule] all day long. It's impossible to say that someone who's homosexual in a staff — even in [an NGO] — will be well-perceived and accepted. (Middle East and North Africa)

Regarding lesbians, and even homosexuals, the climate in my organization is absolutely against them, against them. They are not . . . people you can consider as normal. We think that there is something that [doesn't] work properly in their brains. There is a deviation that is out of the ordinary, because usually we consider a couple [to be] between a man and a woman, and that's the way it is.

Some friends had contacts with people from [the Capital] whose job partly included defending lesbians and homosexuals, so they asked us if we also wanted to think of strategies with them. [W]e were against [it], and we said, 'No, we don't want to talk about your issues that are abnormal. We don't want to start talking about people who are different. We can't, really. It's their right to do what they do, but we still want these people to know that they are outside natural norms. Nature didn't create people this way since even among animals you can't find animals that are lesbians or homosexuals....' That's the way my coworkers perceived this issue." (Africa)

<sup>59</sup> See discussion infra Part VII.B.2.

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The climate of our organization, when it comes to people who are lesbian, gays, bisexual, transgender or intersex, [is that that they are] religiously and culturally unacceptable. Generally, as per the human rights aspect, people are equal and have the right to obtain humanitarian services. But . . . these kind of people are not acceptable in our community. (Europe)

Responses like the above were uncommon. The vast majority of respondents reported that their organizations were open to providing assistance to any refugee who sought services, regardless of sexual orientation or gender identity.

In both the survey and phone interviews, respondents frequently stressed the significance of the cultural and religious climate in which their organizations operate. Approximately 38 percent of respondents reported that religious or spiritual beliefs guided their work at least sometimes.

But the same respondents said they were just as willing to serve LGBTI refugees as those whose faith never or rarely guided their work. Responses from religious and faith-based international organizations indicated that even those who disapproved of nonconforming sexual orientations or gender identity were not less likely to help LGBTI people. This finding was supported anecdotally in the survey's open response section:

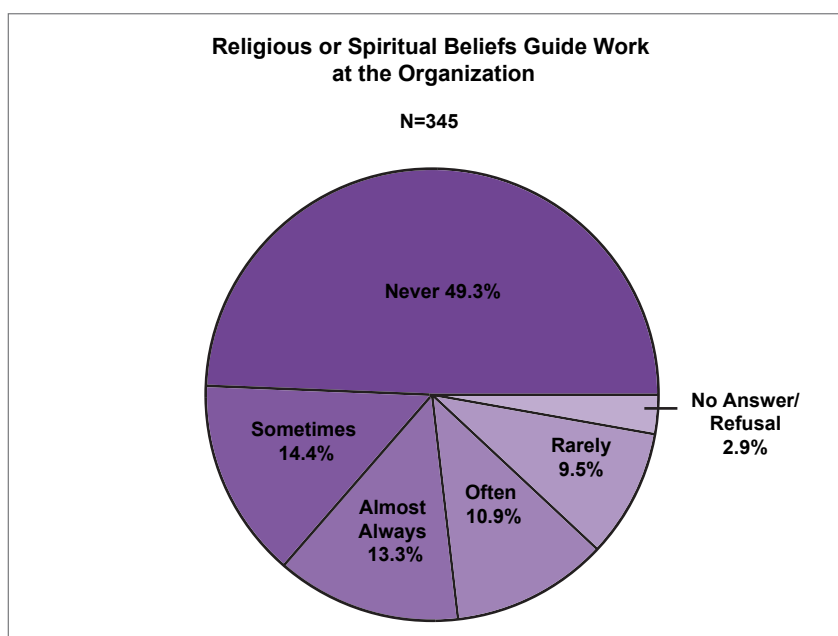
Supporting a group of homosexuals, bisexuals, and lesbians is a sin, because our religion prohibits these acts. But if they need humanitarian aid you have to support, whatever they are.

[For] Christians, these issues of gender and sexual identity present an interesting challenge. I believe it is possible to stand firm on our beliefs in what is right or wrong, while still showing compassion and providing services to vulnerable clients, regardless of their lifestyle, etc., particularly when persecution is involved.

Respondents expressed similar reasoning in the follow-up interviews:

We are equal before God. So when you are in a camp our first reaction is not [to] put the Bible first. [W]e introduce ourselves as a Christian organization and [inform refugees] that our help . . . is [what] God expects us to provide. Maybe later [in the processing of helping them, we] will have to discover who is [LGBTI], but it doesn't come first. We see the fact that we take care of refugees, displaced persons, people in need, as a mission [set out] in the book of the Bible. (Africa)

Figure 9 – Religious or Spiritual Beliefs Guide Work at the NGO



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Even if the staff has [his or her] own viewpoint that . . . religion comes first . . . we require a certain level of respect. [I]t's normal [for] people to have their ideas, their ideologies, their biases, but they have to leave them at home. When they are in the institution, it's about respecting the . . . client. (Middle East and North Africa)

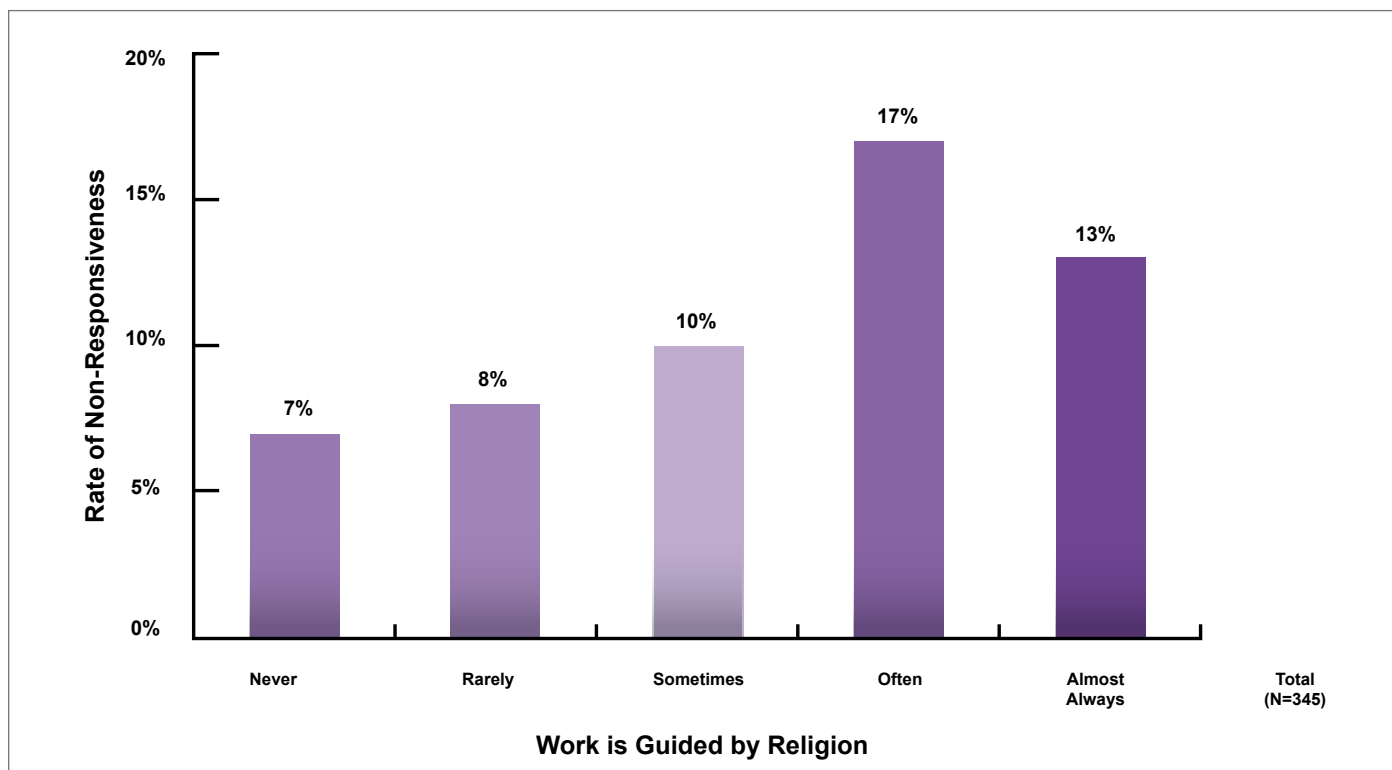
We treat them as human beings. We believe strongly, at least I believe strongly that this is a creation of God. We don't treat them differently. It is not that they want to be like that, it is something that God has given for them. (Asia and the Pacific)

These candid opinions reflected the respondents' unswerving commitment to protecting all their clients. Perhaps significantly, 30 percent of respondents who said that religion often or almost always guides their work skipped or refused to answer questions relating to LGBTI issues. Conversely, only 15 percent of respondents who said that religion never or rarely guides their work skipped or refused to answer these questions.

Non-responsiveness may be attributed to a variety of factors, including survey fatigue or an inability to voice organizational opinions. At the same time, the correlation between non-response and religious association may indicate a struggle between spiritual beliefs and views on LGBTI people. In this vein, many interview respondents felt that their organization's religious affiliation made it difficult to properly help LGBTI people. One respondent noted in a follow-up interview:

I think that what is hardest about this for me personally, in my own opinion about serving the LGBT community, is that I'm comfortable with it - I don't see any reason why we shouldn't do it and I don't see any reason why we shouldn't partner with community organizations that can serve these people better. I feel somehow restrained by working for a faith-based charity. The church's teachings on homosexuality are pretty stupid to me. And so I feel like I'm in a situation where my personal moral values differ somewhat from what our agency's policy is. And I think, what's even harder is our agency administration, I don't think supports the church's teachings on homosexuality, and so our high-level management is perfectly comfortable serving homosexuals and the LGBT community, all that sort of stuff, but it's restrained by the overall church's stance on homosexuality. (Americas)

Figure 10 – Correlation between Non-Responsiveness and Religion Guiding Work



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Even among those survey respondents who expressed an overall positive attitude towards LGBTI refugees, several directors and high-level managers expressed severe discomfort with clients' identities: it became clear during the course of follow-up interviews that many respondents could not or would not utter the words "lesbian," "gay," "bisexual," "transgender" or "intersex." For example, when asked if he had knowingly assisted LGBTI refugees in the past, one interview responded:

I haven't had to face that problem. I helped people in a general way . . . . I didn't have to face things like that. 'This one is different, so my method is different,' – I didn't have that [approach]. Maybe I didn't really open my eyes, I don't know. But I helped in a normal way, I treated everyone in a normal way. (Africa)

Asked if her organization would be interested in learning how to better assist LGBTI refugees, one respondent answered positively, but still avoided using LGBTI terms:

Yes, why not? Because you know, [in] our country, there are really limited opportunities in order to, you know, to provide the services for these persons. In general, I mean, it's kind of, kind of [a] closed topic, [I] would say. (Europe)

Asked if her organization has LGBTI-identified staff, another interviewee responded:

Yeah, I mean we do have people who are, who are, yeah, who are openly not heterosexual, yeah. We do have people. We know they are, but it doesn't affect our relationship because we are provided training on [it] – to our staff – to make sure that we deal with our staff members. We work with organizations where surely there are. (Americas)

As these quotations show, the follow-up interviews revealed a pervasive discomfort with topics related to sexual orientation and gender identity. Ten out of a total of thirty-three interviewees (30.3 percent) demonstrated an extreme apparent discomfort with LGBTI-specific terminology. For example, most respondents avoided saying "lesbian," "gay," "transgender," "bisexual," "intersex," or "LGBTI" altogether. Of those who uttered these terms, many hesitated or in some other way expressed unease. Native English-speakers representing organizations in Anglophone countries responded similarly to those who spoke English as a second language, making it unlikely that the perceived discomfort was attributable to linguistic factors. With two or three exceptions, respondents' discomfort levels did not diminish during the course of their interviews.

"Well, I was wondering while doing the test what all this had to do with refugees. I mean, who cares about all that gender or sexual orientation stuff? We support refugees, no matter why they are being persecuted." (NGO survey respondent)

This, combined with the fact that non-responsiveness was highest for survey questions related to LGBTI issues (19 percent),<sup>60</sup> led us to conclude that the subject of sexual orientation and gender identity is and remains largely "taboo" in large segments of the refugee assistance community. Even at its most innocuous, this invisibility and avoidance has profound ramifications for LGBTI refugees in need of protection.

Considering the difficulties LGBTI refugees report in accessing services, and the miniscule percentage of refugees fleeing sexual orientation or gender identity-based persecution that successfully make it to safety, these findings necessitated a deeper examination of the difficulties NGOs have in serving LGBTI refugees. The follow-up interviews suggest that protection gaps are caused not by an unwillingness to assist LGBTI refugees, but rather by an inability to create "positive protection space" for them. This phenomenon will be explored in detail in the next sections.

<sup>60</sup> See *supra* p. 17.

<sup>61</sup> See, e.g., DENISE LIEVORE, AUSTL. INST. CRIMINOLOGY, NON-REPORTING AND HIDDEN RECORDING OF SEXUAL ASSAULT: AN INTERNATIONAL LITERATURE REVIEW 26 (2003). See also INTER PRESS SERV., REPORTING GENDER-BASED VIOLENCE: A HANDBOOK FOR JOURNALISTS 21, 41 (2009); U.N. Dep't of Econ. & Soc. Affairs, U.N. Statistics Div., The World's Women 2010: Trends and Statistics at 129, U.N. Doc. ST/ESA/STAT/SER.K/19 (2010).

<sup>62</sup> See *Fact Sheet: Service Provision to the Lesbian, Gay, Bisexual and Transgender Community*, QUEENSL. ASS'N FOR HEALTHY COMMUNITIES 1, [http://www.qahc.org.au/files/shared/docs/service\\_provision.pdf](http://www.qahc.org.au/files/shared/docs/service_provision.pdf) (last visited June 5, 2012). See also Mary Lou Killian, *The Political Is Personal: Relationship Recognition Policies in the United States and Their Impact on Services for LGBT People*, 22 J. GAY & LESBIAN SOC. SERVICES 9, 13–18 (2010).

<sup>63</sup> See, e.g., UNSAFE HAVEN, *supra* note 2, at 8 (discussing the difficulty LGBT refugees have coming forward because "[a] significant number described being humiliated by service providers and some report being denied services altogether on the basis on their LGBT status").

<sup>64</sup> *Id.* at 24 (discussing hate-motivated violence against LGBT individuals).

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### 2. Hazards of the 'Blind' Approach – Protecting the Unmentionable

One-third (33.6 percent) of the responding NGOs said they provided services to those persecuted based on sexual orientation. Approximately 22 percent reported serving persons persecuted because of their gender identity. In comparison, almost half reported that they provided services to those persecuted based on gender (as distinguished from gender identity) (45.9 percent). Given the prevalence of persecution worldwide based on all three of these grounds, these numbers appear low. They imply that refugees often do not reveal the true or full nature of their persecution to NGO staff. Indeed, in the analogous context of gender-based violence, significant scientific literature demonstrates that many women do not report having been sexually violated.<sup>61</sup>

At the same time, these rates are encouraging, in that they suggest a significant number of NGOs are aware of persecution based on sexual orientation and gender identity. Yet this portion of the survey also revealed discernible service gaps facing LGBTI refugees. Of the NGOs servicing gender-based refugees, 43 percent said they did not provide services to those persecuted based on sexual orientation. Among all respondents, one in five reported they did not know whether sexual orientation and/or gender identity were issues in the population they served. A third of the NGOs surveyed did not respond to the survey's questions on whether sexual orientation and gender identity were bases on which their clientele sought protection.

The data from the survey and telephone interviews suggests that director-level service-providers largely believe LGBTI refugees and asylum-seekers should receive the same support as their non-LGBTI counterparts. Yet many do not understand the unique needs of LGBTI refugees.

In the open-answer portion of the online survey, many respondents vented frustration about the survey's focus on LGBTI needs, insisting that sexual orientation and gender identity are irrelevant to the work they carry out. Many seem unaware that ignoring a refugee's sexual orientation or gender identity is likely to compromise his or her protection needs:

Well, I was wondering while doing the test what all this had to do with refugees. I mean, who cares about all that gender or sexual orientation stuff? We support refugees, no matter why they are being persecuted.

We work with all persons who come to us for assistance. We do not ask or discuss nor are we concerned about or interested in their sexuality.

My agency works with and resettles refugees regardless of sex, country of origin, nationality, etc. We do not ask about sexual orientation nor do we care about it... I skipped several questions because they're non-issues and none of my or my staff's business unless someone cares to inform us.

Follow-up phone interviews elicited similar responses:

Why do you think it is necessary that an organization like ours, which is a [faith-based] organization, should have a strategy to take care of these refugees? It means that refugees who are lesbian, etc., etc., have different needs than a normal refugee. If you think we need training to help them, that would imply that they have needs that the regular refugee doesn't have. (Africa)

I have to say my organization never pays attention to their status. I mean, sexual status. Here, our organization defends any person who claims to be a refugee, in exile, or hunted down by their country's justice. Here, we act before taking into account that background, that issue of sexual status. (Africa)

It is perhaps self-evident that only service providers who are aware that their clients are LGBTI can provide targeted and appropriate support.<sup>62</sup> Equally important, if staff members fail to outwardly express support for LGBTI people, LGBTI refugees, often traumatized by the discrimination they have already faced, will find it difficult to come forward and self-identify.<sup>63</sup> Because LGBTI asylum-seekers face unique obstacles and perils,<sup>64</sup> refugee-service providers who are unaware of sexual orientation in handling LGBTI cases may fail to adequately address the needs of their clients. For example, placing a gay refugee in homophobic housing may imperil his safety and impede his successful integration. Failure to acknowledge the specific medical needs of a transgender woman may result in deterioration of her physical and mental health.

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Understanding and awareness of LGBTI clients is particularly critical for organizations providing legal services, as LGBTI refugees' sexual orientation and/or gender identity are often central to their legal claims. Individuals who have suffered past persecution on account of actual or perceived LGBTI status, or who have a well-founded fear of future persecution for these reasons, are eligible for asylum or refugee protection. Legal service providers who are unaware of clients' LGBTI identity will necessarily fail to include this central—and perhaps sole—

ground for protection in the refugee claim. This omission will likely result in a denial of an application. Even if the omission is discovered at a later time, the earlier mistake can seriously damage an applicants' credibility; moreover, procedural rules may prevent modification of claims

**Understanding and awareness of LGBTI clients is particularly critical for organizations providing legal services, as LGBTI refugees' sexual orientation and/or gender identity are often central to their legal claims.**

on appeal. Thus, an inadequate submission in the first instance is often fatal to a client's application for relief. For this reason, it is imperative that legal service providers learn of clients' LGBTI status as soon as possible and tailor their arguments accordingly.

An additional consequence of the "blind" approach is that it perpetuates a working environment in which these issues are

ignored. At a time when so few LGBTI refugees dare to speak openly about their identities when seeking international protection, it is critical that NGO staff take proactive steps. Only through discussion, training, and capacity-building will NGO staff be able

**Legal service providers who are unaware of clients' LGBTI identity will necessarily fail to include this central—and perhaps sole—ground for protection in the refugee claim. This omission will likely result in a denial of the application.**

to understand and effectively respond to the particular needs of LGBTI refugees – whether legal, social, medical, or psychological.

## 3. Invisibility of LGBTI Refugees

As the survey findings reveal, many NGOs are unaware of LGBTI clients in their midst. It appears that this relates to two mutually-reinforcing factors: First, that some frontline staff do not have basic knowledge about the defining aspects of each identity encompassed within "LGBTI"; Second, as discussed,

many LGBTI refugees are afraid to self-identify. Thus, the more a refugee believes that the service provider conducting the intake is unaware of what it means to be LGBTI, the less likely the refugee is to reveal his or her identity. In turn, the fewer LGBTI refugees who reveal their identity to NGO staff, the weaker the staff's understanding of the needs of these highly vulnerable refugees.

In follow-up telephone interviews, many of the respondents who stated that their organizations had not served LGBTI refugees were careful to add that even if their organizations had assisted them, there would be no way to know because clients keep their identities secret. Many respondents attributed clients' hiding their identities from service-providers to those clients' own cultural backgrounds:

Look, I think there are a lot of reasons. I think one is whether they've come from a country – and most often they have not – where it is safe to be open about your sexuality. And then not realizing that [this country] is safe to some degree. (Asia and the Pacific)

They don't tell us because I'm guessing it's probably not culturally acceptable in their culture or their place of origin. (Americas).

[W]hat we've noticed so far is that typically the refugee-affected areas that we've worked in are developing countries and typically not the most modern or open cultures. So, from what we've experienced very few people who are lesbian, gay, bisexual, or transgender even disclose that information publicly . . . . So, if their closest family and friends don't know, I don't think they're going to tell us, as an organization providing support. (Americas)

However, by placing the onus to self-identify squarely on refugees, these respondents fail to recognize that their organizations can take practical steps to convey that refugees should disclose their LGBTI status.



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Other respondents stated that the religious and cultural environment of their country of operation caused LGBTI refugees to remain closeted. They suggested that local religion and culture not only work to keep LGBTI refugees invisible, but also contribute to NGOs' lack of services for LGBTI refugees. Respondents provided powerful anecdotes about the dynamic involved in navigating religious and cultural ties when serving this vulnerable refugee population in countries or communities that discriminate against LGBTI people. One African NGO official stated:

The rights of these people, of these persons, are not yet present here. It's true that in the Universal Declaration of Human Rights they would say, accept people the way they are. And even in our constitution I can't see any article condemning that type of behavior. But I have to admit that there are churches that are really, really, really against it. The churches . . . would be the biggest obstacle. With no doubt, the churches can't accept that. (Africa)

Another stated:

Let's be honest, the refugees, the migrants, actually even the [locals] who are homosexual or lesbian, they're frowned upon. Even now, the thing is that religion is so pervasive that the mentality hasn't changed. As a whole the tolerance of homosexuals and lesbians is far from being realized in the next twenty years. (Middle East and North Africa)

### 4. NGOs' Recommendations for Creating a More Welcoming Environment

To meet the challenges encountered by NGOs in serving LGBTI refugees, follow-up interviews asked respondents what steps they believed were necessary to overcome the obstacles they encountered with this vulnerable refugee population. Many recommended that their organization take more proactive steps to create explicitly LGBTI-friendly atmospheres for the benefit of staff and clients alike. Several stated that they hoped their organizations would foster environments in which sexual orientation and gender identity could be openly and readily discussed:

I think we need to create an atmosphere to make asylum seekers and refugees who are LGBTI feel free to express themselves to us and this is who they are. If they don't feel any problems with identifying themselves as such, then we would be able to provide all the necessary services that would be particular to them. (Asia and the Pacific)

I think we think we're open and accepting, but we don't actually actively talk about this stuff, it's just that we don't hear anyone say negative stuff, but we're not also actively being positive and engaging, so maybe being a bit more proactive is needed. (Asia and the Pacific)

One respondent suggested placing visual cues around the office, such as stickers or signs on the doors of staff members:

I think having gay-friendly literature, like having a flag on your door so that people can see it. It's like a really small strategy that, you know, firstly, somebody might recognize it. But second, if they don't, it might be a way of promoting conversation. I think if you have an opportunity to have these conversations, any slight opening to get staff to a level where they feel really comfortable to go there in a respectful manner. (Asia and the Pacific)

At least one respondent was motivated to make an immediate change to organizational policy following completion of the survey:

I [never] thought to include sexual orientation in our code of ethics, but will do so now.

Another indication of the degree to which an organization promotes a welcoming environment for LGBTI persons is its number of openly LGBTI staff members. Many respondents, even those working in LGBTI-friendly atmospheres, were hard-pressed to think of even one openly LGBTI staff member working at their NGO:

Um, I think, there is maybe, one . . . wait, no. Let me think . . . no, I don't think there is anyone. (Americas)

Some of our volunteers are probably gay, lesbian bisexual, or transgender, but it's not something that anybody feels the need to disclose. (Americas)

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## 5. Sensitization Training

Perhaps the most common theme arising throughout the survey and telephone interviews was that the overwhelming majority of respondents believed their organization needed sensitivity and awareness training on sexual orientation and gender identity. Respondents reported that trainings of this sort had never taken place at their organizations, but would be immensely beneficial. The majority expressed that trainings should be conducted for all staff, incorporating separate small group sessions for a more intimate setting. Respondents believed that such trainings would be most helpful if led in concert with an international LGBTI rights expert, as well as someone from the local community who could impart knowledge in a culturally sensitive manner. Finally,

"I think a combination of the international and local trainers would be helpful. If we only have the international trainers, that could be perceived as something foreign.

Then by having local trainers, that would balance it. Also I think the issues of the LGBTI may not necessarily have, people who have expertise on these issues to do the training. So I think the combination of both would be appropriate at this stage." (NGO survey respondent from Asia and the Pacific)

most interviewees maintained that the substance of the trainings should focus on the basics of assisting LGBTI individuals.

Asked about their preferred form of sensitization and awareness training, respondents made the following recommendations.

**a) Format: Training for Entire Staff with Small Group Break-out Sessions**

Many respondents believed that the entire organizational staff should receive training:

In an ideal world, the entire organization would do this training. Otherwise it doesn't filter through if you've got frontline workers who may not be open to an idea. Who will challenge them on that? It's not easy to know if you're working with someone who is from the LGBT community. And so realistically, everyone needs to do the training to be more aware. (Asia and the Pacific)

I think it would be better [for] people [to] have direct interaction with people who are LGBTI or something [where] they can have personal experiences [with them]. I mean people can read

[about these issues], but [often] they already have their own concepts or bias against the LGBTI [individuals]. [So], if they already have [these concepts], reading by themselves that would not help that much. (Asia and the Pacific)

Some respondents commented on the importance of training in different formats for different target audiences:

I think there should be core training that both management and operations staff should attend together, but it would also be useful to separate out the frontline staff from the management for some of the trainings. (Asia and the Pacific)

I think you could have some kind of tiered training where for instance all your staff is exposed to some background information and maybe people from the case management staff or the medical staff would go into more intensive training where they can delve into these issues a bit more. (Americas)

Several respondents recommended a "train-the-trainer" approach in which top level staff receive training from international experts, then train the remainder of the staff. This suggestion is particularly appropriate for NGOs in countries with heightened cultural and religious sensitivities to LGBTI issues:

Well, I think first one or two staff members. Not all the staff. For example, even stories about condom use created a lot of troubles, that you should tell everyone listen we put some condoms in the bathrooms; you can take a small stack to your office. Everyone was outraged. It was often the staff who participated in the training who would say, that's an issue that doesn't belong in this institution. (Africa)

I think the best way is for people to have some sort of a TOT, or "Training of Trainer" session, like we have for the other specialized cases of counseling and health workers and things like that. We have TOT's within the organization, so similarly those people could be equipped, could be given additional training on ways to handle these type of people. (Asia and the Pacific)

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### b) Leadership: Expertise is Key, But Not to the Exclusion of Cultural Sensitivity

Most respondents opined that the most important criterion for determining who should lead the training should be expertise in the subject:

I think it should be someone who's also called an expert on this issue. An expert on the LGBTI, so it would be good to have someone from an international organization." (Asia and the Pacific)

I think the most beneficial thing would be to have someone, an outside perspective that can conduct the training. I think that having an individual who is familiar with working with these populations, particularly to have individuals who can speak about what is the experience for the LGBT community. (Americas)

However, many respondents were concerned that this expertise would likely require a trainer from abroad, potentially reducing staff comfort levels for lack of cultural affinity:

It could be someone from an international organization or someone from our country of operation, but who understands these things and can explain them from the perspective of the Bible, what the word of God says. If what the word of God says is different from what the person offers, the people will start wondering, "But what are you saying?" I'm sure that you have heard here it is still a taboo topic. (Africa)

I think seeing it as coming from within the communities is usually most effective . . . people usually have more respect for that . . . they might be more willing to take into consideration opinions from people within their communities sharing on these sensitive issues. (Americas)

Your problem is that you tailor things with already said assumptions, for example from the western society. People when they talk to me, by the way, I mean even human rights organizations, gender organizations; they think that we have democracy. We don't have democracy. (Middle East and North Africa)

To mitigate cultural and linguistic barriers while ensuring authenticity, many respondents suggested that a team of internationals and locals lead the training.

I think a combination of the international and local trainers would be helpful. If we only have the international trainers, that could be perceived as something foreign. Then by having local trainers, that would balance it. Also I think the issues of the LGBTI may not necessarily have, people who have expertise on these issues to do the training. So I think the combination of both would be appropriate at this stage. (Asia and the Pacific)

I am not partial one way or the other — I don't know who should lead it — I don't care who should lead it — but it should be somebody who is sensitive to this kind of thing — somebody who knows communities on the ground. We don't want to spook people or confront them — oh you are a bad person because you feel that way about gays. Well maybe you grew up that way. Maybe they don't understand, so it's an education. Anybody who can secure that sense that this is an education process, not punishment. (Americas)

I need to take it from the people themselves. I need a gay individual to teach me how to deal, how to handle, what would I say or do that will be considered offensive to an individual. (Middle East and North Africa)

I think it would be better when people have direct access in dealing, interacting with people who are LGBTI or something that they can have personal experience in the programs. (Asia and the Pacific)

The one who can lead the training, first it's someone who maybe lives with it. Someone who can explain his tendencies. (Africa)

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### c) Content: Back to Basics

Many respondents expressed confusion around the term LGBTI and the words represented in the acronym. Clarifying what it means to identify as lesbian, gay, bisexual, transgender, or intersex is certainly the first step to a meaningful discussion about the issues these individuals face.

I think first would be the understanding, the knowledge about the LGBTI to a certain extent. I think the term is quite technical in itself, by I mean, knowing which group of people belong to which sexual orientation and what is the specific needs and challenges that each group is facing. (Asia and the Pacific)

Respondents also suggested that trainings include background information on the conditions facing LGBTI individuals in their host countries:

You know, certain conflicts, certain countries, have particularly ugly treatment of these populations. And having that knowledge increases individual ability to serve them. I think that having some overview of what are some of the most common needs that these individuals experience upon resettlement would be beneficial. So that way if I have a case manager that says we know this is individual is gay, lesbian, whatever, they can anticipate some of those needs. (Americas)

I think that stepping outside of our own world, looking at the information on what happens in the countries of origin, where our client group's coming from, you know, what are the local laws, what are the penalties, these sorts of things. (Asia and the Pacific)

Other respondents emphasized the importance of personalizing the training, so that staff members understand the salience of these issues and are compelled to participate fully:

Sometimes maybe a shared experience, like a story that can be presented to caseworkers like this is what happened to people in such and such situation is important. (Americas)

Some respondents expressed concerns about the tone of the facilitators, cautioning against admonishing staff or conveying a sense that the training constitutes punishment:

The training should be conducted in a very generalist way, I mean without pointing fingers. So not to see someone show up and tell you that you have to take homosexuals the way they are, it's the law. No. Better to focus on freedom, the notion of freedom, the use of one's one body. And you have to know that it's like walking on eggs, you know what I mean? Without breaking them. It would take time. I don't know how to convince them but to show them that in life it's another way, and they are not demons. You need to welcome that type of refugee. They're here too; you need to live with them the way they are. That's the kind of teaching style I could use. Except that if it creates a scandal they're going to lynch us [laughs]. That's it. (Africa)

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## IX. RECOMMENDATIONS

These recommendations aim to increase protection for a marginalized and often invisible group of refugees. We have derived our recommendations from the direct input of survey participants, as described above, as well as from our own knowledge and that of experts. By prioritizing LGBTI refugee protection, NGOs can help move their clients from deeply damaging experiences of identity-based persecution to safety and support. In doing so, NGOs will help ensure that LGBTI refugees are afforded protection and integrated into the wider human rights agenda.

To ensure that staff members are adequately informed and able to meet LGBTI refugees' special needs, NGOs are urged to conduct regular sensitization trainings on sexual orientation and gender identity. These trainings will promote individual sensitivity as well as open organizational environments. The tone of trainings should be non-coercive and foster cooperation and a sense of shared mission rather than judgment or condemnation. Moreover, organizational leaders should ensure that all levels of staff, as well as any contractors or volunteers, undergo training.

Drawing upon Professor Nicole LaViolette's research, we recommend a "cross cultural competency model" that emphasizes empathy, understanding, and communication. This approach enables staff members to serve individuals who may differ from them in significant ways, including sexual orientation and/or gender identity. The trainings should address awareness of and attitudes towards LGBTI individuals, knowledge of key terminology and concepts, and skills around building LGBTI-friendly programs.

Where possible, NGOs should encourage LGBTI refugees to share their experiences, as real stories from LGBTI lives will both enrich and humanize programmatic material. Trainings should also include exercises that incorporate an affective element, such as role playing or hypotheticals.

NGOs should ensure that the training is carried out by experts, ideally using a team-based approach that includes both local and international trainers. In addition, except where patently unsafe, it is essential that trainers include openly self-identified LGBTI persons, preferably from the local culture. Positive contact with self-identified trainers will help to humanize LGBTI groups and dispel stereotypes, fostering greater empathy and understanding. Conversely, training programs that exclude LGBTI individuals may inadvertently perpetuate a culture of invisibility. Trainers who are implicitly "understood" to be LGBTI but who do not openly identify as such contribute to the cycle of silence and taboo.

The specific content of trainings must be tailored to NGOs' internal and external contexts. Administrators and trainers should therefore first familiarize themselves with country conditions and the NGO's operating environment. Administrators would ideally assess employee knowledge and attitudes beforehand, using a survey tool similar to the questionnaire underlying this report. These steps will allow trainers to develop more tailored and useful trainings. For example, when dealing with NGOs in LGBTI-hostile areas whose staff members express a lack of relevant knowledge, trainings should focus on core concepts and understandings. Trainings for NGOs in more friendly environments, whose staff members have greater familiarity with LGBTI client needs, might instead focus on specialized topics or organizational needs.

**To ensure that staff members are adequately informed and able to meet LGBTI refugees' special needs, NGOs are urged to conduct regular sensitization trainings on sexual orientation and gender identity.**

When developing trainings, NGOs should seek input from experts and ensure that their curriculum includes basic identity-related terminology. NGO staff and interpreters must be made aware of appropriate and inoffensive terminology in their operating language, as well as languages used by the refugee populations they serve.

It is important that trainings be repeated and ongoing. Towards this end, we recommend use of "training of trainer" (TOT) models and other sustainable learning structures. TOT programs are particularly effective in building local capacity for trainings. This is especially important where attitudes are deeply-ingrained — which is often the case with sexual orientation and gender identity — and where staff turnover rates are high.

Between trainings, NGO directors would ideally encourage further dialogue among colleagues through LGBTI-specific discussions, events, or workshops. Open discussion will help reinforce lessons and foster cooperation and a sense of collective mission.

This report also strongly recommends that all NGOs implement codes of conduct prohibiting discrimination on the basis of sexual orientation and gender identity. Such formal policies convey a

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sense of institutional expectation and support for LGBTI persons, while in turn will allow staff to proactively assist these refugees. Moreover, NGOs must enforce these codes of conduct, applying corrective measures when staff discriminate against or deny services to LGBTI refugees.

**[W]e strongly urge NGO service providers to develop relationships and form coalitions with LGBTI organizations and individuals.**

Perhaps most importantly, to overcome the barriers resulting from pervasive taboos, NGOs must take proactive

measures to foster safe and welcoming environments. Among the first steps is evaluation of environmental attitudes of front-line staff towards LGBTI refugees to identify policies and trainings needed.

NGO staff should be made aware that approaching sexual orientation and gender identity with silence and taboo creates a hostile and unwelcoming environment for LGBTI persons. Intake and referral forms should therefore be designed to elicit and reflect LGBTI identities and experiences. Legal services organizations, in particular, should identify LGBTI refugees as soon as possible, as sexual orientation and gender identity may be central to claims for protection.

To demonstrate affirmative acceptance, NGOs may want to use LGBTI individuals' stories in written and promotional materials and display culturally relevant LGBTI artwork or symbols in professional settings. Visual clues that the NGO is a safe place for LGBTI individuals to come forward may put the refugee at ease, allowing them to self-identify to front-line staff.

Similarly, NGO staff should be keenly aware that they in fact do not know the sexual orientations and gender identities of their clients (or their staff), and cannot form opinions based on stereotypes. Assuming heterosexuality or gender conformity will almost always blunt an LGBTI client's ability to state the truth, and should therefore be avoided. In order to create accepting environments, NGOs are also encouraged to have staff members regularly interact with openly LGBTI individuals and to create an environment that includes and protects any LGBTI staff.

NGOs are also encouraged to protect self-identified LGBTI staff, where feasible. Fostering an environment that accommodates openly LGBTI staff members is an effective way to demonstrate to LGBTI clients that the NGO is a safe, supportive place. The presence of openly or visibly LGBTI individuals creates a safe space for LGBTI persons to come out. Also, direct person-to-person contact with LGBTI individuals on staff can increase staff consciousness and comfort around LGBTI individuals.

Finally, we strongly urge NGO service providers to develop relationships and form coalitions with LGBTI organizations and individuals. Doing so will facilitate positive attitudes by staff and will boost referral pathways. NGOs are likewise encouraged to join and support coalitions of organizations serving LGBTI individuals and refugees, where available. This is particularly important in countries or communities where LGBTI people are criminalized, otherwise persecuted, or heavily ostracized.

As noted by many service providers in the follow-up interviews, despite an NGO's best efforts to provide support to LGBTI refugees, no single organization has the capacity or ability to provide complete protection. Coalitions among NGOs are key to capacity building and strengthening services, especially where the target client population overlaps with a variety of different communities. Other organizations, particularly those that are LGBTI-focused, can help meet the needs of LGBTI clients. They may have access to the local LGBTI network and can provide advice on finding health services, non-discriminatory employment, and LGBTI-safe neighborhoods. Alliances can thus effect greater change in the lives of refugees they assist.

We recognize that NGOs operating in countries that criminalize same-sex relationships and/or gender non-conformity face very serious challenges. Nonetheless, there are few if any environments in which no ameliorative steps are possible. It is precisely in these contexts that the need for protective and inclusive measures is most urgent. NGOs operating in hostile climates can and should seek the support of UNHCR, ORAM, and the other leading refugee NGOs that effectively reach and understand LGBTI refugees in these environments. Coalition and support building is especially critical in this context.



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### X. CONCLUSION

While LGBTI refugees share many protection gaps with other refugee populations, their hardships are often rendered far more acute because they have been marginalized in so many ways. Having fled persecution in their home countries, these individuals are not only migrants and refugees but also sexual minorities and/or gender non-conforming individuals.<sup>65</sup> Because LGBTI refugees are often profoundly distanced from or unable to access traditional support mechanisms, refugee NGO service providers play a vital role in ensuring this population's access to asylum systems and other protection.

The results of the survey here reported indicate that much work is needed to improve NGOs' ability to identify, protect, and serve LGBTI refugees and asylum seekers. The varied responses point to a concrete need for NGOs to assess the gaps within their own organizations and to take further steps to build capacity. Our survey also reveals that ample good will exists to accomplish this goal. Responses to our questions highlight the need for sensitive local and culturally-tailored training programs. NGOs should also develop ties between LGBTI communities and refugee assistance staff.

In addition to permitting the few who dare to self-identify as LGBTI to seek protection, these steps will foster an atmosphere in which LGBTI refugees are treated with dignity and respect. Openness, sensitivity, and understanding by NGOs allow refugees to navigate lengthy and oft-intimidating adjudication procedures.

LGBTI individuals will likely continue to be among the most vilified, targeted, and marginalized people in the world for some time. In the absence of dedicated efforts to identify and protect LGBTI refugees, the vast majority will likely be unable to obtain meaningful protection from harm. It is our hope that through the implementation of these recommendations, organizations will strengthen their capacity to meet the unique and pressing needs of LGBTI clients. As articulated by one respondent from Middle East/North Africa region, change is certainly within our reach:

In our community we don't have lesbian or other kind of people because it's a big shame, but nobody knows what will happen in the future. Day by day the community is changing. I can give you one small example: before a couple of years nobody knew what it meant to use the word, 'gender,' people didn't know what it meant to say 'democracy.' People did not know what it meant to say "human rights" or "child rights convention," but people started knowing about this. . . . Now we have satellite dishes, radio, and Internet connections. Now people learn many things. (MENA)

<sup>65</sup> See Timothy Randazzo, *Social and Legal Barriers: Sexual Orientation and Asylum in the United States*, in *QUEER MIGRATIONS: SEXUALITY, U.S. CITIZENSHIP, AND BORDER CROSSINGS* 38 (Eithne Luibheide & Lionel Cantu, Jr. eds., 2005).



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### APPENDIX I - TERMINOLOGY

#### Terminology Relevant to Sexual Orientation and Gender Identity

*Sexual Orientation* refers to a person's capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations with individuals of a different gender, the same gender, or more than one gender.<sup>66</sup>

*Gender Identity* is each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.<sup>67</sup>

*Lesbian* refers to a self-identifying woman who has the capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations primarily with other women.<sup>68</sup>

*Gay* refers to a self-identifying man who has the capacity for profound emotional, affectional and/or sexual attraction to and/or intimate sexual relations primarily with other men.<sup>69</sup>

*Bisexual* refers to an individual who has the capacity for profound emotional, affectional, and/or sexual attraction to and/or intimate and sexual relations with people regardless of their gender or sex.<sup>70</sup>

*Transgender* is "[a]n umbrella term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth."<sup>71</sup>

*A transgender woman* is a person who was assigned male at birth but identifies as a woman.<sup>72</sup>

*A transgender man* is a person who was assigned female at birth but identifies as a man.<sup>73</sup>

*Intersex* refers to a person who is born with reproductive or sexual anatomy and/or chromosome patterns that do not fit typical definitions of male or female.<sup>74</sup>

*LGBTI* is the acronym for "lesbian, gay, bisexual, transgender, and/or intersex."

<sup>66</sup> INT'L COMM'N OF JURISTS, THE YOGYAKARTA PRINCIPLES: PRINCIPLES ON THE APPLICATION OF INTERNATIONAL HUMAN RIGHTS LAW IN RELATION TO SEXUAL ORIENTATION AND GENDER IDENTITY 6 n.1 (2007), available at [http://yogyakartaprinciples.org/principles\\_en.pdf](http://yogyakartaprinciples.org/principles_en.pdf).

<sup>67</sup> *Id.* at 6 n.2.

<sup>68</sup> GLAAD Media Reference Guide – Lesbian/Gay/Bisexual Glossary of Terms, GAY & LESBIAN ALLIANCE AGAINST DEFAMATION, <http://www.glaad.org/reference/lgb> (last updated May 2010).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> NAT'L CTR. FOR TRANSGENDER EQUAL., TRANSGENDER TERMINOLOGY 1 (2009), available at [http://transequality.org/Resources/NCTE\\_Trans-Terminology.pdf](http://transequality.org/Resources/NCTE_Trans-Terminology.pdf).

<sup>72</sup> *Id.* at 1.

<sup>73</sup> *Id.*

<sup>74</sup> FAQ, ADVOCATES FOR INFORMED CHOICE, <http://aiclegal.org/faq> (last visited June 6, 2012).

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### **Terminology Relevant to Refugees, Asylees, and Asylum Seekers**

An *asylee* is a person "who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."<sup>75</sup> The term "asylees," used in the United States, refers to an individual who receives legal protection from a country within that country's borders.

An *asylum seeker* is someone who has applied for or is in the process of seeking asylum from the government of the country of asylum, but who has not yet been granted that status.

*Persecution*, for the purposes of this report, refers to serious harm or threats of harm perpetrated on account of race, religion, nationality, political opinion, or membership of a particular social group. There is no universally accepted definition of "persecution." Threats to life or freedom and/or other serious human rights abuses always amount to persecution; however, lesser harms or threats may cumulatively constitute persecution. Adjudicators should generally apply a totality-of-the-circumstances test to assess persecution.<sup>76</sup>

A *refugee* is a person "who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."<sup>77</sup> In American terminology, the term "refugee" (as differentiated from "asylee") refers to someone who received legal recognition outside the United States, and was officially accepted under the U.S. Refugee Admissions Program (USRAP).

*Refugee Status Determination (RSD)* is the process through which state officials in the country of asylum or UNHCR determine if an asylum seeker is a refugee based on "eligibility criteria under international or regional refugee instruments, national legislation or UNHCR's mandate."<sup>78</sup>

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<sup>75</sup> Convention Relating to the Status of Refugees art. 1 § 2, July 28, 1951, 189 U.N.T.S. 150.

<sup>76</sup> UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, 51, U.N. Doc. HCR/IP/4/Eng/REV.1 (1992).

<sup>77</sup> Convention Relating to the Status of Refugees, *supra* note 75.

<sup>78</sup> UNHCR, Self-Study Module on Refugee Status Determination 2 (Sept. 1, 2005), <http://www.unhcr.org/refworld/pdfid/43141f5d4.pdf>.

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## APPENDIX II – UNHCR-DESIGNATED GEOGRAPHICAL REGIONS

### AFRICA

#### Central Africa and the Great Lakes

Burundi  
Cameroon  
Central African Republic

Congo, Democratic Republic of the  
Congo,  
Republic of the Gabon

Rwanda  
Tanzania, United Republic of

#### East and Horn of Africa

Chad  
Djibouti  
Eritrea

Ethiopia  
Kenya  
Somalia

South Sudan  
Sudan  
Uganda

#### Southern Africa

Angola  
Botswana  
Comoros  
Lesotho  
Madagascar

Malawi  
Mauritius  
Mozambique  
Namibia  
Seychelles

South Africa  
Swaziland  
Zambia  
Zimbabwe

#### West Africa

Benin  
Burkina Faso  
Cape Verde  
Cote d'Ivoire  
Equatorial Guinea  
Gambia

Ghana  
Guinea  
Guinea-Bissau  
Liberia  
Mali  
Niger

Nigeria  
Sao Tome and Principe  
Senegal  
Sierra Leone  
Togo

### AMERICAS

#### North America and the Caribbean

Anguilla  
Antigua and Barbuda  
Aruba  
Bahamas  
Barbados  
Bermuda  
British Virgin Islands  
Canada  
Cayman Islands

Dominica  
Dominican Republic  
Grenada  
Guadeloupe  
Haiti  
Jamaica  
Martinique  
Montserrat  
Netherlands Antilles

Puerto Rico  
Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Trinidad and Tobago  
Turks and Caicos Islands  
United States of America

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## Latin America

Argentina  
Belize  
Bolivia  
Brazil  
Chile  
Colombia  
Costa Rica  
Cuba

Ecuador  
El Salvador  
French Guiana  
Guatemala  
Guyana  
Honduras  
Mexico  
Nicaragua

Panama  
Paraguay  
Peru  
Suriname  
Uruguay  
Venezuela

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## ASIA AND THE PACIFIC

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Central Asia  
Kazakhstan

Kyrgyzstan  
Tajikistan

Turkmenistan  
Uzbekistan

## East Asia and the Pacific

American Samoa  
Australia  
China  
Cook Islands  
Fiji  
Hong Kong (Special Administrative Region of China)  
Japan  
Kiribati  
Korea, Democratic People's Republic of  
Korea, Republic of

Macau (Special Administrative Region of China)  
Marshall Islands  
Micronesia, Federated States of  
Mongolia  
Nauru  
New Caledonia  
New Zealand  
Niue  
Northern Mariana Islands  
Palau

Papua New Guinea  
Samoa  
Solomon Islands  
Tokelau  
Tonga  
Tuvalu  
Vanuatu

## South Asia

Bhutan  
India

Maldives  
Nepal

Sri Lanka

## South-East Asia

Bangladesh  
Brunei Darussalam  
Cambodia  
Indonesia

Lao People's Democratic Republic  
Malaysia  
Myanmar  
Philippines

Singapore  
Thailand  
Timor-Leste  
Viet Nam

## South-West Asia

Afghanistan

Iran, Islamic Republic of

Pakistan



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## EUROPE

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### Eastern Europe

Armenia  
Azerbaijan  
Belarus

Georgia  
Moldova, Republic of  
Russian Federation

Turkey  
Ukraine

### South-Eastern Europe

Bosnia and Herzegovina  
Croatia

Montenegro  
Serbia

The Former Yugoslav Republic of Macedonia

### Northern, Western, Central, and Southern Europe

Albania  
Andorra  
Austria  
Belgium  
Bulgaria  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece

Greenland  
Holy See  
Hungary  
Iceland  
Ireland  
Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Monaco  
Netherlands

Norway  
Poland  
Portugal  
Romania  
San Marino  
Slovakia  
Slovenia  
Spain  
Sweden  
Switzerland  
United Kingdom of Great Britain and Northern Ireland

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## MIDDLE EAST AND NORTH AFRICA

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### Middle East

Bahrain  
Iraq  
Israel  
Jordan  
Kuwait

Lebanon  
Occupied Palestinian Territory  
Oman  
Qatar  
Saudi Arabia

Syrian Arab Republic  
United Arab Emirates  
Yemen

### North Africa

Algeria  
Egypt  
Libya

Mauritania  
Morocco  
Tunisia

Western Sahara Territory

# OPENING DOORS:

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## APPENDIX III – SUMMARY OF RECOMMENDATIONS FOR IMPROVING PROTECTION OF LGBTI ASYLUM SEEKERS & REFUGEES

This section presents key recommendations in shortened form. For a detailed explanation please see Section IX of this report.

**First, develop and implement sensitization trainings to increase awareness LGBTI refugees and their needs, and to raise positive attitudes. Trainings should:**

- Be context-specific, adapted to the country and regional conditions facing the LGBTI refugee populations served
- Adapt to NGO staff attitudes and knowledge levels to develop appropriate content of training (attitudes and knowledge may be assessed by survey)
- Train NGO staff and outside interpreters on appropriate and inoffensive terminology for use with LGBTI individuals. Terminology should be provided for the NGO's operating language as well as the major languages spoken by refugees served.
- Use openly self-identified LGBTI trainers, preferably from the local culture, whenever safe to do so
- Employ an inclusive, non-judgmental, and non-confrontational approach
- Foster an atmosphere of willingness and shared mission, rather than of coercion
- Incorporate a personal and affective component that encourages empathy and understanding. These may include testimony of LGBTI refugees themselves or hands-on exercises.
- Use a cross-cultural competency model that aims at developing appropriate attitudes, knowledge, and skills
- Use "training of trainer" (TOT) models and other sustainable learning structures
- Be ongoing and repeated, to reinforce material and account for employee turnover

**Second, implement codes of conduct prohibiting discrimination on the basis of sexual orientation and gender identity. Administrators must:**

- Develop codes of conduct in consultation with LGBTI experts and NGOs
- Disseminate codes of conduct to all staff
- Ensure that relevant provisions are enforced

**Third, deliberately create non-threatening, affirmatively accepting environments that signal safety and inclusion to LGBTI people. Every NGO should:**

- Foster ongoing dialogue of LGBTI refugee issues and needs in between trainings, via discussions, events, presentations, etc.
- Discourage atmospheres of silence and taboo around sexual orientation and gender identity
- Encourage staff to discuss LGBTI matters and use appropriate LGBTI terms openly and matter-of-factly
- Discourage environments that assume heterosexuality and/or normative gender identity
- Adopt intake and referral forms that avoid assuming heterosexuality and/or normative gender identity
- Discourage stereotypes about LGBTI individuals
- Use LGBTI individuals' stories in written and promotional materials (made anonymous, if necessary)
- Include visual cues signaling acceptance in professional settings, such as the display of culturally relevant LGBTI artwork or posters
- Employ openly-LGBTI staff
- Create an environment that includes and protects any LGBTI staff

**Fourth, develop ties and build coalitions with LGBTI organizations, individuals, and allies. To accomplish this goal, NGOs should:**

- Build coalitions across different sectors and issue areas, especially where the target client population overlaps with a variety of different communities
- Increase referral pathways to LGBTI-focused or LGBTI-friendly legal aid organizations, medical professionals, social service organizations, employment agencies, etc.
- Seek out the support of local UNHCR offices and international NGOs to identify and protect LGBTI refugees



ORAM offers training and technical assistance on LGBTI refugees and asylum seekers.  
To learn more, contact us through our website:

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