



# Foundation Topics Workbook

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Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC)  
in Forced Displacement and Migration



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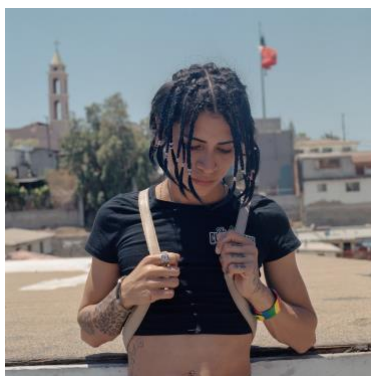
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# WELCOME

## Introduction Note

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Migrants, asylum-seekers, refugees, and stateless and internally displaced people – or people on the move – who have diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC) face a **complex array of challenges and threats** in their countries of origin, migration and asylum, including discrimination, prejudice, violence and difficulty accessing assistance. Efforts to improve the protection of people with diverse SOGIESC are gaining increasing attention and support from States and the broader humanitarian and human rights community.

At the United Nations High Commissioner for Refugees (UNHCR), such **efforts have included** expert global capacity assessment surveys and consultations with staff, operational partners and lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people of concern, as well as the development of guidelines, strategic messaging from UNHCR senior leadership, and the mainstreaming of LGBTIQ+ issues in mandatory learning programmes. At the International Organization for Migration (**IOM**), such efforts have included training programmes, safe space campaigns and the inclusion of SOGIESC considerations in a wide range of projects assisting vulnerable migrants. **UNHCR and IOM** are committed to protecting the rights of people with diverse SOGIESC and intend to continue generating buy-in and building capacity.

Despite **significant activity**, discrimination against people with diverse SOGIESC is still endemic. Their protection needs often go unmet. A serious gap remains regarding the specific vulnerabilities of people with diverse SOGIESC in countries of origin, transit, migration and asylum. Furthermore, not all personnel are conscious of their own preconceptions or discriminatory attitudes about sexual orientation, gender identity, gender expression and bodily diversity. Therefore, quality training is essential for everyone involved in protection or delivering assistance.

UNHCR and IOM have **jointly developed** this comprehensive training package on the protection of people with diverse SOGIESC for personnel as well as the broader humanitarian community. The modules cover a wide variety of topics, including terminology, international law, communication, protection, assisted voluntary return and reintegration (AVRR) and Refugee Status Determination (RSD), all with a focus on practical guidance for UNHCR and IOM offices and partner organizations. We welcome you to the training, and hope it enriches and informs your work.

## Intended Outcomes of the Training

- Assist personnel in facilitating effective and respectful interactions and interviews with people with diverse SOGIESC, and in eliciting relevant information in an effective way that preserves dignity and humanity, by: encouraging the use of respectful terminology; discussing the unique protection challenges that people with diverse SOGIESC face; identifying appropriate prevention, mitigation and response actions to address challenges; reviewing potential scenarios specific to people with diverse SOGIESC in a variety of locations; and encouraging personnel to conduct a local situational analysis of LGBTIQ+ protection principles as set forth by UNHCR and IOM.
- Identify problematic assumptions that may impact the provision of effective assistance.
- Ensure that personnel across functions have the necessary knowledge and competencies to assess the international protection needs of people with diverse SOGIESC in accordance with international standards.

## Anticipated Long-term Impacts of the Training

- UNHCR, IOM and partner offices are rendered safe and welcoming spaces for people with diverse SOGIESC.
- Learners are aware of the rationale and responsibility to protect people with diverse SOGIESC, including those fleeing persecution on the basis of their SOGIESC and those in countries of asylum and migration.
- Learners are sensitized to the specific issues related to the protection of people with diverse SOGIESC and are able to identify and address them in partnership with those individuals.
- Learners acquire tools to assess and implement targeted interventions with people with diverse SOGIESC, including assessing LGBTIQ+ claims in accordance with UNHCR's policies and guidelines, and collaborating effectively with LGBTIQ+ support and advocacy actors.



# MODULE 1

## WHY DIVERSITY MATTERS

# Mario's Story

Mario (whose name has been changed for protection reasons) and his boyfriend left Venezuela in search of job opportunities. They travelled by foot all the way to Ecuador, passing through Colombia.

After they arrived, Mario thought he had found a job, but soon realized his employer was intent on exploiting him. He later left his job and is now trying to find a safer employment opportunity.

IOM in Ecuador, through local partners, is providing support to the LGBTIQ+ migrants who come mainly from Venezuela, by determining routes, protocols and response mechanisms to support their integration.





# MODULE 1 EXERCISE



## Learning About Diversity

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Answer the following questions. This is “for your eyes only”. At the end of the exercise, we will discuss diversity, bias and intersectionality without referencing what you write, unless you choose to share it.

1. What are some of the **characteristics** that make up your diversity? They may be related to your culture, religion, ethnicity, ability, age or another aspect of who you are.

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2. Have you ever been treated **negatively** due to a personal characteristic? What happened? How did you feel?

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3. Have you ever been treated **positively** due to a personal characteristic? What happened? How did you feel?

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4. Read the following **scenarios**. What are your reactions while reading each of them?

- One of your colleagues is gay. A photo of them with their same-gender partner is prominently placed in their office. The photo shows the two of them smiling with their arms around one another.
- After dealing with depression triggered by the death of a parent, a colleague has not been communicating as well as in the past.
- A colleague uses a cane because they have a disability. Whenever you conduct joint visits to programme sites, extra time must be added because the colleague walks very slowly.

- You and a colleague work in a transit centre. An individual comes into your office to say he is having difficulty with his roommates and wants to move to another room. After he leaves, your colleague turns to you and says: “That man is going to keep having problems as long as he dresses and acts that way.”

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# MODULE 1 GUIDANCE



## Unconscious Bias

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As we learned in Module 1, we all have **unconscious**, or implicit, biases. They are the positions we hold about others. They are influenced by our past experiences, forming filters that cause conclusions to be reached about groups of people, by ways other than active thought or reasoning.

Unconscious bias is **learned** from our societies and families. Scientists tell us bias stems from a survival instinct.

Once learned, we are often unaware that we even have biases. Though natural, bias can act as a barrier to inclusion and may have a negative impact on people and our organization.

Unconscious bias can affect our **work** in a range of ways. For example, it can influence how we make decisions about mentoring or promoting personnel (we may be more likely to mentor/promote people like ourselves); whom we include/exclude in meetings and decision-making; whom we favour for certain types of work assignments; whom we socialize with during work hours; how we look at/think about our colleagues; and what responses we think are appropriate for individuals who come to us seeking our assistance.

### The Role of Intersectionality

Intersectionality is a term created in 1989 by American critical race scholar and civil rights activist Dr. Kimberlé Crenshaw. It is used to describe the ways in which social identities **overlap** and intersect with each other. Intersectionality is an important **factor** in bias because an individual's diversity characteristics may overlap



and intersect with one another, creating layers of marginalization. Individuals may experience bias in relation to a range of different characteristics.

Our **unconscious bias** towards individuals can occur not only in relation to one of their diversity characteristics, but at the intersection of their other identities. For **example**, you may hold bias towards people of a certain nationality, as well as people who are queer. If a queer person with that nationality approaches you, you may treat them differently than you would a queer person of another nationality. Your bias towards both their nationality and their queer identity could impact your ability to offer them

respectful and dignified assistance. This paradigm is especially problematic when we have unconscious biases that we have not recognized or addressed.

It is critical to recognize that people with diverse SOGIESC are not a **homogenous** group, and that you can hold bias against some people with diverse SOGIESC while not holding bias against others. For instance, you may not feel bias towards gay women, but *do* feel bias towards transgender individuals. It is important to recognize this bias, explore it and address it, in order to work with all people with diverse SOGIESC.

Finally, keep in mind that **having** a diverse SOGIESC yourself does not exempt you from being biased against a wide range of different people with diverse SOGIESC, or from your bias related to other intersectional factors impacting your work with people with diverse SOGIESC.

## Addressing Unconscious Bias

**Ways to address your own unconscious bias include:**

- **Recognize** we all have biases.
- **Identify** and learn about your own biases. Consider taking an online test like the Harvard Implicit Assumptions Test to learn more (see <https://implicit.harvard.edu/implicit/takeatest.html>).
- Decide which biases you will make a real effort to **address** first.
- **Expose** yourself to positive images and information about the people you are biased against.
- **Meet** people from the groups you have biases against and spend time with them. Listen and hear what others have to say.



## MODULE 2

# TERMINOLOGY

# Majd's Story

Majd, a 25-year-old Syrian refugee, moved to Cordoba, Argentina at the start of 2019 after his extended aunt sponsored his resettlement from the war-torn country. Since arriving in Cordoba, he has become fluent in Spanish, graduated from a Paramedics course and will go on to study nursing next year. As a member of the LGBTIQ+ community, he is now able to have relationships with other men safely and free from persecution.

"I feel more comfortable and freer here than in Syria. I have the right to be and love who I want. My family just keeps growing here in Argentina. It helps that I love getting to know people and I'm surrounded by people who treat me well. Having a community calms me down and helps me to live in the moment. I now know that I can live in any place, anywhere, and I will make new friends."



# MODULE 2 EXERCISE



## Terminology Bonus Exercise

Understanding the below nine terms is key to reading IOM, UNHCR and other documents about people with diverse SOGIESC. Place each term under one of the three categories, briefly noting what the term means and why you placed it there. If you feel a term goes under more than one category, explain why.

SEX CHARACTERISTICS	LESBIAN	GENDER IDENTITY
TRANSGENDER	SEXUAL ORIENTATION	QUEER
INTERSEX	GAY	BISEXUAL

WHO YOU LOVE:

WHETHER YOU ARE A MAN, A WOMAN, ANOTHER GENDER OR NO GENDER:

YOUR GENETICS AND/OR PHYSICAL BODY

# MODULE 2 EXERCISE



## Terminology Advanced Bonus Exercise

Match the term with the correct definition. Write the number of the term next to the corresponding definition.

- |                                 |  |
|---------------------------------|--|
| 1. Same-gender loving (SGL)     | ___ Exaggerated, theatrical and/or performative gender presentation.   |
| 2. Homosexual                   | ___ An individual who experiences little or no sexual attraction to others but may experience emotional and/or romantic attraction.                    |
| 3. Cisgender                    | ___ A person whose gender identity aligns with societal expectations based on the sex they were assigned at birth.                                     |
| 4. Drag                         | ___ Sex characteristics that fit typical binary notions of male or female bodies.  |
| 5. Questioning                  | ___ Formal recognition of relationships short of legal marriage.   |
| 6. Pride Parade / March         | ___ A person predominantly attracted to people of a different gender.  |
| 7. Third Gender / Third Sex     | ___ People assigned the sex of male at birth with (South Asian) culturally specific feminine gender identity.  |
| 8. Civil Union                  | ___ Assault, injury and/or murder on the basis of certain characteristics.   |
| 9. Fa'afafine                   | ___ A third-gender people of Samoa and the Samoan diaspora.  |
| 10. Outing / Public Outing      | ___ Verbal or physical violence against someone perceived to be gay.   |
| 11. Heterosexual                | ___ Individuals uncertain about their sexual orientation or gender identity.   |
| 12. Gay Bashing                 | ___ Violent acts targeting people based on their gender/gender expression.   |
| 13. The Gender Binary           | ___ North American indigenous umbrella term describing individuals occupying gender roles that differ from Western expectations based on assigned sex. |
| 14. Hate Crimes                 | ___ A term describing people who do not identify with any gender.  |
| 15. Ally                        | ___ Events celebrating LGBTIQ+ culture and calling for legal or social rights.   |
| 16. Agender                     | ___ A person who is predominantly attracted to people of the same gender   |
| 17. Pink Triangle               | ___ A person's diverse SOGIESC made public against their will.   |
| 18. Two-Spirit                  | ___ A person who publicly advocates for LGBTIQ+ human rights   |
| 19. Endosex                     | ___ Used in some queer communities of colour as an alternative to LGB.   |
| 20. Hijra                       | ___ Individuals who don't identify as men or women (South Asia).   |
| 21. Pansexual                   | ___ People with capacity for attraction to any person, regardless of gender.   |
| 22. Pride / Rainbow Flag        | ___ Nazi concentration camp badge used to identify gay male prisoners.   |
| 23. Asexual ("Ace")             | ___ A symbol of LGBTIQ+ pride.   |
| 24. GBV (Gender-Based Violence) | ___ The classification of gender into two distinct, supposedly opposite forms of male/masculine and female/feminine.                                   |



# MODULE 2 IN PRACTICE

## Positive Examples from IOM and UNHCR Offices

The following are just some of the many positive examples of SOGIESC terminology in practice in IOM and UNHCR offices around the world. Share your own good examples with your Facilitator or by sending us an email!



### ALGERIA – UNHCR

Challenges emerged in Algeria when translating terminology into a francophone context. UNHCR asked refugees for their recommendations during a focus group and then tailored a training for implementing partners that focused on stories, scenarios and lived experiences, rather than on the terminology itself. This conveyed that terminology matters, and that we need to understand the experiences of LGBTIQ+ people. As one Cameroonian refugee noted “Terminology does not define people, it's people who define terminology.”

### BELGIUM – IOM

[IOM's Equality project](#) aims to improve existing urban services for survivors of gender-based violence. The project toolkit by RainbowHouse Brussels includes a glossary and a training module on definitions.

### ARGENTINA AND COSTA RICA – UNHCR AND IOM REGIONAL OFFICES

After the release of the IOM-UNHCR training package in 2017, colleagues based in the Americas who had participated in the Training of Trainers Workshop translated seven of the modules into Spanish.

### EGYPT, JORDAN, THAILAND AND TURKEY – IOM

Several IOM offices, including in Egypt, Jordan, Thailand and Turkey, created their own SOGIESC glossaries using the IOM English SOGIESC glossary as a guide for translating terms and concepts into local languages.

### GHANA – IOM

During training sessions in Accra, IOM Ghana shared a slide with local SOGIESC terms in Twi. During regional training sessions, French translations of terms were prepared in advance, as the French glossary was necessary to guide learners through terminology exercises and much of the Q&A portion of training took place in French.

## GREECE – IOM

Under the project “Supporting the Greek Authorities in Managing the National Reception System for Asylum Seekers and Vulnerable Migrants (SMS)”, IOM Greece is supporting vulnerable migrants at open accommodation centres across 32 sites on the mainland. In 2020, they supported more than 50 LGBTIQ+ migrants with psychosocial sessions, as well as referrals to more appropriate and safe accommodation. Additionally, IOM psychologists working in refugee camps organized workshops with local LGBTIQ+ organizations and invited LGBTIQ+ asylum-seekers to talk about their experiences. Through these workshops, IOM developed a service map, highlighting all available NGOs and existing services across Greece for LGBTIQ+ migrants.

## INSTITUTIONAL LEVEL – IOM

At the institutional level, IOM hosts an open Yammer group for LGBTIQ+ staff and allies, as well as a Teams group for LGBTIQ+ Focal Points and personnel working on LGBTIQ+-related projects. These groups have provided a forum for wide review and input into SOGIESC-related materials, including the IOM SOGIESC glossary, which was reviewed by numerous colleagues from around the world.

## KENYA – UNHCR

UNHCR ran a training with national government Refugee Status Determination (RSD) officers on the language used to refer to LGBTIQ+ people during asylum interviews. The training was an open space, where slang and offensive phrases in Swahili were allowed, and participants then discussed why language matters and the importance of using terminology to create rapport during RSD interviews.

## LEBANON – UNHCR

UNHCR Lebanon provides SOGIESC trainings to partner staff, during which terminology is discussed in-depth. UNHCR also collaborates with a local LGBTIQ+ support organisation and uses their glossary as a reference during those trainings. Terminology in Arabic is particularly complex, which is why reaching out to local LGBTIQ+ organizations can be good practice to ensure contextual adaptation

## MESOAMERICA – IOM

The IOM Mesoamerica region created a training module for State institutions, civil society organizations, and individuals interested in awareness-raising and capacity-building, focused on the reality of the LGBTI migrant, refugee and asylum-seeker populations in Mesoamerica. The module includes a glossary in Spanish.

## NEPAL – IOM

When creating safe space signs, leaflets and videos, IOM Nepal asked colleagues to prepare initial drafts, then partnered with Blue Diamond Society (BDS) to review the terms to ensure they were appropriate and respectful and would hold meaning for a wide range of people. Additionally, BDS was invited to provide training sessions for IOM Nepal staff on the issues people with diverse SOGIESC face in Nepal.

## UKRAINE – IOM

Safe space signage displayed in all areas where migrants wait for appointments has been translated into Arabic, Armenian, Russian and Ukrainian.



# MODULE 3

## GLOBAL OVERVIEW

# Amani's Story

Amani, 38, fled Libya after her family found out she was gay and threatened to close down her business. A lack of financial, social and other support from family and communities can leave many LGBTIQ+ people vulnerable. Gay women are especially at risk in societies where women have inferior social and economic status. Cut off from her family, Amani sought asylum in Italy. "I was sad and crying in my room," she recalls. "I wanted my privacy, but I was sharing with three girls. You had to be careful who you spoke to. I felt like I was alone and hiding my identify because I was afraid people would attack me. But, after a few months, I started to speak with my case worker and open up about why I was there."

In an effort to reach out, Amani began cooking for her fellow refugees and eventually started a catering service, which still operates today. She hopes her latest venture, a group offering support and advice to female gay asylum-seekers in Italy, will make life easier for those who flee hardship at home.

"It's like my mission," says Amani. "Because I couldn't find anyone to help me when I arrived here. Maybe now we can do something."





# MODULE 3 EXERCISE



## Global Overview Quiz

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Circle as many answers as apply to each of the below statements.

**1. Where do people with diverse SOGIESC exist?**

- a. Primarily in the West, but in limited numbers in the rest of the world.
- b. Across the world in every country, State, city, town, community and in every population we serve.
- c. In most countries, but clustered heavily in urban centres and sparsely or not at all in rural areas.

**2. Where do laws criminalizing consensual same-gender sexual conduct and/or diverse gender identities exist?**

- a. In less than 15 countries, with no countries having a maximum penalty of death.
- b. In less than 35 countries, with part or all of four countries having a maximum penalty of death.
- c. In 70 or more countries, with part or all of at least six countries having a maximum penalty of death.

**3. People across all regions of the world are subject to which of the following forms of discrimination and persecution due to their real or perceived sexual orientation, gender identity, gender expression or sex characteristics?**

- a. Murder
- b. Public shaming and stigma, negative stereotypes, harassment, public outing, abuse and/or hate crimes
- c. Torture, including rape, at the hands of non-State and State agents, militias or extremists
- d. Forced medical treatment, including anal examinations, genital surgeries, forced sterilization, “reparative” therapy to “cure” homosexuality, and shock therapy
- e. Criminalization, including arrest, fines and the death penalty, sometimes under laws of general application such as anti-prostitution, debauchery, imposter, indecency, nuisance or morality laws
- f. Limited or no access to police protection or assistance
- g. Limited or no access to mechanisms for reporting human rights violations and accessing justice
- h. Arbitrary arrest and detention, abuse in detention or prison, and denial of the right to a fair trial
- i. Targeting through social media and GPS-enabled applications, including by government security services
- j. Denial of or limited access to health care, education, housing, social services and social security
- k. Discrimination in hiring and summary dismissal from employment
- l. Bullying in school or the workplace
- m. Denial of the right to openly identify as a person with diverse SOGIESC
- n. Family violence, including abuse, forced marriages, honour killings and incest

- o. Corrective rape and marital rape
- p. Blackmail and extortion
- q. Displacement, either internally or across international borders
- r. Denial of the right to freely practise one's religion
- s. Denial of the right of couples to live together, marry and form a family in peace and security
- t. Limited rights to adoption and surrogacy and, in some cases, custody of children
- u. Attacks on advocates and supportive or assisting organizations, and suppression of the right to free speech through "propaganda laws" and other means

**4. In numerous countries, people with diverse SOGIESC experience harm from which entities?**

- a. Religious extremists and extreme nationalists
- b. Government and State actors
- c. Families and communities
- d. Medical professionals
- e. Media organizations
- f. Paramilitary groups and hate groups, such as Neo-Nazis
- g. Humanitarian organizations

**5. According to a report by the Organization for Security and Cooperation in Europe, violent acts against people with diverse SOGIESC tend to be "especially vicious". Why would violent acts go unreported?**

- a. Individuals may feel ashamed of their SOGIESC or of the crimes committed against them.
- b. Individuals may be distrustful of the police or the government.
- c. Individuals may fear their families or communities will discover their SOGIESC.

**6. Persecution of people with diverse SOGIESC may occur at the intersection of their SOGIESC and gender. Among other things, this means people may be persecuted for which of the following?**

- a. Defying gender norms related to visible expression. For instance, gay and bisexual men may be persecuted because they present as "too effeminate", while lesbians and bisexual women may be persecuted because they present as "too masculine".
- b. Defying gender norms related to behaviour. For instance, people with diverse SOGIESC may not have the same gendered social interests as their heterosexual or gender-conforming peers.
- c. Defying gender norms related to co-habitation or marriage. For instance, people with diverse SOGIESC may not meet societal expectations because they have not married or had children, or are living with an individual of the same gender.

**7. As of 2020, in which country is it legal to change one's gender marker on official documents without prohibitive requirements?**

- a. Pakistan

- b. Botswana
- c. Hungary

**8. UN and NGO personnel may encounter people with diverse SOGIESC in which of the following?**

- a. Migrant and forcibly displaced populations, along migratory routes, in detention centres and in transit facilities.
- b. Humanitarian emergencies, crisis-affected communities and displacement camps.
- c. Assisted voluntary return and repatriation, third-country resettlement and local integration programmes.
- d. Projects related to gender, age, health, livelihoods, countertrafficking and border management.

**9. People with diverse SOGIESC:**

- a. Can generally live openly in their cultural communities in countries of migration, asylum or resettlement.
- b. May be mistrustful of authority due to police or government targeting, and of assisting organizations.
- c. May be abused or rejected by families, and may suffer high rates of physical and sexual assault.
- d. May be more isolated from their families, cultural communities and host communities.
- e. May believe that sharing their diverse SOGIESC could bar them from assistance.
- f. Are usually given access to specialized resources in countries of migration, asylum or resettlement.

**10. What is the position of the United Nations (UN) on the rights of people with diverse SOGIESC?**

- a. Rights related to people with diverse SOGIESC are relative to the country in which people live. Local societal, cultural and religious beliefs should be respected above all.
- b. People with diverse SOGIESC are entitled to the same human rights as everyone else. States with discriminatory laws or practices should reform them and fully protect all citizens.
- c. New international laws, in the form of a special convention or covenant on rights related to people with diverse SOGIESC, are needed for States to protect all citizens.

**Much of the above information is drawn from:**

The Human Rights Council 19<sup>th</sup> Session report of 17 November 2011, “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity”, 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)

And its follow-up report of 04 May 2015, available at: [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_23\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_23_en.doc).

The questions are also informed by the 2018 Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, [A/HRC/38/43](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/132/12/pdf/G1813212.pdf?OpenElement), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/132/12/pdf/G1813212.pdf?OpenElement>.

# MODULE 3 EXERCISE



## Global Overview Bonus Quiz

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Circle as many answers as apply to each of the below statements.

- 1. As of 2014, in how many countries do people with diverse SOGIESC experience abuse, trauma, murder and arbitrary arrest without response or protection from the State, according to Heartland Alliance?**
  - a. More than 70
  - b. More than 130
- 2. According to the 2020 European Union Report “A long way to go for LGBTI equality”, the group reporting the highest number of assaults within the previous five-year period due to their real or perceived SOGIESC was:**
  - a. Gay and bisexual men
  - b. Lesbian and bisexual women
  - c. Transgender individuals
  - d. Intersex individuals
- 3. More than half the countries with laws criminalizing same-gender consensual sexual relations adopted those laws as a result of what?**
  - a. Religious extremist political parties
  - b. European colonialism
  - c. Regional agreements among States
- 4. In what year was the first debate about SOGIESC human rights held at the UN Human Rights Council?**
  - a. 2003
  - b. 2011
- 5. When did the last European country repeal laws criminalizing same-sex conduct?**
  - a. 1998
  - b. 2014
- 6. In 2011, which country became the first to recognize a third gender on its national census?**
  - a. The United States
  - b. Nepal
  - c. Sweden



- 7. Until at least 2009, what test was used on some asylum-seekers in the Czech Republic to “prove” sexual orientation claims?**
- a. The Epstein Sexual Orientation Inventory (ESOI) test
  - b. Plethysmography (connecting a device to genitals to measure arousal in reaction to pornography)
- 8. Which of the following countries has not decriminalized same-gender relations as of 2020?**
- a. Gabon
  - b. Botswana
  - c. Kenya
- 9. In jurisdictions such as Australia, the USA, UK and the European Union, asylum-seekers with diverse SOGIESC:**
- a. May be denied asylum, returned to their countries of origin and told to “exercise discretion”.
  - b. May be allowed temporary status if they can prove they were “out” in their country of origin.
  - c. May be granted asylum on the basis that suppressing their sexual orientation or gender identity denies them the fundamental right to be who they are
- 10. According to the Movement Advancement Project, who faces the highest rates of intimate partner violence?**
- a. Gay men
  - b. Lesbian women
  - c. Bisexual persons

# MODULE 3 GUIDANCE



## Key Human Rights Abuses

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This guidance section contains information about the key human rights abuses that people with diverse SOGIESC face around the world. For additional resources, see the Continued Learning Section.

### Murder and Violence

In all regions of the world, people with diverse SOGIESC are killed and endure hate-motivated violence because of their real or perceived sexual orientation, gender identity, gender expression or sex characteristics.

Hate-motivated violence, including hate crimes, arbitrary arrest, abuse in detention, forced marriage, marital rape, corrective rape and conversion therapy, takes place not only in States that criminalize same-sex relations and diverse gender identities or have high levels of bias against people with diverse SOGIESC, but is rife in States considered more legally and socially protective.

Rape is a common tool of persecution, including rape of men by members of the police, military and detention facilities, sexual exploitation of people with diverse SOGIESC by family or community members, and the corrective rape of girls and women.

In general, trans/transgender, non-binary and gender non-conforming people face particularly high levels of violence, stigma and discrimination, including murder, torture, rape and harassment, because they fail to

conform to socially prescribed gender norms. A 2019 [pan-European study](#) by the European Union Fundamental Rights Agency finds that people perceived to be transgender are more likely to be attacked or threatened with violence. One in three transgender respondents reported having been victims of violence more than three times in the year immediately preceding the survey. Most frequently, incidents occurred outdoors in a public place and were perpetrated by more than one person, usually male, who were unknown to the survivor. However, one in 15 of the most recent incidents of violence was reportedly committed by a member of the victim's family.



According to the UN High Commissioner for Human Rights: “Violence against LGBT persons tends to be especially vicious compared to other bias-motivated crimes.” Their [2015](#) report echoes their [2011](#) report in stating: “Violence motivated by homophobia and transphobia is often particularly brutal, and in some instances characterized by levels of cruelty exceeding that of other hate crimes. Violent acts include deep knife cuts, anal rape and genital mutilation, as well as stoning and dismemberment.”

The following are just a few of the many available examples that illustrate the violence affecting people with diverse SOGIESC in various locations:

- Incidents of gang rape, family violence and murder of women have been [reported](#) in, amongst other countries, El Salvador, Kyrgyzstan and South Africa, where “lesbian women face an increased risk of

becoming victims of violence, especially rape, because of widely held prejudices and myths,” including “that lesbian women would change their sexual orientation if they are raped by a man.”

- In **Iraq**, during two [waves](#) of anti-gay violence in **2009 and 2012**, scores of men and transgender individuals were brutally [tortured and killed](#), their bodies often left in public as a warning. Hospital reports indicated some of the victims had been force-fed laxatives and had their anuses super glued shut, which resulted in their death. Others were stoned to death with concrete blocks or pushed off rooftops. Additionally, dozens of children who identified as “emo” were killed, [reportedly](#) because they were perceived to be gay.
- There were 89 murders of trans and gender diverse people in **Honduras** between 2008 and 2016, [including](#) in **2010**: a 23-year-old woman named [Luisa Alvarado Hernández](#) who was found dead in a ditch, her body beaten and burned, and showing evidence of rape and blows to her face from stoning so severe as to render her remains virtually unrecognizable; 58-year-old Idania Roberta Sevilla Raudales who was found dead in her home, her arms and legs tied with cable cords and knife wounds on her throat; and 45-year-old Lady Óscar Martínez Salgado who was found stabbed and burned in her Tegucigalpa residence.
- In **Uganda**, in **2011**, prominent gay rights activist [David Kato](#) was brutally murdered in his home after winning a court victory against Rolling Stone newspaper, who the previous year had published his name and picture under a headline reading “Hang Them”.
- In **Chile**, in **2012**, 24-year-old [Daniel Zamudio](#) was severely beaten for hours, burned with cigarettes and had swastikas carved into his skin. He died in the hospital three weeks later. His death spurred the government to fast-track LGBT antidiscrimination legislation.
- In **Jamaica**, in **2015**, a man was reportedly [stabbed and stoned](#) to death after police, who participated in the attack, urged others to beat him because he was gay.
- In **Argentina**, in **2015**, the high-profile transgender activist [Diana Sacayán](#) was brutally stabbed in her apartment by a perpetrator who later became the first person in Argentina to be sentenced under new legislation on crimes against transgender people.
- In **Bangladesh**, in **2016**, [Xulhaz Mannan](#), the founder of the country’s only LGBT magazine, was hacked to death in his apartment.
- In **Turkey**, in **2016**, Mohammed Wissam Sankari, a 25-year-old Syrian refugee and aspiring poet, was found beheaded, his body mutilated beyond recognition, two days after he disappeared in Istanbul. He had previously been kidnapped and raped. His friends say he was targeted for being an openly gay man.
- In **Chechnya**, in **2017**, gay men were rounded up by authorities and held in informal [detention centres](#), where they were tortured using electroshock treatment and other brutal methods. Several were reported to have been killed, and others were [released](#) with the expectation they would be murdered by their families or the community for being gay.
- In **Russia**, in **2019**, [Yelena Griqoriyeva](#), a vocal LGBTIQ+ rights advocate, was found with multiple stab wounds and signs of strangulation near her home in St. Petersburg. Activists in Russia have questioned whether her murder is linked to a “death list” issued a month prior by the anti-LGBTIQ+ group Pila, which calls for violence against LGBTIQ+ Russians and purportedly operates with the tacit compliance of authorities.

- In **Uganda, in 2019**, [Brian Wasswa](#), a young gay activist and paralegal professional, was attacked with a gardening hoe in his home. Wasswa's murder came several days after Uganda's Security Minister, General Elly Tumwine, referred to Uganda's LGBTIQ+ community [as "terrorists" in a televised interview](#).
- In the **United States, in 2019**, transgender woman Muhlaysia Booker was attacked by multiple men while surrounded by a crowd of onlookers. The attack was recorded and garnered nationwide attention. A month later, she was found murdered by gunshot in the streets of Dallas, Texas.
- In **Greece, in 2020**, gay LGBTIQ+ rights activist Zak Kostopoulos died after being violently beaten in broad daylight, in an act that Amnesty International has called murder. The case is upheld as exposing homophobia within Greek society, as well as a culture of ["abuse and impunity"](#) in its police force.
- In **Puerto Rico, in 2020**, Alexa Negrón Luciano was killed in Toa Baja. Several hours prior to her death, photos of her being approached by police began circulating on social media. The police were responding to a complaint about her using the female restroom at a restaurant. She died of multiple gunshot wounds.
- In **India, in 2020**, transgender activist [Sangeetha](#) was found murdered in her home in Coimbatore, Tamil Nadu. The 23-year-old perpetrator reported to police that he had killed her after she refused his sexual advances. She was the Chief of the Transgender Society and an entrepreneur who ran Covai Trans Kitchen, employing 12 transgender people. She had reportedly started the business to assist transgender people affected by the COVID-19 pandemic.

Data on murders of and violence against people with diverse SOGIESC is difficult to obtain, in part because such data is not collected in many countries, and in part because there are complications in terms of how crimes are reported. In relation to transgender victims, the individual may be misgendered in reporting by both authorities and the media. The following are three examples of relevant data:

- The [Trans Murder Monitoring Project](#) has tracked more than 3,300 murders of trans and gender diverse people in the last eleven years. The vast majority of these murders are of transgender women of colour. The 2019 International Transgender Day of Remembrance update reported a total of 3,314 killings of transgender people in 69 countries worldwide (an increase of 11 per cent from the previous year) from 1 January 2008 to 30 September 2019. In 2020, an additional 350 transgender people were killed globally, according to the Transgender Day of Remembrance Report released in November. The average age of those murdered was 31, with the youngest person murdered aged just 15. Twenty-two per cent of the victims were killed inside their own homes. The majority of deaths (287 people) occurred in Central and South America, with Brazil accounting for 43 per cent (152 people).

See <https://transrespect.org/en/trans-murder-monitoring/tmm-resources/> for more information.

- The 2019 [European Union Agency for Fundamental Rights](#) LGBT survey, with some 140,000 participants, reported that 11 per cent of respondents had been attacked or threatened with violence within the previous five years, and 38 per cent of respondents had experienced harassment for being LGBT. Rates of harassment were even higher for respondents aged 15 to 17, at 47 per cent. Among all respondents, trans (48 per cent) and intersex (42 per cent) indicated the highest rates of harassment. Only 10 per cent of the incidents were reported, with just 4 per cent reported to the police. Of those respondents who did not report the most recent incident of physical or sexual violence to the police, 25 per cent said they did not do so because of fear of homophobic and/or transphobic reactions. One out of every three trans/transgender respondents did not report such incidents, for fear of transphobic reactions from the police.

- The [National Coalition of Anti-Violence Programs](#) reported 77 LGBT bias-motivated murders in the United States in 2016 and 52 in 2017, the last year the data was reported. The 2016 number includes the 49 lives taken at Pulse Nightclub in Orlando, Florida.

## Access to Justice

Violent incidents or acts of discrimination frequently go unreported because victims do not trust police, are afraid of reprisals or are unwilling to identify themselves as people with diverse SOGIESC, severely impacting the ability of people with diverse SOGIESC to access justice.

- In many countries, crimes against people with diverse SOGIESC are **supported**, encouraged or perpetrated by the government, giving people who are attacked little recourse for assistance or justice.
- Reporting a **crime** that is perpetrated on the basis of sexual orientation or gender identity could put an individual at further risk at the hands of authorities.
- Because individuals may grow up with **negative** messages about their diverse SOGIESC, they may have internalized phobia or shame, which can impact their willingness to report crimes committed against them.
- In many places, family and community **violence** is common. Reporting a crime raises the risk that family or community members will be made aware of the individual's real or perceived SOGIESC.

## Criminalization

The criminalization of same-sex relations and diverse gender identities exists across the world. Much of the following information is drawn from the [ILGA 2019 State Sponsored Homophobia Report](#).

Laws criminalizing consensual **same-sex** practices exist in more than 70 States.

Six States have a maximum penalty of **death** for consensual same-gender relations in all or part of their territory: Brunei, Iran, Mauritania, Nigeria (12 Northern states only), Saudi Arabia and Yemen. Five other States have the death penalty codified in the law, but it is not implemented for same-gender sexual behavior specifically: Afghanistan, Pakistan, Qatar, Somalia (including Somaliland) and the UAE. The death penalty is also applied by non-State actors in countries such as Iraq and Syria.

Propaganda, morality and other laws of **general application** targeting the freedom of expression related to sexual orientation exist in 32 States.

Forty-one States have laws restricting the **registration** and operation of NGOs working on SOGIESC issues.

Countries with a notable **absence** of laws criminalizing same-sex relations, but which persecute people with diverse SOGIESC with the knowledge or participation of the State, include Iraq and Egypt. While Iraq does not have the death penalty for same-sex relations, hundreds of gay men and transgender individuals were murdered there between 2009 and 2012. Additionally, numerous gender non-conforming individuals were murdered during this time period by perpetrators who linked the gender expression of the victims to stereotypes about homosexuality, regardless of their actual sexual orientation or gender identity.

In 2014, **Uganda** passed, and then repealed on a technicality, a version of its 2009 Anti-Homosexuality bill, dubbed the "Kill the Gays" bill. Although the penalty of death was removed from the final version, the law

imposes strict penalties for same-sex conduct and for individuals who do not turn in “known” LGBTI people to the authorities.

Since 2000, laws criminalizing homosexual acts between consenting adults have been **repealed** in at least 14 countries and dependent territories, including Belize, Botswana, Northern Cyprus, Fiji, Gabon, Nauru, Nepal, Nicaragua, Pulao and the Seychelles.

Nine States constitutionally **prohibit** discrimination on the basis of sexual orientation. Forty-two States impose criminal penalties for crimes motivated by hate towards the victim’s sexual orientation.

Marriage equality and gender identity laws, which **allow** individuals to obtain legal documents representing their self-identified gender, have been introduced in a number of countries. Twenty-six States now recognize same-sex marriage.

## Abuse by Families, Communities, States and Other Entities

People with diverse SOGIESC are targeted for abuse by family members, communities, government authorities, police, the military, non-State actors, paramilitary groups, religious extremists, hate groups, extreme nationalists, educators, medical providers, humanitarian organizations and others.

- In some countries, abuse may be perpetrated by **medical professionals** in the form of forced treatment or examinations. Doctors across the globe routinely perform non-medically necessary surgery on intersex infants, who by definition cannot grant consent. These surgeries can have life-long consequences, including irreversible loss of sensation, scarring, sterilization and life-long reliance on hormone replacement therapy.
- People with diverse SOGIESC may be put at grave risk by **media organizations**, such as the Ugandan newspapers *Rolling Stone* and *Red Pepper*, which consider outing a public service. *Rolling Stone’s* 2010 outing of a number of Ugandans led to the murder of the LGBTIQ+ rights activist David Kato. *Red Pepper’s* 2014 outing of 200 Ugandans garnered international press attention, and resulted in a number of individuals having to flee their homes and the alleged disappearance of several people. In 2019, homophobic and transphobic messages circulated on social media by religious extremists and politicians in Senegal included death threats against gay, lesbian, bisexual and trans people, forcing many to flee for their safety.
- A [report](#) released in 2017 by the Tufts University Feinstein International Center confirmed the results of two surveys and found that there were “troubling levels” of violence within **humanitarian organizations** against LGBT workers. According to the report, LGBT aid workers posted abroad are experiencing threats, blackmail, harassment, assaults and corrective rape at the hands of their colleagues and security providers. Some of those interviewed for the report spoke of experiencing “[corrective rape](#)”, where male aid workers who were perceived to be gay were targeted and raped by other male staff as punishment for their sexual orientation. This was done in countries where sodomy is illegal, making it impossible for the victims to report the crime.
- The [UN-wide Deloitte Safe Spaces Survey](#) conducted in 2019 found that respondents who identified as lesbian, gay, transgender, queer and gender non-conforming reported the highest rates of sexual harassment. Between 48.4 and 53 per cent said they had experienced harassment in the previous two years.
- While it is difficult to document violence against bisexual individuals, research shows they are more prone than lesbian or gay people to experience **intimate partner violence**, with shocking rates of intimate partner violence, domestic violence, rape and sexual assault.



## Conversion Therapy

One human rights violation experienced by many people with diverse SOGIESC, and especially children, is “conversion therapy”. Conversion therapy violates international human rights law and can amount to torture, and cruel, inhuman and degrading treatment.

Much of the following is drawn from the [July 2020 Report on conversion therapy](#) by the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

- “Conversion therapy” is used as an **umbrella term** to describe interventions of a wide-ranging nature, all of which are premised on the belief that a person’s sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under what other actors in a given setting and time perceive as the desirable norm. It can include religious or spiritual interventions, such as exorcisms, psychotherapeutic and medical interventions, and other interventions including enforced isolation, public humiliation, beatings, withholding of food or medication, or “corrective” rape.
- **Perpetrators** of conversion therapy include family members, traditional healers, religious leaders, medical and school authorities, and security forces. Coercion to engage in therapy may come from family members, religious leaders, community members, mental health practitioners, employers, schools and the State.
- Some **States** actively perpetrate or promote conversion therapy. For instance, State officials, including judges or police officers, may order “conversion therapy”, even in the absence of explicit legal provisions, as was allegedly the case in 2019 of the gay and lesbian prison inmates who were forced into such treatment by the Office of the Head of the Ministry of Law and Human Rights in West Java province, Indonesia. Malaysia has adopted several programmes and plans to curb behaviors perceived as immoral, including same-sex behavior, and specifically promotes practices of “conversion therapy”, including through university programmes, and reports indicate that it supports other practices, including exorcism.
- Conversion therapy may be presented as therapy sessions, rehabilitation centres, camps or workshops, amongst other **formats**.
- Those who are subjected to conversion therapy may suffer from severe emotional and sometimes physiological **distress**, including a profound loss of self-esteem, anxiety, depression, substance abuse, high-risk behavior and suicidal ideation.
- Young people are **disproportionately** subjected to conversion therapy practices. According to a recent global survey, 80 per cent of conversion therapy survivors are under the age of 24 and 40 per cent are under the age of 18. Reportedly, children most often undergo practices of “conversion therapy” as a result of the desire of parents or guardians to have them conform to expectations, either theirs or their communities. Children and adolescents often lack the legal authority to make medical or mental health decisions and, in instances where they have the right to consent or to refuse treatment, they are especially prone to undue influence or coercion, particularly from family members or others in a position of authority.
- Humanitarian professionals must be aware that **children**, including children with disabilities, are particularly vulnerable to conversion therapy practices and may experience them in their countries of origin, in crisis-affected communities and in countries of asylum or migration. In Iran, for example, the [United Nations Committee on the Rights of the Child](#) has expressed concern about reports that children have been forced to undergo forced “therapy”, including the administration of electric shocks, hormones and psychiatric

medications, to change their sexual orientation and/or gender identity. According to Iranian LGBTIQ+ activist group 6Rang, the number of private and government-backed psychological clinics engaging in “corrective treatment” of LGBTIQ+ Iranians increased in 2018.

- Gender reassignment **surgeries** may also be pushed as a means of conversion therapy. In another example from Iran, Ayatollah Ruhollah Khomeini, Iran’s first supreme leader, issued a fatwa (legal opinion) 30 years ago [permitting sex-reassignment surgery](#). Consequently, the Iranian regime permits and partially subsidizes such procedures. However, because Tehran criminalizes and harshly punishes same-sex intercourse and treats same-sex attraction as a disease, the regime’s transgender policy de facto results in the authorities [mental health professionals and families](#) pressuring gay and lesbian cisgender Iranians into undergo unwanted surgery in order to be able to enter into relationships without fear of reprisal.
- In 2020, the Independent Forensic Expert Group concluded that “conversion therapy **constitutes** cruel, inhuman or degrading treatment when it is conducted forcibly or without an individual’s consent, and may amount to torture depending on the circumstances, namely the severity of physical and mental pain and suffering inflicted.” UN entities and human rights mechanisms have expressed concern about practices of conversion therapy, and the UN anti-torture machinery has concluded that they can amount to torture, and cruel, inhuman or degrading treatment.
- The UN concludes that all practices attempting conversion are inherently **humiliating, demeaning and discriminatory**. The combined effects of feeling powerless and extreme humiliation generate profound feelings of shame, guilt, self-disgust and worthlessness, which can result in a damaged self-concept and enduring personality changes. The injury caused by practices of conversion therapy begins with the notion that an individual is sick, diseased and abnormal due to their sexual orientation or gender identity, and must therefore be treated. This starts a process of victimization. The deep impact on individuals includes significant loss of self-esteem, anxiety, depressive syndrome, social isolation, intimacy difficulty, self-hatred, shame and guilt, sexual dysfunction, suicidal ideation and suicide attempts, and symptoms of post-traumatic stress disorder, as well as often significant physical pain and suffering.

## Stigma and Discrimination

“Everyday discrimination”, fueled by entrenched discriminatory attitudes and facilitated by a lack of effective anti-discrimination laws, affects people with diverse SOGIESC everywhere – including in education, health care, social services, employment, housing and within families. Denial of the right to freedom of expression and assembly is also an issue in numerous countries. The following is drawn from the Human Rights Council’s 29<sup>th</sup> Session 2015 [report](#), “*Discrimination and violence against individuals based on their sexual orientation and gender identity*”:

- Laws criminalizing homosexuality and the discriminatory policies, practices and attitudes of health-care institutions and personnel adversely affect the quality of **health services**, deter individuals from seeking services, and may lead to the denial of care or to an absence of services that respond to the specific health needs of people with diverse SOGIESC. Transgender, non-binary and gender non-conforming people often face particular difficulties in their access to appropriate health care. Health-care professionals may be insensitive to their needs, lack relevant knowledge and treat them in a discriminatory manner. Gender reassignment therapy, where available, is often prohibitively expensive. In certain situations, it is coerced.



- In most States, national laws do not provide adequate protection from **employment** related discrimination on the grounds of sexual orientation and gender identity. In the absence of such laws, employers may fire or refuse to hire or promote people simply because they are seen as lesbian, gay, bisexual or transgender. Where laws do exist, they may be poorly applied. Workplace benefits available to heterosexual employees may be denied to their LGBT counterparts. Surveys indicate that discrimination, and verbal and other forms of harassment in the workplace, are commonplace.
- People with diverse SOGIESC may experience discrimination in access to housing as a result of unfair treatment by **public and private landlords**. Concerns include individuals and same-sex couples denied leases and evicted from public housing, harassed by neighbors and forced out of their homes.
- UN human rights experts continue to highlight discriminatory restrictions on the rights to freedom of expression, association and assembly of LGBT persons, and those defending their rights. Concerns include direct censorship, bans on dissemination of information and restrictions on advocacy.
- States' **responsibility** to protect individuals from discrimination extends to the family sphere, where rejection and discriminatory treatment of and violence against family members with diverse SOGIESC can have serious, negative consequences for the enjoyment of human rights. Examples include individuals being physically assaulted, raped, excluded from family homes, disinherited, prevented from going to school, sent to psychiatric institutions, forced to marry, forced to give up custody of their children, punished for activist work and subjected to attacks on personal reputation. In States where homosexuality is criminalized, victims may be reluctant to report violence perpetrated by a family member for fear of the criminal ramifications of revealing their sexual orientation. Lesbians, bisexual women and transgender people are often especially at risk owing to gender inequalities and restrictions on autonomy in decision-making about sexuality, reproduction and family life
- Lack of official recognition of **same-sex relationships** and absence of legal prohibition on discrimination can result in same-sex partners being treated unfairly by private actors, including health-care providers and insurance companies.
- In spite of recent advances in several countries, transgender people are generally still unable to obtain **legal recognition** of their gender, including a change in recorded sex and first name on State-issued identity documents. As a result, they face multiple rights challenges, including in employment and housing, applying for bank credit or State benefits, or when travelling abroad. Regulations in States that recognize changes in gender often impose abusive requirements as a precondition of recognition – for example, by requiring that applicants be unmarried and undergo forced sterilization, forced gender reassignment and other medical procedures, in violation of international human rights standards.

## Impact of SOGIESC-related Violence and Discrimination on Children

Beyond conversion therapy, violence, criminalization, stigma and discrimination against people with diverse SOGIESC has a grave impact on children. Much the following information is drawn from a Fact Sheet on LGBT Youth in the Global South by [Advocates for Youth](#).

- Children may face rejection, bullying and abuse within the **family context** from an early age if they are perceived to be different or have a gender expression that does not conform with social norms.

Rejection by the family may result in **homelessness** for children with diverse SOGIESC. Many adolescents and young adults with diverse SOGIESC are thrown out of their homes by disapproving parents and end up on the streets, resulting in disproportionately high rates of homelessness among this group. A survey of 354 homeless support agencies in the United States suggested that some 40 per cent of homeless youth identify as having a diverse SOGIESC, with family rejection being the leading cause of homelessness among this group [[The Williams Institute](#), 2014].

- Outside the **home**, children face rejection, bullying and abuse by neighbors, friends and extended family members, and within schools, medical settings and religious institutions.
- **Bullying** in school may result in children dropping out. One report by the Council of Global Equality found that in Bolivia, 72 per cent of transgender students abandoned their secondary studies due to intense discrimination. An online survey in Vietnam found that 77 per cent of LGBT youth experienced verbal abuse in school, 44 per cent experienced physical assault in school, 42 per cent had lost interest in school, 33 per cent skipped school and 6 per cent had abandoned school. Likewise, studies in South Africa have shown that violence and bullying have contributed to high dropout rates of LGBTIQ+ youth.
- **Laws** in a number of countries that purport to protect minors from information related to homosexuality negatively impact children with diverse SOGIESC by depriving them of access to information and resources. According to the UN, limiting or obstructing information related to sexuality, or using materials that contain stereotypes and prejudices, can contribute to violence and expose young LGBT people to health risks – comprehensive sexuality education is part of the right to education and can be a tool for combating discrimination. These laws, as well as all criminal laws related to sexual orientation and gender identity, deter children with diverse SOGIESC from sharing their SOGIESC with others, subjecting them to the negative psychological, emotional and physical consequences of concealment.
- The **psychological impact** of rejection, bullying and abuse within the home and the wider community, as well as discrimination in education and employment, and criminalization by the State, can make it difficult for children to grow up and establish stable and healthy families, livelihoods and households.
- As previously outlined, **conversion therapy** is enacted against children globally, with devastating psychological and physical impact. As an example, “rehabilitation clinics” in Ecuador where lesbian and transgender youth are forcibly detained with the permission of family members are alleged to enact torture, including sexual abuse, against the children. Similar facilities in South Africa, which are in the form of “camps”, have been alleged to torture children who are gay. In several instances, the torture and abuse has resulted in the death of children placed there by their parents.
- Children and young people are particularly **vulnerable** to the impact of practices of conversion therapy. A recent [study](#) of transgender adults found that exposure before 10 years of age “was significantly associated with increased odds of severe psychological distress ... and lifetime suicide attempts”. In addition to suicidal tendencies, children also experience a pronounced loss of self-esteem and a sharp increase in depressive tendencies, which can lead to school dropout and the adoption of high-risk behaviors and substance abuse.
- Intersex children face medically unnecessary **surgeries**. Surgery and other treatments carried out on children by definition cannot be premised upon informed consent, and there is rarely a medical need for such interventions. Surgery is typically irreversible and can cause a wide range of severe, negative physical and psychological health effects, and result in sterilization. Some intersex people feel the procedures forced them into sex and gender categories that did not fit them.

- The United Nations Children’s Fund (UNICEF), the Committee on the Rights of the Child and the Inter-American Court of Human Rights have expressed concern at discrimination against, and the lack of legal protection of, **children of same-sex couples**.

## The Experiences of Migrants, Asylum-Seekers, Refugees and Crisis-Affected Individuals

Migrants, asylum-seekers, refugees and other crisis-affected individuals face a **wide array** of challenges. At international borders, individuals may be subjected to invasive physical screenings and examinations, and denied entry on discriminatory grounds. Arriving refugees and asylum-seekers may bypass basic services such



as registration or refugee status determination because they are avoiding any interaction with their community of origin. This can result in isolation in urban settings. In transit housing and other shared accommodation, as well as in detention, they are at a high risk of abuse. Those with diverse SOGIESC who are returning to their countries of origin through assisted voluntary return programmes may not have access to the full range of information that would help them decide whether returning to their community is safe. When resettled, refugees may be housed within communities where they experience additional sexuality- and gender-related risks.

During emergencies, people with diverse SOGIESC may lose access to the support networks that sustained them prior to the crisis and instead be forced to rely on potentially abusive entities for their basic needs, whether those entities are public institutions, humanitarian organizations or family members. The **assistance** offered by humanitarian organizations may not include considerations for people with diverse SOGIESC, whether done intentionally or unintentionally.

UNHCR *estimates* that some 42 States have granted asylum to individuals with a well-founded fear of persecution owing to sexual orientation or gender identity (SOGI). Practices in States granting asylum sometimes fall short of international standards. Officials may be insensitive to the conditions facing asylum-seekers with diverse SOGIEC, and the review of applications is sometimes arbitrary and inconsistent. In its judgement of 2 December 2014, the Court of Justice of the European Union ordered States to cease the use of intrusive questioning and medical tests purportedly designed to reveal applicants’ sexual orientation. The refoulement of asylum-seekers fleeing such persecution exposes them to the risk of violence, discrimination, criminalization and the death penalty.

Most States do not have ample protection in place for migrants, asylum-seekers and refugees with diverse SOGIESC. States to which individuals migrate or flee may have the same **limited** protections in place for citizens with diverse SOGIESC as in their countries of origin. Currently, there are no States with national laws against non-medically necessary **surgeries** on intersex infants, despite the UN’s stance that such surgeries violate human rights.

In all situations, individuals may be **marginalized** or discriminated against both as foreigners and as people with diverse SOGIESC, as well as at the intersection of other identities. Factors such as their gender, age and ability can greatly impact their vulnerability.

Some countries with positive law around migrants, asylum-seekers and refugees with diverse SOGIESC include:

- **Argentina** – Argentina offers legal protections, such as same-sex marriage and recognition of gender identity, and has one of the most comprehensive transgender rights laws of any jurisdiction globally. It has granted asylum to LGBTIQ+ asylum seekers since at least 2014.
- **Canada** – Since 1991, Canada has considered SOGI-based persecution valid grounds for international protection on its territory. As of 2020, Canada has elaborated on eligibility criteria to encompass LGBTQ2 people: lesbian, gay, bisexual, transgender, queer and two-spirit.
- **Netherlands** – Since 1981, SOGI-based persecution has been recognized as valid grounds for international protection in the Netherlands, one of the world’s strongest jurisdictions on SOGIESC rights protection.
- **South Africa** – South Africa offers some of Africa’s most progressive constitutional protections for upholding LGBTIQ+ rights and was the first in the world to outlaw SOGI-based discrimination. It has offered asylum to eligible LGBTIQ+ applicants since 1998.
- **The United Kingdom** – The Supreme Court decided in 2010 that LGBTIQ+ asylum-seekers who were not “out” should be granted refugee status: *“To compel a homosexual person to pretend that his sexuality does not exist or suppress the behavior ... is to deny him the fundamental right to be who he is. Homosexuals are as much entitled to freedom of association with others ... of the same sexual orientation as people who are straight.”*
- **United States** – Since 1994, LGBTIQ+ asylum-seekers who qualify for protection include: people who identify as or are viewed as LGBTIQ+ or otherwise counter gender norms; identify as LGBTIQ+ but are closeted; or are HIV-positive, regardless of sexual orientation or gender identity.

It is helpful to **recognize** that migrants, asylum-seekers, refugees and other crisis-affected individuals with diverse SOGIESC may:

- Experience isolation, loneliness, helplessness, depression and a lack of access to information.
- Lack the language or ability to express their identity and communicate experiences.
- Face abuse or rejection by their families and communities, and thus need different or additional support in comparison to other vulnerable individuals.
- Be more likely than other people you assist to have suffered physical or sexual assault.
- Generally, not be able to live openly with safety and security.
- Have a mistrust of authority due to police and other official targeting.
- Believe sharing their identity could bar them from assistance or delay any aid that is provided.
- Avoid seeking medical care, fearing abuse by providers or a breach of confidentiality.
- Fear their family will find out if they share their status with assistance organizations.
- Fear humanitarian aid workers will discriminate against them or make assumptions about them.

- Have a history of interacting with humanitarian aid workers who are untrained, poorly trained and/or unprepared to assist them in ways that are dignified, respectful and effective, and hence have suffered harm and trauma during the course of those interactions.
- Not feel an immediate sense of support from their community if they are resettled to a third country. They may feel or be isolated or separate from others of the same ethnic or national origin, who may have similar values to the community in which the individual was persecuted.

# MODULE 3 GUIDANCE



## Human Rights Council Session 38 Report of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (Excerpts)

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The following are excerpts from the 2018 Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI), Victor Madrigal-Borloz, [A/HRC/38/43](#). This report builds upon the [2015](#) and [2011 reports by the](#) Office of the High Commissioner of Human Rights to the UN Human Rights Council and provides up-to-date information on human rights abuses against people with diverse SOGIESC.

### Human Rights Overview (Para. 20, page 5):

- a) Every person is entitled to the human rights and freedoms enshrined in international human rights law without distinction based on sexual orientation or gender identity;
- b) Legislation, public policy and jurisprudence that criminalize same-sex relationships and particular gender identities are per se contrary to international human rights law, fuel stigma, legitimize prejudice and expose people to family and institutional violence and further human rights abuses, such as hate crimes, death threats and torture.

### Intersectionality (page 6):

**23.** The mandate holder is therefore guided to an intersectional approach that remains aware of all conditions that create the substantively distinct life experience of an individual. As one stakeholder stated to the mandate holder, “we hold many identities in one body”, and violent actions against a person will often result from intersecting factors that create a continuum of violence and a dynamic of disempowerment; for example, a woman feeling profound emotional, affective and sexual attraction for other women may choose to self-identify as a lesbian or as bisexual, but will also relate to other equally relevant factors that shape who she is in the context in which she lives, such as race, ethnicity, religion or belief, health, status, age, class and caste, as well as migration or economic status.

**24.** Intersectionality also describes the dynamic process of the lived experience, which occurs in space and time: for example, the mandate holder recognizes the needs of large numbers of ageing lesbian, gay, bisexual and trans or gender non-conforming persons, the asymmetries between the rural and the urban, and the largely unexplored intersections with disability, racism, xenophobia or the cycles of violence that motivate persons to flee their country.

### Violence and Discrimination Overview (pp 6-8):

**30.** Actions of violence extend to private spaces: for example, the mandate holder received reports about the use by security services of social media and GPS-enabled applications, commonly used by gay persons to connect with each other, in order to locate and arrest them. Several reports also referred to the use of personal data stored in mobile phones, including the history of live communications and messages, to identify other persons suspected of being gay, leading to arrest and detention.

**33.** Underreporting, negligent investigations and prosecution, and almost non-existent convictions lead to a situation of systematic impunity. No element in the chain of justice is unaffected by such factors. Trans women and gender non-conforming persons are often targeted by justice sector officers, as negative prejudices and stereotypes about trans and travesti persons often associate them with the idea of criminality.

**34.** Violations and discrimination extend to all facets of life: lesbian, gay, bisexual, trans and gender non-conforming persons are often treated as if they were by definition sick or disordered (A/HRC/35/21, paras. 48 and 58), a process referred to by the mandate holder as “pathologization”. Discrimination affects these persons in their access to sanitation, menstrual hygiene and toilets, in particular in humanitarian situations and areas affected by disaster (A/HRC/33/49, paras. 2, 9, 13 and 30).

**38.** According to some sources, the rising number of hate crimes based on [SOGI] correlates with a steep rise in ultraconservative political leaders and religious groups using their platforms to promote bigotry, dehumanize persons on the basis of [SOGIE], and foster stigma and intolerance among their constituencies.

### **Violence and Discrimination Based on Gender Identity (pp 9-10):**

**41.** Trans and gender non-conforming persons, especially when they are persons of colour, belong to ethnic minorities or are migrants, living with HIV or sex workers, are particularly at risk of violence, including of killing, beatings, mutilation, rape and other forms of abuse and maltreatment.

**42.** Information currently available suggests that trans men and other trans-masculine persons tend to be less visible in reports and data than lesbians, gays or trans women. Arguably, if this is a reflection of less visibility in everyday situations, this may shield them from the types of societal violence usually affecting other gender non-conforming persons; they are, however, victims of severe violence in the family, in the health sector, and of school bullying. Acts of violence include verbal, physical and sexual abuse, including so-called “corrective” rape, and forced marriage.

**43.** Trans persons are particularly vulnerable to human rights violations when their name and sex details in official documents do not match their gender identity or expression. Inaccurate or inadequate identity documents may result in greater levels of violence and extortion, exclusion from school and the official labour market, housing, health (A/HRC/35/21, para. 58) and access to other social services, and in being able to cross borders. In times of emergencies, such as natural disasters or a humanitarian crisis, the lack of identity documents matching gender expression may even have a greater level of significance, for example when seeking access to emergency care, services and protection measures.

**44.** Moreover, trans persons are also victims of violence in health-care settings. In order to practice their right to recognition before the law, they are regularly forced into involuntary psychiatric evaluations, unwanted surgeries, sterilization or other coercive medical procedures, often justified by discriminatory medical classifications (see A/HRC/19/41, para. 57 and A/HRC/29/23, para. 54).

### **Violence and Discrimination Based on Sexual Orientation (pp 10-11)**

**45.** Misogyny, patriarchy and gender inequalities put lesbian and bisexual women at risk of violence. They are victims of rape — targeted to punish them or, allegedly, in efforts to “change” their sexual orientation — and also of forced marriage, female genital mutilation, forcible impregnation, collective beatings for public display of affection, attacks with acid and “conversion therapies”. In many cases, stigma is reinforced by deeply-rooted cultural norms and beliefs about masculinity, the concept of the “traditional” family or the use of



women as a source of income in circumstances where there is great poverty. Lesbian and bisexual women are especially at risk of acts of sexual or intrafamily and domestic violence.

**46.** The mandate holder notes the difficulty of documenting violence specifically targeting bisexual persons, already identified by the Inter-American Commission. Research reveals that bisexual persons are more prone than lesbian or gay persons to experience intimate partner violence, with shocking rates of intimate partner violence, domestic violence, rape and sexual assault. Source: Movement Advancement Project, *Invisible Majority: The Disparities Facing Bisexual People and How to Remedy Them*, September 2016, p. 20.

### Stigma (pp 13-14)

**57.** The combination of social prejudice and criminalization has the effect of marginalizing lesbian, gay, bisexual, trans and gender non-conforming persons and excluding them from essential services, including health, education, employment, housing and access to justice.

**58.** These circumstances restrict individuals' choices and limit their ability to earn a living and participate in all aspects of life, including public and political life. The dynamics of exclusion are exacerbated when it intersects other factors, such as during humanitarian crises, or in the case of persons who face multiple forms of discrimination, for example migrants, ethnic minorities and persons with disabilities.

**59.** The violence and exclusion that lesbian, gay, bisexual, trans and gender non-conforming persons endure have a detrimental impact on their health and well-being. In many countries, they encounter rejection, humiliation, derision or substandard services when seeking health care. According to some research, certain health concerns that bisexual persons face are linked to experiences of biphobia and bisexual invisibility. Even where health workers do not intend to discriminate, they often lack basic information or training about specific health concerns and appropriate medical and counselling practices. In countries where non-conforming sexual orientation and gender identities are criminalized and health policies are discriminatory, abuses and discriminatory attitudes in health-care institutions are explicitly condoned.

**61.** Lesbian, gay, bisexual, trans and gender non-conforming persons may internalize the negative attitudes and values of society, which may have a detrimental impact on their mental health and result in self-harm or violence. Studies have shown that the risk for suicide among lesbians and gays may be particularly high for those who experience familial or social abuse and rejection. Bullying has been shown to be a contributing factor in many suicides of trans and gender non-conforming persons, while recent research suggests that around three in every four young trans persons have experienced anxiety or depression, that four out of five have engaged in self-harm at some stage, and that almost one in two has attempted suicide.



# MODULE 3 EXERCISE



## Conducting a Local Analysis

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### Case Study

Take a moment to read the following case study:

*Conflict erupts in Country X, causing several thousand individuals to flee into Country Y. They erect temporary settlements outside a large city and the government asks UNHCR and IOM for help. The agencies send response teams, which provide necessities and conduct vulnerability assessments to determine who requires more targeted support. The teams include gender experts who coordinate with local organizations to ensure that women and girls are taken into consideration at each step. Several weeks into the response, international refugee rights NGOs begin reporting that a number of gay and lesbian refugees from country X have been attacked in the city while seeking shelter and support. Having been overlooked by the UN and the government, these individuals have now turned to journalists for help.*

What information or knowledge do you think was **lacking** in this situation that caused UNHCR and IOM to ignore these vulnerable individuals?

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In this situation, a **local analysis** is critical for the organization to assist people with diverse SOGIESC. A local analysis is a summary of issues and history relevant to a particular context. What kind of information should be included in a local analysis?

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What are some of the ways you should **conduct** a local analysis?

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How could a local analysis be useful in **your** work?

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# MODULE 3 GUIDANCE



## How to Conduct a Local Analysis

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Humanitarian organizations often respond inadequately or inappropriately to the needs of people with diverse SOGIESC because they lack detailed and accurate information about the conditions that individuals face in a given location or situation. To avoid perpetuating this cycle, it is critical that your office maintains detailed, up-to-date, relevant and reliable information about people with diverse SOGIESC in your community, region and country using SOGIESC protection principles as a guide.

There is a wide range of applications for information gained through a local analysis of the key human rights abuses experienced by people with diverse SOGIESC. The information can be utilized in fact sheets for individuals considering returning home, refugees preparing for resettlement or third country resettlement partners preparing to receive refugees. It may be included in country reports used to support UNHCR's Refugee Status Determination process or government asylum procedures. In crisis situations, the information can help practitioners ensure that the needs of people with diverse SOGIESC are not overlooked in their programmes, such as those targeting gender. In all situations, a detailed local analysis can serve as a starting point to building a directory of inclusive referral pathways.

Information about key human rights abuses can also be used to educate personnel about the issues that migrants, asylum-seekers, refugees and crisis-affected individuals with diverse SOGIESC face in a location or situation. Local analyses are particularly useful for training sessions, as they help prepare personnel to provide more informed and responsive assistance to people with diverse SOGIESC after the training has concluded.

### **A local analysis should include, but not be limited to, information about:**

- ✓ Relevant jurisprudence, including laws concerning same-sex relations, partnerships, gender identity and hate crimes, and a short history of the application of those laws;
- ✓ Societal, institutional and governmental attitudes and beliefs related to people with diverse SOGIESC;
- ✓ Security and access to justice for people with diverse SOGIESC;
- ✓ Notable recent incidents, such as hate crimes or arrests, and societal and State response;
- ✓ Access to documentation, housing or shelter, livelihoods, education, health care, social services and family building, including marriage, civil unions, fertility services, foster care, adoption and surrogacy;
- ✓ The support systems in place for people with diverse SOGIESC, including advocacy organizations, legal organizations, community centres, and specialized health-care services, with information on support systems that are specific to children, older people and people with disabilities; and
- ✓ Local and national LGBTIQ+/SOGIESC advocacy organizations.

Information should first and foremost be drawn from people with diverse SOGIESC living in the community. It is critical that their lived experiences be represented in the report, rather than the analysis reflecting only the opinions of the cisgender, heterosexual, endosex majority. It is also critical that there is a diversity of voices

represented, including gay and lesbian women, transgender, non-binary people and intersex people, and that people with disabilities, older people, children and people from other marginalized groups are heard.

**Information can be obtained from a wide variety of sources, including:**

- Affected populations, through private interviews, focus groups and surveys;
- LGBTIQ+ organizations, especially if led by migrants or refugees or providing support to displaced people;  
Human rights organizations, including those focusing on gender and health;
- IOM, UNHCR, other UN agencies and international organizations in that location, especially their LGBTIQ+ Focal Points, Gender Officers and Human Rights Officers, and UNHCR Country Condition reports;
- News articles, media organizations and journalists;
- National jurisprudence and legal analyses;
- Embassy political and human rights officers, and embassy reports; and
- International and regional organizations, such as the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) and Human Rights Watch.

# MODULE 3 GUIDANCE



## Core SOGIESC Protection Principles

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The following is a list of core protection principles that you can use to guide your local analysis. When writing your analysis, it is useful to compare the circumstances within your context to these core protection principles, in order to gauge the situation for people with diverse SOGIESC in your location.

### People with diverse SOGIESC should have access to:

#### Justice

- ✓ Access to justice systems, effective remedies and redress, including fair trials and unbiased legal representation;
- ✓ Have those directly or indirectly responsible for a human rights violation against them held accountable for their actions in a manner that is proportionate to the seriousness of the violation, and the truth about the facts, circumstances and reasons why the violation occurred shared with them.

#### Assembly, Association and Expression

- ✓ Peacefully assemble and associate with other people with diverse SOGIESC;
- ✓ Express one's opinions and ideas through speech or gender expression;
- ✓ Promote human rights.

#### Cultural Life

- ✓ Participate freely in cultural life, as well as practise, protect, preserve and revive cultures, traditions, languages, rituals and festivals, and protect cultural sites of significance associated with SOGIESC.

#### Education

- ✓ Attend a school that is free of bullying and harassment.

#### Appropriate Assistance During Crisis

- ✓ Equally access emergency assistance in a crisis, including safe shelter, sanitation, water, food, non-food items and medical care, regardless of their SOGIESC, marital status or family composition, and without having to conceal their diverse SOGIESC, marital status or family composition;
- ✓ Approach government officials and humanitarian organizations for assistance without fear of stigma, discrimination, abuse, violence or other harm;
- ✓ Request international protection with full confidence that sharing a diverse SOGIESC or same-gender partnership will not elicit exclusion or harm.

#### Development

- ✓ Form their identity free of forced "conversion therapy" and with full access to relevant information.

## Documentation

- ✓ Legally change the gender marker on their official identification to match their gender identity, without prohibitive and abusive requirements such as surgery or sterilization;
- ✓ Legally change their name, if it differs from the name they were given at birth, without prohibitive requirements;
- ✓ Receive full social support when experiencing gender transitioning or reassignment.

## Family Life

- ✓ Affirm their partnerships through legal status such as marriage or civil unions;
- ✓ Access fertility treatments of the same standard and with the same health insurance coverage as that afforded to cisgender, heterosexual individuals;
- ✓ Access foster care licensing, adoption and surrogacy;
- ✓ Enjoy equally the right to conclude contracts, and to administer, own, acquire (including through inheritance), manage, enjoy and dispose of property.

## Health Care

- ✓ Access affirming and appropriate health care at the highest attainable standard, without being forcibly subjected to medical or psychological treatment, procedures, testing, or being confined to a medical facility based on sexual orientation, gender identity, gender expression or sex characteristics;
- ✓ Make informed decisions about their medical care, including surgeries and medications.

## Information Technology

- ✓ Access and use information and communication technologies, including the internet, without violence, discrimination or other harm based on SOGIESC.

## Livelihoods and Social Security

- ✓ Access decent and productive work under just and favourable conditions;
- ✓ Access protection against unemployment;
- ✓ Access social security and social protection;
- ✓ Maintain an adequate standard of living, with protection from poverty.

## Movement

- ✓ Move and reside freely within one's State without prejudice based on SOGIESC, and to seek asylum in other States if needed.

## Privacy

- ✓ Enjoy the private sphere, intimate decisions and human relations, including consensual sexual activity among persons who are over the age of consent, without arbitrary interference;
- ✓ Choose when, to whom and how to disclose information pertaining to their SOGIESC.

## Public Life

- ✓ Take part in public affairs, including standing for elected office, participating in the formulation of policies affecting their welfare, and equally accessing all levels of public service and employment in public functions, including serving in the police and military.

## Religion

- ✓ Freely practise their religion.

## Safety and Security

- ✓ Live openly without fearing or experiencing stigma, discrimination, harassment, abuse, violence, torture, inhuman or degrading treatment or punishment, or other harm;
- ✓ Live free from criminalization and sanctions based on their SOGIESC;
- ✓ Live free from the fear or experience of exploitation, sale or trafficking;
- ✓ Enjoy State and police protection, including from arbitrary arrest and detention;
- ✓ Be treated with humanity and respect while detained.

## Shelter and Sanitation

- ✓ Maintain adequate, dignified and stable housing;
- ✓ Access equitable, adequate, safe and secure sanitation and hygiene, in circumstances that are consistent with human dignity.

# MODULE 3 IN PRACTICE

## Positive Examples From IOM and UNHCR Offices

The following are just some of the many positive examples of SOGIESC terminology in practice in IOM and UNHCR offices around the world. Share your own good examples with your Facilitator or by sending us an email!



### ARGENTINA – IOM

IOM Argentina has added SOGIESC-specific content to their country fact sheets, which are shared with resettlement partners. The goal is to ensure partners understand the circumstances for people with diverse SOGIESC in their countries of origin and the challenges they may have faced prior to arriving in their country of resettlement.

### AUSTRALIA, CANADA, SWITZERLAND AND THE UNITED STATES – IOM

Colleagues in Pre-Departure Orientation programmes have compiled information on the lived experiences of people with diverse SOGIESC in Australia, Canada, Switzerland and the United States. The information is being integrated into Pre-Departure Orientation curriculums with the goal of ensuring refugees being resettled to those countries are aware of their rights, responsibilities and resources. See the Pre-Departure Orientation Module for further guidance.

### COLUMBIA, ECUADOR AND PERU – IOM

In 2020, IOM produced an analysis on the situation of LGBTIQ+ migrants in Columbia, Ecuador and Peru. The analysis was conducted in order to identify the migrants' differentiated needs, capacities and protection gaps. The information gained will facilitate coordination with, and strengthen alliances between, IOM and local partners.

### GHANA – IOM

During LGBTIQ+ training sessions in Accra, IOM Ghana showed a video filmed by a Senegalese LGBTIQ+ advocate who talked about the situation in West Africa and shared the Human Rights Watch Report “No



Choice but to Deny Who I Am: Violence and Discrimination Against LGBT People in Ghana” to raise awareness and spark discussion.

## IRAQ – IOM

Training for caseworkers in IOM’s Baghdad office has included information on the situation in Iraq for people with diverse SOGIESC, including reports by embassies and international organizations, news articles and carefully anonymized, first-hand testimony from individuals who have interacted with IOM. This information helps prepare caseworkers by educating them about the challenges and violence common within local communities.

## LEBANON – UNHCR

Training carried out for UNHCR staff in Lebanon has included segments on the legal environment and history of SOGIESC issues within the country, which helped participants understand the protection landscape.

## MIDDLE EAST – UNHCR

In the Middle East region, UNHCR has established strategies to communicate the protection risks faced by individuals with diverse sexual orientation and gender identity. Some of the initiatives have focused on establishing support groups for LGBTIQ+ youth, and training staff and community organizations to provide them with support. In one operation, UNHCR and partners hold regular focus group discussions with LGBTIQ+ individuals to increase their awareness of the legal context and services offered by partners, and to identify their protection risks and needs.

## NEPAL – IOM

Trainings held in Eastern Nepal included a session by the local chapter of the LGBT rights organization Blue Diamond Society, who educated participants about the history of SOGIESC rights in Nepal and challenges for refugees. IOM additionally conducted a joint training for the US Embassy with a local SOGIESC rights NGO.

## REGIONAL AND GLOBAL – UNHCR

In 2019 and 2020, UNHCR engaged in a series of regional and global consultations to identify current protection challenges for LGBTIQ+ displaced people and good practices in addressing them, and to map stakeholders who provide protection and support to LGBTIQ+ displaced people. The consultations included humanitarian and development actors and LGBTIQ+ organizations. The findings informed a global roundtable event in 2021 and were used to develop updated training materials in UNHCR.

## ROMANIA – UNHCR

In Europe, asylum officials benefit from training, together with on-the-job training on issues related to SOGIESC. In Romania, UNHCR organized “Living Libraries” as part of the training, enabling asylum case officers to meet and speak with LGBTIQ+ refugees and hear their experiences.

## THAILAND – UNHCR

At a regional training in Bangkok for UNHCR personnel from across Asia, a local NGO was invited to speak to participants about the situation for LGBTIQ+ people within Thailand and the region, helping to contextualize the learning material and make participants aware of the challenges people with diverse SOGIESC face.



# MODULE 4

# INTERNATIONAL LAW

# Oleg's Story

After growing up victimized by harassment and bullying, Oleg fled to Kyiv in the summer of 2014 as fighting got closer to his home. For many gay, bisexual, transgender, intersex and queer (LGBTIQ+) people in Ukraine, where homosexuality was only legalized in 1991 and is still considered taboo, displacement caused by conflict in the east has brought the problems of discrimination closer to home. Without the protection of their homes, local community, family and friends, many are exposed to the harsh realities of being denied somewhere to live or work because of their sexuality. Others have been subjected to harassment, violence and abuse. In the city of Donetsk, which was taken from government control in April 2014, many internally displaced LGBTIQ+ people have decided to flee to Kyiv where a degree of protection is offered by the NGO Insight.

*Module 4 cover photo: Oleg, an internally displaced gay 22-year-old drama student from Donetsk, visits the Khanenko Museum in Kyiv.*



# MODULE 4 EXERCISE



## Key International Legal Frameworks

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*The following international legal frameworks are utilized in the International Law exercise. Some or all of these legal frameworks may be new to you. While this list is not exhaustive, these six frameworks represent the key sources of the rights referenced in the Yogyakarta Principles plus 10, and it is therefore useful for you to be familiar with them. If these frameworks are indeed new to you, you can use the space below each framework to write down notes about that framework that will help you more easily reference it throughout the remainder of your training session.*

- ✓ Universal Declaration of Human Rights

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- ✓ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment

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- ✓ Convention Relating to the Status of Refugees

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- ✓ International Covenant on Civil and Political Rights

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- ✓ International Covenant on Economic, Social and Cultural Rights

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- ✓ Convention on the Rights of the Child

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# MODULE 4 EXERCISE



## International Law Match-Up List of Rights Violations and Discrimination Experienced by People with Diverse SOGIESC

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- Murder
- Public shaming and negative stereotypes
- Harassment and Abuse
- Public Outing
- Hate crimes
- Torture, including rape
- Criminalization
- Limited or no access to police protection or assistance
- Limited or no access to mechanisms for reporting human rights violations and accessing justice
- Arbitrary arrest and detention, and heightened abuse in detention or prison
- Denial of the right to a fair trial
- Denial of or limited access to health care, education, housing and social services
- Discrimination in hiring and summary dismissal from employment
- Bullying in school or the workplace
- Targeting through social media and GPS-enabled applications
- Family violence, including abuse, forced marriages, honour killings and incest
- Corrective rape and marital
- Blackmail and extortion
- Refoulement
- Forced medical treatment
- Attacks on advocates and organizations
- Suppression of the right to free speech
- Denial of the right to live openly
- Denial of the right to live together (family unity)
- Denial of the right to marry
- Limited rights to adoption, surrogacy and custody

# MODULE 4 EXERCISE



## Bonus Exercise – Rights Violations

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Fill in the right that has been violated in the blank space provided. The choices are listed on the next page.

1. **Murder** violates the right to:

\_\_\_\_\_.

2. **Public shaming and negative stereotypes** violate the right to:

\_\_\_\_\_.

3. **Harassment and abuse** violate the right to:

\_\_\_\_\_.

4. **Outing** violates the right to:

\_\_\_\_\_.

5. **Hate crimes** violate the right to:

\_\_\_\_\_.

6. **Torture, including rape**, violates the right to:

\_\_\_\_\_.

7. **Criminalization** violates the right to:

\_\_\_\_\_.

8. **Denial of the right to police protection** violates the right to:

\_\_\_\_\_.

9. **Denial of the right to reporting and justice mechanisms** violates the right to:

\_\_\_\_\_.

10. **Arbitrary arrest and detention** violate the right to:

\_\_\_\_\_.

11. **Heightened abuse in detention or prison** violates the right to:

\_\_\_\_\_.

12. **Denial of the right to a fair trial** violates the right to:

\_\_\_\_\_.

13. **Denial of or limited access to health care, education, housing and social services** violates the right to:

\_\_\_\_\_.

14. **Discrimination in hiring and summary dismissal from employment** violates the right to:  
\_\_\_\_\_.
15. **Bullying in schools or within the workplace** violates the right to:  
\_\_\_\_\_.
16. **Targeting through social media and GPS-enabled applications** violates the right to:  
\_\_\_\_\_.
17. **Family violence, including abuse, forced marriages, honour killings and incest** violates the right to:  
\_\_\_\_\_.
18. **Corrective rape and marital rape** violate the right to:  
\_\_\_\_\_.
19. **Blackmail and extortion** violate the right to:  
\_\_\_\_\_.
20. **Refoulement** violates the right to:  
\_\_\_\_\_.
21. **Forced medical treatment** violates the right to:  
\_\_\_\_\_.
22. **Attacks on advocates and organizations** violate the right to:  
\_\_\_\_\_.
23. **Suppression of the right to free speech** violates the right to:  
\_\_\_\_\_.
24. **Denial of the right to live openly** as a person with diverse sexual orientation, gender identity, gender expression or sex characteristics violates the right to:  
\_\_\_\_\_.
25. **Denial of the right to live together** as a same-gender couple violates the right to:  
\_\_\_\_\_.
26. **Denial of the right to marry** a person of the same gender violates the right to:  
\_\_\_\_\_.
27. **Limited rights to adoption, surrogacy and custody** violates the right to:  
\_\_\_\_\_.



# MODULE 4 GUIDANCE



## The Yogyakarta Principles plus 10

According to the Yogyakarta Principles, all people with diverse SOGIESC have the right, under existing international human rights law, to:

1. Universal enjoyment of human rights
2. Equality and non-discrimination
3. Recognition before the law
4. Life
5. Security of the person
6. Privacy
7. Freedom from arbitrary deprivation of liberty
8. A fair trial
9. Treatment with humanity while in detention
10. Freedom from torture and cruel, inhuman and/or degrading treatment or punishment
11. Protection from all forms of exploitation, sale and trafficking of human beings
12. Work
13. Social security and other social protection measures
14. An adequate standard of living
15. Adequate housing
16. Education
17. The highest attainable standard of health
18. Protection from medical abuses
19. Freedom of opinion and expression
20. Freedom of peaceful assembly and association
21. Freedom of thought, conscience and religion
22. Freedom of movement
23. Seek asylum
24. Found a family
25. Participate in public life
26. Participate in cultural life
27. Promote human rights
28. Effective remedies and redress
29. Accountability (from those who are directly or indirectly responsible for violating rights)
30. State protection
31. Legal protection
32. Bodily and mental integrity
33. Freedom from criminalization and sanction
34. Protection from poverty
35. Sanitation
36. Enjoyment of human rights in relation to information and communication technologies
37. Truth
38. Practise, protect, preserve and revive cultural diversity

# MODULE 4 GUIDANCE



## The Yogyakarta Principles plus 10

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*Source: <http://www.yogyakartaprinciples.org/principles-en/yp10/>*

In 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights that affirm binding international legal standards, with which all States must comply. In 2017, nine additional principles and 11 additional State obligations were added. These additional principles and State obligations cover rights whose articulation has emerged due to developments in international human rights laws and evolving understandings of the human rights violations people with diverse SOGIESC face. The additional principles and State obligations also recognize that often distinct violations affect persons on grounds of “gender expression” and “sex characteristics”. Together, the Yogyakarta Principles and the Yogyakarta Principles plus 10 address a broad range of international human rights standards and their application to issues of sexual orientation, gender identity, gender expression and sex characteristics. This overview provides a short outline of just a few of the key Principles and some examples of their application.

### **Preamble:**

The Preamble acknowledges human rights violations based on sexual orientation, gender identity and expression, and sex characteristics. It establishes the relevant legal framework and provides key definitions.

### **Rights to Universal Enjoyment of Human Rights, Non-Discrimination and Recognition before the Law:**

Principles 1 to 3 set out the principles of the universality of human rights and their application to all people without discrimination, as well as the right of all people to recognition before the law. Principles 30, 31 and 37 affirm that everyone, regardless of their SOGIESC, has the right to State protection from violence, discrimination and other harm, and to know the truth about the facts and reasons why the violation occurred. Furthermore, everyone has the right to legal recognition of their SOGIESC, including the right to obtain and changed gendered information in identity documents.

**Example:** Laws criminalising homosexuality and barring individuals from changing gendered information on identity documents violate the right to non-discrimination (decision of the UN Human Rights Committee).

### **Rights to Human and Personal Security:**

Principles 4 to 11, 32 and 33 address fundamental rights to life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.

**Example:** The death penalty continues to be applied for consensual adult sexual activity between people of the same sex, despite UN resolutions emphasizing that the death penalty may not be imposed for “sexual relations between consenting adults”. Eleven men were arrested in a gay bar and held in custody for over a year. The UN Working Group on Arbitrary Detention concluded that the men were detained in violation of international law, noting with concern that “one of the prisoners died as a result of his arbitrary detention”.

### Rights to Bodily and Mental Integrity:

Principle 32 emphasizes that everyone has the right to bodily and mental integrity, autonomy and self-determination irrespective of their SOGIESC. This includes the right to be free from torture and cruel, inhuman and degrading treatment or punishment on the basis of SOGIESC. Unless necessary to avoid serious and irreparable harm, no one shall be subjected to invasive or irreversible medical procedures to modify sex characteristics without their free, prior and informed consent.

*Example:* Children and adults must be protected from being forced to undergo medical procedures to modify their sex characteristics without consent (2015 statement of the UN High Commissioner for Human Rights).

Practices forcing children and adults to undergo “conversion therapy” to alter their SOGIESC violate the rights to non-discrimination, health, protection from torture and ill-treatment, freedom of conscience, religion and freedom of expression, as well as the rights of the child ([2020 Report](#) to the 44th session of the Human Rights Council by the UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity).

### Economic, Social and Cultural Rights:

Principles 12 to 18, 34 and 36 set out the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, social security, education, health and the use of information and communication technologies.

*Examples:* Lesbian and transgender women are at increased risk of discrimination, homelessness and violence (report of UN Special Rapporteur on adequate housing). Girls displaying same-gender affection face expulsion from educational institutions (report of UN Special Rapporteur on the right to education). The UN High Commissioner for Human Rights has expressed concern about laws that “prohibit gender reassignment surgery for transsexuals or require intersex persons to undergo such surgery against their will”.

### Rights to Expression, Opinion and Association:

Principles 19 to 21 emphasise the importance of the freedom to express oneself and one’s identity without State interference, including the rights to participate peaceably in public assemblies and events and to associate in community with others.

*Example:* A peaceful gathering to promote equality on the grounds of sexual orientation and gender identity was banned by authorities, and participants were harassed by police and extremist nationalists shouting slogans such as “Let’s get the fags” and “We’ll do to you what Hitler did with Jews” (report of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance).

### Rights of Participation in Cultural and Family Life:

Principles 24 to 26 address the rights of people to participate in family life, public affairs and the cultural life of their community, without discrimination based on sexual orientation and gender identity. Principle 38 addresses the right to practise, protect, preserve and revive cultural diversity associated with SOGIESC.

*Example:* States have an obligation not to discriminate between different-gender and same-gender relationships when allocating partnership benefits such as survivors’ pensions (decision of the UN Human Rights Committee).

# MODULE 4 GUIDANCE



## Select Regional Human Rights Positions on Protection from Violence and Discrimination Based on SOGIESC

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The following are select regional human rights positions on the protection of people from violence and discrimination based on their sexual orientation, gender identity, gender expression and sex characteristics.

### Africa

The **African Commission on Human and People's Rights** specifically condemns systematic attacks by State and non-State actors against people on the basis of their imputed or real sexual orientation or gender identity, and calls on States Parties to end all violence and abuse targeting persons on this basis. See "Article 2, Resolution 275: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity": [ACHPR/Res.275\(LV\)2014](#), May 12, 2014.

According to a **joint 2016 report from the African Commission, the Inter-American Human Rights Commission and the UN**, relations between consenting adults of the same sex and people with diverse gender identities and expressions are not [historically] alien to traditional African societies, and there is no doubt that African lesbian, gay, bisexual, transgender and intersex persons also exist today in Africa:

*"The question is not whether 'homosexuality' or being transgender or intersex, as such, is accepted by the majority, but rather whether tolerance for and acceptance of diversity and of minorities has value in a particular society. Clearly, in multi-lingual, multiethnic and multi-religious States, which predominate in Africa, the tolerant accommodation of divergence and of minorities and the protection of their fundamental rights should be of paramount importance to the African Commission and State parties to the Charter."*

See "[Ending Violence and Other Human Rights Violations based on Sexual Orientation and Gender Identity: A Joint Dialogue of the African Commission on Human and People's Rights, the Inter-American Human Rights Commission and United Nations](#)". The African Commission on Human and People's Rights, 2016.

### The Americas

In 2014, the **Inter-American Commission on Human Rights (IACHR)** established the [Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons \(LGBTI\)](#) of the Inter-American Commission on Human Rights to strengthen and reinforce its work in protecting, promoting and monitoring the human rights of lesbian, gay, bisexual, trans and intersex people.

### Europe

[Article 21](#) of the **European Union Charter of Fundamental Rights** explicitly prohibits discrimination based on sexual orientation.

The [European Convention on Human Rights](#) provides the major source of international protection of LGBT rights within the European Union (EU). See in particular **ECHR Article 4**.

Though the international treaty itself does not include direct reference to sexual orientation, the case-law adopted by the [European Court of Human Rights](#) and the Court of Justice of the European Union states that discrimination on the grounds of sexual orientation or gender identity is prohibited and must be abolished. According to the [EU Employment Framework Directive \(2000/78\)](#), EU law protects people against discrimination on the basis of sexual orientation, age, disability, religion and belief. However, there is not yet an explicit EU prohibition against discrimination on the grounds of a person's gender identity or gender expression.



# MODULE 5

## INCLUSIVE COMMUNICATION

# Gabriela's Story

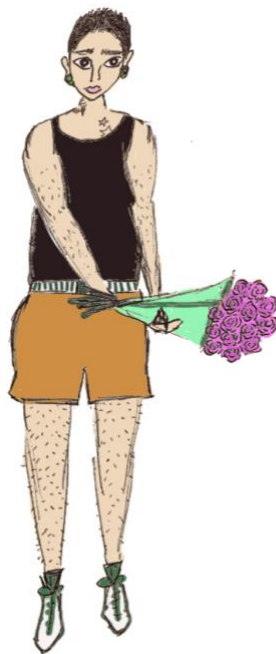
"I walked 25 days to arrive in Ecuador. The journey was very difficult. I slept on the road many times. I faced discrimination because of my sexual orientation and sometimes didn't get the help that I needed for the same reason."

Gabriela left Venezuela in search of better jobs opportunities. During her journey, she was often attacked and insulted.

"All that I knew is that I wanted to arrive in Ecuador, find a job and send money to my mother in Venezuela," she recalls.

"One day on my journey I was starving, I thought I was going to die, and a Colombian woman gave me something to eat. I will never forget that."

In Ecuador, IOM and partners provide support to help the LGBTIQ+ populations from Venezuela integrate into Ecuadorian society.



# MODULE 5 GUIDANCE



## A Focus on the Term: “Inclusive”

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The core focus of this module is on communication that is “inclusive”. We have spent a great deal of time during the training session so far on defining key SOGIESC terms. However, we have not yet taken the time to define some of the more basic terms we are using throughout the training session. For instance, do we know what the term “inclusive” means?

Inclusive can be defined as:

*Aiming to provide equal access to opportunities and resources for people who might otherwise be excluded or marginalized, such as people with disabilities or belonging to marginalized groups.*

In the context of our work, inclusive communication might encompass some of the following:

- ✓ Acknowledging that our language can alienate or exclude people if it narrowly refers to some groups or individuals, but not to others;
- ✓ Recognizing that language can be powerful, and that individuals working for our organizations might use language to exert their power over others, including those we assist;
- ✓ Also recognizing that language can harm individuals in some instances – for instance, if it is derogatory or reveals confidential personal information;
- ✓ Taking steps to address these exclusions and power differentials in a mindful and meaningful way by learning how to improve our communication to the benefit of others;
- ✓ Learning new communication skills, terms and approaches, including some that may be unfamiliar or uncomfortable to us (for instance, using unfamiliar pronouns);
- ✓ Addressing others in the ways in which they wish to be addressed, regardless of our personal feelings about the language they wish us to use;
- ✓ And continually seeking out more information about how our communication can be more inclusive, including from those who may have been excluded, marginalized or alienated in the past.
- ✓ What does inclusive communication look like to you in the context of your work, and what feelings or questions does the term evoke for you?



# MODULE 5 EXERCISE



## Mock scripts

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### SCRIPT ONE

*Listen while we read the following script of a meeting between a staff member and a 25-year-old individual named Reem. Reem has come to receive a status update on her application for a livelihoods programme. Highlight points where the staff member could have phrased the question better or has asked an inappropriate question. Note why you feel this way for the group discussion.*

**Staff Member:** Hello. How can I help you today?

**Reem:** Hello. I am here to talk to you about my situation. I am waiting to see if I am eligible for the livelihoods programme. It's taking a very long time to find out.

**Staff Member** (*not looking at Reem and distracted by the computer*): Can you give me your application number?

**Reem:** It is 560135.

**Staff Member:** Thank you. I see that we are still waiting for a place in the programme to open for you. There is a very long queue so we don't know how long it will take. We hope we will have an update soon.

**Reem:** That's what you told me last time I came. That was a month ago. I don't know how much longer I can wait. I am really in danger in my home and need to make my own income so I can live on my own. I am actually desperate to know how soon I might be able to leave the place I'm living.

**Staff Member:** (*still focused on the computer*): Hmm... well, I really can't say. I'm sorry I can't help you more. You can come back in a month to ask again.

**Reem:** Maybe if I told you more about my situation you could do something to help me.

**Staff Member:** Just a minute, I need to answer an email. (*Long pause while staff member types.*) Okay. What is it?

**Reem:** I want to tell you about my situation here. I really need help. I feel that I'm in danger.

**Staff Member:** (*sighing deeply*) Why are you in danger?

**Reem:** It's my parents. I am living with them here. I have to live with them – I can't work, and I'm a single female. But the problem is –

**Staff Member:** If you feel like your family is in danger here, you can speak to someone in the protection unit. This is the livelihoods programme, you know.

**Reem:** I don't want to go to anyone else because I'm afraid my father will find out I'm talking to you. I'm the only one who put in an application for the livelihoods programme, that's why I'm coming to you.

**Staff Member:** Okay. Go on.

**Reem:** My family has been threatening me. I'm scared to stay with them, but I don't have any choice.

**Staff Member:** Why are they threatening you?

**Reem:** They found out that I am in a relationship and they don't approve. I'm scared of what they might do to me.

**Staff Member:** Why do they have a problem with the relationship?

**Reem:** Because it is with a woman. Another woman.

**Staff Member:** *(makes noise of distaste)* Wow! Okay.... So you like to go with women then?

**Reem:** *(hesitates)* ... Well, yes.

**Staff Member:** *(leans back and crosses arms)* I'm sorry for my reaction, but I've never encountered someone like you in real life before. Honestly, I would have never expected it by looking at you, you look like a normal girl.

**Reem:** My partner is also in danger because her family has found out. Her brother saw us out one night and he told her family and mine. He had heard things and he followed us. Now everyone knows and we're being threatened.

**Staff Member:** Were you a lesbian before you moved here?

**Reem:** Yes, but I don't call myself a lesbian.

**Staff Member:** Hmm. Maybe you can talk to your family and see if they will calm down if you end the relationship? Or perhaps you can convince them what they saw is not true?

**Reem:** That won't work. They are very angry.

**Staff Member:** I'm not sure what I can do to help, then.

**Reem:** I would like you to expedite my application so I can begin working quickly. I can then make enough money to live on my own and support the woman I am in a relationship with. Please let me speak to someone who can help.

**Staff Member:** Would you feel comfortable if I went to speak to my supervisor to see if we can talk to someone in our protection unit for you? That way you don't have to speak to them alone.

**Reem:** That is fine. Thank you.

**Staff Member:** I will also ask her what we can do for you. Please wait here.

# MODULE 5 EXERCISE



## Mock scripts

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### SCRIPT TWO

*Listen while we read the following script of a meeting between a staff member and a 28-year-old individual named Neel. Neel has come to discuss a problem he is having at the centre where he is staying. The centre is run by a government partner. The staff member meets Neel in the waiting area to see what he would like to discuss. Highlight points where the staff member could have phrased the question better or has asked an inappropriate question. Note why you feel this way for the group discussion.*

**Staff Member:** Hello. How can I help you today?

**Neel:** Hello. I want to talk to you about a problem I'm having at the place where I'm staying. They said to come to you for help.

**Staff Member:** Okay, what is your name?

**Neel:** Please call me Neel.

**Staff Member:** What is the problem?

**Neel:** May we talk in private?

**Staff Member:** Just tell me what you want to talk about. No one is listening.

**Neel:** I'm having a problem at the centre where I'm staying. I need to be moved but they tell me it's not possible and that the problem is me. I've been put in the wrong dormitory and people are beginning to talk. I told them –

**Staff Member:** What do you mean by "put in the wrong dormitory"?

**Neel:** I'm in the women's dormitory, but I should be with the men.

**Staff Member:** (with a look of surprise) They put you in the women's dormitory?!

**Neel:** Yes, that is where I was assigned based on the information you gave them.

**Staff Member:** There must be some mistake. Let's go inside where we can talk in private.

**Neel:** Thank you.

**Staff Member:** Let me check your records. Can you please give me your ID? (*Neel gives the staff member his ID card.*) Why does your ID say you're female? And it says your name is Neelim? Is this also a mistake?

**Neel:** Yes, my ID says I'm female, but I'm a transgender man. I haven't been able to change my ID card.

**Staff Member:** *(laughing nervously and starting at Neel)* So, you dress up like a man but you're really a woman?

**Neel:** When I registered with you, they wrote down in my file that I identify as a man. They said you would respect it and use my name and pronouns.

**Staff Member:** Okay, well, about the centre, you're listed here as a woman and your ID card says you're a woman. That's probably why they placed you in the women's dormitory.

**Neel:** I told the person here who did my registration that I have transitioned to male. I thought they would share that with the centre and I would be able to stay in the men's dormitory. It is very uncomfortable there. I don't look like a woman, and I think some of the women are scared. Soon the men will find out and wonder what is going on.

**Staff Member:** I can see that, Neelim – you really do look like a man.

**Neel:** I told the person who registered me to please make sure this did not happen.

**Staff Member:** I understand this situation is very difficult for you. I'm sorry that you had to go through this.

**Neel:** Thank you.

**Staff Member:** You would feel comfortable in the male dormitory at the centre, then?

**Neel:** Yes, I would prefer it. I would also like to use the male toilets.

**Staff Member:** Don't you think the men will feel uncomfortable with you in their toilets?

**Neel:** I don't know.

**Staff Member:** Please let me check with my supervisor to see what we can do for you. Can you go back to the centre and we will contact them later?

**Neel:** I will wait here until you decide how to help me.

**Staff Member:** Okay, please go back to the waiting area.

**Neel:** Okay. Thank you.

# MODULE 5 EXERCISE



## Common Scenarios

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Read your assigned scenario and then determine with your team how you would handle the situation. Discuss how your response might differ depending on your role within the organization.

### SCENARIO ONE

An adolescent comes to you alone. They say they identify as non-binary, use they/them pronouns, and want advice. They are having a difficult time keeping their diverse gender identity hidden. They are worried if they tell their parents they will not be supportive and may not want them to live at home. They tell you they are bullied at school because their classmates perceive them as gender non-conforming. They have only told their best friend, and you.

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### SCENARIO TWO

A man storms into your office and informs you he has discovered his 20-year-old son is having a relationship with a man. He says he wishes to send his son back to their country in order to have their extended relatives arrange for him to get married to a woman. He believes this will cure his son of homosexuality and ensure the family's honour and reputation remains protected. You are concerned that he will, or has already, become violent against his son.

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### Scenario Three

A 30-year-old woman approaches you. She says she is depressed because she is repatriating with her family and her partner is remaining behind with her family. She is concerned they will be separated permanently. She says she cannot tell her family she has a female partner, and that she is financially and physically dependent on them due to her disability. However, she prefers to separate from her family, if necessary, in order to be with her partner. She says she has recently considered suicide because she is so distraught about the situation.

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# MODULE 5 EXERCISE



## Paired Role-Play One

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### INDIVIDUAL: AYO

*Name, sex and age on government-issued ID card:*

- Ayokunle, male, age 27.

*Name, gender, pronoun and title:*

- Ayo, female, she, Ms.

*Current gender expression and transition details:*

- Female. She has a female gender expression and would like to change her legal documents to list her sex as female.

*Married? Partner?*

- Has a partner who is male.

*Confidentiality:*

- Consents to tell staff members within the organization and any relevant service providers.
- Does not want the information mentioned in front of her family. They are aware of her situation and partner but get angry when it is discussed. They do not know she is sharing the information with others.

*Informed organization during previous interactions?*

- No.

*Situation details:*

- At birth, Ayo's parents and the doctors assigned her the sex of male based on her physical appearance. This was documented on her ID card. As a young adult, she does not feel her gender is male, nor does she have a body that is aligned with what is typically associated with people assigned the sex of male.
- Ayo lives with her family in an area with many other people from outside the country.
- Their home is crowded due to numerous family members staying with them.
- Ayo is forced to sleep on the floor near the door. Family members often step on her during the night on their way to use the toilet. For this reason, she sleeps very poorly and feels her health is suffering.
- Family members are aware she has a male partner. They routinely harass her to end the relationship.
- Ayo feels the tension with her family has reached a breaking point, where she must either end the relationship or leave their home.

*Requests:*

- To know how she and her partner can be together, either now or in the future.

- To know if she can move away from her family members. Ayo believes her family will be less angry with her if she is able to move out and claim independence. They often tell her she is a curse on their home.
- Would like to know more about life for people like her in other places.
- Would like to know if there are any community organizations that can support her.
- Wishes to have her official documentation legally changed to her name and gender.
- Wants to make sure no one will tell her family she talked about her situation in public.



# MODULE 5 EXERCISE



## Paired Role-Play Two

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### INDIVIDUAL: EDUARDO

*Name and age on government-issued ID Card:*

- Eduardo, age 34.

*Married? Partner?*

- No.

*Confidentiality:*

- Consents to tell staff members within the organization and any relevant service providers.
- Does not want his sexual orientation mentioned in front of anyone in his family, should they inquire about him through the organization.
- Eduardo's current address should also not be shared with his family members.

*Informed organization during previous interactions?*

- Yes. Eduardo says he mentioned his sexual orientation to the first person he met in the organization. He said he had relationships with men in the past and that his family reacted negatively when they found out.
- Eduardo says the staff member did not respond respectfully. He said the person was visibly uncomfortable and told him that was private information he did not need to share.
- After this interaction, Eduardo felt he could not ask for assistance from the organization. He later heard from another individual that you could share the information with the organization in order to receive referrals for specialized services, so he decided to try again.

*Living circumstances:*

- Due to discrimination from his family members and community members, Eduardo left the large concentration of people from his country of origin who are living on the border and moved to an urban area.
- When he moved to the urban area, Eduardo left his family behind. He currently does not speak to most of his family members. He is in contact with one sister only.
- Despite having broken ties with his family, Eduardo says he receives harassing phone calls from them regularly. He recently received a call from a brother-in-law, who made physical threats against him.
- Eduardo is concerned about family violence if they discover where he is living.
- Because he is living in an urban location, Eduardo has lost access to the community services in the border region, such as free clinics and food assistance.
- When Eduardo moved to the city, he found a small community of people with diverse sexual orientation.

- He has been moving from house to house, staying with various people he met through the community, while he seeks income and a more stable residence.
- Eduardo says the police in the areas he has been living in routinely harass people with diverse SOGIESC.
- Eduardo is depressed because he feels isolated and lacks a consistent support system in the urban environment. He sometimes does not know how he will eat or where he will sleep.

*Requests:*

- Eduardo would like assistance with housing, food and health care. He has a persistent chest infection that he feels has been exacerbated by the cold weather and a lack of consistent shelter and food.
- He would also like help finding work so he can support himself.
- He says there are others in the community who need assistance and wants to know who can help.



# MODULE 5 GUIDANCE

## Six Overarching Communication Goals and Three Actions for Inclusive Communication



### Six Overarching Communication Goals

The following six overarching communication goals are the **basic tenets** upon which our work rests. They should guide all of our communication with others.

#### In our work, we **strive to**:

- Enter each interaction from a place of empathy and understanding;
- Establish trusting relationships with individuals;
- Listen openly, without criticism or judgment;
- Avoid replicating the negative and unsupportive attitudes and behaviors that individuals may have experienced elsewhere;
- Counteract the exclusion, discrimination and stigma that is prevalent in society or other assisting organizations;
- Offer timely responses and concrete assistance.

### Three Actions for Inclusive Communication

#### These three simple **actions** will help ensure your communication is inclusive:

1. Assume **anyone** you meet could have a diverse SOGIESC and communicate accordingly. This means writing and speaking with gender-neutral language, not assuming someone is heterosexual, not assuming someone's gender identity or pronouns, and ensuring you share inclusive resources with everyone who walks through your door.
2. When someone shares their diverse SOGIESC with you, **thank them** for sharing the information and ensure your **body language** and tone are neutral or positive.
3. After someone shares their diverse SOGIESC with you, ask simple, respectful **questions** to gather the information that is necessary to take next steps.

# MODULE 5 GUIDANCE



## Best Practices for Conversations

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The following are the best practices we learned in the Mock Scripts exercise. These tips will help you to improve all of your conversations with people with diverse SOGIESC, and are especially helpful when individuals disclose their SOGIESC to you or request your assistance.

- When possible, find a quiet, **private** space in which to speak.
- When someone is sharing information with you, **listen** patiently. Do not interrupt. Nod and maintain eye contact, if culturally appropriate. **Follow** them, rather than leading the conversation.
- When the person is done speaking, **acknowledge** you have heard them. You can do this by nodding and making affirming statements, such as “I hear that you’ve been through a difficult time” or “That must have been very hard for you”.
- If someone **discloses** their SOGIESC to you for the first time, you can respond by saying “Thank you for sharing this with me”.
- **Repeat** what they have told you to ensure you have heard them correctly, and ask for clarification if needed, saying “What I hear you saying is...”, “Let me ensure I understand you. You are saying...” or “Can you explain further?” Note: Use discretion and be gentle. Asking someone to repeat a difficult or painful story may further traumatize them. If someone does not want to repeat the information, do not force them to do so.
- Use the **identifying terminology** the individual uses, even if it is not common or considered “correct” in your social circle. All individuals have the right to determine their own identity labels or to use none at all. If you are not sure what a term means or how an individual is using it, ask “what does that term mean to you?”
- Do not **impose terms** on an individual. For instance, not all women with same-gender partners use lesbian or queer. You should ask someone if they use a particular term after they share their diverse SOGIESC.
- Avoid **derogatory terms**. If an individual uses a derogatory term to describe themselves, ask them what it means to them and if they use any other terms. You can then write an explanatory note wherever you record the information.
- Do not promise any **action** you are not sure you can fulfill.
- Do not promise **confidentiality** if the person needs assistance that requires you to share their SOGIESC with others. Instead, explain to them who you would share the information with, and ask for consent.

## Pronouns

Transgender, non-binary and gender non-conforming people, like everyone else, want to be addressed with the correct pronoun, as well as name, gender and title.

Although it is often assumed that transgender women use “she/her/hers”, transgender men use “he/him/his” and non-binary people use “they/theirs”, if you do not know what pronouns someone uses and they have shared with you that they have a diverse gender identity or expression, it is best to politely ask. You may ask

as part of a form or verbally, depending on the circumstances. The key to asking for this information is that it must be done in a safe and confidential manner, in a way that does not put the individual at risk of exposure or harm. In contexts where the language being spoken does not have pronouns but uses gendered terms of respect, such as little sister or little brother, ask how the person would like to be referred to.

Common gender-neutral pronouns in English are they, them and their. For example, “Someone left *their* bag on the train. I hope *they* remembered to take *their* wallet with *them*.” It can be helpful to practise using gender-neutral pronouns by creating sample sentences or using a web-based tool such as <https://www.practicewithpronouns.com>.

# MODULE 5 GUIDANCE



## Suggested Questions Following Disclosure with Diverse SOGIESC

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The following are questions you might ask someone after they share their diverse SOGIESC with you. Remember that the sole purpose of asking questions is to gather information necessary to better assist the individual. To help you remember the guidelines for asking questions, think of the acronym STAR. The questions you ask should be:

**Simple:** Questions should be simple, straightforward and easy to understand.

**Timely:** Questions should be relevant to the assistance the individual needs now. There should be a clear reason for asking the question.

**Appropriate:** Questions should be appropriate for that individual. For instance, do not ask questions about gender identity if the person has explained to you that they need assistance related to their sexual orientation.

**Respectful:** Questions should be asked in a respectful manner using respectful, affirming and supportive language.

## Questions for People with Diverse Sexual Orientation or Sex Characteristics

### 1. How can I be of assistance today?

The first thing you should ask is how you can help them. Typically, individuals will want to report a security incident, voice a protection need or ask for support services. Examples of support services are sensitive health care, safe housing, assistance seeking respectful employment, referral to a community services organization or assistance speaking to a resettlement country about sensitive resettlement.

### 2. May I record information about your [sexual orientation or sex characteristics] in [file, database, etc.]?

Ask this question if it will be necessary for you to record any information about the individual's sexual orientation or sex characteristics in a file or database.

### 3. May I share information about your [sexual orientation or sex characteristics] with [person, entity, etc.]?

Ask this question if it will be necessary to share the information with others inside or outside of your office. For instance, with colleagues in another programme or with an operating partner.

### 4. Do your family members know about your [sexual orientation or sex characteristics]? If so, may we discuss it in front of them?

If a person approaches your office with their family members, it is critical to know who is privy to this information so you do not break confidentiality.

**5. Did you discuss your [sexual orientation or sex characteristics] at the time of your interview? [If the individual is going through the UNHCR Refugee Status Determination (RSD) or resettlement referral process, or has had a resettlement-related interview]**

*This question is important in the context of RSD and resettlement because if the individual did not share this information during a previous interview, you may wish to speak with that interviewer so their documents can be updated. In some instances, the individual may need to sit for the interview again, if they are willing to do so.*

**6. Do you have a partner or spouse who needs assistance?**

This question is particularly relevant in the context of housing and movement, as you will want to ensure same-gender partners are not separated. Recall that all individuals may be married to different- or same-gender partners. Note that in some instances, an individual with diverse sexual orientation may have both a spouse and a partner who needs assistance.

## Questions for People with Diverse Gender Identity

**1. What gender, name, pronoun and title would you like us to use?**

***Explain:***

- We will note your gender, name, pronoun and title in our records.
- For legal reasons, your sex and name that is listed on your official documents will be used on our forms as your primary information. This is required by the organization and we apologize for the discomfort this might cause.

**2. How can I be of assistance today?**

The first thing you should ask after discussing gender, name, pronouns and title is how you can help them. Again, typically, individuals will want to report a security incident, voice a protection need or ask for support services. Examples of support services are sensitive health care, safe housing, assistance seeking respectful employment, referral to a community services organization or assistance speaking to a resettlement country about sensitive resettlement.

**3. May I record information about your [gender identity] in [file, database, etc.]?**

Ask this question if it will be necessary for you to record any information about the individual's gender identity in a file or database.

**4. May I share information about your [gender identity] with [person, entity, etc.]?**

Ask this question if it will be necessary to share the information with others inside or outside of your office. For instance, with colleagues in another programme or with an operating partner.



**5. Do your family members know about your [gender identity] ? If so, may we discuss it in front of them?**

If an individual approaches your office with other family members, it is critical to know who is privy to this information, so you do not break confidentiality.

**6. Did you discuss your gender identity at the time of your interview? [If the individual is going through the UNHCR RSD or resettlement referral process, or has had a resettlement-related interview]**

*This question is important in the context of RSD and resettlement because, if the individual did not share this information during a previous interview, you may wish to speak with that interviewer so their documents can be updated. In some instances, the individual may need to sit for the interview again, if they are willing to do so.*

**7. Do you have a partner or spouse who needs assistance?**

This question is particularly relevant in the context of housing and movement, as you will want to ensure same-gender partners are not separated. Recall that all individuals may be married to different- or same-gender partners.

**8. Are you currently taking any steps to transition, such as changing your clothing, hair or makeup, taking hormones or other medication, or changing legal documents?**

The word “transition” may not be familiar to the individual with whom you are speaking. You should explain your understanding of the word. Before you ask this question, ensure there is a valid reason for it. How will understanding the individual’s transition help us assist them? Share with them the reason you are asking the question and why the information would be useful in your efforts to assist them.

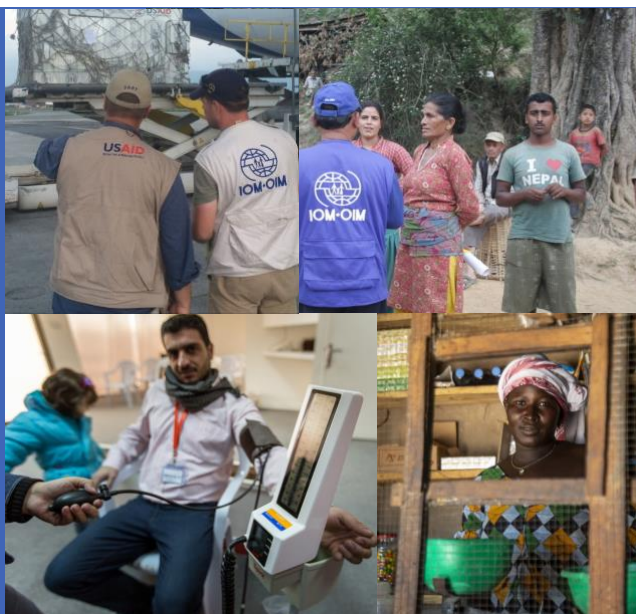
**9. Do you plan to transition in the future?**

This question would be useful if, for instance, an individual will be traveling with IOM or UNHCR assistance at some point in the future. If someone intends to transition prior to travel, we can assist them with support related to immigration and health care. If these circumstances are not relevant to the individual with whom you are speaking, it is not necessary to ask the question.

# MODULE 5 IN PRACTICE

## Positive Examples from IOM and UNHCR Offices

The following are examples of IOM and UNHCR offices using creative forms of communication to share information and resources with people with diverse SOGIESC, as well as to ensure they are treated with respect when at our facilities. Share your own good examples with your Facilitator or by sending us an email!



### CANADA – IOM

Canadian Orientation Abroad (COA) has developed content to address the needs of LGBTIQ+ refugees resettling to Canada. The information is integrated into the COA Workbook and addresses topics such as rights, travel, housing, health care, accessing services in Canada, employment and what to do when one encounters discrimination based on sexual orientation, gender identity, gender expression or sex characteristics in Canada. This curriculum is now taught in countries around the world to refugees preparing to resettle to Canada.

### IRAQ – IOM

During waves of violence against LGBTIQ+ Iraqis in 2010-2012, IOM Baghdad set up a phone hotline staffed 24/7 by LGBTIQ+ and Arabic-fluent personnel from the Middle East, with a Kurdish translator on standby. The hotline became an important tool for individuals who needed support. IOM also instituted a standard introduction for all encounters, which included language about the office being a safe space for people with diverse SOGIESC. Signs with the same information were displayed in waiting areas, classrooms and interview spaces.

### KENYA, THAILAND AND UGANDA – IOM

The Protection and Accountability to Affected Populations programme under the IOM Division of Resettlement and Movement Management produced several communication tools that are being piloted in Kenya, Thailand and Uganda ahead of global implementation. They include: a communication script with guidance on pronouns and gender expression; an interpreter's Terms of Reference, which requires

interpreters to be objective and treat all parties with courtesy, dignity and respect, and to incorporate gender-related needs, perspectives and concerns into their work and workplace; and an Interpreter Induction Guide that provides concrete guidance on how to treat everyone with respect through verbal communication, body language and actions.

## INDIA – UNHCR

To address the concerns of individuals with diverse SOGIESC about using interpreters from their own communities, UNHCR India employed creative solutions, including identifying a national of a different country with academic fluency in the needed language to interpret, and utilizing telephonic interpretation when necessary.

## NEPAL – IOM

Acknowledging that there were a number of refugees with diverse SOGIESC whose needs were not being met by IOM in the context of a large-scale resettlement programme, and acknowledging that individuals had experienced discrimination at offices in the past and were therefore reluctant to come forward, IOM issued a joint bulletin with UNHCR. It was distributed widely in the relevant refugee camps and contained information about IOM's stance on diverse SOGIESC, as well as assurances of confidentiality and support. IOM additionally:

- Instituted a standard introduction for all encounters between personnel and individuals visiting the office, which included language about the office being a safe space for people with diverse SOGIESC;
- Displayed posters and distributed informational leaflets in the office with the same information;
- Created a close-captioned video expressing support for diverse SOGIESC, which played in the waiting areas;
- Met with local representatives of Blue Diamond Society's refugee camp outreach teams to understand the concerns of refugees with diverse SOGIESC;
- Arranged several focus groups with refugees with diverse SOGIESC and Blue Diamond Society to provide an opportunity for them to share information and ideas about the ways in which IOM could improve its services.



# MODULE 6

# SAFE SPACES

# Muhab's Story

“Being gay, brown and in a religiously conservative community is a slow death sentence. As a child, I was bullied for being ‘too feminine’. I always felt weak, voiceless. Then it got worse. I had to come out to my family and they kicked me out of the house, while the government was after the LGBTIQ+ community. I was in danger. I could have had to risk my life on a dangerous journey, but I was fortunate enough to get a visa to leave my country. That was my gateway to safety. With my newfound freedom, I wanted to help others. I studied law and focused on disadvantaged LGBTIQ+ members in society. And even though my feeling of displacement remains, I know I am privileged. I am hopeful that helping others will heal my wounds from the past.”



# MODULE 6 EXERCISE



## Creating Safe Spaces

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Use this worksheet if you wish to take notes in plenary on the ideas that were formulated on the below questions.

1. How can we welcome people with diverse SOGIESC into our programmes and physical spaces in a way that:

- a. Is inclusive and accessible;
- b. Ensures confidentiality;
- c. Builds trust and encourages disclosure, if relevant;
- d. Manages their risk related to visibility?

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2. How can we create safe spaces for people with diverse SOGIESC in less permissive environments, including:

- a. Environments with enforced legal restrictions on sexual orientation and gender identity;
- b. Discriminatory government bodies;
- c. Discriminatory and/or abusive law enforcement and judicial systems;
- d. Staff members with deeply engrained discriminatory beliefs?

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3. In what ways might we take an intersectional approach to welcoming people with diverse SOGIESC into our physical spaces and programmes, ensuring we take into consideration:
- a. Age (including children and older people);
  - b. Gender (cisgender and transgender men and women, transgender and non-binary people, and other gender-diverse people, including those who are gender non-conforming);
  - c. Ability/disability;
  - d. Other diversity factors, such as ethnicity, religion, health status, marital status and family structure?

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4. What attitudinal, institutional and environmental barriers exist in our offices and programmes, and in the daily lives of those we assist? How can we address these barriers?

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# MODULE 6 EXERCISE



## Action Plan

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Use this worksheet to formulate your action plan, which you will use when you return to the office.

**1. What are the things that we need to START doing?**

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**2. What are we currently doing that we can or should STOP?**

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**3. What are we doing now that works and should CONTINUE?**

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# MODULE 6 GUIDANCE



## Creating Safer and More Inclusive Spaces

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Creating spaces that are more welcoming, inclusive, accessible and free of barriers for people with diverse SOGIESC is challenging, but critical to ensuring that every person we assist is treated with dignity.

### What Is a Safer Space?

A “**safer space**” is any space – including an online forum, virtual space, community, network, family (biological or chosen), relationship, conversation or physically defined place – which individuals can easily and safely access and where they can be themselves without facing judgment or reprisal. In the context of our offices, safer spaces are accessible and inclusive, informed, confidential, offer resources, have trained personnel, have a culture with a zero-tolerance policy for discrimination, openly discuss bias and microaggressions, display diversity and inclusion messages, have mechanisms for both personnel and the individuals they assist to report issues and make anonymous complaints, and are supportive of personnel with diverse SOGIESC.

### Inclusion and Accessibility

Ultimately, everyone has the **same** needs in life, including access to shelter, food, water, clothing, education, livelihoods, safety, security, a sense of belonging to a community and a connection to others. In relation to our work, individuals need to be respected, have their information protected and be able to access the full range of our programmes and services, which are inclusive of their circumstances. This applies to everyone we assist.

An inclusive space is one that provides equal opportunities, resources and access to individuals who are marginalized, and treats them fairly and with respect. Whether or not an individual’s needs can be met has to do with what barriers are present.

### Barriers

Drawing on the **disability inclusion model**, we know that barriers are conditions, policies or attitudes that prevent or make difficult the use and enjoyment of our services and information. They can be attitudinal, institutional or environmental.

- **Attitudinal** barriers include stigma and stereotypes that result in discriminatory actions. Examples include personnel laughing at people with diverse SOGIESC or refusing to assist them.
- **Institutional** barriers include discriminatory policies, strategies or practices. Examples are security policies which state that all individuals visiting an office must have identification that matches their gender expression, and that all individuals must be searched by someone of the same gender as listed on their identification.
- **Environmental** barriers are aspects of the physical environment that prevent usage. Examples include a lack of gender-neutral toilets, a lack of a personal computer to access information about office policies, or an office located in an area that is unsafe for people with diverse SOGIESC.

### The following is an expanded list of barriers within our work:

- Migrant, asylum-seeker, refugee and internally displaced people camps and communities, including governance committees and processes set up by displaced people to liaise with humanitarian actors
- Members of host communities
- Urban dwellings (for example, landlords and neighbors)
- Informal settlements
- Reception centres
- Aid or food distribution points
- Office entrances with security checks
- Security guards
- Drivers (especially when private transportation services are arranged)
- Receptionists and waiting areas
- Restrooms and washing facilities
- Transit housing and sanitation facilities
- Detention centres and prisons
- Judicial processes
- Health centres, screening clinics and hospitals
- Shopkeepers
- Teachers and education administrators
- Interpreters
- Asylum, refugee status determination and resettlement interviews; protection and programme eligibility interviews; and interviewers – including facial expressions, gestures and words
- Poorly trained or untrained staff
- Military, paramilitary and police checkpoints
- Relocation programmes
- Implementers of voluntary repatriation programmes
- Airports
- Immigration points and border crossings
- Registration of birth, for intersex children
- Other government registration processes
- The internal policies and practices of our organizations, which may limit our ability to create inclusive, accessible safer spaces
- Environments that are non-accommodating, like physical offices spaces that lack toilet options

## Disclosure

Welcoming individuals to share their diverse SOGIESC with us can be key to **providing effective assistance**. It can help us make informed referrals and identify the best next steps for assistance. It can also be important in helping the individual identify long-term solutions to their challenges. However, there are many reasons why individuals may not want to share their diverse SOGIESC with us. Individuals typically share their SOGIESC when they have an urgent concern, such as protection issues, health-care needs, possible removal from the country, detention or concerns about family. They may also share it when they feel reassured that the information will be treated confidentially and that personnel will act in their best interest. They may not share it if the office has a reputation for being unwelcoming, if they perceive the risk of sharing to outweigh any potential benefit, or if they are using an interpreter.

## Inclusive Workplaces

An organization that promotes inclusion of people with diverse SOGIESC must also support **personnel** with diverse SOGIESC. An inclusive workplace is one in which personnel with diverse SOGIESC can share this information, either confidentially or openly, without fear of outing, reprisal, bullying, discrimination or violence, and in which there are inclusive and supportive policies, practices and communication from leadership. In the UN, we have many challenges related to workplace inclusion, including microaggressions, bullying, harassment, discrimination in hiring, outing by human resources personnel, and personnel with diverse SOGIESC being reported to security services. All of these issues make our workplace hostile for people with diverse SOGIESC and undermine our ability to treat the individuals we assist with dignity and respect.

## What Can I Do to Make an Impact?

There are many actions you can take as an individual staff member to make a positive impact on your space. Here are some ideas to get you started:

- Be knowledgeable about the lived experiences of people with diverse SOGIESC.
- Use respectful terminology in the relevant languages spoken by the people you assist.
- Display informative, welcoming signage and provide handouts, in coordination with your office.
- Where relevant, display safe space posters and stickers. Keep in mind that not all individuals will recognize rainbows as a sign of LGBTIQ+ safe spaces. You should consult local LGBTIQ+ organizations and individuals to find out whether symbols, language (written or spoken) or another mechanism would be of most use in that location.
- Wear a Safe Space button with your name tag to let people of concern know that they can speak with you in confidence about their SOGIESC.
- Encourage your office to post information on their website.
- Distribute resources in the office, by email or other secure communication channels.
- Offer staff members of another gender when appropriate and when requested by the applicant.
- Ask people with diverse SOGIESC to provide input on the support they would find most useful.

- Ensure you have a grievance process for reporting abuse or discrimination and for onboarding beneficiary feedback.
- Engage civil society organizations and NGOs in referring LGBTIQ+ people to your organization and consulting on programmes.
- Encourage your office to give training to all personnel.
- Have a LGBTIQ+ or SOGIESC point person in the office to answer questions for other personnel.

## What Should Leadership and Management Be Doing?

Organizations can take a wide range of actions, including in less permissible environments. Here are several suggestions:

- Post notices about diversity and confidentiality in easy line of sight.
- Show welcoming videos in common waiting areas.
- Distribute informative materials in a way that does not single anyone out and ensures everyone has access to the information, such as information on national laws, how to make requests for protection, how to share complaints or concerns, and how to connect with organizations in the area that serve LGBTIQ+ people.
- Provide confidential meeting spaces.
- Hire staff members that have diverse SOGIESC, including people who are gender non-conforming.
- Assign staff members to be point persons within your office to focus on SOGIESC issues.
- Set up a confidential phone or other communications hotline for people with diverse SOGIESC.
- Make available specific hours or days for registration and other meetings with people with diverse SOGIESC outside of regular office hours, spreading information about the specific hours through partners.
- Work with civil society actors and NGOs to connect with LGBTIQ+ people of concern.
- Bring people with diverse SOGIESC into the decision-making process at your organization and ask them to provide feedback on the services you provide.
- Ensure partners and service providers have trained staff members and that their programmes are appropriate, inclusive and accessible.
- Conduct regular monitoring and evaluation of programmes to ensure ongoing inclusivity and accessibility.
- Conduct regular training and refreshers for staff.
- Ensure interpreters are well trained.
- Have clear and well-understood guidelines for working with people with diverse SOGIESC.
- Have clear and well-understood office policies that protect personnel with diverse SOGIESC.
- Train representatives of the government, security services and police forces.

# MODULE 6 IN PRACTICE


## Examples of Safe Space Materials from IOM and UNHCR Offices

**UNHCR, A DISCRIMINATION FREE ZONE**


Le HCR, un espace sans discrimination  
 ACNUR, un espacio libre de discriminación  
 УВКБ – зона, свободная от дискриминации  
 UNHCR, 无歧视区  
 UNHCR, مساحة خالية من أي تمييز






**YOU ARE SAFE HERE**





**أنت بأمان هنا**




**AT IOM**

WE ARE ALL  
**EQUAL IN**


*Dignity & Rights*

**IN THIS OFFICE, WE RESPECT  
 EVERYONE'S DIGNITY REGARDLESS OF**



RACE	RELIGION	SKIN COLOR	NATIONALITY	AGE
ANCESTRY	SEX	SEXUAL ORIENTATION	GENDER	
IDENTITY	GENDER EXPRESSION	MARITAL STATUS		
FAMILY STRUCTURE		PHYSICAL ABILITY	MENTAL ABILITY	

[www.iom.int/diversity](http://www.iom.int/diversity) | [diversity@iom.int](mailto:diversity@iom.int)









IN IOM  
LGBTIQ+

STAFF AND ALLIES

*Stand Together*

IN THIS OFFICE, WE RESPECT  
EVERYONE'S DIGNITY REGARDLESS OF

RACE	RELIGION	SKIN COLOR	NATIONALITY	AGE
ANCESTRY	SEX	SEXUAL ORIENTATION	GENDER	
IDENTITY	GENDER EXPRESSION	MARITAL STATUS		
FAMILY STRUCTURE	PHYSICAL ABILITY	MENTAL ABILITY		

WWW.IOM.INT/DIVERSITY | DIVERSITY@IOM.INT



# LGBTIQ+ SAFE SPACE

SAFE SPACE WORKPLACE

OUR OFFICE IS A SAFE SPACE FOR EVERYONE

Including people who are lesbian, gay, bisexual, transgender, intersex, and/or cissex (LGBTIQ+) and people who have diverse sexual orientations, gender identities, gender expressions and/or sex characteristics and identify using other terms.

To learn more visit: [lgbti.iom.int](http://lgbti.iom.int)



# MODULE 6 IN PRACTICE

## Positive Examples from IOM and UNHCR Offices

The following are positive examples of IOM and UNHCR offices creating safe spaces for people with diverse SOGIESC. Share your own good examples with your Facilitator or by sending us an email!



### AMERICAS – UNHCR

UNHCR in the Americas established and is maintaining a regional LGBTIQ+ protection network for LGBTIQ+ refugees, asylum-seekers and migrants in nine countries across South, Central and North America. It includes 152 targeted LGBTIQ+ support spaces along key migration routes in Colombia, Ecuador, Peru, Brazil and Chile.

### BELGIUM – IOM

*IOM's EqualCity project* aims to improve existing urban services for survivors of gender-based violence. Under the EqualCity Project, RainbowHouse Brussels, in partnership with IOM Belgium, is producing a toolkit that will advise frontline workers in European cities how to create safe(r) spaces for LGBTIQ+ migrants. The toolkit includes training on how to create safe spaces using an intersectional approach.

### CHAD – IOM

IOM in Chad was the first UN agency to undergo full LGBTIQ+ training for its programme, operations and emergency staff members, in an effort to create a safer space for individuals assisted by the office.

### ECUADOR – IOM

IOM Ecuador created a safe space video in Spanish to complement existing safe space signage and written material. The video played in the waiting area and expressed that IOM Ecuador was a safe space for people with diverse SOGIESC, as well as providing guidance on speaking to IOM staff safely and confidentially.

## INSTITUTIONAL – IOM

IOM has a wide range of visual diversity and safe space materials, including posters, buttons, stickers, bookmarks, computer wallpapers, video call backgrounds and social media frames. The materials are available in French, English and Spanish and are suitable for printing in offices or by professional printers. They are available on the IOM intranet page “Diversity and Inclusion in IOM Programming” under “Visual Materials”. IOM also has a Global LGBTIQ+/SOGIESC Focal Point for Programming and a number of LGBTIQ+ Focal Points at the regional and country-levels.

## KENYA – IOM and UNHCR

Offices in Kenya have held regular coordination meetings with UN agencies, international and national NGOs, and embassy representatives to share information and strengthen protection of LGBTIQ+ people of concern.

## LEBANON – UNHCR

Staff based in rural Lebanon developed a successful approach for ensuring that their office is a safe space for LGBTIQ+ people, particularly during the identification and registration process. To design this system, they worked jointly with displaced LGBTIQ+ people, local support groups where possible, UNHCR reception, registration and protection staff, and third-party security contractors responsible for managing the registration queue and conducting searches at entrances to offices. Through the UNHCR Communicating with Communities platform, a code word was identified that LGBTIQ+ individuals could use to discreetly signal to security guards and UNHCR staff that they are LGBTIQ+. They could then be escorted to a separate building entrance that had been designated as a safe space. The guards were instructed to always have a female guard search trans/transgender and gender non-conforming people. Individuals who required minimal exposure to public waiting areas were then escorted directly to their appointment and back to the exit at the end. In situations in which individuals did not feel safe coming to the office, UNHCR personnel held interviews at their homes.

## RWANDA – UNHCR

UNHCR Rwanda developed a series of short films about safe spaces for a variety of marginalized groups, including LGBTIQ+ people of concern.

## THAILAND – UNHCR

UNHCR Thailand collaborated with national LGBTIQ+ support and advocacy organizations from Myanmar and Thailand to train community groups in the Thai-Myanmar border camps on how to protect LGBTIQ+ youth from bullying and discrimination.

## TUNISIA – UNHCR

UNHCR Tunisia created a LGBTIQ+ protection factsheet and case dashboard, disaggregated by age, sex, gender, location, country of origin, migration status and intersecting vulnerability categories.

## UKRAINE – IOM

All security guards servicing IOM resettlement offices in Kyiv received a training on respecting diversity and maintaining an inclusive workplace. All other personnel received a full training on SOGIESC issues. Newcomers



to the office receive an introductory message highlighting the safe space policy, and all waiting areas have safe space signs. During meetings, personnel verbally share IOM's safe space messaging.

## VARIOUS – UNHCR

A variety of offices are offering appointments to people with diverse SOGIESC outside of regular office hours to enhance safety, and are working with advocacy organizations and embassies to establish referral pathways.



# MODULE 7

## MYTHS AND REALITIES

# Demhat's Story

*Demhat is a trans Kurdish woman from Turkey who lives in Stockholm, Sweden as a refugee. She is an artist and an activist for trans refugees. She was interviewed by IOM during the COVID-19 pandemic.*

“Here, I am working at an LGBTIQ +-friendly restaurant/bar and playing music at parties on the weekend, so my life is totally affected by COVID-19. I have lost my job and endured financial difficulties. I could not meet the ones I missed and loved. Apart from that, psychologically, I immediately adapted to the new measures as these norms are not something completely new to me.

If you are a migrant, LGBTIQ+ and especially trans, you are subject to social isolation. The locations you are able to stay in are distant to the social scenes. If you are able to socialize with others, you cannot pop that isolating balloon around you to connect with friends' circles, you are possibly going to go through a major depression. You can only get through that feeling with the help of a fighter soul. If you have an identity that is not welcome by the society ... you are going to be isolated.”



# REALITY

# ETHYMN

# CONTINUED LEARNING

## Recommended Reading

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## Recommended Viewing

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# NOTES

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The development of this training package was made possible through the generous support of the American people through the **Bureau of Population, Refugees and Migration (PRM) of the United States Department of State** as part of the “Sensitization and Adjudication Training on Refugees Fleeing Persecution Based on Sexual Orientation and Gender Identity” project. The content does not necessarily reflect the views of PRM or the United States.

