



PIMUN
2022!

STUDY GUIDE HCR

"Enhancing the protection of LGBTIQ+ Refugees"



WELCOME LETTER FROM THE CHAIRS:

Hello respected delegates,

It is our utmost pleasure to welcome you in the Human Rights Council.

We are pleased to simulate one of the most important United Nation's committees important committees and discuss a very pressing and serious issue.

We sincerely hope that all of you will put the neccary time and effort into researching for this important topic and articulating possible solutions, in line of your respective country's political stance, of course. As your chairs, we promise to do our best to bring you a fruitful and efficient committee simulation.

We believe that MUN can be a great tool to solve some of the most crucial global issues, and we are convinced that our committee sessions will do this belief justice.

We are both looking forward to meeting you all in Paris and have an amazing conference altogether!

Best regards,

Arnab & Hiba

PROTECTION OF LGBTQ+ REFUGEES

Committee Overview

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and addressing human rights violations. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office in Geneva.

The Human Rights Council replaced the former United Nations Commission on Human Rights (UNCHR). The Council is made up of 47 United Nations Member States which are elected by the majority of members of the UN General Assembly. The General Assembly takes into account the candidate States' contribution to the promotion and protection of human rights, as well as their voluntary pledges and commitments in this regard.

The Agency publishes an annual report on the situation of refugees worldwide. Resolutions are adopted via the General Assembly's Third Committee. The UNHRC has built a network: it has developed partnerships with more than 900 partners, including NGOs, governmental institutions, and other UN agencies.

In this committee, the protection of LGBTQ+ refugees will be addressed. A refugee has to be considered as “any person who (...) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (**Art. 1, Refugee Convention, UN**). People falling under the definition get special protection and must not be sent back to a country where their life or freedom is being threatened (principle of non-refoulement).

Thus, at this point, it is necessary to highlight the specific distinctions between refugees and migrants, since migrants and refugees are two different groups of people. Migrants leave their country because of economic reasons; therefore, they do not receive the same amount of international protection refugees get. Migrants fall under the mandate of the International organization for Migration and other institutes.

Nowadays, we are facing one of the most critical times of our history: the progress we have been knowing since the ending of the Cold War has come to extreme effects and revealed that some Countries got left behind.

As a consequence, this process brought several breaches of the conventions concerning Human Rights.

Based on this idea, the proposed scope of our topic, which is expected to be analyzed in this committee, will focus on the problems faced by LGBTQ+ Refugees in entering the EU area and the Syrian Crisis linked with the refugees' routes towards Europe.

Introduction

Nowadays we are facing a refugee struggle in different regional areas, such as in Africa (especially with Burundi, DC Congo, South Sudan and Nigeria), the Asian region (the Rohingya province and the Middle-east crisis in Syria, Iraq and Yemen) and Venezuela. It seems to be a matter of places, but it is primarily a matter of violations of fundamental human rights.

By reaffirming that human rights do include the right “to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence”, the HRC 39th meeting on 27 September 2018 considers the sexuality-related problems as one of the most pressing human rights issues in the humanitarian settings.

Thus, homophobia and transphobia are increasing phenomena in different parts of the world. People flee their homes for different reasons, oftentimes because of economic and political inequalities. Today, there are still 78 countries that have criminalized same-sex relationships. Seven of these countries apply the death penalty for consensual same-sex conduct. In many more countries, sexual and gender minorities (SGMs) regularly face harassment, arrest, interrogation, torture and beatings, kidnapping, and even murder (e.g. some, like in Russia, in the Chechen Republic, are targeted by extremists or criminal gangs).

Stated this, one should not forget that in this region people escape because of the “sexuality dilemma” too. UN member states have been called in the past to support gender equality and women’s rights through awareness initiatives, including the prevention of sexual

and gender-based violence and discrimination by ensuring universal access to sexuality education.

Definitions

Since we are going to tackle difficult situations in the international scenario, it is absolutely necessary to keep in mind some of the most important keywords:

- LGBTQ: Lesbian, Gay, Bisexual, Transgender, Queer.
- Responsibility to Protect (R2P): The Responsibility to Protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing has emerged as an important global principle since the adoption of the UN World Summit Outcome Document in 2005.
- International Humanitarian Law (IHL) is the law that regulates the conduct of war (*jus in bello*). It is that branch of international law that seeks to limit the effects of armed conflict by protecting persons who are not participating in hostilities, and by restricting and regulating the means and methods of warfare available to combatants.
- Human trafficking is a crime involving the exploitation of an individual for the purposes of compelled labor or a commercial sex act through the use of force, fraud, or coercion. This meaning is reflected in international law, specifically in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol), the first global instrument to recognize the crime of human trafficking, which has 170 State parties.
- Migrant smuggling occurs when a person voluntarily enters into an agreement with a smuggler to gain illegal entry into a foreign country and is moved across an international border. It is defined in the Protocol against the Smuggling of Migrants by Land, Sea, and Air (Migrant Smuggling Protocol), supplementing the United Nations Convention against Transnational Organized Crime. Migrant smuggling often involves procuring fraudulent documents and transportation across a country's border, although in some countries it can also include transportation and harboring once in the destination country. The migrant consents to being moved and the transaction between

the migrant and the smuggler is typically over once he or she has crossed the border and the smuggler has been paid in full.

Historical background

People applying for asylum in the EU Member States can be lesbian, gay, bisexual, trans or queer (LGBTQ). Some of them flee persecution unrelated to their sexual orientation or gender identity (e.g. due to their political activity) while others are at risk of persecution precisely because of their sexual orientation or gender identity. In both cases, their sexual orientation or gender identity can be a ground for protection under the Refugee Convention and under EU asylum law, depending on the situation in their home country and on a case by case basis.

Roughly 60% of UN Members (113 of 193) have abolished (and a few never had) legislation criminalizing same-sex sexual acts between consenting adults, while roughly 40% (78 of 193) still cling to it in a misguided – as well as criminal – attempt to preserve their “cultural identities” in the face of globalization.

On top of that, LGBTQ asylum seekers are often at risk of additional danger during their journey and upon arrival in the country where they seek asylum, which can take the form of harassment, exclusion, sexual violence, or other forms of violence. Often but not always, they qualify as vulnerable persons with specific needs in terms of legal assistance, reception conditions, healthcare, etc.

They are overall regional trends, based on the analysis conducted by ILGA and scholars from different international organizations until 2014:

- **Africa:** Political and State-Sponsored Homophobia on the increase in the last decade. Thirty-six countries in Africa have laws criminalizing homosexuality, some with the death penalty, and many more with harsh jail sentences. By far, it's the continent with the worst laws on the books when it comes to homosexuality and other sexual minorities, a phenomenon which is in part rooted in nefast colonial-era laws, religious autonomy, strong belief in cultural and family values, and the yoke of patriarchy.
- **Asia & Middle East:** Half of the Asian countries still criminalize homosexuality. As we see a growing wave of intolerance, homophobic attacks, and clampdowns from

governments, some LGBTQ organizations have had their work cut out for them this past year.

- **Europe:** Progress and backlash. The only territory in Europe where consensual sexual acts between adults (men only) are still criminalized is Northern Cyprus, making Europe a region that stands out in this report. It does not mean, however, that LGBTQ people in Europe live their lives free from discrimination.
- **Latin America & Caribbean:** Regarding actions in favor of the rights of the LGBTQ community in this region, there are international regulations of relevance. Anyway, the importance of the church, conservative fundamentalism, and the failure to consider the social demands of the lesbian trans, gay, bisexual, and intersex movements emphasize the lack of legislation to repeal the existing repressive norms.
- **Oceania:** Different stages in the reform of homophobic laws. However, despite having a similar seed for homophobic sentiment, the islands in this region harbor important differences that have to be considered.

Smuggling and trafficking

Furthermore, we have to consider the important differences between trafficking and smuggling. The English language allows us to make a clear distinction between two phenomena that have different results in the life of the people.

Normally, the journey of refugees and migrants is considered to be the same in every part of the world, but it is of course not the case.

To point this out, two examples can help drawing the differences:

- **African** - especially Nigerian, Senegalese and Benin young girls - arrive in Europe through a long journey, crossing the Sahara Desert and the Mediterranean Sea, after escaping multiple obstacles in Libya in order to achieve what they call “the European dream”. This is an example of human trafficking: criminal organizations, clearly bounded with the local southern European ones, set everything up for free and, once people get in Europe (e.g.: Italian coasts), they have to pay off the expensive debt (around 30000 euros).

- **Southern Asian people** – Bangladeshis especially – arrive in Europe through a long and difficult journey, but they have to pay it in advance, or totally or partially. Once in Europe, they are free and no obligations are pending with their “drivers”. This is smuggling, the so-called activity to earn money from a big flow of people around the world.

The UNHCR Handbook on Procedures and Criteria for Determining Refugee Status provides the basic guidelines of the Office on the interpretation of the refugee definition and should be referred to for a full understanding of the UN Refugee Agency’s views on various interpretative issues. From the 1979 edition (first one) to the re-edited one of 1992, it has been a useful guide for government officials and UNHCR staff and courts determining refugee claims.

Key Issues and Threats

Persecution, for the purposes of refugee status determination, is nowhere defined in international law. Some commentators argue that no definition was felt necessary as its meaning was well- understood from previous instruments and experience, others suggest it was deliberately left undefined in order that newly emerging forms of persecution would be covered. Whatever the reasons, the fact that the Convention does not legally define persecution is a strong indication that, on the basis of the experience of the past, the drafters intended that all future types of persecution should be encompassed by the term.

One sphere in which the membership of a particular social group has been much discussed is that of gender-related persecution. Since neither “sex” nor “gender” is listed as one of the Convention grounds in Article 1, it is sometimes argued that persons who suffer gender-related persecution can never be covered by its terms, or that the only possible ground for recognition must always be “particular social group.”

Persecution may be gender-related in the sense that the method used to achieve the persecution is related to sex or to gender roles. For example, women of a certain ethnic group may be subjected to rape as a form of persecution, not for reasons related to sex or gender, but of nationality or religion.

At the same time, the underlying causes of persecution that appear because of gender roles in a given society, be on account of sex or gender, may in fact be based on one or more of the other four grounds. An example of this might be the refusal to wear clothing or to behave in ways prescribed for women. This may be objectionable for the authorities not because of the sex of the individual who is refusing to behave in the prescribed fashion, but because the refusal indicates an “unacceptable” religious or political opinion.

Persecution may be gender-related in the sense that it is experienced on account of a person’s sex, sexual orientation, or gender role. This could be because of membership in a particular group. Credibility represents a very complex and challenging area of refugee law and status determination. Research and practice have shown that it is a core element of the adjudication of asylum applications. The assessment of credibility plays a central role in the determination of an applicant’s needs for international protection. The UNHCR has noted a common trend across European Union Member States whereby negative decisions on applications for international protection often seem to be made on credibility grounds without the application of the criteria of the Qualification Directive to the facts of the application. In addition, notwithstanding the different legal traditions in the EU, UNHCR has noted that a common understanding and approach to credibility assessment is still lacking among its Member States.

The credibility assessment involves a determination of whether and which of the applicants’ statements and other evidence can be accepted, and therefore may be taken into account in the analysis of well-founded fear of persecution a real risk of serious harm.

RISKS FOR LGBTQ PERSONS AS DISTINCT GROUPS

The specific protection issues related to the different positions of lesbian, gay, bisexual, transgender, and queer persons have always been calculated from the threats. LGBTQ persons can suffer abuse in similar ways, but they also exist as distinct groups with unique experiences. Their experiences can differ due to age, gender, sexual orientation, and the particular region of the world in which they live. An understanding of the dynamics associated with sexual orientation and gender identity-related persecution and asylum claims will continue to evolve as more information on LGBTQ asylum-seekers and refugees becomes available.

In relation to lesbians, the multiple discrimination borne of being a foreigner, female and lesbian can be raised. Women's generally inferior economic and social status makes it harder for them to flee persecution in their country of origin, access asylum processes, and protect and support themselves in a new country. Single women living alone are particularly vulnerable to suspicion and attack.

Like other women, lesbians also have been unable to access State protection when they are abused by family members, because incidents of domestic violence are often not pursued by authorities in their country of origin. Because harm against lesbians is often at the hand of private actors, it sometimes tends to be considered a personal problem or, at best, a common crime, that is not related to a Convention ground. A lack of reliable country information on lesbians promotes the idea that they are not subject to persecution. Asylum claims made by lesbians tend to have lower recognition rates than those made by gay men.

Gay men, on the other hand, have difficulty disclosing incidents of sexual violence experienced in their home countries, which inhibits their ability to make a viable claim for asylum. They may be disbelieved by adjudicators if they do not fit the stereotype of what a gay man should look like, or if they were previously married. Masculine gay men may also be disadvantaged if adjudicators believe they would not be recognized as gay if returned to their country of origin.

Bisexuals face extremely low asylum claim recognition rates and are largely invisible in jurisprudence.

Even where applicants self-identify as bisexual, adjudicators tend to analyze these claims within a hetero- or homosexual context. Some adjudicators do not believe bisexuality really exists as a sexual orientation and feel that bisexuals can return to their countries of origin and elect to be heterosexual, thereby avoiding persecution. They face major credibility issues in asylum procedures if they have had heterosexual partners.

Transgender asylum-seekers and refugees suffer multiple discrimination based on their gender identity or gender expression. Respondents reported that transgender persons seem to experience particularly severe marginalization because they are subject to sexual abuse and violence, discrimination, extreme poverty, lack of access to education, health and psychological care, work and housing. It is reported that this marginalization leads many transgender persons to engage in sex work in order to survive. Transgender persons experience difficulties in transit and at borders when their legal documents do not match their identities. This often leads to searches, detention, and incidents of abuse. In asylum procedures, transgender persons are often viewed by adjudicators as opportunistic cross-dressers without serious protection needs. As with other groups, a lack of country information exists regarding human rights abuses perpetrated against them. Transgender persons who are involved in medical treatments related to transition suffer from a lack of access to such treatments in transit countries and upon resettlement. Too often, the abusive conditions they endured in their country of origin are replicated in the country in which they are resettled.

The difficulties intersex people face is an evolving topic. Like LGBTQ persons, they can be subject to persecution for failing to conform to traditional gender norms. In some countries, intersex persons are considered evil and can be subjected to ritual ceremonies. Their families can be persecuted for having an intersex child. Intersex persons may have a need for ongoing medical services or surgical/post surgical assistance that may not be available in transit countries or where they are resettled. They may be forced to endure unwanted surgeries. There appears to be little or no country information available for this group, and a lack of understanding of the dynamics associated with intersex persons and the nature of asylum claims made by them is apparent.

Intersex persons could be subject to harm when they publicly transition from one sex to the other, elect to remain in a non-binary (male or female) gender status, or are subject to involuntary sexual reassignment surgery that could amount to genital mutilation. In such situations, queer persons may qualify for international protection under the 1951 Convention.

OBSERVATIONS

The observations below seek to count the most important and pressing protection concerns identified in the treatment of LGBTQ asylum-seekers and refugees.

- LGBTQ persons are entitled to all human rights on an equal basis with others. The human rights principle of non-discrimination in relation to sexual orientation and gender identity is applicable in the refugee context, including in regard to the application and interpretation of the 1951 Convention. States have a duty to protect asylum-seekers and refugees from human rights violations regardless of their sexual orientation and gender identity and regardless of their legal status as asylum-seekers and refugees. They have the right to live openly as who they are.
- An understanding of the multiple forms of harm and discrimination experienced by LGBTQ persons throughout the displacement cycle is vital for States, NGOs and UNHCR staff. An appreciation of the relationship between non-conformance to expected gender roles and sexual orientation and gender identity is also key to protecting LGBTQ individuals. Lesbian, gay, bisexual, transgender and intersex persons all experience persecution and discrimination in distinct ways. An understanding of their unique vulnerabilities is important in all stages of the displacement cycle.
- Like LGBT persons, queer individuals can be subject to persecution in ways that relate to their non-conformance with gender norms. In such situations, queer persons could be eligible for protection under the 1951 Convention.
- More attention should be placed on protecting LGBTQ asylum-seekers and refugees during flight and upon arrival in host countries, including from *refoulement*, physical and sexual violence, and crimes committed in the name of honour. More efforts are also needed to ensure that they receive non-discriminatory and appropriate services from States, UNHCR, and NGOs. Protection in the field must include an approach that is sensitive to sexual orientation and gender identity.
- Laws criminalizing consensual same-sex relations pose significant problems for LGBTQ asylum-seekers and refugees throughout the displacement cycle. Even when these laws are not enforced, their existence often reflects a culture of intolerance toward LGBTQ individuals. These laws impede the ability of LGBTQ persons to access State

protection in their home country and make them reluctant to register for asylum and testify truthfully at asylum hearings. They create severe security issues for sexual minorities in countries of first asylum and increase the threat of *refoulement*. It is important to develop specific guidance on how to provide protection in countries where these laws exist.

- Several substantive issues regarding the treatment of refugee claims based on sexual orientation and gender identity remain problematic. While claims made by LGBTQ individuals have gained recognition under the “membership of a particular social ground”, other grounds are yet to be further explored and the ability of bisexual and intersex applicants to make claims under this 1951 Convention ground is not well established. The difficulty and complexity in establishing State failure to protect against harm perpetrated by private actors also remain misunderstood, while the use of the “discretion” concept is inappropriate and the Internal Flight Alternative analysis is often misapplied. Anti-homosexuality laws also need to be further analyzed.
- The procedural aspects of refugee status determination also present many challenges, including a lack of country information, credibility problems for claimants related to a lack of understanding of sexual and gender identity dynamics, and insensitive and invasive questioning, and in some cases testing. Long waiting periods for asylum interviews, coupled with inadequate reception conditions, may exacerbate protection risks.
- Additional steps need to be taken to rectify protection challenges in both refugee determination procedures and while asylum-seekers await decisions, including providing policy and practical guidance and supporting additional training and education for staff. Such efforts need to take into consideration the diversity of issues involved in sexual orientation and gender identity-related claims and the necessity for tailoring training to different regions.

ACTORS INVOLVED / BLOCK POSITIONS

European Union

Many LGBTQ asylum applicants come from countries where their sexual orientation or gender identity is criminalized. This may take different forms. Same-sex sexual activity between consenting adults may be a criminal act; ‘unnatural’ acts may be criminalized, and this may be used against trans people or people having sex with a person of the same gender. LGBTQ applicants from such countries are denied asylum even when these criminal law provisions are enforced. In most other countries, enforced criminalization (prosecution) is sufficient for recognition as a refugee in theory. Analysis of the cases:

- In Italy, the mere fact of criminalization is sufficient for granting refugee status. The situation in the other European countries, however, remains problematic. On the basis of Article 4(3)(a) of the Qualification Directive, the fact that a certain sexual orientation or gender identity is criminalized in a country should mean that LGBTQ applicants fleeing from those countries have a well-founded fear of being persecuted on account of their sexual orientation or gender identity.
- Some Member States have also explicitly added gender identity as a persecution ground in their national legislation (Portugal, Spain) or policy documents (Austria, the United Kingdom); the Qualification Directive may well be amended so as to include gender identity.
- In four Member States (Denmark, as well as in Norway, Spain and Bulgaria) even the existence of enforced criminalization in the country of origin seems to be insufficient for recognition as a refugee.
- Thus, there are countries in which the practice is not clear, such as the Czech Republic, Slovakia, Portugal, and Romania

Africa and Islamic states

A growing number of Islamic scholars, mainly in the West, have started re-examining Islamic teachings on same-sex relationships and whether a blanket condemnation of LGBTQ people is a misinterpretation. Transgender men and women are recognized and accepted in many Islamic cultures around the world. As a matter of fact, the idea of a man or woman

identifying as a member of the opposite gender is more likely to be accepted than that of a man or woman expressing sexual desire for someone of their own gender. Especially important could be the point that many LGBTQ refugees come from those states. A separate finding, closely connected to the issue of criminalizing countries of origin, is the practice in some Member States to use lists of so-called 'safe countries of origin'. These are countries of origin considered to be safe: which leads to less chance for asylum-seekers of being granted protection. While in some of these countries the lists are not publicly available, researchers have found the following countries on such lists: Botswana, Burkina Faso, Gabon, Ghana, India, Kenya, Madagascar, Mali, Mauritius, Moldova, Nigeria, Senegal, Tanzania. In some of these countries, same-sex sexual acts are criminalized (Botswana, Ghana, Kenya, Mauritius, Nigeria, Senegal, Seychelles, Tanzania) while in others the general climate seems to be homophobic and/or transphobic.

Africa and Oceania

At the same time, it is interesting to notice a paradoxical development in several states of Southern Africa and the Indian Ocean (Botswana, Mozambique, Mauritius, and Seychelles), where parliaments adopt legislation to prevent discrimination on grounds of sexual orientation in workplaces, while at the same time their respective penal codes retain provisions to punish those who engage in same-sex sexual acts among consenting adults. One would hope that it is only a matter of time before these very parliaments acknowledge the contradiction raised by their legislation and proceed as soon as possible with an update of their penal codes. In India, same-sex sexual acts are criminalized partly.

MAIN MEASURES ALREADY ADOPTED

However, the reality is somehow different for a considerable proportion of refugees and migrants. The European Parliament EU (2015/2325(INI)) called on all its Member States to adopt asylum procedures and endeavor to develop training programs, which are sensitive to the needs of Lesbian, gay, bisexual, transgender, and queer (LGBTQ) persons.

Highlighting good practices is important too. In May 2014, ILGA Europe (International lesbian, gay, bisexual, trans, and intersex association) issued a compilation of good practices in relation to LGBTQ asylum applicants, including conditions in reception facilities. Good practices were found in Austria, Belgium, the Netherlands, Norway, and the United Kingdom.

The Reception Directive does not include provisions specific to LGBTQ applicants, but some of its general provisions do apply to this group. In particular, all forms of violence in accommodation facilities, including gender-based violence, are to be prevented.

Possible Measures to be Adopted

Facing sexuality-related problems is not easy, even in a system that already copes with asylum practices or migrants.

Since many homophobic and transphobic incidents are reported in reception, accommodation, and detention centers, relevant special needs relating to sexual orientation and gender identity should be explicitly addressed in the drafting of a new Reception Directive, while prevention and protection from homophobic and transphobic assaults should be ensured in reception centers. The Member States, especially the European ones, must put in place proper and effective complaint systems for dealing with harassment and violence against lesbian, gay, bisexual, trans and intersex applicants in reception, accommodation, and detention centers.

Lesbian, gay, bisexual, trans and intersex applicants must be given the possibility of moving to a single room or to another accommodation if they are facing harassment or violence in the original location; or the perpetrators must be transferred to another accommodation.

Member States in the EU should facilitate lesbian, gay, bisexual, trans, and intersex rights organizations to work in reception, accommodation, and detention centers. Even if Europe

seems to have a more uniform approach, both legally and socially to this matter, two examples can show directly how many logistic issues the LGBTQ refugees can face:

- LGBTQ-specific training for asylum officers varies across EU Member States. In general, where officers are trained, the training is usually not regular and does not cover a sufficient number of officers. Officers who participate in such training events often already acknowledge the importance of paying specific attention to LGBTQ applicants.
- However, hormonal treatment for transgender persons is very difficult to access. In most EU Member States, there are no uniform guidelines regarding the provision of such treatment to persons who already started treatment in their country of origin. The interruption of hormonal treatment in such cases can have severe consequences.

Trying to imitate examples coming from different parts of the world, as in Nairobi. The work of community-based organizations led by and in support of lesbian, gay, bisexual, trans and queer (LGBTQ) refugees in Nairobi, Kenya, provides important insights into how humanitarian agencies can form effective partnerships that help to ensure access to services for all.

LGBTQ groups should receive immigration training: more and more LGBTQ specialist organizations are being called upon to help LGBTQ migrants with immigration cases with very little training. This change seems to be driven by LGBTQ migrants feeling more comfortable receiving support from those who understand their sexual or gender identity rather than specialist immigration organizations. Flexibility will need to be ensured by offering both face-to-face and online training. Immigration support organizations and immigration solicitors should receive training to increase their LGBTQ sensitivity. Professionals need to be able to identify and overcome language and cultural barriers in order to make migrants aware of the possibility to claim international protection as LGBTQ per se and that they are aware of the legal and cultural contexts of migrants' countries of origin as far as LGBTQs are concerned.

There is a growing LGBTQ+ refugee population in Canada as individuals and couples flee from countries with anti-gay laws and persecutory environments. The LGBTQ+ Refugee Digital Storytelling Project was carried out in 2016 as part of a broader community-based research study with Metropolitan Community Church (MCC) of Toronto exploring how God and religion are tied up in transnational pro- and anti-gay LGBTQ+ social movements. The project aimed to provide a space for refugees to narrate their own stories in their own way to

make sense of their experiences with others facing similar challenges. Drawing on theories of transnational social exclusion and inclusion, borders as processes, and trauma narratives, this paper explores whether the LGBTQ+ Digital Storytelling Project facilitated inclusionary processes that drew refugees into the MCC in valued roles and whether the discursive moments the border narratives produced by this project offered were inclusionary and/or exclusionary.

Questions that should be addressed in a Final Resolution :

- Who are LGBTQ asylum seekers?
- What can be done to improve the integration of LGBTQ refugees into national programs?
- How can contact between LGBTQ refugees and the rest of society be promoted?
- Which role should the protection of refugees' health - specifically against sexually transmitted diseases - play in the Global Compact for Refugees? Does the existing draft tackle the issue in an appropriate way?
- How member states can put an end to the dearth of research and evidence-based knowledge about LGBTQ migrants and refugees?
- Is help donated more by governmental institutions or by LGBTQ organisations?
- Where should Islamic countries stand in relation to LGBTQ people that became refugees ?
- Should Lesbian, gay, bisexual, trans, and queer applicants not be required to invoke State protection against non-State actors of persecution when sexual orientation or gender identity are criminalized in their country of origin? Even when authorities are homo-or transphobic?
- Should the European Asylum Support Office give priority to promoting and coordinating the identification and pooling of good practices regarding the examination of lesbian, gay, bisexual, trans, and intersex asylum applications?

SUGGESTED READINGS

The most important and useful readings for you should include the following:

- S. JANSEN & T. SPIJKERBOER, *Fleeing Homophobia*, COC Nederland, Amsterdam, Sept. 2011 It is a project of COC Netherlands and VU University Amsterdam, in cooperation with the Hungarian Helsinki Committee, Avvocatura per i diritti LGBT/ Rete Lenford, and the European Council on Refugees and Exiles.
- DR. THEO GAVRIELIDES, Editor Director of Epsilon Project, *Supporting and Including LGBTI Migrants - Needs, Experiences & Good Practices*
- S. JANSEN, *Good practices related to LGBTI asylum applicants in Europe*, Sep. 2014 - ILGA Europe Report edited by Joël Le Déroff
- UNHCR Observations in the cases of *Minister voor Immigratie en Asiel v. X, Y and Z* (C-199/12, C-200/12, C-201/12) regarding claims for refugee status based on sexual orientation and the interpretation of Articles 9 and 10 of the EU Qualification Directive <https://www.refworld.org/docid/5065c0bd2.html>
- *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees* - HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, UNHCR 1979, <https://www.unhcr.org/4d93528a9.pdf>
- *The International Protection of Refugees: Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees* -UNHCR Geneva April 2001
- *Report of the Human Rights Council - Thirty-ninth session (10–28 September 2018)*

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4. ITABORAHY, Lucas P, State-sponsored Homophobia: A world survey of laws criminalising same-sex sexual acts between consenting adults, 2012 ILGA (The International Lesbian, Gay, Bisexual, Trans and Intersex Association) - www.ilga.org
5. Global Centre for the responsibility to protect - <http://www.globalr2p.org>
6. FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS
7. Russia: Gay man who alleges abuse in Chechnya vows to seek justice at European Court
8. Hester KV MOORE, Lessons from LGBTQ refugee-led community-based organisations



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