

Expanded listing of all articles in
Forced Migration Review issue 42

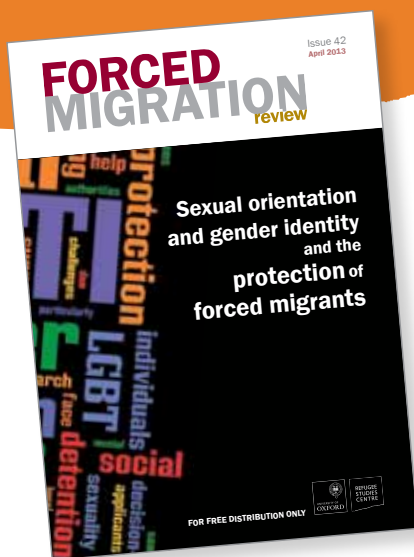
FMR 42 Listing

www.fmreview.org/sogi/FMR42listing.pdf

April 2013

Sexual orientation and gender identity and the protection of forced migrants

Overleaf you will find for each article: the title, the author(s) and their affiliation, introductory sentences and a link to the full article online. The full version of FMR 42 is online at www.fmreview.org/sogi in html and pdf in English, Arabic, Spanish and French.



From the Editors

Around the world, people face abuse, arbitrary arrest, extortion, violence, severe discrimination and lack of official protection because of their sexual orientation and/or gender identity. This is true even in countries where the legal environment for lesbian, gay, bisexual, transgender and intersex (LGBTI) people is relatively progressive. Many feel compelled to flee their homes, seeking safety in another country. Although displacement may provide an opportunity for them to express a profoundly felt personal aspect of their identity that has not been possible or allowed in their country of origin, safety and protection are often elusive in these other countries too, where LGBTI forced migrants are frequently met with unacceptable and sometimes incomprehensible treatment.

There is now a growing awareness that full rights should be extended to people whose orientation or identity is not only as a minority in society but has also often been considered taboo, unacknowledged or unaccepted. It seems that it is often impossible to divorce deeply felt social, cultural and religious attitudes from the protection of LGBTI forced migrants. Yet there has been and continues to be rapid change, with radical improvements

in many contexts, especially in terms of training of asylum authorities, updating of legislation and improvement in case law. There remain, however, significant challenges and needs, many of which are identified in the following articles. In this context, bringing LGBTI and refugee protection sectors together – one of the aims of this issue of FMR – should help lead to greater protection.

Although the articles in this issue do not explicitly cover protection issues relating specifically to bisexual or intersex people, much of what is written here will be equally relevant for them.

We would like to thank Rachel Levitan of HIAS for her invaluable assistance as special advisor on this issue. We are also very grateful to the Arcus Foundation, the Swiss Federal Department of Foreign Affairs, UNHCR and the US Department of State's Bureau of Population, Refugees, and Migration for their funding support for this issue; all our regular donors, including those who generously provide unearmarked funding for FMR; and those individual readers who have made donations, for their continued and valuable support.

www.fmreview.org/sogi/editors

FORCED
MIGRATION
review



FMR 42 Listing

FORCED MIGRATION REVIEW issue 42

Sexual orientation and gender identity and the protection of forced migrants

LGBT: equally entitled to human rights and dignity

Anne C Richard (Assistant Secretary of State for Population, Refugees, and Migration in the United States Department of State)

Recognition that LGBT rights are universal rights is gaining ground. The trend, finally, is positive. But greater respect for LGBT rights and inclusion of LGBT people still is not a worldwide movement.

www.fmreview.org/sogi/richard

Ensuring protection for LGBTI Persons of Concern

Volker Türk (Director of International Protection, UNHCR)

Lesbian, gay, bisexual, transgender and intersex (LGBTI) asylum seekers and refugees face a myriad of threats, risks and vulnerabilities throughout all stages of the displacement cycle. There needs to be greater awareness not only of the specific protection concerns relating to LGBTI individuals but also of related jurisprudence and guidance available for UN staff, partners, state authorities and decision-makers.

www.fmreview.org/sogi/tuerk

New UNHCR SOGI Guidelines

www.fmreview.org/sogi/unhcrguidelines

Mental health challenges of LGBT forced migrants

Ariel Shidlo and Joanne Ahola (Research Institute Without Walls)

Many LGBT forced migrants have significant and sometimes incapacitating psychological scars. Mental health providers can assist in documenting the psychological impact of anti-LGBT persecution and its impact on the ability to secure refugee status.

www.fmreview.org/sogi/shidlo-ahola

The Rainbow Group in Mae La camp

Moses (Kachin refugee/Australian Catholic University)

Discrimination, verbal abuse and physical and sexual violence follow Burmese LGBTI people who cross into Thailand to seek shelter in camps.

www.fmreview.org/sogi/moses

“On what grounds?” LGBTQ asylum claims in Canada

Sharalyn Jordan (Simon Fraser University) and Chris Morrissey (Rainbow Refugee)

A number of positive developments have occurred over the past two decades to create more robust protection and community support within Canada – but recent legislative changes will jeopardise fairness and justice for LGBT refugee claimants.

www.fmreview.org/sogi/jordan-morrissey

LGBTI asylum claims: the Central and Eastern European perspective

Anna Śledzińska-Simon (University of Wrocław) and Krzysztof Śmiszek (University of Warsaw)

Recent research indicates that CEE countries still lag far behind the rest of Europe in their asylum practices in relation to LGBTI asylum claims. Low levels of awareness, lack of guidance and cultural hostility are jeopardising asylum seekers' prospects for fair treatment.

www.fmreview.org/sogi/sledzinskasimon-smiszek

Global human rights frameworks applicable to LGBTI migrants

Shana Tabak (American University's International Human Rights Law Clinic) and Rachel Levitan (HIAS)

Although no international legal instrument exists to specifically protect the human rights of LGBTI individuals, over recent years international legal bodies have interpreted basic human rights provisions to apply to LGBTI populations.

www.fmreview.org/sogi/tabak-levitan-frameworks

LGBTI refugees: the Brazilian case

Henrique Rabello de Carvalho (LGBTI Rights Commission of the Brazilian Bar Association)

Public policies in defence and in favour of LGBT people are neither sufficient nor effective in reducing homophobic violence in Brazil.

www.fmreview.org/sogi/decarvalho

Sexual orientation and gender identity: developments in EU law

Evangelia (Lilian) Tsourdi (Université Libre de Bruxelles)

The amended version of the EU Qualification Directive, adopted in 2011, marks further progress in ensuring LGBTI applicants' rights by explicitly adding gender identity alongside sexual orientation as a cause of persecution.

www.fmreview.org/sogi/tsourdi

LGBT refugee protection in the UK: from discretion to belief?

Amanda Gray and Alexandra McDowall (UNHCR)

The UK government used to have no specific guidance or training for decision-makers for claims brought on the grounds of sexual orientation. It was only in 2010 following a combination of judicial, civil society and political pressures that specific policy guidance was speedily issued and significant progress was seen.

www.fmreview.org/sogi/gray-mcdowall

Seeking asylum in the UK: lesbian perspectives

Claire Bennett (University of Southampton) and Felicity Thomas (Exeter University)

Many aspects of the UK asylum process can be confusing, disempowering and traumatic for lesbian asylum seekers. Recent research examines the impacts of this process on their experiences, their identity and their well-being.

www.fmreview.org/sogi/bennett-thomas

Barriers to justice in the UK

Charlotte Mathysse (University of Sussex/Kenya Red Cross)

In recent years, there have been significant legal advances in the treatment of the cases of lesbian and gay asylum seekers in the UK. However, significant barriers still remain.

www.fmreview.org/sogi/mathysse

Asylum for persecuted homosexuals in the Republic of Korea

Andrew Wolman (Hankuk University of Foreign Studies)

Two recent successful claims for asylum suggest that the Republic of Korea may be prepared to serve in the future as an important country of asylum for those suffering persecution due to their sexual orientation.

www.fmreview.org/sogi/wolman

If you want to listen to FMR as podcasts, all FMR articles are also online in audio versions in English for you to download or listen online.

Challenges to producing LGB-specific Country of Origin information

Christian Pangilinan (refugee legal aid lawyer)

Evaluations of whether LGB asylum claimants have a well-founded fear of persecution frequently require Country of Origin Information but information on LGB populations in countries where being LGB is criminalised is often difficult to obtain.

www.fmreview.org/sogi/pangilinan

Assessing transgender asylum claims

Jhana Bach (Lancaster University)

It can be challenging for all asylum seekers to demonstrate that they are at risk of persecution but perhaps even more so for transgender applicants.

www.fmreview.org/sogi/bach

Kosovo: what does the future hold for LGBT people?

Agathe Fauchier (lawyer)

Rising numbers of people from Kosovo are seeking asylum in other European countries on grounds of persecution for their sexual orientation. States considering such claims need to look beyond Kosovo's apparently progressive constitution to the rather different reality on the ground.

www.fmreview.org/sogi/fauchier

City planning for sexual diversity: new policies in Bogotá

Marcela Ceballos and Juan Carlos Prieto (Office of the District Planning Department, Bogotá)

In 2009 the city council of Bogotá introduced a policy to guarantee equal rights for LGBT people in the city.

www.fmreview.org/sogi/ceballos-prieto

Towards inclusive resettlement for LGBTI refugees

Jennifer Rumbach (International Organization for Migration)

Lesbian, gay, bisexual, transgender and intersex (LGBTI) refugees face myriad challenges within the resettlement context. Practical initiatives – such as creating a welcoming space, ensuring confidentiality, training staff, providing critical resources and fostering inclusive workplaces – can promote a more humane resettlement experience.

www.fmreview.org/sogi/rumbach

LGBT refugee resettlement in the US: emerging best practices

Scott Portman and Daniel Weyl (Heartland Alliance International)

US refugee resettlement agencies are directing more attention and effort toward assisting LGBT refugees and asylum seekers, and best practices are beginning to emerge.

www.fmreview.org/sogi/portman-weyl

LGBTI migrants in immigration detention

Shana Tabak (American University's International Human Rights Law Clinic) and Rachel Levitan (HIAS)

As states increasingly use detention as a means of controlling migration flows, sexual minority migrants find themselves in detention facilities where they may face multiple violations of their human rights.

www.fmreview.org/sogi/tabak-levitan-detention

A model immigration detention facility for LGBTI?

Christina Fialho (Community Initiatives for Visiting Immigrants in Confinement)

The United States has taken some positive steps to improve the treatment of gay and transgender asylum seekers in immigration detention but could make improvements in four key areas.

www.fmreview.org/sogi/fialho



2008 Manila (Philippines) Pride March and launch of Yogyakarta Principles in the country.

Identity and integration in Israel and Kenya

Yiftach Millo (HIAS)

Expression of non-conforming sexual orientation and gender identity depends on social, legal, cultural and political opportunities which provide space for exploration and the emergence of new identities. People's protection will also depend on these.

www.fmreview.org/sogi/millo

Protection in the city: some good practice in Nairobi

Duncan Breen (Human Rights First) and Yiftach Millo (HIAS)

Despite a challenging protection environment, an NGO in Nairobi has developed an assistance programme for LGBTI refugees that offers examples of good practice that could be replicated in other urban settings.

www.fmreview.org/sogi/breen-millo

Gender identity and disaster response in Nepal

Kyle Knight (journalist) and Courtney Welton-Mitchell (University of Denver)

Agencies need to be mindful of the special needs of LGBTI victims of disasters in order to enhance protection and minimise unintended harmful consequences of relief efforts.

www.fmreview.org/sogi/knight-weltonmitchell

LGBT aid workers: deployment dilemmas

Anon

LGBT aid workers and their managers confront a number of dilemmas in deciding whether LGBT staff will be safe – and accepted – working in certain countries.

www.fmreview.org/sogi/anon

Grantmaking for SOGI programmes

Andrew S Park (Wellspring Advisors, LLC)

With issues relating to sexual orientation and gender identity a relatively new field for funders, the opportunity exists for funders to exert strategic influence on the development of improved policy and practice.

www.fmreview.org/sogi/park

Resources for those representing asylum claims on grounds of sexual orientation

The Fahamu Refugee Programme's information portal is expanding its resources for those defending cases based on sexual orientation and aims to provide relevant Country of Origin Information for all UN member states.

www.fmreview.org/sogi/fahamu



Kyle Knight

A Nepali transgender woman holds up her citizenship certificate, which identifies her as male. She has struggled to access services as a result of the discrepancy between the document and her current appearance.

Forced Migration Review (FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them.

It is published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford, 3 Mansfield Road, Oxford OX1 3TB, UK.

fmr@geh.ox.ac.uk • www.fmreview.org
Skype: fmreview • Tel: +44 (0)1865 281700

Opinions in FMR do not necessarily reflect the views of the Editors, the Refugee Studies Centre or the University of Oxford.

All back issues of FMR are freely available online at www.fmreview.org to read or download.

Any FMR print or online material may be freely reproduced, provided that acknowledgement is given to 'Forced Migration Review www.fmreview.org'.

