

SOCHUM Topic 2: **Persecution of Individuals due to their Sexual Orientation or Gender Identity with a Special Focus on Asylum Rights**

An introduction of the issue

Persecution of the group, known nowadays as LGBT, does not represent just a current issue our world is facing. This kind of persecution has a long history behind, being recorded since the fourth century. As our society evolved, the laws regarding the persecution and the protection of LGBT evolved as well. The history behind and all the effort made by the by the humankind in order to improve the life of LGBT individuals around the world indicates its importance as a social issue in the early 21st century. It also demonstrates the extent to which cultural diversity persisted both within and among countries throughout the years. The world's perspective towards individuals with different sexual orientation started to improve around the 20th century. The measurements taken by the governments of different states, the fact that in over 30 countries the same-sex marriage is now legal and the demonstrations that take place all over the world represent proofs of the above mentioned improvement. However, the persecutions still continue, affecting the lives of thousands of people. Attacks during parades, death penalty as punishment for being part from LGBT in certain countries and the day to day discrimination of these people represent the biggest problems that must be settle in order to offer them the decent life they have the right to.

Definition of key terms

Gender identity represents one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

(definition by the “Human Rights Campaign”)

The right of asylum is an ancient juridical concept, under which a person persecuted by his own country may be protected by another sovereign authority, such as another country or church official, who in medieval times could offer sanctuary.

(definition by Wikipedia)

LGBTI are the initials from Lesbian, Gay, Bisexual, Transgender/Transsexual and Intersexed. The relationship of intersex to lesbian, gay, bisexual and trans, and queer communities is complex and many intersex people are not themselves LGBT, but intersex people are often added to LGBT to create an LGBTI community.

(definition by Wikipedia)

Affected nations

Nowadays, homosexuality is accepted in most of the Western countries, and in most of them violence against LGBT is considered a hate crime. Besides this, many countries where Islam predominates as religion, most African and Asian countries and some former-Communist countries from Europe are still conducting an anti-LGBT policy. Until now the most endangered community is the Brazilian one. Brazil is reported to have the highest LGBT murder rate, with more than 380 murders in 2017 alone, an increase of 30% compared to 2016.

Position of the P5 nations

United States of America: The government of the United States legalized homosexuality nationwide in 2003 and, in 2015 the same-sex marriage and the adoption by same-sex couples. Regarding the military, since 2011, LGBT people may join the army openly. Despite the current president of the United States, transgender people are allowed to serve in the army as well since the 1st of January 2018. The United States recognizes the right of asylum as specified by international and federal law.

France: The French Republic was the first country in the world to recognize the constitutional right to asylum. Homosexuality has been legalized nationwide since 1791. Moreover, same-sex marriage and the adoption by same-sex couples are also legal since 2013.

United Kingdom: Male same-sex relationships have been legalized nationwide since 1982, whereas the female ones were always legal. Same-sex marriage is legal in England, Wales and Scotland since 2014, but not performed in Northern Ireland, where it is recognized as Civil Partnership.

Russian Federation: The government of the Russian Federation legalized homosexuality nationwide in 1993, except for Chechnya where is considered an illegal practice. Same-sex unions, marriage and the adoption by the same-sex couples are banned as well as the serving in military.

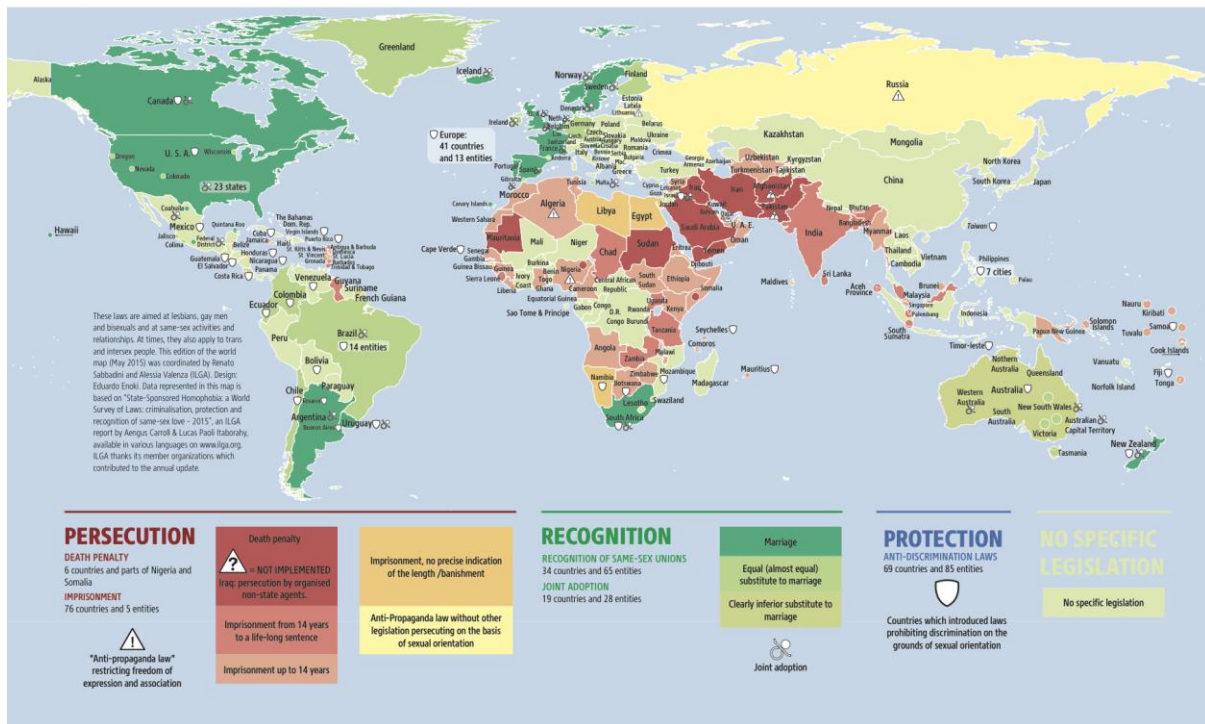
People's Republic of China: Homosexuality has been legalized in 1997 nationwide, however, Same-sex unions, marriage and the adoption by the same-sex couples are still not recognized.



THE LESBIAN, GAY AND BISEXUAL MAP OF WORLD LAWS

ILGA, THE INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION

MAY 2015
WWW.ILGA.ORG



www.inter-lgbt.org/linter-lgbt-et-shams-mobilisees-pour-la-depenalisation-universelle-de-lhomosexualite-idablhot2016/

Major parties involved

UNHCR- the UN Refugee Agency, is a global organization dedicated to saving lives, protecting rights and building a better future for refugees, forcibly displaced communities and stateless people.

IOM- The International Organization for Migration is an intergovernmental organization that provides services and advice concerning migration to governments and migrants, including internally displaced persons, refugees, and migrant workers

Previous attempts to solve the issue

GENEVA, Dec 24 (UNHCR) - The UN Refugee Agency is leading the way in delivering protection to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in forced displacement with the rolling out of a new training programme for UNHCR staff and other protection and humanitarian workers, the most comprehensive training package of its kind globally.

LGBTI persons fleeing persecution face a complex array of challenges and threats at all stages of displacement, including discrimination, prejudice, violence, difficulty accessing humanitarian services, and barriers to articulating their protection needs during asylum procedures and other interactions with protection and humanitarian actors.

The programme was developed jointly with the International Organization for Migration, IOM, and funded by the United States Bureau for Population, Refugees and Migration (BPRM). It covers relevant terminology, international law, communication, operational protection, conducting interviews, durable solutions, health, and refugee status determination, all with a focus on practical guidance for UNHCR and partner organizations when assisting LGBTI refugees and asylum seekers.

The training package was shaped by UNHCR, IOM and staff of other agencies around the world to ensure global relevance. It encompasses sexual orientation and gender identity, the particular protection risks affecting displaced LGBTI people, specific means to address them and will result in better delivery of protection to LGBTI persons of concern by UNHCR and its partners.

An overview of possible solutions

UNHCR also recently launched "[Protecting Persons with Diverse Sexual Orientations and Gender Identities](#)" - UNHCR's first global overview of the progress it has made in protecting lesbian, gay, bisexual, transgender, and intersex asylum-seekers, refugees, and others of concern.

The report is a significant contribution to UNHCR's efforts to fill the information gap about the situation of LGBTI persons of concern and is a blueprint to bolster LGBTI-inclusive protection programming and strengthen advocacy efforts. It identifies strengths and gaps in the protection of LGBTI persons of concern to UNHCR and proposes solutions to address key areas including identification and outreach, displacement conditions, durable solutions, capacity building and use of human rights monitoring mechanisms.

Bibliography

<http://www.unhcr.org/afr/news/latest/2015/12/567bb2869/unhcr-leads-in-lgbti-refugee-asylum-seeker-protection.html>

<https://www.iom.int>

https://en.wikipedia.org/wiki/Violence_against_LGBT_people

Further reading

<http://www.refworld.org/pdfid/4cff9a8f2.pdf>

<http://www.unhcr.org/509136ca9.pdf>