

module 01 participant workbook

**Working with Lesbian, Gay, Bisexual,
Transgender and Intersex (LGBTI) Persons
in the Humanitarian Context
September 2015**



International Organization for Migration (IOM)



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

ACKNOWLEDGEMENTS

UNHCR and IOM would like to thank Jennifer Rumbach for authoring this training package, LK Napolitano for the package design, Gabriel Schirvar for their contributions to editing and on the topics of health and SGBV, and the numerous experts from UNHCR who have been involved in providing feedback on the content of this training package to ensure a high quality resource.

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WELCOME

Introduction Note

LGBTI people, including those in migration and forced displacement, face a **complex array of challenges** and threats in both their countries of origin and countries of migration or asylum. These challenges and threats include discrimination, prejudice, violence, difficulty accessing humanitarian services and barriers to articulating their protection needs during asylum procedures. Efforts to improve the protection of LGBTI people have recently gained increased attention and support from States and the broader humanitarian and human rights community.

At **IOM**, such efforts have included training for staff members servicing the US Refugee Admissions Program and other projects as well as safe space campaigns in India, Iraq, Jordan and Nepal. At **UNHCR**, such efforts have included expert consultations, the development of guidelines, strategic messaging from the highest levels of UNHCR's management, mainstreaming of LGBTI related issues in mandatory learning programmes and a global questionnaire to assess UNHCR's capacity to address protection issues pertaining to LGBTI persons of concern.

Despite **significant activity** in this area, discrimination against LGBTI people is still endemic. Their protection needs often go unmet. A serious knowledge gap remains regarding the specific needs and vulnerabilities of LGBTI people in countries of origin, transit and asylum. Furthermore, not all staff members are conscious of their own preconceptions or discriminatory attitudes about sexual orientation, gender identity and bodily diversity. Therefore, quality training is essential for all people involved in the delivery of protection and assistance.

IOM and UNHCR have **jointly developed** this comprehensive training package on the protection of LGBTI migrants and persons of concern to UNHCR for staff members as well as the broader humanitarian community. The training's modules cover a wide variety of topics, including terminology, international law, communication, operational protection, resettlement and RSD, all with a focus on practical guidance for offices and partner organizations.

We welcome you to the training, and hope it enriches and informs your work with LGBTI people.

Intended Outcomes of the Training

- Assist staff members in **organising and implementing** effective and respectful interviews and other interactions with LGBTI people, and eliciting relevant information in an effective way that preserves dignity and humanity, by:
 - Encouraging the use of correct terminology in English as per international guidelines;
 - Discussing the unique protection challenges and vulnerabilities LGBTI people face, and identifying appropriate prevention, mitigation and response actions;
 - Reviewing potential scenarios specific to migrants and persons of concern to UNHCR in various host countries.
- Identify **appropriate and sensitive interviewing techniques** and lines of questioning.
- Identify **problematic assumptions** that may impact the provision of effective assistance.
- Ensure that RSD and resettlement staff members have the **necessary knowledge and skills** to assess the international protection needs of LGBTI people in accordance with international standards.

Anticipated Long-term Impacts of the Training

- IOM, UNHCR and partner offices are **rendered LGBTI-safe and welcoming**.
- Participants are **aware** of the rationale and responsibility to protect LGBTI people on the basis of their bodily diversity, sexual orientation or gender identity.
- Participants are **sensitized** to the specific issues related to the protection of LGBTI migrants and persons in forced displacement and are able to identify and address them in partnership with those persons.

TERMINOLOGY EXERCISE

Advanced Bonus Exercise

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

- | | |
|---|--|
| 1. MSM | ___ Dressing as another gender for costume or entertainment. |
| 2. Same-gender loving (SGL) | ___ An individual who does not experience sexual desire for any gender. |
| 3. WSW | ___ A person whose gender identity, expression and sex align. |
| 4. SGN | ___ Thai term referring to a transgender woman or effeminate gay male. |
| 5. Cisgender | ___ Formal recognition of same-sex relationships short of legal marriage. |
| 6. Drag | ___ Fear or hatred of bisexual people or bisexuality. |
| 7. Questioning | ___ Persons assigned male at birth with feminine gender identity (South Asia). |
| 8. Pride Parade / March | ___ Assault, injury and/or murder on the basis of certain characteristics. |
| 9. Third Gender / Third Sex | ___ Men who have sex with men. |
| 10. Civil Union | ___ A third-gender people of Samoa and the Samoan diaspora. |
| 11. Outing / Public Outing | ___ Verbal or physical violence against someone perceived to be gay. |
| 12. Biphobia | ___ A colloquial term used to identify other LGBTI persons. |
| 13. Gay Bashing | ___ Violent acts that target persons on the basis of their sex or gender. |
| 14. The Gender Binary | ___ Stems from Native American cultures; describes individuals who have a gender status that is different from both men and women. |
| 15. Hate Crimes | ___ Women who have sex with women. |
| 16. Ally / Straight Ally | ___ Events celebrating LGBTI culture and calling for legal or social rights. |
| 17. Family | ___ Sexual and gender non-conforming individuals. |
| 18. Pink Triangle | ___ Sex, sexuality or gender identity made public against someone's will. |
| 19. Two-Spirit | ___ A non-LGBTI person who supports LGBTI rights and persons publicly. |
| 20. Kathoey | ___ Used in some queer communities of color as an alternative to LGB. |
| 21. Hijra | ___ Individuals who don't identify as male or female (South Asia). |
| 22. Pansexual | ___ Persons with the capacity for attraction to all gender identities. |
| 23. Pride / Rainbow Flag | ___ Nazi concentration camp badge used to identify gay male prisoners. |
| 24. Asexual ("Ace") | ___ A symbol of LGBTI pride. |
| 25. SGBV (Sexual and Gender-Based Violence) | ___ The classification of gender into two distinct, opposite forms of masculine and feminine. |
| 26. Fa'afafine | ___ Persons uncertain about their sex, sexual orientation or gender identity. |

TERMINOLOGY GUIDANCE

Glossary of Terms

Persons of diverse sex, sexual orientation and gender identity: Umbrella term for all people whose sex, sexual orientation or gender identity places them outside the mainstream, and people whose gender identity does not match the sex they were assigned at birth.

LGBTI: An acronym for lesbian, gay, bisexual, transgender and intersex persons that is also used as shorthand for “persons of diverse sex, sexual orientation and gender identity.” Sometimes intersex is not included and the acronym is LGBT. Sometimes “queer” or “questioning” is included and the acronym is LGBTQ or LGBTIQ. Sometimes “ally,” “aromantic” or “asexual” is included, and the acronym is “LGBTQA” or “LGBTIQA.”

SSOGI: An acronym for sex, sexual orientation and gender identity.

Sexual Orientation

Sexual Orientation: Each person’s enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, person(s) of a particular sex or gender. Encompasses hetero-, homo- and bi-sexuality and a wide range of other expressions of sexual orientation.

Heterosexual: An adjective that describes persons whose romantic, emotional and/or physical attraction is to person(s) of a different sex or gender (also referred to as “straight”).

Homosexual: An adjective that describes persons whose romantic, emotional and/or physical attraction is to person(s) of the same sex or gender (also referred to as “gay”). Note that, in English, many people consider homosexual an out-dated clinical term that should be avoided.

Bisexual: An adjective that describes people who have the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex or gender, as well to person(s) of a different sex or gender. Note the term “pansexual” describes individuals who have the capacity for attraction to persons of all gender identities.

Asexual: A person who may experience romantic or emotional attraction, but generally does not experience sexual attraction to anyone.

Gay: An adjective used to describe a man whose enduring romantic, emotional and/or physical attraction is to other men. The term can also be used to describe women who are attracted to other women.

Lesbian: A woman whose enduring romantic, emotional and/or physical attraction is to other women.

Queer: Traditionally a negative term, queer has been re-appropriated by some LGBTI persons to describe themselves. It is considered inclusive of a wide range of sexual orientations and gender identities.

Same-Gender Loving (SGL): A phrase used in queer communities of color as an alternative to LGB. It was coined by activist Cleo Manago to better reflect the culture and experiences of persons of African descent.

“Family”: A colloquial term used to identify other LGBTI people, e.g. “that person is family.”

Ally: a heterosexual, cisgender [see definition below] person who supports LGBTI persons.

“Ex-Gay”: A person who once identified as gay but does not any longer. Many went through “reparative therapy” or “transformation ministries,” programmes which claim to “cure” same-sex attraction.

Sex

Sex: The classification of a person as female, male or intersex. Infants are usually assigned a sex at birth based on the appearance of their external anatomy. A person’s sex is a combination of bodily characteristics, including their

chromosomes (typically XY chromosome = male, XX chromosome = female), their reproductive organs and their secondary sex characteristics.

Intersex: A person with bodily variations in relation to culturally established standards of maleness and femaleness, including variations at the level of chromosomes, genitalia or secondary sex characteristics. Intersex is sometimes termed “differences in sex development.” “Intersex” is preferred over the out-dated term “hermaphrodite.” Intersex persons are likely to be assigned a sex of male or female at birth. Intersex people may grow to identify themselves with the gender corresponding to the sex they were assigned at birth, or with a different gender.

Intersex children may undergo surgery to make their bodies conform to expectations of a male or female body. Surgical interventions carried out on children by definition cannot be premised upon informed consent. In the majority of cases, there is not a medical need for the surgery beyond the perceived need to bring the child’s body into line with expectations of a typical male or female body. Such surgeries are generally irreversible and cause a wide range of severe, negative physical and psychological health effects. For these reasons, surgery is increasingly controversial and viewed by many as a violation of human rights. In addition to intersex advocacy organizations, a number of other bodies have called for an end to the practice, including the Committee on the Rights of the Child, the Committee Against Torture and the special procedures mandate holders on the right to health and on torture.

Gender Identity

Gender: Whereas “sex” refers to biological and physiological characteristics, “gender” refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for individuals based on the sex they were assigned at birth.

Gender Identity: Refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth or the gender attributed to them by society. It includes the personal sense of the body (which may involve, if freely chosen, modification of appearance or function by medical, surgical or other means) and expressions of gender, including dress, speech and mannerisms.

Gender Expression/Presentation: The external manifestation of one’s gender identity expressed through one’s name, pronouns, “masculine,” “feminine” or gender-variant behaviour, clothing, haircut, voice or bodily characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine and feminine changes over time and varies by culture. Transgender people may seek to make their gender expression match their gender identity rather than the sex they were assigned birth.

The Gender Binary: The classification of gender into two distinct, opposite forms of masculine and feminine. As our understanding of gender evolves, it becomes increasingly clear that gender is a spectrum and the binary fails to capture the nuances of lived gender experiences.

Masculinity/Femininity: Possession of the qualities associated with men and women, or maleness and femaleness, in a particular society at a particular time.

Transgender: Umbrella term used by people whose gender identity and, in some cases, gender expression, differs from what is typically associated with the sex they were assigned at birth, including those whose assigned sex is different from their gender identity and people whose gender identity is neither male nor female as traditionally defined. “Transgender” is preferred over “transsexual,” as it encompasses transsexual and other gender identities.

Transsexual: An older term that is still preferred by some people whose gender identity differs from their assigned sex. Transsexual persons may take measures to physically alter their bodies through medical interventions, including through hormones, implants and surgery.

Cisgender: Describes a person whose gender identity, gender expression and sex align.

Genderqueer/Third Gender/Non-binary: A blanket term used to describe people whose gender identity falls outside the male-female binary; can also describe persons who identify as both male and female (bigender), don’t identify with any gender (agender) or identify as a mix of different genders (e.g. male, female and agender on different days).

Cross-Dresser: While anyone may wear clothes associated with a different sex or gender, the term cross-dresser is typically used to refer to heterosexual men who occasionally wear clothes, makeup and accessories culturally associated with women. This term is preferred over “transvestite.”

Drag: Refers to men dressing as women, or vice versa, for the purposes of performance or entertainment.

Transition: The process of changing one’s external gender presentation in order to be more in line with one’s gender identity. This is a complex process that typically occurs over a long period of time. Transition includes some or all of the following personal, medical and legal steps: telling one's family, friends and co-workers, using a different name and new pronouns, dressing differently, changing one's name and/or sex on legal documents, hormone therapy and possibly (though not always) one or more types of surgery. The steps involved in transition vary from person to person.

Gender Confirmation/Affirming Surgery (previously Sex Reassignment Surgery (SRS)): Gender confirmation, or gender affirming, surgery refers to surgical interventions that may be one part of transition. Not all transgender people choose or can afford surgery. “Gender confirmation” or “gender affirming” is preferred over “sex reassignment surgery” or “sex change operation.” The terms “pre-operative” (or pre-op) and “post-operative” (or post-op) should also be avoided.

Gender Dysphoria: A diagnosis contained in the fifth edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-V). It refers to a feeling of disconnect from or discomfort with one’s sex as assigned at birth. It replaced the out-dated diagnosis “gender identity disorder.” The need for a psychiatric diagnosis for transgender persons to undergo elements of transition such as surgery remains controversial.

Addressing Transgender Individuals: When referring to transgender people, use their preferred pronoun or, where no such preference is expressed, the pronoun that is consistent with their gender expression or presentation.

MTF/FTM: Some transgender women may refer to themselves as M to F or MTF (male-to-female) transgender. Some transgender men may refer to themselves as F to M or FTM (female-to-male) transgender.

Pronouns: A pronoun is a word that refers to either the person talking (I or you) or someone or something being talked about (she, he, it, them or this). Transgender people face difficulty when the pronoun with which they identify does not match the sex they were assigned at birth or others’ perception of their gender identity. For example, a transgender woman may be called “he” by people who are unaware she identifies as female and prefers the pronoun “she,” people who are confused by her gender identity or people who are deliberately trying to hurt her.

Commonly used gender-neutral pronouns in English are they, them and theirs. Less commonly used are ze, hir and hirs (pronounced zee, here and heres). For example, “Caleb really likes their new bike. It’s a great fit and they saved up to buy it themselves!” or “Linh prefers to make hir food by himself, but ze is always happy to share hir meal.” Some languages don’t require pronouns to indicate gender or have a gender-neutral option, including Japanese, Swahili, Swedish and Turkish. Sweden has added to their language the gender-neutral pronoun “hen” to complement “han” (he) and “hon” (she). Other languages don’t mark gender at all, including Armenian, Finnish, Hungarian, Persian and Yoruba.

Personal Development

Coming out: A lifelong process of self-acceptance. People may acknowledge their identity first to themselves and then share it with others. Publicly identifying one’s identity may or may not be part of coming out, and the concept of coming out is not specific to every culture.

Outed/Public Outing: Describes an individual’s sex, sexual orientation or gender identity being made public against their will or without their knowledge, often for malicious purposes.

Questioning: People who are uncertain of their sex, sexual orientation or gender identity.

Legal Issues

Sodomy Laws: Laws that prohibit adult, consensual, private, non-commercial anal sex. While sodomy laws may also prohibit anal sex between a man and a woman, they are typically disproportionately applied against persons of diverse sexual orientations and gender identities who engage in same-sex sexual acts.

Laws of General Application: Laws that are not specifically targeted towards LGBTI persons but may be used disproportionately against them as a way to police the expression of identities that differ from the mainstream. These may include public debauchery, public morality, public order or impersonation laws.

Civil Union: Formal recognition of committed same-sex relationships. In some countries, civil unions confer many, but not all, of the same rights, benefits and privileges enjoyed by opposite-sex marriages, including in relation to the payment of taxes, social security benefits, estate planning or medical decisions.

Prejudice

Homophobia, Biphobia or Transphobia: Fear or hatred of gay or lesbian people, of homosexuality, of bisexuality or of transgender individuals. May manifest in exclusion, discrimination or violence.

Heterosexism: Promoting heterosexuality as superior or assuming that all people are heterosexual.

Gay Bashing: Verbal or physical violence against someone who is or who is perceived to be LGBTI.

Sexual and Gender-Based Violence: Any act of violence that targets individuals or groups on the basis of their sex or gender. It includes acts that inflict physical, sexual or psychological harm or suffering, the threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Gender-based violence encompasses violence directed against people because of how they experience and express their gender and sexual orientation.

Other Terms

Perception: In this context, refers to the act of viewing others in relation to their sex, sexual orientation, gender identity or gender expression. This is often based on stereotypes and may be done in an unconscious manner.

Men Who Have Sex with Men (MSM): A term used to categorize males who engage in sexual activity with other males, regardless of how they identify themselves.

Women Who Have Sex with Women (WSW): A term used to categorize females who engage in sexual activity with other females, regardless of how they identify themselves.

Third Gender/Third Sex: The term third gender is in some contexts used in relation to a gender identity that describes someone who considers themselves, or is considered, neither male nor female by societal definition; in other contexts it is used to describe individuals whose gender identity does not match the sex they were assigned at birth.

Kathoey/katoey: A term used in Thailand to describe a male-bodied person who has a female gender identity.

Hijra: A broad term used in South Asia (particularly in India), which sometimes refers to individuals who identify as neither male nor female, and in other contexts to male-bodied individuals with a female gender identity. Also referred to as *khawaja sara* and *zenana* in Pakistan and northern India.

Fa'afafine: A third-gender people of Samoa and the Samoan diaspora.

Sworn virgin: Specific to northern Albania, this term describes female-bodied individuals who have the gender presentation and/or identity of male and take a sworn vow of celibacy.

Two-Spirit: Definition varies among Native American cultures. A two-spirited person may be considered as and fulfill the roles assigned to both male and female sexes, or may fulfill the role of a sex that differs from the one they were assigned at birth. They are often revered.

The definitions contained in this glossary were drawn from or informed by, among others, the International Commission of Jurists (ICJ), Yogyakarta Principles, March 2007, available at: www.yogyakartaprinciples.org; and the GLAAD Media Reference Guide - 9th Edition, available at: <http://www.glaad.org/reference>. For a full list of Terminology sources, see the Continued Learning section of this Workbook.

GLOBAL OVERVIEW EXERCISE

Global Overview Quiz

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

1. LGBTI people exist:

- a. Primarily in the West, but in limited numbers in the rest of the world due to globalization.
- 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 centers and sparsely or not at all in rural areas.

2. Laws criminalizing consensual same-sex conduct or diverse sex, sexual orientation or gender identity exist in part or all of:

- a. Less than 15 countries, with no countries having a maximum penalty of death.
- b. Less than 35 countries, with part or all of five countries having a maximum penalty of death.
- c. More than 75 countries, with part or all of seven countries having a maximum penalty of death.

3. LGBTI people across all regions of the world are subject to the following discrimination or persecution due to their real or perceived sexual orientation or gender identity:

- 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. 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
- e. Limited or no access to police protection or assistance
- f. Limited or no access to mechanisms for reporting human rights violations and accessing justice
- g. Arbitrary arrest and detention, and heightened abuse in detention or prison
- h. Denial of the right to a fair trial
- i. Denial of or limited access to health care, education, housing, social services and social security
- j. Discrimination in hiring and summary dismissal from employment
- k. Bullying in school or the workplace
- l. Family violence, including abuse, forced marriages, honour killings and incest
- m. Corrective rape and marital rape
- n. Blackmail and extortion
- o. Displacement, either internally or across international borders
- p. Forced medical treatment, including anal examinations, genital surgeries, forced sex reassignment surgery, forced sterilization, “reparative” therapy to “cure” homosexuality and shock therapy
- q. Attacks on advocates and supportive or assisting organizations
- r. Suppression of the right to free speech through “propaganda laws” and other means
- s. Denial of the right to openly identify as a LGBTI person
- t. Denial of the right of couples to live together, marry and form a family in peace and security
- u. Limited rights to adoption and surrogacy and, in some cases, custody of children

4. In various countries, LGBTI people have been the targets of organized abuse from:

- a. International humanitarian organizations
- b. Religious extremists and extreme nationalists
- c. Paramilitary groups and Neo-Nazis
- d. Medical professionals
- e. Government and state actors
- f. Media organizations
- g. Families and communities

5. **Violent acts against LGBTI people tend to be “especially vicious.” Why might violent incidents or discrimination go unreported?**
 - a. Individuals may feel ashamed of their SSOGI or of the crimes against them.
 - b. Individuals may be distrustful of the police or the government.
 - c. Individuals may fear their families or communities will discover their SSOGI.

6. **Persecution of LGBTI people may occur at the intersection of sex, sexual orientation and gender. Among other things, this means people may be persecuted for:**
 - a. Defying gender norms related to visible expression. *For instance, gay and bisexual men may be persecuted because they present as “too effeminate;” lesbians and bisexual women may be persecuted because they present as “too masculine.”*
 - b. Defying gender norms related to behaviour. *For instance, LGBTI people 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, LGBTI people may not meet societal expectations because they have not married or had children, or are living with an individual of the same sex.*

7. **In jurisdictions such as Australia, the USA, UK and the European Union, LGB asylum-seekers:**
 - 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 the country of origin.
 - c. May be granted asylum on the basis that suppressing their identity related to sexual orientation or gender denies them the fundamental right to be who they are.

8. **UN and NGO staff members may encounter LGBTI people in:**
 - a. Humanitarian emergencies, transit facilities, detention and refugee and IDP camps.
 - b. Assisted voluntary repatriation, integration or resettlement exercises.
 - c. Projects or centers related to women and children, health, livelihood or domestic wellness.

9. **In what phase of the cycle of forced displacement are LGBTI persons of concern vulnerable?**
 - a. During the emergency phase (initial flight or displacement).
 - b. During the post-emergency phase (in the first or subsequent country of asylum, or after displacement).
 - c. During the comprehensive durable solutions phase (voluntary repatriation, local integration or third-country resettlement) or return and reintegration phase for displaced persons.

10. **LGBTI people:**
 - a. Can generally live openly in their cultural communities in countries of asylum or migration.
 - b. May be mistrustful of authority due to police or government targeting, and of aid 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 other individuals, their families and the host communities.
 - e. May believe that sharing their sex, sexual orientation or gender identity could bar them from assistance.
 - f. Are usually given access to specialized resources by assisting organizations.

11. **The position of the United Nations on the rights of LGBTI people is:**
 - a. Rights related to LGBTI people are relative to the country in which people live. Local societal, cultural and religious beliefs should be respected above all.
 - b. LGBTI people 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 LGBTI people, are needed for states to protect all citizens.

Much of the above information is drawn from:

The Human Rights Council 19th 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 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

GLOBAL OVERVIEW EXERCISE

Global Overview Bonus Quiz

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

- As of 2014, in how many countries do LGBTI people experience abuse, trauma, murder and arbitrary arrest without response or protection from the state, according to Heartland Alliance?**
 - More than 75
 - More than 130
- In 2014, countries with a legislated maximum penalty of death for consensual same-sex relations were:**
 - Iran, Mauritania, Saudi Arabia, Sudan, Yemen, and parts of Somalia and Nigeria
 - Egypt, Russia, Iraq, Saudi Arabia and Malaysia
- More than half the countries with laws criminalizing same-sex consensual sexual relations adopted those laws as a result of what?**
 - Religious extremist political parties
 - British or French colonialism
 - Regional agreements among states
- In what year was the first debate about LGBTI human rights held at the UN Human Rights Council?**
 - 1996
 - 2003
 - 2011
- When did the last European country repeal laws criminalizing same-sex conduct?**
 - 1998
 - 2006
 - 2014
- In 2011, which country became the first to recognize a third gender on its national census?**
 - The United States
 - Nepal
 - Sweden
- In some jurisdictions in 2014, what were asylum-seekers submitting to judges to “prove” they are gay?**
 - Intimate videos
 - Urine samples
- Until 2009, what test was used on some asylum-seekers to “prove” sexual orientation claims?**
 - The Epstein Sexual Orientation Inventory (ESOI) test
 - Plethysmography (connecting a device to genitals to measure arousal in reaction to pornography)
- LGBTI persons may experience:**
 - A newfound sense of freedom as soon as they depart their country of origin.
 - Isolation and loneliness in the country of migration, asylum or resettlement.
 - A lack of language to express their identity or communicate experiences.
 - Confidence that sharing their sex, sexual orientation or gender identity will result in assistance.
- According to a study conducted among women in the US, the group reporting the highest percentage of sexual violence and rape is:**
 - Heterosexual women
 - Bisexual women
 - Lesbian women

GLOBAL OVERVIEW GUIDANCE

Key Issues for LGBTI People

LGBTI people around the world are killed or endure hate-motivated violence, torture, detention, criminalization and discrimination in jobs, housing, health care and education because of their real or perceived diverse sex, sexual orientation or gender identity.

- **Human rights violations** – including hate crimes, abuse in detention and corrective rape – take place **not only in countries that criminalize** same-sex relations or have high levels of bias against LGBTI people, but also in countries considered more protective, such as the UK and US.
- The 2013 International Transgender Day of Remembrance update reported a total of **1,374 killings of transgender people in 60 countries worldwide** from January 1st 2008 to October 31st 2013.
- The National Coalition of Anti-Violence Programs in the U.S. reported **27 bias-motivated murders** of LGBT people in 2010, up from 22 in 2009.
- A survey conducted in 2008 in the UK found that a third of lesbians and a quarter of gay men had experienced a **hate crime** or other bias-motivated incident in the preceding three years.
- The 2013 EU Agency for Fundamental Rights survey, with some 93,000 participants, reported 26 per cent of respondents were **attacked or threatened** with violence within the previous five years. Among transgender respondents, 30 per cent said they had been victims of violence or threats more than three times in the past year alone. Sixty-six per cent of respondents are **scared to hold hands** with a same-sex partner in public.

LGBTI people are targets of organized abuse from religious extremists, paramilitary groups, neo-Nazis, extreme nationalists and others, as well as targets of family and community violence.

- In some countries, abuse may be perpetrated by **medical communities** in the form of forced medical treatment or examinations.
- In countries such as Uganda, LGBTI people are abused by some **media organizations**, such as the newspaper *Red Pepper*, which **outs** them in what the newspaper publisher considers a public service to Ugandan communities. This places them at great risk.
- LGBTI people are disproportionately subjected to **torture and other forms of ill treatment** because they fail to conform to socially constructed gender expectations.

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 04 May 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.”

- **Rape** is a common tool of persecution, including rape of men by male members of the police, military and detention facility staff, sexual exploitation of young LGBTI people by family or community members, and corrective rape of girls and women.
- Incidents of gang rape, family violence and murder of women have been reported in **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.”
- Murders of at least 31 LGBTI people in **Honduras** occurred during an 18-month period, including the murder of a transgender person 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.
- In **Jamaica**, 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 **Iraq** during two waves of anti-gay violence in 2009 and 2012, scores of men were brutally tortured and killed, their bodies often left in public as a warning. Hospital reports indicated some of the men had been force-fed laxatives and had their anuses super glued shut, which resulted in their death.
- In the **United States** in 2013 and 2014, a gay man and two transgender women were publicly murdered in New York City in separate hate crime incidents. In just the first seven months of 2015, ten transgender women were murdered across the United States.

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 LGBTI people.

- In many countries, crimes against LGBTI people are **supported, encouraged or perpetrated by the government**, giving people attacked little recourse for assistance or justice.
- Because individuals may grow up with **negative messages** about their diverse sex, sexual orientation or gender identity, they may have internalized homophobia or shame related to who they are or whom they love.
- In many places, **family and community violence** is common. Reporting a crime perpetrated on the basis of sexual orientation or gender identity could put an individual at further risk.

Laws criminalizing consensual same-sex practices or expression exist in more than 75 countries.

- Recent additions are **South Sudan** and **Russia**.
- In 2014, **Uganda** passed, then repealed on a technicality, an amended 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 people who do not turn in known LGBTI people.
- Seven States have a **maximum penalty of death** for consensual same-sex relations in all or part of their territory: Iran, Mauritania, Saudi Arabia, Sudan, Yemen, and parts of Somalia and Nigeria.
- Countries with a **notable absence of laws criminalizing same-sex relations**, but which are known to discriminate against or persecute LGBTI people with the knowledge or participation of the State, include such countries as Iraq and Egypt. **Iraq** does not have the death penalty for same-sex relations, although hundreds of gay men have reportedly been murdered there since 2009.
- Since 2000, laws criminalizing homosexual acts between consenting adults have been **repealed** in at least 12 countries and dependent territories, including northern Cyprus, Fiji, Nepal and Nicaragua. As of 2014, **marriage equality** and **gender identity laws**, which allow individuals to obtain legal documents representing their self-identified gender, had been introduced in a number of countries.

Some countries with positive law around LGBTI asylum-seekers include:

- **The United Kingdom** – The Supreme Court decided in 2010 that LGBTI 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 behaviour ... is to deny him the fundamental right to be who he is. Homosexuals are as much entitled to freedom of association with others who are of the same sexual orientation as people who are straight.”*
- **United States** – since 1994, LGBTI asylum-seekers who qualify for protection include: people who identify as or are viewed as LGBTI or otherwise counter to gender norms; identify as LGBTI but are closeted; or are HIV-positive, regardless of sexual orientation or gender identity.

Most countries do not have ample protection in place for LGBTI refugees and asylum-seekers.

- Some **people may not be accessing basic services** such as registration or refugee status determination because they avoid living in refugee communities and instead flee to urban areas, where they may live in **isolation**. Alternately, they may **fear even leaving home**.
- Many countries to which people flee have the same **limited protections** in place for LGBTI **citizens** as the countries from which people fled.
- Individuals may be **doubly persecuted** or discriminated against as foreigners and as LGBTI people.
- **Assistance** may not include considerations for LGBTI people.

In general, gay, lesbian, bisexual and transgender women face more private harm than men, including sexual violence, incest, rape, forced marriage, abuse and honour killings.

- A 2010 U.S. study by the Centers for Disease Control and Prevention, The National Intimate Partner and Sexual Violence Survey, finds **bisexual women at particular risk** of violence and rape.
- According to the study, thirty-five per cent of self-identified heterosexual, or straight, women had experienced **rape, physical violence, or stalking** by a partner at some point in their lives. Among lesbians, 43.8 per cent had experienced one of the three, as had 61.1 per cent of bisexual women.
- Bisexual women were the most likely to have been **raped**. 46.1 per cent had experienced rape, compared with 13.1 per cent of lesbian women and 14.7 per cent of straight women.
- Most **domestic violence** against bisexual women appeared to be committed by male partners — 89.5 per cent of bisexual participants who had experienced such violence said the perpetrators were male.

LGBTI people 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 potential abuse or rejection by their families.
- Be more likely than others to have suffered physical or sexual assault.
- Generally not be able to live openly within their communities.

Challenges LGBTI individuals face:

- They may have a mistrust of authority due to police and other official targeting.
- They may believe sharing their identity could bar them from or delay services.
- They may fear their family will find out if they share their status with assistance organizations.
- They may fear humanitarian aid workers will discriminate against or make assumptions about them.
- Upon arrival to a resettlement country, they may not feel an immediate sense of support from their community. They may feel or be isolated or separate from others of same ethnic or national origin, who may have similar values to the community in which the individual was persecuted.
- If they have not shared their status with NGOs or international organizations, they may lack access to local resources or information about activities or rights in their new homes.

Much of the above information is drawn from:

The Human Rights Council 19th 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

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

For additional resources, see the Continued Learning section at the end of this workbook.

GLOBAL OVERVIEW GUIDANCE

The Yogyakarta Principles

Source: http://www.yogyakartaprinciples.org/principles_en.htm

Excerpt: 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. The Yogyakarta Principles address a broad range of international human rights standards and their application to issues of sexual orientation and gender identity. This Overview provides a short outline of the Principles, and some examples of their application.

Preamble: The Preamble acknowledges human rights violations based on sexual orientation and gender identity, establishes the relevant legal framework, and provides definitions of key terms.

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 persons without discrimination, as well as the right of all people to recognition before the law.

Example: Laws criminalising homosexuality violate the international right to non-discrimination (decision of the UN Human Rights Committee).

Rights to Human and Personal Security: Principles 4 to 11 address fundamental rights to life, freedom from violence and torture, privacy, access to justice and freedom from arbitrary detention.

Examples: The death penalty continues to be applied for consensual adult sexual activity between persons 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”.

Economic, Social and Cultural Rights: Principles 12 to 18 set out the importance of non-discrimination in the enjoyment of economic, social and cultural rights, including employment, accommodation, social security, education and health.

Examples: Lesbian and transgender women are at increased risk of discrimination, homelessness and violence (report of UN Special Rapporteur on adequate housing); Girls who display same-sex affection face discrimination and 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 which “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, one’s identity and one’s sexuality, without State interference based on sexual orientation or gender identity, including the rights to participate peaceably in public assemblies and events and 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 and intimidated 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 & related intolerance).

Freedom of Movement and Asylum: Principles 22 and 23 highlight the rights of persons to seek asylum from persecution based on sexual orientation or gender identity.

Example: Refugee protection should be accorded to persons facing a well-founded fear of persecution based on sexual orientation (Guidelines of the United Nations High Commissioner for Refugees).

Rights of Participation in Cultural and Family Life: Principles 24 to 26 address the rights of persons to participate in family life, public affairs and the cultural life of their community, without discrimination based on sexual orientation or gender identity.

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

Rights of Human Rights Defenders: Principle 27 recognises the right to defend and promote human rights without discrimination based on sexual orientation and gender identity, and the obligation of States to ensure the protection of human rights defenders working in these areas.

Examples: Human rights defenders working on sexual orientation and gender identity issues in countries and regions around the world “have been threatened, had their houses and offices raided, they have been attacked, tortured, sexually abused, tormented by regular death threats and even killed. A major concern in this regard is an almost complete lack of seriousness with which such cases are treated by the concerned authorities.” (Report of the Special Representative of the UN Secretary-General on Human Rights Defenders).

Rights of Redress and Accountability: Principles 28 and 29 affirm the importance of holding rights violators accountable, and ensuring appropriate redress for those who face rights violations.

Example: The UN High Commissioner for Human Rights has expressed concern about “impunity for crimes of violence against LGBT persons” and “the responsibility of the State to extend effective protection.” The High Commissioner notes “excluding LGBT individuals from these protections clearly violates international human rights law as well as the common standards of humanity that define us all.”

Additional Recommendations: The Principles set out 16 additional recommendations to national human rights institutions, professional bodies, funders, NGOs, the High Commissioner for Human Rights, UN agencies, treaty bodies, Special Procedures, and others.

Example: The Principles conclude by recognising the responsibility of a range of actors to promote and protect human rights and to integrate these standards into their work. A joint statement delivered at the UN Human Rights Council by 54 States from four of the five UN regions on 1 December 2006, for example, urges the Human Rights Council to “pay due attention to human rights violations based on sexual orientation and gender identity” and commends the work of civil society in this area, and calls upon “all Special Procedures and treaty bodies to continue to integrate consideration of human rights violations based on sexual orientation and gender identity within their relevant mandates.” As this statement recognises, and the Yogyakarta Principles affirm, effective human rights protection truly is the responsibility of all.

SUCCESSFUL COMMUNICATION EXERCISE

Mock Scripts

Script One

Listen while we read the following script of a meeting between an IOM staff member and a 25-year-old individual named Reem. Reem has come to receive a status update on her application for a livelihoods program. Highlight points where the staff member could have phrased the question better or 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 livelihood assistance program. It's taking a very long time to find out.

Staff Member: Can you please give me your case number?

Reem: It is 560135.

Staff Member: Thank you. I see here that we are still waiting for a place in the program to open for you. Unfortunately, there is a very long queue. We cannot indicate the length of time 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: Hmm... unfortunately, I really can't say. I'm sorry I can't help you more. You could 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 just need to answer this email. *(Long pause while staff member types...)* OK. Now what did you want to tell me?

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

Staff Member: 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 that your family is in danger here, you might want to speak to someone in our protection unit. I am just a staff member of the livelihoods program, you know.

Reem: I do not want to go to anyone else. I am afraid of my father finding out about me talking to anyone. I'm the only one who put in an application for the livelihoods program, that's why I'm coming to you.

Staff Member: OK.

Reem: My family has been threatening me. I am scared of staying in the same house with them, but I don't feel like I have any choice.

Staff Member: Why don't you want to live with your own family?

Reem: They are threatening me right now. They found out that I am in a relationship and they don't want me to continue it. I am scared of what they might do.

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

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

Staff Member: Wow!! OK.... So you like to have relationships with women?

Reem: Well, yes.

Staff Member: I'm sorry for my reaction, but I have never encountered this before.

Reem: She is also in danger because her family has found out.

Staff Member: How did they find out about the relationship? Can you please tell me more?

Reem: 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 are being threatened.

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

Reem: Yes.

Staff Member: Did your family know that?

Reem: No.

Staff Member: Hmm. Maybe you can talk to them and see if they will calm down if you end the relationship? Or perhaps you can convince them it's 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. That will help us both get out of danger. 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 regarding your application for the livelihoods program. Please wait here.

SUCCESSFUL COMMUNICATION EXERCISE

Mock Scripts

Script Two

Listen while we read the following script of a meeting between a field office staff member and a 28-year-old individual named Neel. Neel has come to discuss a problem he is having in 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 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. No one will help me at the place where I'm staying, so I thought I might ask for help here.

Staff Member: OK, 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: Please, I am having a problem at the centre where I am now staying. I would like to be moved to a different room but they will not let me. I have been put in the wrong dormitory and it is causing me issues. I told them-

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

Neel: I am in the women's dormitory, but I would like to be with the men.

Staff Member: You said you are in the women's dormitory?

Neel: Yes, that is where I was assigned when I arrived to the centre. When they did the roll call. They said the information they got from you said I should be in the women's dormitory.

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 number?

Neel: It is 000-456097.

Staff Member: I see here that you are listed as a female. Your name is Neelim. Is that a mistake?

Neel: That is what my ID says. But I am third gender.

Staff Member: I don't understand. What is your name?

Neel: I am called Neel, but my file says Neelim because that is what is on my official documents. When I registered with you they told me that information had to stay in my file.

Staff Member: So you changed your name after you went to the centre?

Neel: No. I changed it a long time ago. I am called Neel.

Staff Member: OK... About the centre, you are listed here as a woman. That is probably why they placed you in the women's dormitory.

Neel: I told the person who registered me here that I am living as a man. I thought that when I went to the centre I would be able to live in the men's dormitory.

Staff Member: That must have been a misunderstanding, Neelim.

Neel: It is very uncomfortable there. Everyone is looking at me and asking why I am there. I don't look like a woman, and I think some of them are scared. I came straight down when I realized this happened.

Staff Member: I can see that – I also thought you were a man.

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

Staff Member: I understand this situation must be very difficult for you. I am sorry that you have 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: Do any of them know?

Neel: I'm not sure.

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: OK, please go back to the waiting area.

Neel: OK. Thank you.

SUCCESSFUL COMMUNICATION EXERCISE

Common Scenarios

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

A teenage boy who lives with his parents comes to you alone. He says he thinks he may be transgender and asks for related services. He says he is having a difficult time keeping his diverse gender identity hidden. He is worried if he tells his family they will not be supportive and may not want him to live in their house. He tells you he is bullied at school because his classmates perceive him as too feminine. He has only told his best friend about this, and now you.

Scenario Two

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

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. 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.

SUCCESSFUL COMMUNICATION EXERCISE

Paired Role-Play One

Person of Concern: Ayo

Name, sex and age on ID card:

- Ayokunle, male, age 27.

Preferred name, gender and pronoun:

- Ayo, female, she.

Current gender expression or transition details:

- Female; has a female gender expression and would like to change her legal documents. Has not and does not plan to transition.

Married? Partner?

- Has a partner. He 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.

Told caseworker during initial interview?

- No.

Situation details:

- Ayo is intersex. At birth, her parents and the doctors assigned her the sex of male based on her physical appearance. This was documented on her ID. She has a gender identity of female, a female gender expression and prefers to be called Ayo and “she.”
- Ayo lives with her family. Their home is crowded due to unregistered family members staying with them. Those family members previously lived in another country and have not approached IOM for assistance.
- Ayo is forced to sleep on the floor near the door. Family members often step on her during the night on their way in and out to use the toilet. For this reason, she sleeps very poorly and feels her health is suffering as a result.
- 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.

Special requests:

- To know how she and her partner can be together, either now or in the future.
- Would like to know how the IOM health programs in the country can assist her.
- Would like to know if IOM provides support for persons seeking dignified employment.
- Would like to know if there are any community organizations that can support her.
- Wishes to have her official documentation legally changed to her preferred name and gender.
- Wants to make sure no one will tell her family she talked about her situation in public.

SUCCESSFUL COMMUNICATION EXERCISE

Paired Role-Play Two

Person of Concern: Eduardo

Name and age on 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.

Told caseworker during initial interview?

- 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 caseworker did not respond respectfully. He reports the caseworker was visibly uncomfortable and told him that was private information he did not have 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 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 positive 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 services for people that are located in the border region, such as free clinics and food assistance.
- When Eduardo moved to the city, he found a small community of LGBTI people.
- 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 neighbourhoods he's been living in routinely harass known migrants.
- Eduardo is depressed because he feels isolated and without a consistent support system in the urban environment. He sometimes does not know how he will eat or where he will sleep.

Special 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.

SUCCESSFUL COMMUNICATION GUIDANCE

Suggested Questions for Interviewers

Suggested Questions for Lesbian, Gay and Bisexual People

1. Do you consent for us to **record information** about your sexual orientation?
2. Do you consent for us to **share information** about your sexual orientation with -----?
3. Do your **family members** know about your sexual orientation? If so, may we discuss it in front of them?
4. Do you have a **partner** who may also need assistance?
5. *[Applicable to RSD or resettlement only]* Did you **discuss** your sexual orientation at the time of your interview?
6. Have you experienced **discrimination**, persecution or other issues related to your sexual orientation? If so, may we share information with persons who may be able to assist?
7. Would you like to **request any support services** or resources at this time? OR How can I **help** you today?

Suggested Questions for Intersex People

1. Do you consent for us to **record information** about your sex?
2. Do you consent for us to **share information** about your sex with -----?
3. Do your **family members** know about your sex? If so, may we discuss it in front of them?
4. Do you have a **partner** who may also need assistance?
5. *[Applicable to RSD or resettlement only]* Did you **discuss** your sex at the time of your interview?
6. Have you experienced **discrimination**, persecution or other issues related to your sex? If so, may we share information with persons who may be able to assist?
7. Would you like to **request any support services** or resources at this time? OR How can I **help** you today?

Suggested Questions for Transgender People

1. Do you have a preferred gender, name and/or pronoun? If the individual does, you can explain:
 - We will endeavour to use your preferred gender, name and pronoun whenever we speak with you.
 - For legal reasons, your sex and name as listed on your official documents will be used on our forms.
 - For this reason, we may at times refer to you with the gender, name and pronoun on your documents. We understand this can be uncomfortable for you and we offer you our apologies in advance.
2. Do you currently have a **preferred gender expression** or presentation (for example, male or female)? If the individual has a gender expression or presentation not aligned with their official documents, you can explain:
 - Sometimes, individuals face **extra questioning** when accessing services if their appearance does not match the information listed on their ID cards. If you experience **any issues**, please let us know.
3. Are you currently **taking steps to transition**, such as changing clothing or taking hormones?
4. Do you plan to **transition**, or continue transitioning, in the future?
5. Do you consent for us to **record information** about your gender identity?
6. Do you consent for us to **share information** about your gender identity with -----?
7. Do your **family members** know about your gender identity? If so, may we discuss it in front of them?
8. Do you have a **partner** who may also need assistance?
9. *[Applicable to RSD or resettlement only]* Did you **discuss** your gender identity at the time of your interview?
10. Have you experienced **discrimination**, persecution or other issues related to your gender identity? If so, may we share your gender identity and related issues with persons who may be able to assist?
11. Would you like to **request any support services** or resources at this time? OR How can I **help** you today?

SUCCESSFUL COMMUNICATION GUIDANCE

Basic Communication Tips

While communicating with a LGBTI person, keep in mind the following guidelines:

- **Listen and reflect patiently.** Do not interrupt.
- If others are interrupting you, **find a quiet, private space** in which to speak.
- Indicate while the person is speaking that you are listening by nodding and maintaining eye contact, if appropriate. **Follow them rather than leading.**
- When the person is finished speaking, **acknowledge you have heard them.** You can do this by nodding and confirming verbally. You might say something like, “Thank you for sharing this with me. I understand it is difficult to share.”
- **Acknowledge their experience.** Examples of this are:
 - “I’m very sorry to hear that.”
 - “I’m sorry you experienced that.”
 - “That must have been very hard for you.”
 - “This must be a difficult situation for you. I am sorry.”
- **Repeat** what they have told you to ensure you have heard them correctly. Examples:
 - “What I hear you saying is . . .”
 - “Let me ensure I understand you. You are saying . . .”
- **Learn** from the individual as you go. **Clarify** any points you do not understand. Examples:
 - “Can you please tell me again about . . .?”
 - “Can you further explain . . .?”
 - 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.
- Ask them if they want to **discuss further** or share additional information.
- **Do not promise any action you are not sure you can fulfill.**
 - For instance, if the individual has come to you to share a difficult situation related to housing, **do not promise them** you can secure new housing immediately if you are unsure whether this is possible. Instead, let them know you take the issue seriously and will look into options to assist them in resolving the problem as quickly as possible.
- **Do not promise confidentiality** if you believe the person needs additional assistance.
 - While we can guarantee we will not share the information with outside parties if the individual does not wish us to do so, you should not promise to keep the information confidential within the organization. It may be critical to share it with colleagues.
- **Refer the person to necessary help.**
 - Don’t hesitate to seek help from a supervisor as needed.

When speaking to transgender people, remember to refer to the person by their chosen name and chosen pronoun. If you are not sure what that is, ask. In general, refer to a MTF transgender person, or transgender woman, as “she” and to a FTM transgender person, or transgender man, as “he.”

SAFE SPACES GUIDANCE

Creating Safe Spaces

Welcoming persons of concern to share their diverse sex, sexual orientation and gender identity with us is critical to **providing effective assistance**. Many people are scared to inform us they are LGBTI because they fear discrimination, breaches of confidentiality or being barred from benefits.

Sometimes, an office may have a **reputation** for being unwelcoming due to the experience of one or more persons of concern or because of assumptions based on the nationalities of our staff. It can take a great deal of **outreach and visible effort** to overcome these beliefs. Most critical to gaining trust is ensuring confidentiality. LGBTI people must feel certain we will not share private information with family members or the community.

What can we do as staff to make persons of concern feel more welcomed?

- Be knowledgeable about issues related to LGBTI people.
- During your introduction, mention that individuals are free to speak to you about anything.
- Ensure meetings are not rushed or interrupted. Give the person your full attention and ensure you acknowledge their questions and concerns in a positive and supportive manner.
- Refer to a script at the beginning of meetings so you do not miss any critical points.

What can we do as an organization to make our office a safer space?

- Display informative and welcoming signage and provide handouts.
- Post information on your organization's website.
- Create and distribute resource guides in the office or by email.
- Post information bulletins on notice boards in waiting areas.
- Mention your organization's stance on human rights during meeting introductions.
- Provide a confidential and anonymous hotline phone number for LGBTI people.
- Where appropriate and relevant, post items that identify the space as friendly, such as rainbow flags, pink triangles, other symbols or safe space signs. Keep in mind that many persons of concern will not recognize rainbow flags, pink triangles or other typically Western symbols of LGBTI support, so you may need to post text signs and ensure you are reading them or playing a video or audio recording of them for individuals who do not read.
- Offer staff members of another gender when appropriate and when requested by the applicant.
- Ask LGBTI people to provide input on the services and support they would find most useful and ensure your organization has a grievance process for reporting abuse or discrimination.
- Engage civil society organizations and NGOs in referring LGBTI persons of concern to your organization and consulting on programmes.

What can we do as an organization to help staff provide better care for persons of concern?

- Provide trainings to all employees.
- Have a point-person in the office who can answer questions for staff.
- Introduce signage, handouts and videos in a wide range of areas – not just where persons of concern are interviewed.
- Ensure the organization has a policy of inclusion for staff members.
- Share information about projects or trainings with the organization as a whole.

Following are three examples of materials that create a welcoming space. The first two are the **safe space sign** and **buttons**. A safe space sign can be displayed throughout offices. It is one way to let visitors know you welcome them sharing information about a variety of issues.

Buttons can be worn by staff members in locations where the symbol on the button – in this case, a rainbow flag – represents LGBTI support to persons of concern. These buttons were developed by the UNHCR office in Jordan to send a positive message to LGBTI persons of concern that they could safely seek assistance from a UNHCR staff member wearing the button.

Note that **symbols** like rainbow flags and pink triangles are not recognized by LGBTI people in many places so may have limited utility. You should consult local LGBTI organizations and individuals to find out whether symbols, language (written or spoken) or another mechanism would be of most use in that location.

In the **context in which the example IOM safe space sign is used**, the populations served do not typically recognize rainbow flags, pink triangles or other symbols as supportive of LGBTI people. It was thus determined that it would be more useful to post a text sign.

The text is also **read** to individuals at the beginning of their first meeting with the organization and has been transformed into a **short instructional video** that is played in waiting areas with other instructional videos. The purpose of the video is to reach those individuals who do not read or needed further explanation of the terminology used on the signs. The video can be viewed here: <https://www.youtube.com/watch?v=74R9LZdTcw>.

The second example is a **handout**. Developed in response to feedback from LGBTI refugees enrolled in a resettlement program in South Asia, it reassures individuals that sharing LGBTI-related information will not bar them from resettlement, and that the information will be kept confidential.

It also provides them with **hotline phone numbers** they can call if they have questions. The handout is distributed to all persons during their first appointment, is read out loud during the interview introduction and is shown as a video in waiting areas.

This is a safe space. IOM is here to help you. We believe in equal rights for all.

If you are persecuted for your beliefs, religion, gender or sexual orientation, you can tell us. Feel free to talk to your IOM caseworker or ask for a supervisor (female or male) at any time. Anything you tell an IOM staff member is strictly confidential.

यो एउटा सुरक्षित स्थान हो । आई.ओ.एम. यहाँ तपाईंहरूको सहयोगको लागि छ । हामी सबैका समान अधिकारमा विश्वास गर्दछौं । यदि तपाईं आफ्नो आस्था, धर्म, लिंग तथा लैङ्गिक प्रवृत्तिका आधारमा उत्पिडीत हुनुभएको छ भने हामीलाई बताउन सक्नुहुनेछ । कुनै पनि समयमा तपाईंको आई.ओ.एम. मा अन्तरवार्ता लिने व्यक्ति वा सुपरिवेक्षक (महिला वा पुरुष) सँग निर्धक्क भएर कुरा गर्न सक्नुहुनेछ । तपाईंले आई.ओ.एम.को कर्मचारीलाई बताएको जुनसुकै कुराहरू पूर्ण रूपमा गोप्य राखिनेछ ।



LGBTI Status and Refugee Resettlement

This bulletin is to inform applicants about lesbian, gay, bisexual, transgender, third gender and intersex rights in the context of refugee resettlement.

IOM is a safe space. We are an international humanitarian organization. Our staff members believe in equal rights for all people, regardless of your beliefs, nationality, ethnicity, religion, gender, age or sexual orientation.

Being lesbian, gay, bisexual, transgender, third gender or intersex (LGBTI) does not bar you from resettlement to the United States.

Being LGBTI will not put your case on hold or delay your processing.

We wish to know your LGBTI status so we can make sure your processing is done sensitively and correctly and so we can counsel you on your final destination in the United States. With your approval, this information will be added to your file for the resettlement agency or resettlement country. They can provide you with related resources in your new home.

Any information you share with IOM, UNHCR or USCIS about being LGBTI is confidential. It will not be shared with your family members or other refugees. It will only be shared between IOM, UNHCR and USCIS.

As a resettlement applicant, you are entitled to meet or speak with IOM confidentially about your status or to ask questions at any time.

If you have questions about resettlement in relation to your LGBTI status, or wish to inform IOM of your LGBTI status, please email RSCSouthAsia@iom.int or call one of our information lines: +977-(0)23-585293 (Nepal), +91-(0)981-173-9216 (India) or +92-(0)300-501-0126 (Pakistan).

SAFE SPACES GUIDANCE

Creating Inclusive Workplaces – for Supervisors

Maintaining a Harassment-Free Workplace

Harassment in a workplace is never acceptable, including on the basis of sex, sexual orientation or gender identity. If harassment occurs in your workplace, it should immediately be reported to a supervisor or Human Resources (HR) following your organizational Code of Conduct.

In many offices, jokes about LGBTI people unfortunately remain common. Joking about sex, sexual orientation or gender identity is **against office policy** and constitutes **bullying**. It causes hurt feelings among colleagues and persons of concern and undermines an organization's commitment to equal rights. It is especially problematic when a supervisor tells discriminatory jokes, as it creates an atmosphere in which staff members feel they are free to do the same. If you hear jokes being made about LGBTI people, you may wish to speak to the person(s) involved or **report** it to a supervisor or HR. You should not participate in the joke or give it a warm reception.

Assisting Staff in Working Professionally with LGBTI Colleagues and Persons of Concern

For some staff members, interviewing or working with LGBTI persons of concern or colleagues will be a genuine **challenge**. There are a variety of steps you can take to help them gain more confidence in their ability to assist all people with whom we work and to serve professionally alongside LGBTI colleagues.

One idea is to set up a **mentorship program** that allows more experienced staff members to share their wisdom with less experienced staff members in this area. Another is to offer additional **trainings** outside the scope of this training program, such as LGBTI sensitization in the workplace or counselling skills. You can also have staff members meet with **advocacy organizations** to listen to feedback on the work you're doing. Speaking with **LGBTI community members** may help them understand the issues. HR should make sure they're taking diversity into account when **hiring** and that you are clearly communicating the organization's stance on diversity. Overall, if a staff member is committed to improving their work and attitude towards LGBTI colleagues, commit yourself to helping them as long as it takes them to do so.

If a staff member **requests to opt out** of serving a LGBTI migrant or working on a team with a LGBTI colleague, thank them for sharing the request with you. Then, explain that in this organization, all staff members are expected to work with people from diverse backgrounds. Ask what it is that makes them feel uncomfortable and listen without judgment. Ask what you can do together to address the discomfort and help them move beyond it so they can perform their job with professionalism. This may require training or mentorship. However, make it clear that the general policy is staff members are not allowed to opt out of cases or teams due to prejudice.

Some colleagues may **feel uncomfortable** acknowledging and confronting their own biases. This can be a new and uncomfortable topic for them, especially if they have not had training. They may not know how to discuss it without using strong or inappropriate language. It may be helpful to **acknowledge** the staff member's discomfort and reference ways they might address it. You can say, "I see this topic makes you uncomfortable. I know it's difficult to discuss. We're taking steps in this office to treat everyone equally. LGBTI training really helped me understand the issues LGBTI people face and why it's our duty to work with and serve them. You might feel better if you attend a training session."

If the staff member has already **had training**, you might reference some of the core concepts related to the human rights and dignity of LGBTI people that they learned in the training. You may also remind them that, in your office, you are tasked to treat all people with respect, regardless of who they are.

It may be inappropriate for a staff member to **interact** with persons of concern until their biases are addressed and they are able to approach LGBTI people in a professional way. Remember that anyone can share sensitive information at any time, and staff members may not know in advance they are serving a LGBTI case. You should temporarily have other staff members assist the relevant persons of concern in order to ensure they are treated with dignity and respect.

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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, Migration and Refugees (PRM) of the United States Department of State** as part of the project, “Sensitization and Adjudication Training on Refugees Fleeing Persecution Based on Sexual Orientation and Gender Identity.” The content does not necessarily reflect the views of PRM or the United States.

