

module 04 unit 03 – assessing
protection needs
participant workbook

**Working with Lesbian, Gay, Bisexual,
Transgender and Intersex (LGBTI) Persons
in Forced Displacement and the
Humanitarian Context**
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International Organization for Migration (IOM)



UNHCR

United Nations High Commissioner for Refugees
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WELCOME

Introduction Note

LGBTI asylum-seekers, refugees, stateless persons, internally displaced persons and migrants face a **complex array of challenges and threats** in their countries of origin and countries of migration or asylum, as well as throughout all stages of the displacement cycle. 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 are gaining increasing attention and support from States and the broader humanitarian and human rights community.

At UNHCR, such **efforts have included** expert consultations, the development of guidelines, strategic messaging from the highest levels of UNHCR's management, mainstreaming LGBTI issues in mandatory learning programmes and a global questionnaire to assess UNHCR's capacity to address protection issues for LGBTI persons of concern. At **IOM**, such efforts have included training across the globe, messaging from the Director General and safe space campaigns in several key regions. Both **UNHCR and IOM** are committed to protecting the rights of LGBTI persons of concern, and intend to continue with a phased but deliberate approach to generating buy-in and building capacity.

Despite **significant activity**, 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 and refugee status determination (RSD).

UNHCR and IOM have **jointly developed** this comprehensive training package on the protection of LGBTI persons of concern 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 UNHCR and IOM offices and partner organizations. We welcome you to the training, and hope it enriches and informs your work with LGBTI persons.

Intended Outcomes of the Training

- Assist staff members in **organising and implementing** effective and respectful interactions and interviews 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 persons of concern 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

- UNHCR, IOM and partner offices are **rendered LGBTI-safe and welcoming**.
- Participants are **aware** of the rationale and responsibility to protect LGBTI persons of concern fleeing persecution 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 persons of concern and are able to identify and address them in partnership with persons of concern.
- RSD adjudicators **further develop** their capacity to identify and assess LGBTI claims in accordance with UNHCR's policies and guidelines, as well as other applicable international standards.

ASSESSING PROTECTION NEEDS EXERCISE

Case Study Assessment

Amal

Amal is 20 years old. Following is a summary of Amal's statements:

"I don't know exactly how to describe how I am, but I will tell you what I know. I was born different than other girls. When I was born, my mother called a doctor to come quick and look at me. He said I looked like a girl, but had a problem with my sex. He did a small surgery to try and fix it. It didn't make me look the same as other girls. When we are a certain age, all of us girls have another small surgery done. The woman who did mine, a cousin of my mother, tried to fix me again, but I still look different. When I look at my sisters, I can see that I'm still different. I'm not sure why this happened to me and not to them. I don't know who told others about me. Maybe the doctor.

I'm the same as other girls, though. I like doing the same things my sisters do, and I like boys. I haven't had a boyfriend, because my family is conservative, and I have a reputation. Boys don't want to go with me because they're worried how it will look for them. But I would like to someday. I know I'm pretty and hope I can find a boy who will be nice to me. I'm studying education in school. I want to be the head of a school someday.

The hardest part about growing up was my community. They thought my parents should have killed me when I was born. People told me that all the time. They think I have evil spirits inside me and that the spirits made me this way. In our culture, it's a curse to be born like this. You must be possessed by an evil spirit who got inside you when you were in your mother's stomach. The spirit gets inside you and stays with you throughout your whole life. So they don't feel safe living in the same place as you. They treated me very badly, and they treated my family like we were shameful.

When I was young they would mark the front door of our house with blood, to make sure everyone knew an evil spirit was living there, and they would put curses on us when we walked by, or whisper things under their breath to stay safe from me. My father wasn't welcome on the council of men in our town. My mother was treated badly by the other women who are our neighbors – they refused to speak to her. Luckily she has a big family and they supported her.

As you know, there has been war in my country for many years. The war finally came to our village and we had to leave along with everyone else. We came straight to this country because it is nearby. But we didn't go to the same place as everyone else from our village. We kept walking until we found a camp that is people from another region. At first we told them we got separated from our families. I think my parents hoped we could start over in a place where people didn't know us and they wouldn't have to face so much shame and abuse. But my people, we are all extended family. So eventually everyone heard rumors about who we are.

While we are living here, it is just rumors, because no one from my village comes here. But I am scared. Sometimes I worry someone will grab me and try to see if the rumors are true. I think because I look like a girl, maybe they think they are just rumors. I don't know how long that will last. Eventually, I need to get married. If I don't, people might wonder. If I get married and my husband is disappointed, maybe he will tell people why. Then we will suffer again."

Country Facts

- Diverse sex is not criminalized in the country of asylum (CoA), but it is not well understood and may be associated with diverse sexual orientation (SO), which is criminalized. Diverse sex is also not criminalized in the country of origin (CoO), but diverse SO is and persons of diverse sex are generally considered socially unacceptable.
- Amal may have difficulty accessing employment outside her community as a single young woman. She and her family will face increasing stigmatization and possible violence if her bodily diversity is discovered.
- Due to her diverse sex, Amal may face particular challenges accessing health care.
- Local integration in the CoA is not an option at this time, nor is it currently a potential durable solution.

ASSESSING PROTECTION NEEDS EXERCISE

Case Study Assessment – Amal

After you finish reading the case study of Amal, answer the below questions.

1. What rights have been violated in this individual’s country of origin or country of asylum?

2. What protection issues does the individual have in the country of asylum?

Threat of harm: State _____ Community _____ Refugees/asylum-seekers _____ Family members _____

Inadequate food, water or other basic needs: _____

Isolation: _____

Insecure or inadequate housing: _____

Health and disability issues: _____

Barriers to health or psychological care: _____

Barriers to education: _____

Barriers to employment: _____

Barriers to assistance programs or services, including legal and UNHCR services (e.g., registration or RSD): _____

Other(s), including criminal laws, lack of police protection, separation from partner and child custody issues: _____

ASSESSING PROTECTION NEEDS EXERCISE

Case Study Assessment

Nur

Nur is 17 years old. Following is a summary of Nur's statements:

"I am 17 years old. My father was a political dissident in our country so he left with me when I was very young. My mother died before we left. I don't have any other family here. I'm still young, but I've had relationships with both men and women. My father is very old and doesn't know what I do with my personal life. I'm also careful to try and keep my personal life hidden from the other people in our community. I know they would not approve.

Some of them have found out, though. I was involved with one boy and his family knew. They thought I was a bad influence. They told me to stay away from their son or they would call the police. They said they could have me deported. So I had to end that relationship.

My classmates also don't approve. I was in one school where they found out I was with that boy, and they were very mean to me. Sometimes they just called me names, but a few times boys in the school threatened me. They said they would do bad things to me. One of them punched me and pushed me against a wall. I had bruises from that for weeks. I had to leave that school. I told my father I left because it was too far from where we live. I found another school closer to our home. This school is better, but I have to be careful about anyone finding out who I am.

I did have a girlfriend last year. I like girls as much as I like boys. I guess you could say I date someone because I like that person. I don't care if they're a girl or a boy. We were together for six months. But she heard all the rumors about me and felt embarrassed to be around me. I am also worried that if I get into a relationship with a girl, there will be pressure to get married. People in our community get married very young. I'm not ready for that yet.

In this country, there is a lot of violence against refugees. Most of us are harassed and we hear about women being raped when they leave our community at night. Men face more harassment late at night too. Everyone knows we're foreigners from the way we look. It's not safe to be out late or to go to neighborhoods that you don't know. For that reason I have to live with the refugee community. I can't go out and live somewhere else on my own where I could have relationships with whoever I like.

So that is the big problem for me – either I'm on my own and free to be me inside my own house, but I have to face violence because of the way I look, or, I stay in a neighborhood where I am safer but I have to hide myself. I know I am young, but I am thinking about these things because soon I'll be old enough for university.

This country is better for people like me than where we come from. Here, society doesn't accept it, but if you're not part of their family, they may not do anything bad to you, either. But they will do bad things to you because you're a foreigner. Where I come from, I'm considered abnormal. You can go to jail for a long time if they find you doing the things I've done. People also don't accept it. And anyway, people might find out that I am the son of my father. He is still on a black list in the country. I don't ever want to go back there.

Maybe I will go to university to study human rights and try to change the way our societies see this issue."

Country Facts

- Diverse sexual orientation (SO) is not criminalized in the country of asylum (CoA), although it is socially inappropriate to discuss or display SO publicly. Same-sex acts are criminalized in the country of origin (CoO).
- In general, refugees have a difficult time accessing employment in the CoA.
- Nur may have difficulty finding safe housing outside the refugee community.
- Long-term visas are granted in the CoA, but permanent residency or citizenship is difficult to obtain.

ASSESSING PROTECTION NEEDS EXERCISE

Case Study Assessment - Nur

After you finish reading the case study of Nur, answer the below questions.

1. What rights have been violated in this individual's country of origin or country of asylum?

2. What protection issues does the individual have in the country of asylum?

Threat of harm: State _____ Community _____ Refugees/asylum-seekers _____ Family members _____

Inadequate food, water or other basic needs: _____

Isolation: _____

Insecure or inadequate housing: _____

Health and disability issues: _____

Barriers to health or psychological care: _____

Barriers to education: _____

Barriers to employment: _____

Barriers to assistance programs or services, including legal and UNHCR services (e.g., registration or RSD): _____

Other(s), including criminal laws, lack of police protection, separation from partner and child custody issues: _____

ASSESSING PROTECTION NEEDS EXERCISE

Case Study Assessment – Nur

3. If you chose insecure or inadequate housing in #2, indicate current housing and secure housing options:

Current Housing (can mark multiple):

- Refugee Camp
- Rural housing, single or shared
- Urban housing, single or shared
- Informal settlement
- Couple forced to live separately
- Couple or individual forced to move often
- Detention or Prison:
 - Quarters are appropriate to self-identified gender
 - Quarters are inappropriate to self-identified gender
 - Solitary confinement
 - Reported or detailed abuse
 - Denial of medical care or legal services
- Safe house
- Clustered housing
- Scattered housing
- Temporary shelter
- Homeless shelter
- Hotel / transit housing
- Emergency transit facility / center
- Housing through partners, including religious organizations

Secure Housing Options (can mark multiple):

- Refugee Camp
- Rural housing, single or shared
- Urban housing, single or shared
- Safe house
- Clustered housing
- Scattered housing
- Temporary shelter
- Hotel / transit housing
- Emergency transit facility / center
- Housing through partners, including religious organizations

Note why you chose the above options:

4. Please use the Heightened Risk Identification Tool (HRIT) to determine the level of risk the individual faces:

Risk Level: Low Medium High Notes _____

5. How might you address the protection needs of this individual?

CONTINUED LEARNING

Recommended Reading

Global Protection Cluster, ***Age, Gender, Diversity Essential Guidance and Tools***, 2014, available at: <http://www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/age-gender-diversity-essential-guidance-and-tools.html>

United Nations High Commissioner for Refugees (UNHCR), ***Age, Gender and Diversity Policy, Working with People and Communities for equality and Protection***, 2011, available at: <http://www.unhcr.org/refworld/docid/4def34f6887.html>

UNHCR, ***Association for the Prevention of Torture (APT) and the International Detention Coalition (IDC), Monitoring Immigration Detention: Practical Manual***, para 4.8.9, 2014, available at: <http://www.refworld.org/docid/53706e354.html>

UNHCR, ***Broadcast message of 1 December, 2010, Summary Conclusions of the Roundtable on Asylum-Seekers and Refugees Seeking Protection on Account of Their Sexual Orientation and Gender Identity***, held in Geneva from 30 September - 1 October 2010, available at: <http://www.unhcr.org/refworld/docid/4cff99a42.html>

UNHCR, ***Discussion Paper, The Protection of Lesbian, Gay, Transgender and Intersex Asylum-Seekers and Refugees***, 2010, available at: <http://www.unhcr.org/refworld/pdfid/4cff9a8f2.pdf>

UNHCR, ***Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention***, paragraph 65, 2012, available at: <http://www.refworld.org/docid/503489533b8.html>

UNHCR, ***Heightened Risk Identification Tool (HRIT)***, 2010, available at: <http://www.unhcr.org/refworld/pdfid/4c46c6860.pdf>

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