



# Applying the UNHCR age, gender and diversity policy to **LGBTIQ+ PERSONS**

*UNHCR Nansen Refugee award-winner for the Americas region, LGBTIQ+ rights activist Bianka Rodriguez, celebrates Pride in San Salvador.*

*This tip sheet is one of a series of six aimed at applying the specificities of the age, gender and diversity (AGD) approach. It highlights the complex, cumulative way in which the effects of multiple forms of discrimination (such as those related to age, gender, disability, sexual orientation, gender identity, religion, ethnicity, etc.) combine or intersect. It draws our attention to the impact of various overlapping social identities or intersectionality<sup>1</sup> in our work with groups of concern to UNHCR, more specifically persons with disabilities, youth, children and adolescents, minorities and indigenous peoples, older persons, and LGBTIQ+ persons. This factsheet should be read in conjunction with UNHCR's Need to Know Guidance [Working with LGBTIQ+ persons in forced displacement](#) which includes additional information for the implementation of these recommendations.*

## Who are we talking about?

The collective term lesbian, gay, bisexual, transgender, intersex, queer and plus (LGBTIQ+)<sup>2</sup> refers to the wide range of individuals whose sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC) do not conform to prevailing sociocultural norms.<sup>3</sup> UNHCR defines **sexual orientation** as “each person’s enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, person(s) of a particular sex and/or gender”; **gender identity**

<sup>1</sup> **Intersectionality** is a theoretical framework for understanding how aspects of a person's social and political identities (e.g., gender, sex, race, class, sexuality, religion, disability, physical appearance, height, etc.) might combine to create unique modes of discrimination and privilege. Intersectionality identifies advantages and disadvantages that are felt by people due to a combination of factors (Oxford English Dictionary).

<sup>2</sup> For the purpose of this tip sheet, the term **LGBTIQ+** is used as an inclusive umbrella term and encompasses all individuals who identify as Lesbian, Gay, Bisexual, Trans(gender), Intersex persons, gender non-conforming, as well as other individuals whose SOGIESC identities place them outside the mainstream, including persons whose sexual orientation is asexual, whose gender identity expression is non-binary, and/or who self-identify as queer, among many other SOGIESC characteristics.

<sup>3</sup> While LGBTIQ+ is commonly used as a catch-all term to describe persons with non-conforming SOGIESC, it is important to remind that reference is not to a homogeneous group with uniform protection needs.

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; **sex characteristics** refers to each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones and secondary physical features emerging from puberty. Different cultures use different terms to describe people who do not conform to conventional or traditional notions of sexual orientation, gender identity and/or sex characteristics.

## Why does it matter?

UNHCR strives to ensure that the rights of LGBTIQ+ persons are upheld, and their needs met, including through safe identification and reception, confidential referral pathways, active and meaningful participation, livelihood and empowerment opportunities among others.<sup>4</sup>

LGBTIQ+ persons flee their home to escape discrimination, violence and abuse, including rejection from their families and/or communities. Throughout the entire forced displacement cycle they often suffer from multiple forms of discrimination as refugees, asylum seekers or forcibly displaced persons, and because of their real or perceived non-conforming sexual orientation, gender identity, gender expression and/or sex characteristics (SOGIESC) as well as other factors of age, gender and diversity. As a result, they are exposed to multiple protection risks ranging from barriers to accessing rights and services, threats, discrimination, prejudice, abuse, bullying, neglect, sexual and gender-based violence (GBV), exploitation and death.

While discrimination based on sexual orientation and gender identity is prohibited by international legal standards, non-discriminatory provisions that protect LGBTIQ+ persons are not always reflected in the laws of states,<sup>5</sup> and LGBTIQ+ persons continue to face discrimination and violence both in their country of origin and of asylum. Hence, many LGBTIQ+ persons continue to experience marginalization and social exclusion and remain in hiding, with no access to rights, information and services.

When working with LGBTIQ+ persons, it is important to keep in mind that LGBTIQ+ describes a diverse group of people who may share some experiences but whose needs are also quite distinct, depending on their sexual orientation, gender identity, gender expression and/or sex characteristics, as well as other AGD factors such as their age, disability, nationality, ethnicity, religion, socioeconomic background, and level of education. These factors intersect to shape each person's experience of forced displacement differently.

At the same time, it is critical to recognize LGBTIQ+ persons as individuals with aspirations, skills and resources. They can make vital contributions as individuals and members of their families and communities and be a source of support to their peers in forced displacement settings.

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<sup>4</sup> Joint statement released by UNHCR AHC-Protection and the UN Independent Expert on Protection from Discrimination and Violence on the Basis of Sexual Orientation and Gender Identity (UN IE SOGI) in 2018: <https://www.unhcr.org/news/press/2019/7/5d19bdc04/un-rights-experts-urge-protection-lgbti-refugees.html>.

<sup>5</sup> At least 68 countries still have national laws criminalizing same-sex relations between consenting adults. In addition, at least six countries have national laws criminalizing forms of gender expression that target gender non-conforming persons. [https://ilga.org/downloads/ILGA\\_World\\_State\\_Sponsored\\_Homophobia\\_report\\_global\\_legislation\\_overview\\_update\\_December\\_2019.pdf](https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2019.pdf)

## What can UNHCR do?

LGBTIQ+ persons face multiple forms of violence, including GBV, discrimination and abuse across all phases of the forced displacement cycle. During their journey to find safety, the risks they experienced before fleeing are often exacerbated. LGBTIQ+ persons are not a homogeneous group; they experience risk differently and have various needs and capacities. It is important that UNHCR and its partners understand those risks and address them through programmes aimed at ensuring that LGBTIQ+ persons of concern to UNHCR enjoy equal rights. Below is a list of actions required if LGBTIQ+ persons are to be meaningfully included in UNHCR interventions. Actions are organized around the three key areas of engagement of the 2018 AGD Policy.

### AGD inclusive programming

- Create **safe spaces** where LGBTIQ+ persons feel secure and comfortable to share information and access services. **Train staff** to identify protection risks, including the increased risk of exposure to gender-based violence (GBV) that are particular to LGBTIQ+ persons, respectful use of terminology and communication. Include staff from different genders and backgrounds. Use **LGBTIQ+ friendly visibility materials** (e.g. posters, “You are safe” stickers and pins).
- Establish **specific LGBTIQ+ reception and registration measures** for safe identification and support for LGBTIQ+ persons, such as gender-neutral options on registration forms, special times and days for LGBTIQ+ to register or mobile registration. Make sure that persons not wishing to self-identify are not forced to do so, especially in situations where they may be at risk.
- Collect data that is **disaggregated by sex, gender, age and disability**, as well as data relating to specific protection needs, risks and barriers LGBTIQ+ persons face. Develop databases, forms and other **tools that are inclusive to all the diversities** and ensure that data is collected in a confidential and sensitive manner. Explain the reasons for gathering the data and how it will be used.
- **Train and sensitize staff and partners** on data protection protocols, management of sensitive information and LGBTIQ+-friendly techniques.
- Select partners and service providers that are friendly to LGBTIQ+ persons and help them to make their **programmes inclusive and accessible** to LGBTIQ+ persons.
- Raise partners’ awareness of the situation of LGBTIQ+ persons of concern to UNHCR, including the **risks, gaps, needs, opportunities and capacities** in order to promote full access to their rights and services and integral protection.
- Map and reach out to **LGBTIQ+ organizations, associations and community-based groups** in order to learn about their work and priorities and sensitize them to the particularities of forced displacement protection.

### Accountability to affected people

- **Consult with LGBTIQ+ persons** to identify barriers to their participation and decide together which participation methodologies and opportunities work best for them, e.g. organizing meetings in a different location.
- Be sure to assess needs from an **AGD perspective** and avoid grouping all LGBTIQ+ individuals in one discussion, e.g. consider gender breakdown as a minimum.
- Seek out and consult with **LGBTIQ+ support and advocacy organizations** to identify and connect with LGBTIQ+ persons of concern in a safe and confidential manner.
- Design **targeted identification and outreach measures** to ensure that LGBTIQ+ persons are afforded fair access to protection and assistance programmes, e.g. through LGBTIQ+ support networks.

- Ensure that LGBTIQ+ individuals are **well informed about their right** to request asylum on grounds of persecution related to their sexual orientation and gender identity and have access to asylum procedures; particularly in the case of LGBTIQ+ persons who are the dependents of a primary applicant.
- Ensure that there is **two-way communication with LGBTIQ+ persons** via their preferred channels of communication and that multiple options are provided for communicating with people with different needs.
- Encourage the **active participation** of LGBTIQ+ individuals in programmes and activities at individual or collective level in a manner that preserves their safety; avoid creating programmes that exacerbate their isolation.
- Seek out and **create safe, confidential and effective referral systems and partnerships**, including through peer support groups and the development of standard materials such as SOPs, posters and audio-visual materials.
- Engage **LGBTIQ+ volunteers** where possible under the outreach volunteer programmes.
- Consult with LGBTIQ+ persons to **identify challenges in accessing feedback and response** mechanisms and identify their preferred safe ways of sharing their views.
- Act on the feedback of LGBTIQ+ persons: **validate** their experiences and **adapt** interventions in a way that respects their safety, dignity and rights.
- Provide LGBTIQ+ persons with space in which to meet safely and discuss their concerns, or celebrate who they are.

### Gender equality<sup>6</sup>

- Consider the **diverse risks, needs and capacities** of lesbian, gay, bisexual, transgender, queer and/or intersex people, and involve them equally in decision-making, giving them the means to voice their opinions and participate fully in the design, assessment, monitoring and evaluation of humanitarian activities and assistance.
- Support equal access to **LGBTIQ+ specific and LGBTIQ+ sensitive healthcare**, including psychosocial support, mental healthcare, hormone therapy and HIV/AIDS treatment, among others.
- Raise awareness among LGBTIQ+ persons of **sexual and reproductive rights, safe sex practices and sexually transmitted infections**, as well as risks associated with human trafficking and smuggling, sexual exploitation and abuse, including digital media.
- Use accessible information and methods to raise awareness, among staff, communities and LGBTIQ+ persons on gender-based violence (GBV)<sup>6</sup>; provide information on how to mitigate risk factors, including on where and how they can seek support in an ethical, safe and confidential manner.<sup>7</sup>
- Engage LGBTIQ+ persons in **gender-based violence prevention, risk mitigation and response**, including support and rehabilitation, and activities aimed at preventing and mitigating the risk of selling and exchanging sex, among others.
- Ensure that response and referral mechanisms are made accessible, confidential and safe for LGBTIQ+ persons, who are at risk of gender-based violence.
- Address **barriers to safe and equal access** for LGBTIQ+ persons to national protection systems, social services and programmes, livelihoods opportunities, capacity building and empowerment, and education services, among others, making sure that they are sensitive, non-discriminatory and confidentiality is granted.

<sup>6</sup> In line with what is stated in the Age, Gender and Diversity Policy, although the Commitments focus on women and girls; attention is also paid to gender inequalities that affect men and boys as well as other genders

<sup>7</sup> In line with what is stated in the UNHCR Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence (2020).

# Key resources

## International legal and policy framework

- [Yogyakarta Principles and Yogyakarta Principles Plus 10](#), 2007 and 2017

## International guidance

- [The Gender Handbook for Humanitarian Action](#), 2018

## UNHCR policy

- [Age, Gender and Diversity \(AGD\) Policy](#), 2018
- [Protecting Persons with Diverse Sexual Orientations and Gender Identities](#), 2015
- [UNHCR Policy on the Prevention of, Risk Mitigation, and Response to Gender-Based Violence \(2020\)](#)

## UNHCR guidance

- [Need to Know Guidance: Working with Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Forced Displacement](#), 2021
- [UNHCR, Guidelines on International Protection No 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A\(2\) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees](#), 23 October 2012, HCR/GIP/12/01
- [Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees](#), 2009
- [UNHCR SOGI page on Refworld](#)

*This resource is a living document that will be updated to reflect ongoing UNHCR work on the inclusion of LGBTIQ+ persons and application of the resource in the field. UNHCR colleagues and partners can send questions and feedback to **UNHCR HQ Community-Based Protection Unit**, at [hqts00@unhcr.org](mailto:hqts00@unhcr.org).*