Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons

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Key points

- Ensure that staff are aware of international and national guidelines for protecting LGBTI persons of concern.
- Ensure staff in direct contact with persons of concern are sensitized to LGBTI needs and risks.
- Create safe spaces and identify LGBTI persons of concern. Do so sensitively; protect their confidentiality and safety.
- Consult LGBTI persons when you assess their needs and capacities. Remember, LGBTI persons are not a homogenous group. They have different needs and capacities.
- Ensure that all processes and practices (family unity considerations, registration, etc.) are inclusive.
- Do not assume that persons of diverse sex, diverse sexual orientation and diverse gender identity are the same.
- Do not assume that persons of diverse sex, diverse sexual orientation and diverse gender identity do not exist among the populations you work with.

1. Overview

How do we define LGBTI persons?
In many societies, lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals are subject to serious human rights abuses because they do not conform to culturally established gender norms. As a result of their real or perceived sexual orientation, gender identity, gender expression or sex characteristics, LGBTI persons are at heightened risk of violence, abuse, discrimination and exploitation - at the onset of an emergency, in transit, and when they arrive in
countries of asylum. Many attempt to hide their sexual orientation, gender identity or sex characteristics in an effort to avoid danger, making it difficult for UNHCR and partners to identify them, provide humanitarian services, and ensure that asylum procedures adequately address their needs. They require specific protection responses and may also require specific forms of humanitarian assistance.

Note on terminology.
A wide variety of terms are currently used to address and refer to persons of diverse sexual orientation, gender identity, gender expression or sex characteristics (see below). While acknowledging that language evolves, UNHCR uses the acronym LGBTI as an umbrella term to describe diverse groups of people who do not conform to conventional or traditional notions of male and female gender roles. Some other terms include, LGBTI+, LGBTQ, LGBTQAI, Queer, etc. In every context, make sure your staff are aware of what are the right terms to use and what terms are considered derogatory and should be avoided. Local LGBTI organizations can be a useful resource in this regard. When you are working with an LGBTI individual and do not know what term to use, ASK!

The following definitions are relevant:

**LGBTI** An acronym for 'lesbian, gay, bisexual, transgender and intersex' persons that is also used as shorthand for ‘persons of diverse sexual orientation, gender identity, gender expressions or sex characteristics'.

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

**Gay** A man whose enduring romantic, emotional and/or physical attraction is to other men. The term can be used to describe women who are attracted to other women.

**Bisexual** An individual who has the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex and/or gender, and to person(s) of a different sex and/or gender.

**Cisgender** Umbrella term used to describe persons whose gender identity corresponds to the biological sex assigned to them at birth. They can have a range of sexual orientations.

**Transgender** Umbrella term used by persons whose gender identity and, in some cases, gender expression differ from what is typically associated with the sex they were assigned at birth. They can also have a range of sexual orientations.

**Intersex** An umbrella term describing a wide range of natural bodily variations in sex characteristics (including genitals, gonads, reproductive organs and chromosome patterns) that do not fit typical binary notions of male or female bodies. Intersex people are not necessarily people who have a different gender identity or sexual orientation to the norm. Rather, their bodies have different sex characteristics to the norm. They are not to be considered the same as transgender persons.
**Homosexual** A person whose romantic, emotional and/or physical attraction is to persons of the same sex and/or gender. In English, many consider it an outdated clinical term that should be avoided.

**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 and/or gender.

**Gender identity** 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 based on their sex assigned at birth.

**Gender expression** The external manifestation of one's gender identity expressed through one's name, pronouns, behaviour, clothing, haircut, voice or bodily characteristics.

**Sex** The classification of a person as having female, male and/or intersex bodily characteristics. 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, their reproductive organs and secondary sex characteristics. It is a biological marker.

**SOGIESC** An acronym for 'sexual orientation, gender identity expression and sex characteristics'. It is used to describe sexual orientations and gender identity expressions in their full diversity, as well as based on sex characteristics.

2. **Main guidance**

**Protection objectives**

UNHCR's protection objectives with respect to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons are:

- To sensitize UNHCR and partner personnel to the specific risks and protection needs of LGBTI persons.
- To ensure that UNHCR and partner offices, registration facilities, reception centres, service delivery points, etc. are welcoming, confidential and safe spaces for LGBTI persons of concern.
- To consult LGBTI persons of concern and make sure that their views inform the design, implementation, and monitoring and evaluation of emergency responses.
- To ensure that LGBTI persons of concern do not suffer discrimination, are treated respectfully and fully participate in decisions that affect them.
- To ensure all responses are inclusive of LGBTI persons, and consider their specific capacities and needs in terms of age, gender, and diversity (AGD).
- To put appropriate systems in place that will prevent, mitigate and respond to violence against, or exploitation and abuse of, LGBTI persons during an emergency.
Underlying principles and standards


The *Code of Conduct* guides staff in making ethical decisions in their professional and also personal lives. It is a moral code; it does not have the force of law.

- UNHCR, Policy on *Age, Gender and Diversity*, 2018.

The AGD policy reinforces UNHCR’s commitment to ensure that people are at the centre of all that we do. It consolidates UNHCR’s commitments to a strong AGD orientation, accountability to affected people (AAP), and commitments to women and girls. It defines six areas of engagement and ten mandatory core actions for UNHCR headquarters and all operations.

- 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, 2012.

Provides legal guidance for governments, legal practitioners, decision makers and the judiciary, as well as staff carrying out *refugee status determination* under UNHCR’s mandate.


Provides practical guidance on how to ensure that the rights of LGBTI persons of concern are respected, and prevent discrimination.

Protection Risks

LGBTI persons are not a homogenous group. While they may share similar risks and concerns, each person and population has distinct concerns that derive from the intersection of their sexual orientation, gender identity and sex characteristics with their gender, age, and other diversity characteristics (such as disability, race, and religion).

Protection risks

Specific

- Lesbian women may suffer persecution based on their gender and their sexual orientation and may be exposed more frequently to gender-based violence, including honour crimes and rape, at the hands of private actors, including family and community members.
Because of their social and economic status, they may find it difficult to access asylum procedures, the police, or other forms of protection and support in countries of asylum. Some lesbian women will have been forced into compulsory heterosexual marriages and may also have children from these marriages.

- Gay men tend to live more public lives than lesbian women and as a result are often at more immediate risk of harm, including from state actors in countries where male same-sex conduct is a criminal offence. Gay men may be reluctant to reveal to authorities or service providers sexual abuse that they have endured.
- Bisexual persons may remain largely invisible. They are usually persecuted because they are perceived to be gay or lesbian. Their capacity to be physically, romantically or emotionally attracted to both men and women may create a misperception that their sexuality is a matter of choice, not identity. They may be stigmatized by both heterosexual and non-heterosexual communities.
- Transgender persons are often severely marginalized and subject to violence. They frequently experience abuse and discrimination by state authorities and hatred from family and community members. They are often subject to sexual abuse by state as well as non-state actors. Frequently excluded from education and access to housing and employment, they may engage in survival sex work. They often lack access to medical services that are much needed.
- Intersex individuals may endure persecution because they do not conform to mainstream gender expectations, or are viewed as having a physical disability related to their atypical sexual anatomy. They may be subject to ritualistic abuse where it is believed that bodily diversity is evil. They are often exposed to forced surgical interventions, including sterilization, without consent. Family members of intersex persons are sometimes also at risk.

**General**

- Public locations often present risks for LGBTI persons: temporary shelters; collective shelters; sanitation facilities, such as showers and toilets; centralized aid distribution areas and queues (if they are stigmatized or excluded by those overseeing the queues); information and registration points or centres; health or counselling centres; official offices, including police stations and military posts; detention facilities. Host communities may stigmatize, harass or marginalize LGBTI persons; their own families and communities may also do so.
- Same-sex couples and their families may be separated if housing is designed to accommodate single individuals or couples of different sex. Additionally, same sex couples may be treated without due consideration when services are delivered. Distribution criteria may not recognize same-sex couples, and as a result may exclude them from essential aid for families. Transgender and intersex individuals may be placed in accommodation that does not correspond to their preferred gender identity but rather to their sex assigned at birth.
- The content of assistance packages may not be appropriate for some LGBTI people. For instance, transgender men may need access to sanitary napkins and intersex individuals may need hormone replacement therapy.
- Coping mechanisms and infrastructures on which LGBTI persons normally rely may be incapacitated or destroyed. These include safe public spaces and facilities such as non-
discriminatory health and community centres.

Other risks

The reputation of UNHCR and its partners will be put at risk if they do not fulfill their responsibility to protect all persons of concern.

Key decision points

- Ensure that all staff and partners understand the specific protection needs of LGBTI persons, either through training or by reviewing UNHCR’s guidance on Working with Lesbian, Gay, Bisexual, Transgender & Intersex Persons in Forced Displacement.
- Ensure that all UNHCR and partner premises are welcoming and safe for LGBTI persons of concern.
- Ensure that all staff and partners, including drivers and security guards, are aware of what is and is not appropriate behaviour when working with LGBTI persons. UNHCR’s Code of Conduct sets out clear norms and requires managers to take action when inappropriate behaviour is identified.
- Appropriate partners may need to be identified, in particular in the absence of (reliable) national services.
- Establish systems that will consistently refer LGBTI persons to relevant service providers and ensure all services are accessible without discrimination.

Key steps

1) Identification and assessment procedures

- Identify and reach out to LGBTI persons. If possible, consult civil society actors, NGOs and other civil society organizations. Remember that LGBTI persons may deliberately seek to remain out of sight for their own security. Your first responsibility is to protect their confidentiality and safety. Do not assume that LGBTI individuals look, act or behave in a certain way.
- Create safe spaces and ensure staff and partners are trained to work and communicate with LGBTI persons. Establish an environment where LGBTI individuals will feel safe to come forward and seek support they need.
- In your reception centres, registration facilities and service provision points, include visual material that has key messages for LGBTI persons. Ensure that confidential hotlines and other reporting channels are in place and that they are made known to people who cannot access services directly.
During assessment, be alert to the fact that lesbian, gay, bisexual, transgender, intersex persons and others of diverse SOGI face different risks and have different needs and priorities. They are not, and should not be treated as, a homogenous group. Identify their distinct needs.

Support services should include LGBTI persons of concern in all protection and assistance programming. Specific arrangements and adaptations may need to be made in some situations.

Ensure that the urgent needs of LGBTI persons, including for mental health and psychosocial support (MHPSS), health, shelter, food, core relief items (CRI), are adequately addressed; take targeted actions where necessary. Include LGBTI persons in programmes that prevent and respond to sexual and gender-based violence (SGBV), working with partners where applicable.

Design confidential, safe and effective referral systems by mapping the needs of LGBTI persons in liaison with LGBTI-sensitive NGOs and other relevant service providers.

2) Access to services

- Respond promptly and adequately to the specific needs of LGBTI persons. Map partners, referral mechanisms, and the community's capacities.
- Work with partners, other actors, and the authorities where feasible, to identify appropriate and safe housing arrangements.
- Ensure that services such as counselling, health, and MHPSS are accessible to LGBTI persons without discrimination and that LGBTI persons are included in programmes that target persons of concern. Review your response programmes to identify where LGBTI persons may be at higher risk. Be mindful that it may not always be safe for LGBTI persons to access established mainstream services. For example, many public health facilities are legally required to report SGBV cases to local law enforcement, which may put LGBTI persons at additional risk.

3) Prevention of abuse and exploitation

- Take steps to put appropriate systems in place to prevent and respond to violence, exploitation and abuse of LGBTI persons. Establish monitoring mechanisms for this purpose.
- Ensure feedback systems are accessible to LGBTI persons and that concerns reported through those systems are acted upon.

4) Inclusion and information sharing

- Ensure that LGBTI persons of concern are consulted and meaningfully involved in the design, implementation, monitoring and evaluation of programmes that affect them.
- Provide information, in different forms and at various locations, about how and where LGBTI persons can seek assistance.
- Ensure that documentation procedures and decisions are sensitive to, and include, persons who do not align with mainstream sex and gender expectations. Ensure that such persons are not denied access to protection and assistance programmes.
- Ensure the office reception provides a safe and welcoming environment and that
registration is conducted in a non-discriminatory manner. Specific arrangements may need to be made for registration.

- Assist service providers to make their programmes inclusive and accessible to LGBTI persons of concern.

5) Awareness raising and advocacy

- Include the diverse protection issues LGBTI persons face in awareness-raising and training activities with partners.
- Provide specific training to ensure that staff, interpreters, and other relevant actors (in government and civil society) understand the particular needs and vulnerabilities of LGBTI persons in forced displacement.

Key management considerations

- Enough resources and sufficient knowledgeable staff should be available to meet the specific needs of LGBTI persons of concern.
- Strengthen the capacity of protection staff and partners to respond to the protection needs of LGBTI persons. Mainstream efforts to address issues of LGBTI individuals in all relevant sectors.
- Establish mechanisms to monitor the security and level of protection of LGBTI persons.
- Press national services and partners to remain engaged in support of LGBTI persons.

Resources and partnerships

Staff

Staff working in protection, community-based protection, health, education, livelihoods and other technical sectors are particularly relevant. Ideally, each operation should have a trained and knowledgeable LGBTI focal point.

Financial resources

Financial resources will be required to plan and implement relevant services, interventions and programmes.

Training

Ensure that staff, interpreters, and other relevant actors (in government and civil society) can obtain training in the particular risks and specific needs of LGBTI people. Ideally, conduct such
training before an emergency occurs.

**Partnerships**

- National NGOs and government institutions that are sensitive to LGBTI individuals. Well-known international NGOs with expertise include ORAM, ILGA and HIAS. Such partners are often also able to provide mental health and psychosocial support, where required.
- Explore national LGBTI organisation who provide specific services to LGBTI individuals.

**Annexes**

UNHCR, Need to Know Guidance. Working with Lesbian, Gay, Bisexual, Transgender, and Intersex Persons in Forced Displacement, 2011

UNHCR, Policy on Age, Gender and Diversity, 2018

UNHCR, The Protection of Lesbian, Gay, Bisexual Transgender and Intersex Asylum-Seekers and Refugees, Discussion Paper, September 2010

UNHCR, Guidelines on International Protection No. 9. Claims to Refugee Status based on Sexual Orientation and or Gender Identity

UNHCR, Heightened Risk Identification Tool, 2010 (second edition)

UNHCR Division of Global Protection, Protecting Persons Of Diverse Sexual Orientations And Gender Identities, 2015

**3. Learning and field practices**

**4. Links**


**5. Main contacts**
As first port of call, contact the UNHCR Deputy Representative (Protection), the UNHCR Assistant Representative (Protection), or the Senior Protection Officer or Senior Community-based Protection Officer in the country.

Alternatively, contact the UNHCR Head of Protection, or the Deputy Director (Protection), or the senior Protection Coordinator, or the senior Protection Officer, or the senior Community-based Protection Officer in the Regional Bureau.

The person you contact will liaise as required with the relevant technical unit at UNHCR DIP.