

CEA(R)

Comisión Española
de **Ayuda al Refugiado**

**DISCRIMINATION AND PERSECUTION ON THE BASIS
OF SEXUAL ORIENTATION AND GENDER IDENTITY:**

TOWARDS A DIGNIFIED LIFE



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INDEX

1- Discrimination and persecution of LGBT people in their countries of origin	Page 6
1.1- Discrimination and persecution of LGBT people worldwide	Page 6
1.2- Discrimination and persecution in the countries of origin of LGBT people who come to Spain	Page 11
2- Experiences and coping mechanisms for dealing with acts of discrimination in the host society	Page 36
2.1- Acts of discrimination and hate crimes motivated by discrimination on the basis of race and/or ethnicity or sexual orientation and gender identity in Spain	Page 36
2.2- Tendencies and specific nature of acts of discrimination against LGBT migrants	Page 39
2.3- Experiences of people who suffer discrimination in the host country	Page 40
2.4- Mechanisms for dealing with acts of discrimination in the host country	Page 40
3- News coverage of LGBT migrants and refugees	Page 51
Glossary of terms	Page 55
Bibliography	Page 62

INTRODUCTION

Even today, in the 21st century, many people suffer discrimination, persecution and harassment based on their sexual orientation or gender identity. They are the targets of killings, sexual and gender violence, and assaults. Currently, homosexuality is a criminal offence in more than 75 countries and it carries the death penalty in places such as Iran, Saudi Arabia, Yemen, Mauritania, Sudan, Nigeria and Somalia. People who are discriminated against and persecuted for their sexual orientation and identity are often affected by a combination of factors that exacerbate the effects of violence and discrimination. They are extremely marginalised as they are isolated from their communities and their families who reject them. Looking for freedom and security, they flee their countries of origin and embark on a migratory journey hoping to live a dignified life, free from discrimination. However, in their host societies they face new challenges as they are doubly discriminated against: firstly for being LGBT and secondly for being a migrant or refugee. Discrimination against LGBT people, known as homophobia or transphobia, is based on a construction of gender identity or sexuality from a heterosexual perspective. This maintains that there is just one model for interpreting so-called 'legitimate and healthy' sexuality which leads to hostility, rejection and violence towards other forms of identity. Discrimination or less favourable treatment can amount persecution and, in the case of a serious, sustained or systematic violation, may require international protection.

This report examines the situation in the countries of origin of people who, fleeing discrimination or persecution as a result of their sexual orientation or gender identity, have been forced to migrate to Spain. It highlights the challenges faced by these people in the host society where, in addition to experiencing discrimination on the basis of race or ethnicity, they run the serious risk of being discriminated due to their gender identity and sexual orientation.

In order to build a society that is united and free from discrimination it is essential to work to eliminate prejudices and stereotypes about people who migrate as a result of their sexual orientation and gender identity. These prejudices and stereotypes are embedded in our society, in public administrations as well as in speeches made by political leaders and in the media.

Estrella Galán Pérez

General Secretary of the Spanish Commission for Refugees (CEAR)

To all those people who have shared their stories, raising their voices for a world free of discrimination and persecution.

1- DISCRIMINATION AND PERSECUTION OF LGBT PEOPLE IN THEIR COUNTRIES OF ORIGIN

1.1- DISCRIMINATION AND PERSECUTION OF LGBT PEOPLE WORLDWIDE

The existence of violence and discrimination on the basis of sexual orientation or gender identity in every part of the world has been well-documented. Throughout the world people who are lesbian, gay, transsexual, transgender, bisexual or intersexual are the targets of killings, sexual and gender violence, physical attacks, torture, arbitrary detention, and accusations of immoral or deviant behaviour. They are also often denied the right to assembly, expression and information; they experience discrimination when accessing employment, health care and education.¹ The discrimination and persecution of state agents and the indifference of many states when it comes to protecting LGBT² people from violence, harassment and discrimination are a social curse which continues unchecked nearly everywhere in the world. The inadequate protection offered to LGBT people in the face of these violations of their human rights means that they are extremely defenceless and vulnerable.

The United Nations High Commissioner for Human Rights, Zeid RA'ad Al Hussein declared, in a recently published report on violence and discrimination towards LGBT people³, that there is 'pervasive, violent abuse, harassment and discrimination' in all regions of the world towards LGBT people and that '[v]iolence motivated by homophobia and transphobia is often particularly brutal, and in some instances characterized by levels of cruelty exceeding that of other hate crimes.' The same report, refers to "grotesque homicides" perpetrated with broad impunity, allegedly at times with the "complicity of investigative authorities".

At the same time, he deplores the fact that measures taken by some countries to reduce violence and discrimination based on sexual orientation and gender identity since the last report in 2011 have been eclipsed by continued systematic violations of their human rights, perpetrated with total impunity and with the complicity of certain states.

It should be noted that violence against transsexuals is often even more widespread and horrific. According to Trans Murder Monitoring, a project which is co-ordinated by the LGBT rights group Transgender Europe, more than 1,700 transsexuals were murdered in 62 countries between 2008 and 2014⁴, which is the equivalent of one murder every two days.

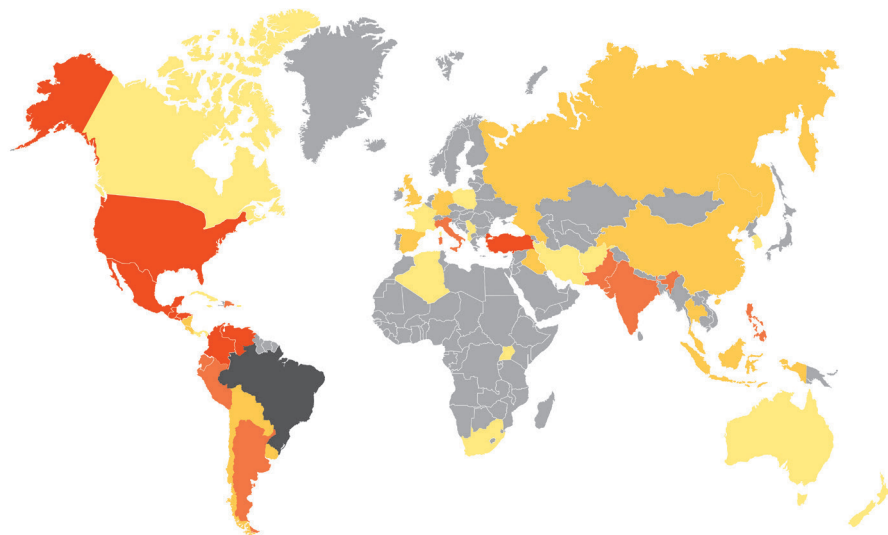
1 UNITED NATIONS *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011.

2 LGBT here refers to people who are lesbian, gay, bisexual, transgender or of other diverse sexual and emotional orientations.

3 UNITED NATIONS *Discrimination and violence against individuals based on their sexual orientation and gender identity* 4 May 2015

4 TRANS RESPETO VERSUS TRANSFOBIA. *Observatorio sobre el Asesinato de Personas Trans*. 8 mayo 2015. http://www.transrespect-transphobia.org/es_ES/tvt-project/tmm-results/idahat-2015.htm

TRANSSEXUAL PEOPLE MURDERED BETWEEN JANUARY 2008 AND DECEMBER 2011



816 REPORTED CASES OF MURDERED TRANSSEXUAL PEOPLE
BETWEEN JANUARY 2008 AND DECEMBER 2011



www.transrespect-transphobia.org

The experience of LGBT people is different in every region and every country. Most violations of LGBT people's rights in Latin America involve violence, while in Africa and the Middle East, LGBT people have to hide their identity as it is usually a criminal offence to be LGBT.

The Inter-American Commission on Human Rights reported⁵ that in Latin America 594 LGBT people were killed between January 2013 and March 2014 as a result of anti-LGBT prejudice in the 25 member states of the Organization of American States. A clear example of this situation is in Brazil, one of the few countries in which the government publi-

⁵ ORGANIZATION OF AMERICAN STATES *An Overview of Violence against LGBTI Persons in the Americas*
<http://www.oas.org/en/iachr/lgtbi/docs/Annex-Registry-Violence-LGBTI.pdf>

shes an annual report on homophobic and transphobic violence, where 326 deaths for these motives were recorded in 2014.⁶

In Africa, the African Commission on Human and People's Rights approved a resolution in 2014⁷ in which it condemned violence and other human rights violations on the basis of sexual orientation or gender identity.

Various directives and resolutions on this matter have also been passed at a European level.⁸ In addition to this, the European Court of Human Rights has delivered various judgements calling for the principle of equal treatment and protection of LGBT people to be respected. In spite of the advances made, however, discriminatory models based on prejudices and stereotypes about the LGBT population persist.



Where non-lethal violence is concerned, among the many examples of violence that occur worldwide, the UNHCR report 'Discrimination and violence against individuals based on their sexual orientation and gender identity'⁹ includes: arbitrary detention; the ill-treatment of 44 members of an LGBT organization by police in Zimbabwe; the arrest, beating and rape by police of a woman accused of being a lesbian in Bangladesh, while she was in custody; the arrest of four people for their alleged sexual orientation in Egypt, who reported having been sexually assaulted by other inmates while in detention. These cases which have been seen and recorded, represent just a small part of the overall picture of violence against LGBT people.

It is important to add to all of the above that in most countries with a Muslim majority, LGBT people are a long way from being recognized and socially accepted.

6 GRUPO GAY DA BAHÍA. Informe 2014 sobre el asesinato de homosexuales (LGTB) en Brasil. <https://homofobiamata.files.wordpress.com/2015/01/relatc3b3rio-2014s.pdf> y Tabla general de homicidios de 2014. <https://homofobiamata.files.wordpress.com/2015/01/tabela-geral-de-homicidios-2014.pdf>

7 THE COUNCIL OF THE EUROPEAN UNION Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) Persons 24 June 2013 https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/.../137584.pdf

8 THE COUNCIL OF THE EUROPEAN UNION Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) Persons 24 June 2013 https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/.../137584.pdf

9 UNITED NATIONS UNITED NATIONS Discrimination and violence against individuals based on their sexual orientation and gender identity 4 May 2015

In spite of the existence of profound social and cultural differences in the Arab world, persecution and discrimination are stronger than any regional differences and prevail in questions of discrimination against LGBT people.

In general, LGBT people continue to be invisible or regarded as 'deviant', 'immoral' or 'sick'. Homosexual acts are expressly punishable by law in most of these countries, and in some of them LGBT people may even face the death penalty. It is difficult for LGBT people to go out, to be visible, to live their true identities or fight for their rights.

In these political, judicial and religious contexts, the Internet has become a viable means of communication for LGBT people in countries with a Muslim majority. However, the authorities and others who oppose LGBT rights have attempted to maintain control of this means of communication. Government censorship, and the monitoring of all Internet activity, usually through the use of malware and phishing of social network accounts, rose to particular prominence during the revolutions that took place in the Arab world in 2011. Blocking websites and monitoring activist activity on Facebook, Twitter, and in personal blogs are some of the main methods that governments used over this period.

CRIMINALIZATION OF LGBT PEOPLE

At least 76 countries have laws that criminalize and harass people on the basis of their sexual orientation or gender identity, including laws that criminalize same-sex relationships between consenting adults. Homosexuality is criminalized and demonized, and it carries the death penalty in countries such as Iran, Mauritania, Saudi Arabia, Sudan, Yemen and parts of Nigeria and Somalia. The prevalence of this discrimination in these countries can be associated with the influence of Sharia law on their governments and their legislation. Elsewhere in countries such as Kyrgyzstan, Nigeria, Moldavia, Russia, Ukraine and Uganda, laws have been passed or proposed to limit 'non heterosexual' display in public, on the pretext of 'protecting minors'.¹⁰

In addition to these laws criminalizing homosexual relations and self-expression, there are also countries that, in spite of having decriminalized homosexuality, lack laws to protect LGBT people who have been victims of violence and discrimination. It is important to note here that the lack of laws to promote police investigations into acts of violence or laws to protect victims who have told the police of such incidents is a form of discrimination in itself.

AMANDA, HONDURAS

Although I was born with the body of a man, I always felt like a woman. When I was a little girl, my siblings used to laugh at me because I was different, my mother used to hit me, and she would ask my father to punish me because she said that the way I behaved wasn't 'proper'. In the neighbourhood people used to speak ill of me and I had to leave school when I was 11 because I was being attacked by the other children who used to call me 'pansy' and throw things at me.

When I left school I began to go round the villages with my mother, selling things (chewing gum, newspapers, and so on). By that time I was wearing lipstick and makeup. Sometimes people would say very rude things to me when I was walking along the streets with my mother. My mother felt ashamed and used to cry. I did that with my mother until I was 15.

When I was 16 years old I was sexually assaulted by a member of my country's police force. Since that time, I have suffered constant insults, harassment and discrimination from society and especially from the police. They put me into a cell without any clothes on – I couldn't tell if it was night or day – with other transsexuals like me. They would kick us in the legs with the tips of their boots, they kicked me in the mouth, they broke my teeth. They put out cigarettes on my skin and on my eyes.

The state never did anything to protect me or recognize my rights. That is why, in 2014, I decided to flee to Spain where I requested international protection.

10 UNITED NATIONS *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011.

1.2- DISCRIMINATION AND PERSECUTION IN THE COUNTRIES OF ORIGIN OF LGBT PEOPLE WHO COME TO SPAIN

Below is an analysis of the main reasons that lead LGBT people to leave their countries, based on real testimonies and examining people's rights and freedoms in their countries of origin. Particular attention has been paid to the main countries of origin of the LGBT people who set out on the migratory journey to Spain.

CENTRAL AMERICA: HONDURAS AND NICARAGUA

The Honduran Constitution establishes that '[a]ll Hondurans are equal before the law' and declares any discrimination on grounds of sex, race, class or any other 'offence against human dignity' to be punishable. In 2013 an amendment on hate crimes was added to the penal code which included protection against discrimination due to sexual orientation of gender identity¹¹. What is more, Honduras is a signatory to the International Covenant on Civil and Political Rights in which Articles 2.1 and 26 prohibit discrimination, including discrimination on the grounds of sexual orientation.¹²

Nevertheless, people like Amanda and LGBT organizations in Honduras suffer discrimination and violations of their human rights by the government and wider society. LGBT people are considered 'abnormal' and as a result they are subject to social exclusion and abuse.¹³ Among the main aggressors and violators of their human rights are members of the national and municipal police forces, family members, security guards, and other members of the public.¹⁴ LGBT people are often abandoned by their families, are unable to find decent work and are without the protection of the police and other agents of government.¹⁵ It is important to place particular stress here on the fact that LGBT sex workers live an extremely precarious existence, in spite of the fact that prostitution itself is not illegal in Honduras.¹⁶

It was in this hostile environment that in 2002 Honduras passed the Police and Social Co-existence Act. It grants the police the power and discretion to take measures to preserve public decency and morality, thus institutionalising the discrimination and persecution of

11 UNITED STATES DEPARTMENT OF STATE. 2014 *Human Rights Reports: Honduras*. 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/2014/wha/236698.htm>

12 *The Toonen v. Australia* case established that sexual orientation is included in the provisions as a protected status under the Covenant. (Toonen v. Australia, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992)

13 UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR). *Honduran teenager flees homophobia and finds a new life in Mexico*. 4 August 2009. <http://www.unhcr.org/4a7856ec9.html>

14 COMISIONADO NACIONAL DE DERECHOS HUMANOS (CONADEH). *LGBTI (Lesbianas, Gays, Transexuales, Bisexuales e Intersexuales) reporte 2012: Honduras*. <http://app.conadeh.hn/Anual2012/pdf/info2012/LGTBI.pdf>

15 AMNESTY INTERNATIONAL. Honduras: *Human rights violations against lesbian, gay, bisexual and transgender people*. 31 CÓDIGO PENAL, DECRETO NO. 144-1983. "Transvestites and Gay Men Again Threatened with Expulsion from City: Act Now to Protect Freedom of Movement," IGLHRC. 19 November 2002. <http://iglhrc.org/content/honduras-transvestites-and-gay-men-again-threatened-expulsion-city-act-now-protect-freedomagosto2003>. <http://www.amnesty.org/en/library/info/AMR37/014/2003/en>

16 CÓDIGO PENAL, DECRETO NO. 144-1983. "Transvestites and Gay Men Again Threatened with Expulsion from City: Act Now to Protect Freedom of Movement," IGLHRC. 19 November 2002. <http://iglhrc.org/content/honduras-transvestites-and-gay-men-again-threatened-expulsion-city-act-now-protect-freedom>

“My siblings used to laugh at me and my parents used to hit and punish me because they said that the way I behaved and dressed wasn’t ‘proper’”

PERSECUTED IN **CENTRAL AMERICA**



Amanda Honduras

LGBT people.¹⁷ Between 2010 and 2012, large numbers of LGBT people have been victims of homicides, attempted homicides, abuse of power, attacks resulting in injury, illegal detentions, robberies, harassment, death threats, domestic violence and assaults by private individuals and agents of state security.¹⁸

In addition to this, some organizations that defend LGBT rights have demonstrated that both government agencies and private companies refuse to employ LGBT people.¹⁹ Added to this, according to the National Human Rights Commission of Honduras (CONADEH), four out of ten people living with HIV/AIDS have experienced discrimination due to their condition because it is highly stigmatized.²⁰

Between 2010 and 2012, 55 members of the LGBT community in Honduras met a violent death. A high percentage of the victims were executed with firearms, some were stabbed or even strangled. More than 92% of crimes against the LGBT community are committed with total impunity due to the lack of investigation of the cases.²¹ The state's response to these murders was to set up a Sexual Diversity Murder Investigation Unit attached to the Office of the Prosecutor for Common Crimes in Tegucigalpa and San Pedro de Sula. There is no specific information as to what this unit's work is, in particular as regards the current status of the investigations into the murders.²² The Honduran government's indifference to violations of LGBT human rights, and its occasional participation in such violations means that LGBT people are extremely vulnerable and unprotected, and often find themselves compelled to leave their homes in search of protection because their lives are in grave danger.

NICARAGUA

In Nicaragua legislation prohibits discrimination on the basis of race, gender, sexual orientation, disability, language, or social status; however, the government does not regularly enforce these legal prohibitions. The victims of such forms of discrimination do not usually report them, filing few discriminationsuits or formal complaints. This is due to the belief that their complaints will not be addressed and will lead to negative outcomes for those who filed them.²³

Until July 2008, relations between people of the same sex were punishable with imprisonment, as the old penal code classified this as sodomy. While this discrimination disappeared from the law in 2008, it has not disappeared from society, according to activists from

17 TRIBUNAL SUPERIOR DE CUENTAS. *Ley de Policía y de Convivencia Social*, Decreto 226-2001, gaceta no. 29,726. 7 March 2002 <http://www.tsc.gob.hn/biblioteca/index.php/leyes/63-ley-de-policia-y-convivencia-social>

18 COMISIONADO NACIONAL DE DERECHOS HUMANOS (CONADEH). *LGBTI (Lesbianas, Gays, Transexuales, Bisexuales e Intersexuales) reporte 2012: Honduras*. <http://app.conadeh.hn/Annual2012/pdf/info2012/LGTBI>.

19 UNITED STATES DEPARTMENT OF STATE. 2014 *Human Rights Reports: Honduras*. 25 junio 2015. <http://www.state.gov/j/drl/rls/hrrpt/2014/wha/236698.htm>

20 See footnote 19.

21 See footnote 18

22 COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH). *Relatoria sobre los derechos de las personas LGBTI: Informe 2012*. <http://www.oas.org/es/cidh/lgtbi/informes/anales.asp>

23 UNITED STATES DEPARTMENT OF STATE. 2013 *Country Reports on Human Rights Practices – Nicaragua*. 27 February 2014 <http://www.refworld.org/docid/53284a95d.html>

the Nicaraguan Association for Transgender People (ANIT).²⁴

In some hospitals, health centres and health stations in every department in the country there are cases of discrimination against patients from the LGBT community, particularly patients with a gay, lesbian or transgender orientation.²⁵ According to recent studies, discrimination against LGBT people is based mainly on the fact that they are seen as transgressing traditional gender and sex roles.²⁶ The Minister of Health has recently issued a resolution to establish the means to register complaints against doctors in cases of discrimination on the basis of sexual orientation, gender identity or being a sex worker or a person with HIV/AIDS.²⁷ Various LGBT organizations have expressed their desire for the Ministry of Education and other public bodies to introduce similar resolutions.

RUSSIA

DIMITRI, RUSSIA

Between 1994 and 1996 I undertook my military service in a city in Russia. In those years, as a consequence of the extremely hostile climate towards people like myself, I was obliged to conceal my sexual orientation. After military service, I began to work in a small catering establishment. In this job, I had to lie constantly and feign a supposed attraction towards women as the boss was openly homophobic. During this period I lived in permanent fear of being identified as a homosexual and so I pretended to be a different person in order to avoid losing my job and experiencing social disapproval.

In 1998, I began to participate in a very small organization of young gays who used to meet in my hometown, where I met my current partner. We used to have to meet in different places each time because we were afraid of being persecuted. People belonging to extremist groups and skinheads would come to these meetings in order to attack us. The same acts were perpetrated by some members of the police who, when they learned about these meetings, would intervene and give everyone taking part a beating.

In 1999 I moved with my partner to a bigger city, in order to enrol at the university. At the end of that year, while we were going out to a party one night with some friends, we were stopped by a police car. They began to insult us, they called us 'faggots' and one of them began to beat my friend Alexander violently, kicking him everywhere. My attempts to come to my friend's rescue were to no avail: the two policemen launched a brutal attack on me as well. After having got away to call for assistance, I returned to the site of the attack, but I couldn't find my friend Alexander or the two policemen. Frightened, I decided to return home and a few days later, I made a for-

24 ASOCIACIÓN NICARAGÜENSE DE TRANSGÉNERAS: <http://asociacionnicaraguensedetransanit.blogspot.com.es/>

25 PROCURADURÍA PARA LA DEFENSA DE LOS DERECHOS HUMANOS. Salud para la diversidad Sexual, un derecho humano. 2013. <https://www.dropbox.com/s/11pg71m6uryo7en/Informe%20Nacional%20de%20Fiscalizaci%C3%B3n%20Respeto%20a%20los%20derechos%20humanos%20de%20las%20personas%20de%20la%20diversidad%20sexual%20por%20parte%20del%20Ministerio%20de%20Salud.pdf>

26 See footnote 25.

27 ONUSIDA. Anuncio de la firma de la Resolución Ministerial 671-2014.

<http://www.onusida.hn/index.php/recursos/centro-de-prensa/comunicados-y-noticias/221-el-ministerio-de-salud-ha-dado-a-conocer-la-firma-de-la-resolucion-ministerial-671-2014-rm-671-2014>

mal complaint about what had happened to the police. But in the police station they told me that I was mistaken if I thought that the police would waste their time helping 'people like that', and they told me to be thankful that we weren't being hung up from the trees. In spite of the fact that the policeman told me that the complaint wouldn't change anything, I signed a formal complaint.

The problems started from that moment. My partner and myself began to receive calls, first at the house and later, on our mobiles. Different voices told us that we should withdraw our complaints, insulting our sexual orientation, and making death threats.

Later on I received a phone call from the police telling me to present myself at the morgue in the central hospital to identify my friend Alexander and his personal effects. I recognized Alexander, and there were signs that he had been viciously beaten.

At the end of October I received a visit from two policemen – one of them I recognized as being one of those who had beaten my friend Alexander on the day of the attack. On that occasion I was beaten and threatened with death if I didn't withdraw my complaint. That night wasn't the end of the attacks and death threats: one day as I was returning home I was attacked by three heavy-set men who threw me to the ground and beat me savagely and they insulted me, making reference to my sexual orientation. On that occasion they threatened me with a knife, threatening that they would kill my partner without anyone finding out. A month later I was summoned to the police station to be told that the details in the complaint bore no relation to the results of the forensic examination, which concluded that Alexander had died as the result of an accident.

In 2005, I decided to flee my country to seek protection in Spain.

Russian legislation does not penalize homosexual practices, but neither does it penalize intolerance of homosexuals. On 11 June 2013, the lower house of the Russian parliament approved a law which severely restricted the freedom of expression, association and assembly of LGBT people. This is the federal law against LGBT 'propaganda' which it defines as 'the dissemination of information aimed at developing non-traditional sexual relationships'. The following are considered LGBT 'propaganda': making 'non-traditional' relationships attractive; equating 'traditional' with 'non-traditional' sexual relations; disseminating information about 'non-traditional' sexual relations which could cause an interest in them.

LGBT organizations have fiercely criticised this law, believing that it involves a violation of their freedom of expression and freedom to demonstrate, and that it is a pretext for continuing to ban Gay Pride marches – something that has been condemned by the European Court of Human Rights.

In Russia there is also the belief that homosexuality is a disease, as a result of which some

LGBT people have been subjected to medical treatment against their will, following the argument that they should be 'cured' of this supposed affliction. In some state medical centres there are treatment programmes for this purpose where aversion therapy is used along with electroshock treatment.²⁸ Human Rights Watch has documented the stigmatization, persecution and violence that LGBT people face in Russia in the course of their daily lives. Most of the people that were interviewed reported that these problems had become more acute since 2013. Many LGBT people described being beaten, kidnapped, humiliated and pointed out as 'paedophiles' or 'perverts'. Sometimes this was done by organized homophobic groups and at other times by strangers on the metro, on the street, in nightclubs, cafés and, on one occasion, in a job interview.²⁹

It is difficult for associations that campaign for homosexual rights in Russia to officially register as a non-commercial organizations as they are legally required to. They are obliged to operate in the country without completing this administrative procedure because they are not permitted to do so. For example, in 2011 four LGBT associations were denied permission to register in Moscow.³⁰ However, there have also been some achievements in this area: in September of 2015, the first sports association in to support homosexual rights was registered in St Petersburg – the Russian LGBT Sports Federation.

It is important to pay particular attention to the situation of LGBT women. In 2011 the organization Minority Rights Group International highlighted LGBT women as being a group that was cause for particular concern in Russia, reporting that many LGBT women there frequently face violent situations. According to a survey carried out around Tyumen in Siberia, nearly 70% of lesbians and 33% of bisexual women had experienced some form of violence since the age of 16. LGBT women are also discriminated against with respect to their right to education which is guaranteed by the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). **Bullying** at school of girls with this orientation is widespread, and it is not only carried out by other students, but also by teachers and administrative staff.

28 RAINBOW/COMING OUT/RUSSIAN LGBT NETWORK, Alternative report

29 HUMAN RIGHT SWATCH, *License to harm: violence and harassment against LGBT people and activists in Russia*, 15 dicembre 2015.

<http://www.hrw.org/node/130557>

30 ILGA Europe, Annual Review 2011

“I lived in permanent fear of being identified as a homosexual and so I pretended to be a different person all the time.”



Dimitri Rusia

THE MIDDLE EAST: IRAN

AHMAD, IRAN

I was born in Tehran in 1984. I lived there all my life with my parents and my little brother. At the age of about 16, I became aware of my sexual orientation, something which I hid in the first few years from my parents, friends and teachers.

At that age, I began a secret relationship with a boy from my neighbourhood. One day, in a wood in Tehran, while I was with this boy, I was discovered by police in a patrol car. They told us that we were suspected of being homosexuals because we were embracing each other. They asked us our names and they asked for our telephone numbers and addresses. Then another car arrived with more policemen. They put each of us in different police cars and they took me to a police station. They also took my friend there.

We were locked up for 48 hours. They didn't let us call our families or speak with anyone. When we were hungry and thirsty and asked for food or drink, they would beat us with a stick. After two days, they took us to court where we were ordered to be kept in detention. They sent us to prison, accusing us of being homosexuals, and to await trial. I was detained for 40 days in that prison.

After 20 days in prison, I was finally able to call my family from a public phone. My parents had been looking for me in hospitals and at police stations, but nobody told them where we were. It was awful.

The prison is divided into four different sections, according to the types of crimes committed. I was in a cell that had twelve beds but they didn't let me use the beds and they made me sleep on the floor.

In the first week, I lost about 7 kg. Although there was a yard, due to my state of depression, I didn't leave my cell. I didn't use the showers for fear of being attacked. I was only 16.

After 40 days, they took me before a judge who was a friend of my uncle. Through my uncle, and by paying a bribe, I was able to get my prison sentence changed to 18 lashes and a very high fine. In the courtyard of the court building, there is a special room for receiving lashes. It has panes of glass so that people might see how you take your lashes. I should normally have received 80 lashes, but thanks to my uncle's influence, I only received 18. My friend wasn't as fortunate as me and spent a year in prison, he didn't have anyone to intervene for him.

Since I left prison, I haven't been able to have any loving relationship. Since my family found out about my sexual orientation, I have had to avoid them. It wasn't accepted by my family. My family wanted me to get married, that way they said that way I would forget about it. They even went as far as looking for a girl for me. I was so depressed by this situation that one night I took a lot of tablets with alcohol in an attempt to end my

life. I was taken to hospital in an ambulance. There I had my stomach pumped and I was kept in for a week.

For 5 months, my mother sent me to a psychologist who determined the level of my homosexuality. In 2008 I decided to leave Iran, fearing I would be sentenced to death, because in Iran homosexuality is a capital offence. I crossed into Turkey in a car and got a Bulgarian passport. When I arrived in Spain, I applied for asylum in October 2010.

In Iran LGBT people suffer discrimination and violence from institutions, legislation, society in general and even their own families. Legislation prohibits homosexual acts with punishments that extend to the death penalty, while institutions, social conventions and family pressures create an environment of fear and shame around LGBT people.

Since the establishment of the Islamic Republic of Iran in 1979, same-sex relationships have been totally forbidden. The country's Islamic penal code is based on sharia law which considers that homosexual relations are, in effect, adulterous as people of the same sex cannot marry.³¹ Judges exercise almost unlimited power when it comes to determining the level of punishment and the law is not clear about the quality of evidence required to prove homosexuality. At all events, relations between men are more severely punished than those between women, although after four offences, both can receive the death penalty. What is more, the death penalty is always applied to the partner adopting the 'passive' role in a homosexual act between men.³²

LGBT people in Iran often report being victims of various forms of discrimination including: exclusion from educational institutions for 'not respecting Islamic customs'; harassment by colleagues at work; arrests without justification; rapes while in custody.³³

In addition to this, violence towards LGBT people by family members is common as the law does not prohibit domestic violence in these situations. It is not usually possible to make a formal complaint for fear of being discovered or persecuted.

Although LGBT people have hardly any recognized rights in Iran, the government supports sex reassignment surgery (SRS) for transsexuals as well as many homosexuals and bisexuals so that they can avoid the social and legal consequences of their identities.³⁴ These surgical procedures are subsidised by the government, which also offers effective help to those who have gone through a sex change to obtain new identity documents and update all their official records.³⁵

31 IRAN HUMAN RIGHTS DOCUMENTATION CENTER. *Denied Identity: Human Rights Abuses Against Iran's LGBT Community*. 7 noviembre 2013. <http://www.iranhrdc.org/english/publications/reports/1000000398-denied-identity-human-rights-abuses-against-irans-lgbt-community.html#2.1>

32 IRAN HUMAN RIGHTS DOCUMENTATION CENTER. *Denied Identity: Human Rights Abuses Against Iran's LGBT Community*. 7 noviembre 2013. <http://www.iranhrdc.org/english/publications/reports/1000000398-denied-identity-human-rights-abuses-against-irans-lgbt-community.html#2.1>

33 See footnote 32.

34 UNITED STATES DEPARTMENT OF STATE. 2014 *Human Rights Reports: Iran*. 25 June 2015. <http://www.state.gov/documents/organization/236810.pdf>

35 See footnote 34.

“They sent me and my friend to prison, accusing us of being homosexuals, and we were detained for 40 days.”

PERSECUTED IN **THE MIDDLE EAST**



Ahmad Iran

MOROCCO

Article 489 of the Moroccan penal code criminalizes 'lewd or unnatural acts with an individual of the same sex'³⁶ and penalizes homosexuals with imprisonment of between six months to three years and a fine of between 200 to 1,000 dirhams. The law makes no distinction between male and female homosexuals.

In Moroccan society, however, female homosexuality is a hidden fact because it cannot be imagined that a woman might have sexual or romantic relations with anyone other than a man. Socially, homosexuality is usually believed to be a perversion, a form of sexual deviance or a sin. It is also associated with shame. Violence against LGBT people has increased in recent years as a result of the presence of religious parties that link homosexuality with sex tourism as well as the spread of HIV and terrorism in Morocco.³⁷

It is believed that homosexuality, which involves a person failing to conform to conventional gender behaviour, is a destabilising element in the established social order. As in other countries, the social stigma is generally stronger for a man who allows himself to be penetrated (for adopting the role of the 'woman') than for the one who penetrates (for maintaining 'virile' attributes).³⁸

Social pressures in favour of marriage often oblige homosexuals to get married and conform to the heterosexual lifestyle model. Sometimes two homosexuals of a different sex marry in order to be able to continue to live according to their sexual identity.³⁹

The situation for homosexuals is more difficult in rural areas and working class districts where everyone usually knows each other and there are more conservative Islamists.⁴⁰

Many homosexuals say that the Internet has completely changed things for them, providing a means of communication to publicise the situation of LGBT people in Morocco (for example, the Internet forum www.gaymaroc.com).⁴¹

It is worth mentioning the organization 'Kif-kif', based in Spain, which was set up in 2004 to defend the rights of LGBT people in Morocco, although it has not been re-

36 In spite of the constitutional reform brought about over three years ago as a result of the Arab uprisings, article 489 of the Penal Code which criminalizes homosexual acts remained in place, allowing for the continued discrimination against homosexual relationships.

37 FEDERACION ESPAÑOLA DE ASOCIACIONES DE LESBIANAS, GAYS, BISEXUALES Y TRANSEXUALES "COLEGA"; en "Denuncian la implicación de los integristas de Marruecos en la violencia homófoba". El Mundo. 19 March 2009. <http://www.elmundo.es/elmundo/2009/03/18/internacional/1237390159.html>

38 Ministère del' immigration, de la diversité et del' inclusion du quebec (canada). Direction des politiques et programmes de francisation et d'intégration (2011): Réalités juridiques et sociales del' homosexualité et de la transsexualité dans les principaux pays d'origine des nouveaux arrivants au Québec.

39 See footnote 38.

40 So it easier to live your sexual orientation in urban environments and intellectual circles: DEPARTAMENTO FEDERAL DE JUSTICIA Y POLICÍA, "The Development in Morocco in the Shade of the Arabic Spring and its Consequences on Migration"

41 GROTTI, LAETITIA et DAÏF, MARIA (2004): Être homo au Maroc. Revista TelQuel [Casablanca]. 8 April 2004.

cognized as an official organization by the Moroccan state.⁴² It set up two monthly magazines: 'Mithly'⁴³ in 2010 and 'Aswat'⁴⁴ in 2012.

Homosexuals can be arrested for making public demonstrations of affection or through being denounced by a third person.⁴⁵ Below are some examples.

The 'gay wedding' in Ksar el Kebir: In November 2007 in Ksar el Kebir, a city in northwest Morocco, six men were arrested after public denunciations that they had held a party which was, in fact, a 'gay wedding'. A video of the party was circulated which provoked protests in Ksar el Kebir and demands for the men to be punished. This video was also shown at a trial which took place on 10 December 2007. At the trial, the defendants were found to be 'guilty of homosexual conduct' although the video did not appear to show same-sex relationships. Three of the men were sentenced to six months and the other two to four months in prison. The editor-in-chief of the newspaper *Al-Massaa* received a heavy fine for defamation after having suggested that a Crown Prosecutor had been amongst those at the wedding. The fine was such that there was a possibility that the newspaper might have to cease publication.⁴⁶

Elsewhere, in Sidi Ali, a village in the northwest of the country, 46 people were arrested in 2008 during the *moussem*, a religious festival in honour of saints, for attacking traditional values and engaging in gay and lesbian behaviour.⁴⁷

In addition to this, on June 30 2012, the authorities denied permission for 2,000 homosexuals on a gay cruise ship to disembark at the port of Casablanca.⁴⁸

42 ASOCIACIÓN LGBT MARROQUÍ KIF-KIF: <http://fr.kifkifgroup.org/p/about.html#>

43 UE89. "Mithly: la revue gay qui bouscule le Maroc". 19 de abril de 2010. <http://www.tetu.com/actualites/international/mithly-la-revue-gay-qui-bouscule-le-maroc-16969>

44 EMARRAKECH. "Aswat: Un nouveau mensuel gay marocain en ligne". 29 de marzo de 2012. http://www.emarakech.info/Aswat-Un-nouveau-mensuel-gay-marocain-en-ligne_a60602.html

45 According to Samir Bargachi, LGBT activist, more than 5,000 arrests have been made of homosexuals since the country achieved independence.

46 AMNISTÍA INTERNACIONAL, "Estado actual de las violaciones de los derechos humanos por causa de orientación sexual e identidad de género a nivel mundial", enero 2008 - junio 2009, <https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI/ESTADO%20ACTUAL%20DE%20LAS%20VIOLACIONES%20DE%20LOS%20DERECHOS%20HUMANOS%20POR%20CAUSA%20DE%20ORIENTACION%20SEXUAL?C-MD=VEROBJ&MLKOB=28939215151> AMNISTÍA INTERNACIONAL, "Drop charges of homosexuality against six men and ensure their safety". 16 January 2008. <https://www.amnesty.org/download/Documents/312000/pre010142008en.pdf>; CAPPATO Marco, y INT VELD Sophia, Parliamentary question to the European Commission, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+W-Q+E-2008-2060+0+DOC+XML+V0//EN>

47 BERGAUD-BLACKLER, Florence, ECK, Victor, "Les "faux" mariages homosexuels de Sidi Aliou Maroc..." <https://remmm.revues.org/7180>

48 DJIGO, Halima, JAABOUK, Mohammed, "Maroc: Polémique autour de l'interdiction de débarquer la croisière de touristes homosexuels". 1 July 2012. Yabiladi. <http://www.yabiladi.com/articles/details/11642/maroc-polemique-autour-l-interdiction-debarquer.html>

“When my mother found out, she threw me out of the house and accused me of being possessed. She said that the devil was in me, and that I was not her daughter.”



Mimi Ethiopia

EAST AFRICA: ETHIOPIA**MIMI, ETHIOPIA**

In 2005 I began to have contact with a gay association in my country. There weren't very many of us, but little by little, more people began to join. We used to meet secretly in places where we would talk, sort of safe houses. For me, finding this place was a great comfort. This association used to give us guidance, moral support and explain how to behave so as not to be recognized as gay or lesbian, or rather, how to stay hidden from society. One day a scholarly-looking gentleman came to the place. He said he was gay, and a university professor, and he wanted to join our association. He spent quite a bit of time with the women of the group – true he used to go, come back, and after a little while, he would go. Eventually he completely disappeared, and we suspect that he was a police informer and he had all our details.

My family found out that I am a lesbian when I was arrested along with a friend in 2008 and we were taken to the police station. That was when my ordeal began. My mother threw me out of the house. She said that I was possessed, that the devil was in me, and that I was not her daughter. My siblings were even worse than my mother. They were worried about what other people might say. That's when it all began: the insults, the attacks, the pressure for me to leave the neighbourhood as soon as possible before anyone could find out.

After being detained for 15 days and being thrown out of my house, I went to live with my friend in another part of the city where we were always hidden away for fear of being arrested by the police. Because of this situation, I decided to flee to Spain.

I travelled to Madrid on 15 August 2009. In Madrid I had an awful few days, I didn't know anyone, I wandered the streets. In Puerta del Sol, I met a woman who was Ethiopian, I could tell by her physical appearance. She took me to her house. She told me I had to go to the police. In the end, I applied for asylum.

Same-sex relationships are forbidden under Ethiopia's penal code, and carry a maximum sentence of 15 years' imprisonment.⁴⁹ LGBT people do not identify themselves in public for fear of experiencing persecution, violence and stigmatization. As there are no anti-discrimination laws or laws against hate crimes, related acts of violence cannot be investigated.⁵⁰

In May 2014, Ethiopia rejected the UN's recommendations in the Universal Periodic Review: it has not decriminalized homosexual relations or taken measures to combat discrimination based on sexual orientation.⁵¹

49 HUMAN RIGHTS WATCH, World Report 2015 – Ethiopia, 29 January 2015.

<https://www.hrw.org/world-report/2015/country-chapters/ethiopia>

50 UNITED STATES DEPARTMENT OF STATE, 2014 Human Rights Reports: Ethiopia, 25 June 2015.

<http://www.state.gov/documents/organization/236570.pdf>

51 HUMAN RIGHTS WATCH, World Report 2015 – Ethiopia, 29 January 2015.

<https://www.hrw.org/world-report/2015/country-chapters/ethiopia>

CENTRAL AFRICA: CAMEROON

SERGE, CAMEROON

When I was at school, I realised that I liked people of my same sex. In my country, homosexuality is forbidden by law, so I always had to keep my relationships secret and hidden. In different neighbourhoods in my city homosexuals had been attacked with terrible consequences.

A few years ago I met a man that I decided to go and live with in the city that I come from in the northwest of Cameroon. On 19 February 2015, while I was at home, people from my neighbourhood having knowledge of the relationship that I had with my partner, presented themselves at my house, throwing objects and breaking the glass, the windows and the car with stones and subsequently setting fire to my house. My partner and I were beaten by these people until the police presented themselves and we were taken to the local police station where we stayed for 4 days.

On the fourth day we were taken to court where there is a special section where they keep homosexuals awaiting trial, along with other people for other reasons. In this place I was separated from my partner, we were each put in a different cell and we were both ill-treated, abused, having boiling water thrown at us, not being given anything to eat. I had to bribe a night guard with some money so that my partner and I could escape from the prison.

Finally, on 9 August 2015 I fled to the capital, Yaoundé, and got a passport which allowed me to travel. While I was staying in Yaoundé, I remained hidden in the house of a friend who lent me money and kept me informed, telling me that there was news in the press about two homosexuals who were on the run from prison.

It was then that I decided to flee the country and I travelled to Spain and applied for asylum at Madrid Barajas Airport.

The Cameroonian government has defended its position in maintaining the illegality of homosexual relations by claiming that the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights allow freedoms to be limited to preserve public order and 'African values and morals'.⁵²

Recently, the number of LGBT people arrested had decreased, but they continue to experience social stigmatization, harassment and discrimination everywhere. Various LGBT people have received anonymous threats by phone, text message and email.⁵³ Non-governmental organizations (NGOs) who fight for human rights and health care

52 UNITED STATES DEPARTMENT OF STATE. 2014 Human Rights Reports: Cameroon. 25 junio 2015. <http://www.state.gov/documents/organization/236550.pdf>

53 See footnote 52.

continue to work for LGBT people in spite of the difficulties and being themselves subject to violence.⁵⁴

WEST AFRICA: GAMBIA

MAMADOU, GAMBIA

From the time I was little I lived with my mother in Gambia as my father had died. I began my education, but unfortunately I had to leave primary school to go to work and help my mother with her small business selling items of food. The little free time that I had I would spend playing football.

In December 2011 I met Abdoulaye and I immediately felt attracted to him. I had never been with anyone before or had a male or female partner. I didn't realise at the time that this attraction would cause me problems in the future – I saw it as a natural feeling and I liked it.

Abdoulaye and I became a couple, but we used to hide the fact and we never showed our relationship in public. People who knew about our relationship warned us that under no circumstances should anyone find out about it.

My partner lived alone because his family had thrown him out of the house when they found out that he was a homosexual. I often went to look for him there and we would go to tourist places in Gambia where the Gambians couldn't see us or identify us as a couple.

As time went on, the sexual orientation of my partner Abdoulaye became very widely known. The problems began one day when we were both at a disco. Somebody called the police to make a complaint, saying that there was a person behaving in a 'homosexual' manner, and the police came and arrested my partner. He was detained for more than three months. During that time I hardly had any news of him, and once he was out he told me, in tears, that he hadn't had a lawyer and he hadn't been before a judge and there hadn't been any trial.

My partner had to bribe the police to get out of prison. Once he had been freed, we only saw each other in private and we never went out of the house together for fear of being arrested by the police.

A few months later, Abdoulaye was arrested again. I wasn't with him at the time so I was looking for him for days because I didn't know where he could be. Then his neighbour revealed that he had been arrested and he told me that I should be very careful because they knew that I was also a homosexual and that I had a relationship with Abdoulaye.

⁵⁴ See footnote 53.

After that I began to hide, and I decided not to leave the house. After a while, my mother helped me to leave Gambia. She cried a lot because I am all she has, but she knew that if my sexual orientation were known about, life in Gambia would be very hard for me.

In 2014 I left my country and travelled to Spain in search of protection.

In Gambia in 2014, a reform of the criminal code was approved that included the new crime of 'aggravated homosexuality' with life imprisonment as the penalty for those committing the offence. The reform of the criminal code, approved by the National Assembly, refers to 'serial offenders', meaning individuals who have a previous conviction as well as people living with HIV.⁵⁵ According to Human Rights Watch⁵⁶ and Amnesty International⁵⁷, the approval of the homophobic law in Gambia means that LGBT communities there – already subject to persecution – are even more vulnerable and at greater risk.

In the same year, moreover, the president of Gambia, Yahya Jammeh, described homosexuals as 'vermin' and promised that his government would fight them 'like the mosquitoes that cause malaria'.

⁵⁸

Exactly what is meant by 'homosexuality' or 'a homosexual act' is not defined by Gambian legislation. This means that the criminalization of homosexual activity in Gambia – which already violates international law – is likely to be applied more broadly and arbitrarily. The new law treats consensual, private sexual activity between adults of the same sex in the same way as it treats rape and incest.

At least three women, four men and a youth of 17 were arrested and threatened with torture in November 2014 because of their presumed sexual orientation. Another six women were arrested on 18 and 19 November and were kept in detention according to a member of the LGBT community in Gambia.

LGBT people who are open about their identity face legal as well as widespread social discrimination and run the risk of being arrested and sent to prison.

⁵⁵ UN NEWS SERVICE. *UN rights chief criticizes legal amendment in Gambia targeting homosexuals*. 20 November 2014. <http://www.refworld.org/docid/546e71d4.html>

⁵⁶ HUMAN RIGHTS WATCH. *Gambia: Life Sentence for 'Aggravated Homosexuality'*. 21 November 2014. <http://www.refworld.org/docid/54759bd04.html>

⁵⁷ AMNESTY INTERNATIONAL. *Gambia: "Aggravated Homosexuality" Offence Carries Life Sentence*. 21 November 2014. <http://www.amnesty.org/en/news/gambia-aggravated-homosexuality-offence-carries-life-sentence-2014-11-21>

⁵⁸ EL PAÍS, Sociedad, *"El presidente de Gambia promete perseguir a los gays como a "alimañas"*. 19 February 2014. http://sociedad.elpais.com/sociedad/2014/02/19/actualidad/1392801377_146961.html

WHAT ARE THE CORE OBLIGATIONS THAT STATES HAVE TOWARDS LGBT PERSONS?

1 Protect individuals from homophobic and transphobic violence.

Hate-motivated violence against LGBT people is typically perpetrated by non-State actors – whether private individuals, organized groups, or extremist organizations. Nevertheless, failure by State authorities to investigate and punish this kind of violence is a breach of States' obligation to protect everyone's right to life, liberty and security of person, as guaranteed by article 3 of the Universal Declaration of Human Rights and articles 6 and 9 of the International Covenant on Civil and Political Rights.

2- Prevent torture and cruel, inhuman and degrading treatment of LGBT persons who are detained, forbidding such treatment, applying sanctions against it and ensuring reparation for victims.

States have an obligation under international law to protect individuals from torture and other cruel, inhuman or degrading treatment. This includes the obligation to prohibit torture and other forms of ill-treatment and to provide redress for such acts. The failure to investigate and bring to justice perpetrators of torture is itself a breach of international human rights law. Furthermore, the use of forced anal examinations contravenes the prohibition against torture and other cruel, inhuman or degrading treatment. These rights are guaranteed by article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights and article 2 of the Convention against Torture.

3- Abolish laws that criminalize homosexuality, including those that forbid private, adult, consensual same-sex sexual activity.

Laws that criminalize homosexuality give rise to a number of separate but interrelated violations. Such laws violate an individual's right to be free from discrimination,

which is enshrined in article 2 of the Universal Declaration of Human Rights and core international human rights treaties, as well as the rights to be protected against unreasonable interference with privacy and arbitrary detention, protected by articles 12 and 9 of the Universal Declaration and articles 17 and 9 of the International Covenant on Civil and Political Rights. Furthermore, laws that impose the death penalty for sexual conduct violate the right to life, as guaranteed by article 3 of the Universal Declaration and article 6 of the International Covenant on Civil and Political Rights. Such laws, even if they are never enforced, breach State obligations under international human rights law.

4- Prohibit discrimination based on sexual orientation and gender identity.

Everyone has the right to be free from discrimination, including on the basis of their sexual orientation and gender identity. This right is protected by article 2 of the Universal Declaration of Human Rights as well as the non-discrimination provisions of core international human rights treaties. In addition, article 26 of the Universal Declaration provides that everyone is equal before the law and is entitled without discrimination to the equal protection of the law.

5- Respect freedom of expression, association and peaceful assembly for LGBT and intersexual persons.

Limitations on the right to freedom of expression, association and peaceful assembly that are based on the sexual orientation or gender identity of an individual violate rights guaranteed by articles 19 and 20 of the Universal Declaration of Human Rights and articles 19, 21 and 22 of the International Covenant on Civil and Political Rights. Limitations on these rights must be compatible with the non-discrimination provisions of international law.⁵⁹

⁵⁹ UN Office of the High Commissioner for Human Rights (OHCHR) (2012) *Born free and equal: sexual orientation and gender identity in international human rights law*.
<http://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

“At the time I got to know my partner, I didn’t realise that this attraction to a man would cause me problems in the future – I saw it as a natural feeling and I liked it.”



Mamadou Gambia

2-EXPERIENCES AND COPING MECHANISMS FOR DEALING WITH ACTS OF DISCRIMINATION IN THE HOST SOCIETY

2.1-ACTS OF DISCRIMINATION AND HATE CRIMES MOTIVATED BY DISCRIMINATION ON THE BASIS OF RACE AND/OR ETHNICITY OR SEXUAL ORIENTATION AND GENDER IDENTITY IN SPAIN

In its 2014 report to the Spanish parliament, the Ombudsman of Spain pointed to an increase in the number of complaints relating to equality of treatment. The acts carried out are classified according to the type of discrimination (whether based on gender, sexual orientation, ethnic origin, religious affiliation, disability or any other personal or social condition or circumstance).⁶⁰ In particular it notes the incidence of acts of discrimination in the area of sport, along the 'southern frontier' (in Andalucía, Ceuta, Melilla, the Mediterranean, the Balearic and Canary Islands) together with incitement to discrimination and hatred of people of foreign extraction based on racism.

Moreover, a report produced in the same year by the Ministry of the Interior⁶¹ on incidents related to hate crimes in Spain states that 39.9% of hate crimes recorded have been motivated by sexual orientation and gender identity (13.5% more compared with the number of cases recorded in 2013); while 37% of the crimes concern acts of racism or xenophobia (which have seen an increase of 24.7% compared with the previous year). The areas with the highest incidence of this type of crime are: Andalusia, the Autonomous Community of Valencia, Catalonia, the Basque Country and Madrid.

As the figures show, the current situation in Spain is characterised by an increase in the incidence of hate crimes recorded on the basis of racial or ethnic discrimination and sexual orientation and gender identity. Likewise, there is an increase in racist and xenophobic discourse directed at people of foreign extraction both on the part of the media, political parties and members of the Administration.

Added to this, in the area of asylum there has also been an increase in applications for international protection from people who have been persecuted in their countries of origin as a result of their gender, their sexual orientation or gender identity. In this respect, it is important to remember that discrimination or less favourable treatment can amount to persecution and it may require international protection when it in-

⁶⁰ DEFENSOR DE PUEBLO, *Informe Anual 2014*.

<https://www.defensordelpueblo.es/wp-content/uploads/2015/06/Informe2014.pdf>

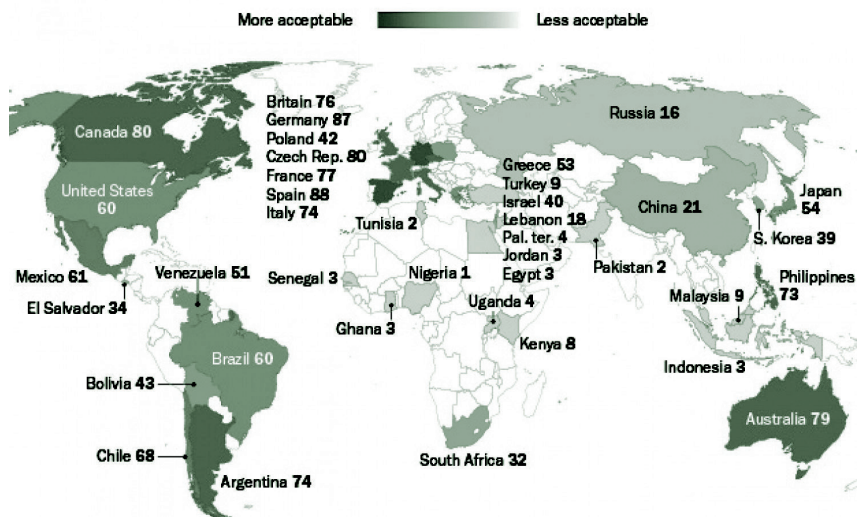
⁶¹ MINISTERIO DEL INTERIOR. Secretaría de Estado de Seguridad- Gabinete de coordinación y estudios. *"Informe sobre incidentes relacionados con los delitos de odio en España de 2014"*.

<http://www.interior.gob.es/documents/10180/1643559/Estudio+Incidentes+Delitos+de+Odio+2014.pdf/70073437-795d-4ce1-acfc-ed92b02cfa6>

volves the serious, sustained or systematic violation of human rights. We speak of persecution on the basis of gender when these human rights violations involve the role that is assigned to a person on the basis of their gender identity: behaviours and subjectivities (woman, man, transgender, transsexual, intersexual, intergender) or due to their sexual orientation: desires and feelings (homosexual and bisexual).⁶²

As regards social perception, according to data from the Pew Research Center⁶³, Spain is the country where acceptance of homosexuality, at 88%, is the greatest in the world (followed by Germany and the Czech Republic), a trend, moreover, which has increased since the last survey in 2007

Percent who say homosexuality should be accepted by society



PEW RESEARCH CENTER

Nevertheless, homophobic violence continues to be reported by all the organizations interviewed in the course of the preparation of this report.⁶⁴ There is a general perception that there are many obstacles for LGBT people, both when accessing their right to asylum (which would help them to overcome some of the problems of being the target of persecution as a result of discrimination in their country of origin), and when accessing a life that

62 UNHCR 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees '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' <http://www.unhcr.org/509136ca9.pdf>

63 PEW RESEARCH CENTER. "The Global Divide on Homosexuality," 4 June 2013. <http://www.pewglobal.org/2013/06/04/the-global-divide-on-homosexuality/>

64 UNHCR; FERINE; Community of Madrid LGBT Programme, COLEGA (Madrid Collective of Lesbians, Gays, Bisexuals and Transsexuals); Fundación Triángulo; FELGTB-(State Federation of Lesbians, Gays, Transsexuals and Bisexuals).

motivation for many of these assaults passes undetected and they are recorded as general assaults, which distorts the interpretation of the scope of the problem.

All of the above means that people who have been forced to migrate as a result of the discrimination that they have experienced in their country of origin, are particularly susceptible to acts of discrimination and therefore have a particular need to deal with situations of discrimination in various areas.

2.2 TENDENCIES AND SPECIFIC NATURE OF ACTS OF DISCRIMINATION AGAINST LGBT MIGRANTS

All receiving societies of migrant populations pass through a series of stages which cause profound social changes. These stages relate to the different needs that arise during the integration process and the need that the host society has to incorporate such needs into its framework for coexistence at a social, political and institutional level, with the corresponding adjustments that this involves.

Progress towards full equality of rights and opportunities in the process of integrating the migrant population takes on a particular relevance for the rights of population groups who, through a series of circumstances, are vulnerable and have particular needs in order for the integration process to include equality of treatment and non-discrimination.

Here we refer to LGBT people who have migrated to Spain. These people are extremely exposed to acts of discrimination, having the characteristics which are frequently the targets of discrimination: being both a migrant and LGBT results in circumstances that lead to a person's vulnerability and exposes them to acts of discrimination based on their gender identity and sexual orientation as well as racial or ethnic discrimination. We believe that the approach is not one which involves a summation of types of discrimination (double discrimination: for being gay and Muslim, for being lesbian and African, and so on) given that the analysis goes beyond that of simple addition. We cannot overlook the fact, however, that these people, owing to inequalities of gender and level of integration and so on, suffer a greater degree of vulnerability because their social and economic circumstances are usually more precarious.

One of the main obstacles that stands in the way of the creation of a society that promotes equality of treatment is that of the prejudices and stereotypes embedded in general social discourse: from discourse at the level of the individual to collective discourse and that of the media and social structures (legislation, administration, public authorities and workers who implement public service for citizens). For this reason, promoting equality of treatment and non-discrimination in Spanish society is a generalised necessity, but where LGBT migrants are concerned, specific mechanisms for the dissemination of information, awareness-raising and reporting are required in order to lay the foundations to support the process of two-way integration, that of mutual understanding and adjustment between the migrants and the indigenous population.

2.3- EXPERIENCES OF PEOPLE WHO SUFFER DISCRIMINATION IN THE HOST COUNTRY

People who are persecuted and discriminated against in their countries of origin due to their sexual orientation and gender identity often find themselves in a host country where there are prejudices and stereotypes which perpetuate the experiences of discrimination that they have already lived through, provoking feelings of fear and shame which prevent them from living a dignified life.

The lack of awareness and understanding on the part of society and public administration about the reality of the experiences that LGBT people have been through in their country of origin, along with the almost automatic stereotyping and subjective judgments about the experiences of people who come from a foreign country, with different cultural backgrounds, social customs, and value systems, etc., create difficulties. Many LGBT people have a sense of fear and shame about revealing their gender identity based on the negative experiences they have had in the past or the fear that news of it might reach some compatriot or family member.

LGBT people are often socially marginalised and, in some cases, isolated from their own communities and families. This frequently leads to a lack of the most basic support close to hand which restricts their ability to face new situations after migration, and has a negative impact on their mental and emotional health. This is because the image that these people have of themselves is very much conditioned by social perception, which sometimes leads to feelings of rejection, self-reproach, self-criticism, self-destruction, etc., and prevents them from recognising that they are experiencing discrimination and are entitled to the same rights as everyone else. This gives rise to elements of rejection, inhibition, and self-criticism on an individual and collective level, all of which require work at different levels.

2.4-MECHANISMS FOR DEALING WITH ACTS OF DISCRIMINATION IN THE HOST COUNTRY

-The institutional and organizational pathway to fight discrimination against the LGBT community

The institutions of the host country should work towards the comprehensive protection of people who have been discriminated against and persecuted due to their sexual orientation and gender identity in their countries of origin, with an understanding the experiences these people have been through in those places. In many cases, the governments and institutions of these countries criminalise and persecute LGBT people. In other countries the existence of different forms of violence against them is not acknowledged, mechanisms for the investigation of the true facts and the promotion of justice are not implemented, they do not seek to redress victims through the drafting anti-discrimination laws to punish the perpetrators and they overlook initiatives for social awareness-raising.

It is essential for the institutions and public administrations of the host country to implement training and awareness-raising programmes on discrimination based sexual orientation and gender identity, including the discrimination that people suffer not only on arriving in Spain, but from the moment that they had to leave their country because they were not free to express themselves and live in accordance with their sexual orientation and gender identity.

Most of the people attended by the programmes and services supplied by the organizations interviewed for this report are well-informed and report that on numerous occasions they have been the victims of a double discrimination: because of their racial or ethnic origin and because of their sexual orientation and identity. They consider the identity which best represents them to be that of their sexual orientation and identity, not that of their nationality, culture or religion, etc. The main motive for their coming to Spain has been to seek a level of freedom that they cannot experience in their countries of origin, rather than for economic reasons or in the hope of a better income. In fact, on average LGBT migrants have a high socio-economic profile, they are educated and are comfortably off in their countries of origin.

Furthermore, where the starting and end points are concerned, it is essential that the institutional pathway should provide support and acknowledgement of the organizations and social networks that defend the human rights of LGBT migrants and refugees. They need to be given material resources and the opportunity to identify coping strategies, and strategies for reporting and resisting acts of discrimination. An example of this is the fact that in Spain there have been considerable achievements thanks to the work, campaigns and demands of human rights organizations that support LGBT people. As a result of these campaigns, important advances have been made in the last ten years: amongst these it is worth highlighting the incorporation of same sex marriage into Spanish law and the inclusion of persecution on the basis of gender as a reason to seek asylum in the 2009 Asylum Law. These advances have meant that Spain has become a chosen destination for LGBT people from different countries who are suffering discrimination and persecution due to their sexual orientation and gender identity. However, a lot remains to be done to progress towards a society that is free from discrimination and guarantees sufficient protection for people persecuted for their sexual orientation and gender identity. Beyond the recognition of persecution on the basis of gender in the Asylum Law, Spain still has work to do in the area of facilitating access routes for LGBT people for the asylum process and in the application of non-restrictive criteria in the granting of asylum on the grounds of gender identity or sexual orientation, in order for those people persecuted for these reasons might have adequate protection.

Although there are no official figures available, organizations who work with LGBT migrants confirm that Spain is a receiving country for people who emigrate due to their gender identity or their sexual orientation. Moreover, the incorporation of sexual orientation in the reform of the Spanish Asylum Law in 2009 as being recognised grounds for international protection represents a significant advance for the reception of LGBT refugees there.

In addition to this, it is important to deal with the failure to attend to the issue of sexual diversity in different institutional contexts which might be contributing the difficulties

and vulnerability of these people. We refer here to health bodies (above all in areas that deal with mental health issues, sexually transmitted diseases and insemination); judicial institutions (obtaining evidence in instances of homophobic assaults, asylum claim interviews); social services and psychological care (adopting a cross-cutting gender approach).

Both COLEGA⁶⁵ and the organization Kif-kif⁶⁶ report that they have identified a demand for specific resources to address the needs of LGBT migrants due to the discrimination they suffer with the generic assistance offered to migrants. Along these lines, the Community of Madrid LGBT programme concludes that the integration process into the host society is more problematic for LGBT migrants than for the migrant population in general. This is due to the fact that society is imbued with strong prejudices and stereotypes concerning sexual orientation and gender identity, regardless of where the LGBT person might come from. This is the case in spite of the fact that cities such as Madrid and Barcelona are considered positive examples of integration in terms of the dynamics of tolerance towards the LGBT population, public demonstrations and demands for rights. These facts, which go beyond demonstrating a tolerant attitude, demonstrate that it is the cities that support and actively participate in many of the claims made on behalf of the LGBT population.

For thirteen years, the Community of Madrid LGBT programme⁶⁷ has been attending LGBT cases which go beyond the initial projections when it was first set up for the area of the Community of Madrid. It now offers support in Spanish provinces that don't have services of a similar nature or alternative ones to address the needs of LGBT migrants. This demonstrates an unmet need for a public initiative at a state level. About 17% of all those attended by this programme are of foreign extraction and in recent years, the number of migrants attended by the programme has increased. For the transsexual population, about 90% of those attended are of foreign extraction, many of whom require international protection. The programme is divided into six areas: reception/welcome and information, group sessions (there are 8 groups running, one of which specifically works with LGBT asylum seekers), social care, psychological care, legal assistance, awareness-raising and training. It also has a documentation centre which monitors the impact of news items in the media relating to the LGBT population.

The programme has an open door policy for the resource systems that exist for the LGBT population. It connects to other specialist services, such as the ones offered by CEAR in the case of people seeking international protection from persecution based on sexual orientation and gender identity. Those attended are, for the most part, homosexual men; there have been five cases of statelessness for LGBT people and their main countries of origin have changed from being Latin American countries, when the programme started, to African countries such as Congo, Gabon and Nigeria, and Russia.

Finally, it is important to note that something that emerged in the course of the interviews carried out for this report was the strongly politicized nature of LGBT organizations. These organizations are directed, in many cases, by people who have been in their posts for

65 COLEGA (Madrid Collective of Lesbians, Gays, Bisexuals and Transsexuals). Website. <http://www.colegamadrid.org/>

66 ASOCIACIÓN KIFKIF. Facebook Profile. <https://www.facebook.com/asiocion.kifkif/timeline>

67 COMUNIDAD DE MADRID, Dirección General de Servicios Sociales e Integración Social. *Programa LGTB de la Comunidad de Madrid*. http://www.madrid.org/cs/Satellite?c=CM_InfPractica_FA&cid=1142615119862&idConsejeria=1109266187278&idListConjs=1109265444710&idOrganismo=1109266227679&language=es&pagina=ComunidadMadrid%2Festructura&sm=1109266100977

decades. This has resulted in a significant gulf between them and the current activists. Nearly all of these organizations have their own political agenda which leaves little room for dialogue and joint projects with other organizations that work for LGBT rights promoting regulatory changes or binding decisions to make the rights of these people more effective. The link between many of these organizations and political parties also demonstrates a loss of contact with the grass roots which is an essential component for disseminating information about the experiences of LGBT migrants and refugees and for opening a space for social mobilisation. Added to this is the fact that on some occasions commercial use is made of the LGBT demands and LGBT movements without incorporating the demands necessary to improve the defence of LGBT migrants' rights. Proof of this fact is, for example, the Gay Pride day on which there were no representatives from the LGBT migrant population – a direct result of the lack of a social fabric for the migrant population in Spain. Representation of this community was limited to the support of other organizations who work for the rights of LGBT migrants as part of a cross-cutting focus in their work with people of foreign extraction and/or refugees.⁶⁸

In general terms, the interviews with different organizations give a sense that relations between LGBT organizations in Spain are not good and there are no dedicated channels of communication for transmitting their demands. Many report that there is no coordinated effort focused on the same defined objective in LGBT organizations. Furthermore, they profoundly differ with respect to the strategy for making demands: how to set out the framework regulation for LGBT rights. On the one hand, some organizations propose obtaining a comprehensive anti-discrimination law, which would include all forms of discrimination and allow for laws against LGBT phobia to be drafted in the autonomous regions. On the other hand, there are organizations who propose an anti-LGBT-phobia law along the lines of those that have been put forward by some of the autonomous regions: Extremadura, Catalonia and Galicia.

- Individual mechanisms for coping and resilience

When we talk of individual mechanisms for coping and resilience in the face of the acts of discrimination and vulnerable situations that many LGBT migrants experience when they arrive in Spain, we refer to resistance mechanisms employed by people after having experienced a violation of their human rights, using strategies to develop resistance, ways of overcoming the traumatic consequences of violence and mechanisms to endow their lives with dignity and self-esteem.

A person's experience of discrimination is directly related to the perception they have of discrimination. Whether or not they feel discriminated against on the basis of their sexual orientation or gender identity will have a bearing on the strategies they seek to deal with the situation. Likewise, the coping mechanisms will vary according to the social perception of a break with traditional gender roles, in this case referring to the fact that

68 COMISIÓN ESPAÑOLA DE AYUDA AL REFUGIADO. "CEAR denuncia la persecución por motivos de orientación sexual e identidad de género con motivo del Día del Orgullo LGBT". 2 julio 2014. <http://www.cear.es/cear-denuncia-la-persecucion-por-motivos-de-orientacion-sexual-e-identidad-de-genero-con-motivo-del-dia-del-orgullo-lgbt/>

in general terms homosexual orientation is not seen as transgressive as a change in sex or taking on a gender role that is not aligned with biological sex.

Identifying the existence of discrimination and persecution that is specifically related to orientation and sexual identity, and making the decision to flee, is one of the first strategies employed to resist the persecution and lead a life of freedom and security in a person's sexual orientation and gender identity. A person begins to develop strategies for dealing with the situation from the moment that they understand themselves to be a victim, and when they know of similar situations experienced by other people, the opportunity arises for a form of resilience at a collective level.

In a cross-cutting approach towards the experiences of LGBT migrants, it is understood that family and friendships form the basis of care, affection, respect, acceptance, protection, support and social legitimacy given in the face of the discrimination they face. Having mutual support networks in the host society is seen to be essential. It should be noted that where LGBT migrants are concerned, far from seeking out networks made up of a migrant population of compatriots (the main means of support, above all just after arrival), there is a widespread tendency not to access facilities aimed at the general migrant population as they do not want to be recognised by their compatriots or experience the same stereotyping and prejudices that they had to face in their countries of origin.

Below we give voice to different LGBT people's experiences of dealing with violence and discrimination.⁶⁹

KAREM

Embarked on the journey from Chile to Spain to seek asylum, fleeing systematic bullying and harassment in the National Police Force due to her sexual orientation. The Chilean homophobic and transphobic society was constantly reminding her to behave 'according to social norms' in order not to be stigmatized. Karem, like other lesbian women in the National Police, was not indifferent to these prejudices which acted as an effective deterrent, leading to fear and anxiety that was very difficult to deal with and which resulted in her leading a double life.

Her initial strategy of pretending to be heterosexual, even going so far as to get married to a fellow police officer and leading a parallel secret life, was a way of avoiding suspicion. When the lack of freedom began to weigh on her and her sexual orientation became visible, she became ill from the stress and psychological pressure which led to her double life and the web of lies dominating her daily life. For Karem, making an official complaint offered no protection, given that the police force played an active role in the very persecution she was suffering. So she found herself in a situation where it was impossible to make a complaint in spite of the fact that there were laws to support her, with the prospect of continued stigmatization and police harassment if she relocated. This is where the social fabric (such as a

⁶⁹ CEAR-EUSKADI. Testimonies taken from "Vivir sin miedo. La protección del asilo frente a la persecución por motivos de género". http://www.sinrefugio.org/ipo/?page_id=88

network of friends, contacts, support near the home environment, etc.) became particularly important in enabling her to move forward.

After her arrival in Spain, the family support that she had relied on in Chile was withdrawn and she was rejected by other forms of community support in the host country. This was something which made settling in Spain tremendously difficult, not just due to her being a migrant, but also being LGBTTI. The first months of adjusting to the new situation were not easy and she remembers the feeling of having to prove that she was a 'good girl' once more, that her sexual identity was not synonymous with debauchery, parties, drugs, alcohol and cheating, and that only after the event was she able to rebuild the mechanisms of trust in people.

Karem then went through a later stage in which she became aware that what she had experienced had been a serious violation of her basic rights and that her situation was one of persecution that fitted the framework for international protection. The asylum process that she went through was long and clearly frustrating; the waiting stage was what most disconcerted her and made her anxious. Later came the rejection of the asylum claim, and the mechanism she employed to deal with her irregular situation was to 'endure' it until she was able to put her situation in order.

People like the one featured in the testimony above prefer to live in a country where they have learned to function at peace and in safety where they have decided to rebuild their lives with all its consequences. They accept the decision they have made and act on the understanding that **integration is a lasting solution to forced displacement** rather than a return to the country of origin.

ALEXANDRA

Was persecuted in Honduras because of her transsexuality and her work in exposing transphobia in her country, including suing the Honduran state. She was granted refugee status in Spain

Alexandra went through two stages:

The first stage involved being recognised first as a homosexual and then as a transsexual, a move which was very difficult as she did not know what she wanted. 'Dressing as a woman in Honduras is tantamount to hanging yourself. You become scum.' Faced with this situation, the support of close loved ones is essential and many LGBT people speak of the importance of having found someone, a mother, an uncle, a sister, a close friend, who has listened to them, respected them and understood them.

The homophobia and transphobia that LGBT people experience in host societies means that they distrust the authorities and may run the risk of facing violence and discrimination.

In Alexandra's case, the police were suspicious of her from the beginning and she was humiliated by being detained at the airport in the area for those refused entry for three days, as if she were a criminal. The police repeatedly questioned her identity, given that she must have had to leave dressed as a man, and on arriving in Spain she had to prove, by undressing in front of them, that she was a woman and that she was fleeing transphobia.

Some time later, Alexandra is clear that being a transsexual does not make you a lesser person – she didn't give in to them, nor will she ever give in. That is why she carries on with the process, she is lifting herself up and wants to set an example for other people to follow: not to hang your head. As she said, 'if they cut out my tongue, I have hands to write with. If they cut those off, I have legs to kick with. I don't want to cry any more' and she puts on a smile as her mechanism for relieving something of the burden of her experiences.

She doesn't forget. She records everything in her book and in her heart.

OMAR

Is a Palestinian refugee in Spain who fled persecution for being a homosexual and being Palestinian.

He sees his situation as being doubly problematic 'being a Palestinian and gay is the worst thing you can be.' And, although he doesn't practise his religion, Islam prohibits homosexuality, which makes him feel very guilty.

Omar accepts that his asylum claim will become a way for his experience to be recognised, that it should shed light on the fact that there are many people who are persecuted for reasons of gender who seek international protection and are not reflected in the official figures. He also accepts that it will be an opportunity to speak of his experience and give new meaning to what he has been through, and become fully conscious of the fact that people can and should exercise the right to be protected. However, he admits that in the process feelings of frustration and injustice arise.

In fact, Omar does not believe that the status granted by a state changes anyone, and he admits that the status of refugee has not changed his life, it has simply allowed him to stay in Spain. From the beginning he understood that he has done nothing wrong in his life and for this reason he has the right to be here. The extremely difficult experience of living in an occupied country, far from destroying him, gives him the strength to carry on and make him more creative. He feels almost obsessed with the idea of resistance. However, he says he easily feels guilty and that makes recovery more difficult. He believes that sometimes he denies himself the right to be happy.

- Community and collective mechanisms for coping and resilience

Beyond individual mechanisms that people employ when facing difficulty, discrimination or trauma, there are also community and collective mechanisms. These range from measures to recognise that these people are victims to the provision of emotional, material, symbolic and psychological support to improve their security, self-esteem and access to information. Collective efforts in these situations take on a particular importance with complaints of abuses of their human rights, bringing the circumstances to light, promoting and participating in public demonstrations of support as well as creating advocacy mechanisms at a political level aimed at achieving regulatory and legislative changes in order to secure mechanisms for the restoration of their rights.

A collective effort is needed to demand a wider space for the freedom to define the diverse identities people have, including at a sexual level. This can be achieved working together as protagonists in those spaces which play a leading role in the configuration of what is understood as 'normal', 'common' or 'legitimate' sexuality. These ideas might come from religious institutions, the media, health services or schools, for example, or from social institutions such as marriage or the family among others. These are spaces where the concept of sexuality is seen from a binary perspective: good or bad, normal or abnormal. This has the effect not only of reducing sexual diversity to genitalia that are feminine or masculine which are going to make us heterosexual women or men, but also the diversity or mechanisms for resistance, coping and internalisation both at an individual and a collective and regulatory level.

For this reason, the existence of LGBT movements is extremely important both in the countries of origin of those who are fleeing and in the host society where it will be essential for them to take on the counselling, support and the alleviation of a sense of loneliness and isolation these people experience, particularly when they have experienced a lot of violence, bullying and harassment from society and from the police. It is extremely difficult for these organizations to put an end to the threats in the country of origin, but they play an essential role in supporting and accompanying the decision that leads to fleeing the country. In both cases, LGBT movements are important in carrying out acts of political advocacy, protest and international solidarity.

Where promoting association between LGBT migrants and refugees is concerned, the social fabric is very weak and there is still a lot to be done. Some projects for associations are set up with close links to political parties and their activity has not been sustainable: this was the case, for example, of an organization for LGBT migrants from sub-Saharan Africa. Another organization which is still running is ACATHI⁷⁰ and works mainly with the Latin population. There is a general feeling among the representatives of the organizations interviewed that there is a need to use other European countries as a reference, in particular countries such as Belgium or the Netherlands, where there is an associative fabric with examples such as MERHABA.⁷¹

⁷⁰ ACATHI. Associació Catalana per a la Integració d'Homosexuals, Bisexuals i Transsexuals Immigrants.

Página web. <http://www.acathi.org/index.php>

⁷¹ MERHABA. Website. <http://www.merhaba.be/fr/liens>

Although they are few, there are associations which work at a community level to provide areas for mutual support, such as the Kif-kif organization, which holds monthly meetings for LGBT migrants from Maghreb and the Middle East where they have activities such as dance workshops, cultural activities, informal meetings, etc. However, these activities are not widely known or very visible, given the protective and anonymous nature of the environment they provide. Another example is Kapisana, an LGBT Filipino organization in Madrid which is not legally established as an association (although it is taking steps to achieve this thanks to the support and advice from the Fundación Triángulo⁷²). It is made up of many workers from the catering industry and has a good understanding of the situation of Asian LGBT people who have created spaces for mutual support, cultural activities, dance (some working in conjunction with the Philippine Embassy in Madrid), and so on. They have a mechanism for mutual support and solidarity in the figure of 'Kuya', a kind of older brother who is elected as leader who receives small contributions every month to create a kind of emergency fund for people in difficulties who cannot find help elsewhere (from social services, for example).

Many LGBT people who have left their countries were not able to rely on the support of any kind of association or organization that could work in defence of their rights, or even if they were, the associative network was very weak. It is for this reason that the idea of creating and fostering LGBT migrant associations in Spain is one that has been attempted on various occasions, but up until now, they have not had an impact or been sustainable. It is understood that this may be related to the individual motives of the people who led the initiatives: the result of fear, lack of social support, migration to other cities, and so on. such was the case, for example, of an association for Russian asylum seekers and an association of African LGBT groups. Efforts have been made to support the work of promoting and strengthening LGBT migrant movements to form associations and spaces in which to work to defend their rights and attend their particular needs, but to date this has not created many initiatives. Many of the activists have joined in the work of existing associations, which are not specifically for the migrant population, in many cases because they do not wish to be active in associations formed by compatriots – associations based on nationality – as they report that they experience a repetition of the discrimination which led them to emigrate from their country.

72 FUNDACIÓN TRIANGULO.
Webstie. <http://www.fundaciontriangulo.org/>

FREEDOM FROM DISCRIMINATION IN SPAIN. PRINCIPLE CHALLENGES AND PROPOSALS.

The elimination of prejudices and stereotyping of LGBT people who arrive in Spain fleeing discrimination and persecution:

- ▶ Training directed at the main actors working with LGBT migrants and refugees and those people who take decisions related to them within public administration (for example, in the judicial system, the police and employees of the Asylum and Refuge Office) and other professionals (such as lawyers, doctors and nurses).
- ▶ Awareness-raising initiatives on sexual diversity and the consequences of homophobia and transphobia with the aim of making the situation of these people known to wider society in order to reduce discriminatory attitudes.
- ▶ Eliminate prejudices and stereotypes about the LGBT population in the discourse of political leaders and the media.

Adequate measures for prevention and protection against discriminations in public administrations:

- ▶ Incorporation of the particular needs of LGBT migrants and refugees concerning the prevention and protection from homophobic and/or transphobic assaults in services for their reception and care.
- ▶ Improvement in procedures for making complaints and access to information on how to report incidents and acts of discrimination.
- ▶ Improvement in the collection of data and statistics in order to understand the quantitative dimension of the situation of LGBT migrants in order to promote public policies to combat discrimination that are in line with their experiences and carry out a more effective adjustment to care services and programmes.
- ▶ Guarantee access to the asylum claim process by not applying restrictive criteria when it comes to dealing with the applications of those who have had to flee their countries because they are victims of gender-based persecution.
- ▶ Eliminate discrimination in access to public services such as the health service.
- ▶ Promote the creation of mutual support networks and psychosocial support to enable LGBT migrants and refugees to develop the necessary mechanisms for dealing with some of the difficulties they encounter in the host society, closely

related to acts of discrimination and lack of assimilation of the experiences they have been through.

- ▶ Promote processes for setting up associations that defend the rights of LGBT migrants and strengthen the networking spaces with other similar initiatives at a European level (such as the ones in Belgium, Sweden and Finland) that have established good practices and have learned lessons about the kinds of processes that make it easier to cope with difficulties.

3. NEWS COVERAGE OF LGBT MIGRANTS AND REFUGEES

An analysis of news coverage of LGBT migrants and refugees has consider the normal practices for reporting these two groups –(LGBT people and migrants/refugees) separately in order to evaluate the news relating to people who belong to both groups.

It is important to note, moreover, that a common feature of the news coverage of vulnerable and socially excluded groups is their dehumanisation. Although the types of prejudice and style of news coverage change depending on the excluded group in question, the omission of details which identify us as human beings is one of the obvious deficiencies that is generalised with groups at risk of exclusion, such as LGBT migrants and refugees.

So it is that the name, occupation, education, personal skills, tastes and personal relationships tend to be absent from news items that resort to this recurrent form of dehumanisation. In this way, the fact of belonging to a certain group obscures personal characteristics and the news coverage perpetuates social exclusion. In other words, news items are seen in terms of ‘labels’ with all their connotations, which means that the people behind the labels cannot be seen.

Although new coverage of migrants and refugees has significantly improved in recent years, it is undeniable that there are still news items that resort to stereotyping and habitual inaccuracies when reporting on this group.

A report produced by the organization Red Acoge, ‘Inmigracionalismo 2’⁷³ points to some of the negative practices such as: highlighting the nationality of a person who participates in a negative or illegal act; associating immigration with criminality; fostering an alarmist attitude to migration; reducing information to numerical terms, and being excessively dramatic.

Below are some examples:

30,000 immigrants in Morocco waiting to jump the border fence into Ceuta and Melilla

- Police reports warn of the ‘enormous pressure’ from migrants in Ceuta and Melilla
- Increase in entry false-bottom cars due to ‘corrupt police’
- **Danger of ‘kamikaze cars’**
- MAP **Immigration routes and the Cueta and Melilla border fence**
- **In English: 30,000 sub-Saharan migrants awaiting border crossing attempt**

El País. 16/2/2014. http://politica.elpais.com/politica/2014/02/16/actualidad/1392576581_845257.html

73 (Coord.) MANUEL SOBRINO Y EMMA GARRIDO. “Inmigracionalismo 2. Estudio sobre periodismo e inmigración”. Red Acoge Madrid. Madrid, junio 2015.
<http://www.inmigracionalismo.org/wp-content/uploads/2015/07/Inmigracionalismo2.pdf>

There is a general consensus that there has been an overall improvement in the news coverage in Spain where LGBT people are concerned. However, as with migrants and refugees, the media continues to reproduce certain stereotypes and prejudices about them.

The Programme for Information and Assistance for Homosexuals and Transsexuals in the Community of Madrid identifies two types of stigmatization. Firstly, there is an association between transsexuality and prostitution in many news items, as the transsexual community is often seen in terms of the form of exclusion that it experiences. Secondly, the news coverage of homosexuality is often limited to aspects such as pleasure-seeking, beauty, body care, etc. And in spite of the fact that these are not negative aspects in themselves, they offer a very biased and distorted view of the homosexual population.

As can be seen in the following article, it reports on the situation of homosexual migrants, but it does so by mainly highlighting problems with drugs and the high level of AIDS. Moreover, the description 'the most degraded form of the business' could be offensive.

Homosexual immigrant prostitution

- Male prostitution is populated with foreigners surviving with high levels of AIDS

Illegal and 'hooked'

'Most of them are here illegally and they have serious problems with cocaine base', says a young man who knows the scene. 'The ones who sell on the streets are those engaged in the most degraded form of the business'. 'The same thing happens with them as with female immigrants', he adds, 'but nobody talks about the men, it's as if they didn't exist, they're invisible.'

El País. 27.08.2007 http://elpais.com/diario/2007/08/27/cvalenciana/1188242280_850215.html

In response to this trend, the State Federation of Lesbians, Gays, Transsexuals and Bisexuals (Federación Estatal de Lesbianas, Gays, Transexuales y Bisexuales)⁷⁴ recommends 'avoiding a sensationalist and morbid approach' when discussing transsexuals, and instead showing them as fully rounded people, including details of their family lives, and their work and leisure. This suggestion could be extended to the treatment of the LGBT population.

The organization COLEGA agrees that news coverage in Spain of LGBT migrants needs to improve considerably, as the news items often focus on the most lurid details and ignore

⁷⁴ FEDERACIÓN ESTATAL DE LESBIANAS, GAYS, TRANSEXUALES Y BISEXUALES. "Guía para el tratamiento informativo de las noticias relacionadas con la transexualidad". http://transexualia.org/wp-content/uploads/2015/03/Apoyo_guianoticias.pdf

other aspects which are more relevant for an understanding of these people's situation. What is more, many news items about the LGBT migrant or refugee population will tend to focus on one aspect or the other, which means we can observe some of the same tendencies as we have seen in the news reports above. However, this combined circumstance can lead to new prejudices and reporting errors.

The fact that belonging to the LGBT community in Spain is not often the cause of persecution does not mean, sadly, that it does not continue to be the case in many other countries. For that reason, news items should operate on the assumption that a person could have the right to asylum due to their sexual orientation, just as they do in other cases of potential persecution based on political affiliation, religion or fleeing from conflict.

For example, the initial news item had set the context for the persecution experienced by a Cameroonian woman when the Spanish authorities refused to process her asylum claim. Eventually it was possible to make this report:

Spain grants entry to Cameroonian woman persecuted for being a lesbian

- ▶ **After a report on the case in [eldiario.es](#) and political and social pressure, Christelle Nangdou is able to leave the area for those denied entry in Barajas Airport with permission to remain on humanitarian grounds and will be transferred to a NGO reception centre**
- ▶ **She was detained for 23 days in the area for those denied entry in the airport after Spain refused to grant her asylum**
- ▶ **The Spanish authorities attempted to deport her on three occasions, but she resisted**

El Diario. 15.04.2015.

http://www.eldiario.es/desalambre/libertad-mujer-camerunesa-perseguida-lesbiana_0_377613384.html

The hardships that many LGBT people face, particularly women, can lead to the false impression that a person does not belong to that group. Forced marriages, rape, forced prostitution (with pregnancy as a possible consequence) or denial of their transsexuality by those around them, can all lead to reports that might question the fact of the persecution an LGBT person has suffered.

Likewise, sometimes LGBT people are compelled to become prostitutes in their countries of origin, as well as in transit countries and host countries. As a result of this they can become newly stigmatized and associated with the criminal and drug world. It is worth noting in this regard that on many occasions these people are victims of trafficking by mafias or they have been forced into prostitution for financial reasons as it is the only recourse during their long migratory journey.

So it was that in the following case, the judge dismissed an asylum claim made by a woman who was being persecuted in Cameroon because she was pregnant. Thanks to

the fact that they had the testimony of the woman featured, the news report was able to question the judicial decision.

Asylum denied to Cameroonian lesbian persecuted by her family and government

- The woman arrived in Spain on a boat. Her girlfriend died on the journey.
- The judge says that as she is pregnant, her claim seems 'unlikely'
- She does not want to return as she could face five years' imprisonment.

Diario 20 minutos. 4/2/2009. <http://www.20minutos.es/noticia/447979/0/asilo/lesbiana/denegado/>

RECOMMENDATIONS

- Avoid fostering alarmist attitudes to migration, or associating migrants with crime and abuse of public services.
- Show people in a fully rounded way rather than reducing them to a label. This means including personal information about their family life, and work and leisure.
- Contextualise the situation that these people might have suffered in their countries of origin as well as in transit and host countries.
- Make the same assumption that they suffered persecution as a result of their sexual identity and orientation as would be made for other reasons (such as political or religious affiliation or fleeing from conflict)
- Avoid failing to believe that a woman belongs to the LGBT community because she might have a child, be pregnant or married, as she might have been raped, forced to marry or be the victim of trafficking.
- Avoid reproducing homosexual stereotypes associated with superficial and consumer aspects. As well as painting a very distorted picture, it could be particularly unfair to migrants.
- Avoid sensationalist and morbid aspects, particularly in news coverage of transsexuals and victims of trafficking.
- In news reports featuring an LGBT migrant, try to rely on their testimony and/or on organizations that defend their interests.
- Name a transsexual person according to the sex they identify as.
- Avoid blaming or stigmatizing migrants who practise or have practised prostitution.

GLOSSARY OF TERMS

A

Agent of persecution: This is the term given to those who perpetuate, or where there exists a well-founded fear that they might perpetuate, acts of persecution (in the case of the right to asylum) or serious harm (in the case of humanitarian protection). They might be:

a) State agents: when the persecution or serious harm is exercised by the State or one of its structures.

b) non-State agents: this covers people, groups or communities that act beyond the scope of the State, but where the latter promotes, allows or tolerates persecution or harm, or is not able to provide effective protection.

The Spanish Asylum Law recognises a third type of agent:

c) parties or organizations that control the State or a large part of the territory.

B

Bisexuality: Sexual orientation where one person feels physically, sentimentally and/or emotionally attracted to men and women.

D

Discrimination: Differentiated or unequal treatment of a person or a group of people in different areas of social life due to their falling into certain categories, be they real, attributed or imaginary. For example, culture, gender, age or social class. Discrimination is an act that limits or prejudices access to the rights of the people affected. Discrimination in itself is not considered to be the same as persecution in the asylum framework, except where it is particularly heinous, which in itself constitutes a serious violation of human rights. However, a persistent and generalised pattern of discrimination which results in seriously detrimental consequences for the person or the group, justifies the need for international protection.

Diversity: A rights-based approach that celebrates the differences between people.

E

Equality: The concept that all people should be treated equally and have the same political, economic, social and civil rights, independently of their race, disability, age, sexual orientation, gender, religion, ideology, etc. This is a principle that should inform all public actions in democratic states; in addition to this, it is a basic right for all people.

Equality of opportunity: The concept that all people should be treated equally – in the

sense of having the same real possibilities – with respect to access to employment, social services, housing, health services, etc., independently of their race, disability, age, sexual orientation, gender, religion, ideology, etc. All European countries have equal rights legislation, but its effectiveness varies.

G

Gay: Used to describe people who experience physical, romantic and/or emotional attraction towards people of the same sex. It is often used to describe a man who feels sexually attracted to other men, but it can also be used to describe women attracted to other women.

Gender: Refers to the relationship between women and men based on identities that are socially and culturally constructed and defined, the status, the role and the responsibilities that are assigned to one sex or the other. Sex, on the other hand, is biologically determined.

Gender-based sexual violence: Any act of violence which causes, or has the potential to cause, physical, sexual or psychological suffering, or that violates someone due to their sex or gender, along with threats of such actions, coercion or arbitrary deprivation of liberty, either in public or private life. Gender-based violence encompasses violence against women and men for the way in which they experience and express their gender and sexuality.

Gender expression: External manifestation of one's own gender identity. This is usually expressed through 'masculine' or 'feminine' gender behaviour, clothes, hairstyle, voice or body characteristics. Transsexuals usually seek to ensure their gender expression corresponds to their gender identity, rather than to the sex they were assigned at birth.

Gender identity: This refers to the feelings of being 'men' or 'women', but also to the non-normative identities such as 'transsexuality' and 'transgender' which lead to a questioning of gender identity as something subject to only two opposing categories. The definition of gender identity as being something multiple breaks with the traditional ideas of the sex-gender binomial (there are two sexes and two genders). It is understood that bodies have anatomical differences of a natural and biological nature, but it is the interpretation that we make of these bodies that gives them their meaning. This would mean that there are two constructed elements, gender and sex, which are pivotal when it comes to an understanding of our gender identity (our behaviours and subjectivities), our sexual identity (our desires and feelings) and our possibilities within society (our roles).

H

Harassment: repeated aggressive behaviour intended to harm someone. This might be physical, mental and/or emotional. In European countries, homophobia and transphobia are too often the cause of harassment.

Heteronormativity: This refers to a social, political and economic regime where the only acceptable and normal expression of sexual desires and feelings, along with identity itself, is heterosexuality which presupposes that masculine and feminine are broadly comple-

mentary where desire is concerned. This means that sexual preferences, as well as the roles and relationships that are established between individuals in that society must be based on the binary 'masculine-feminine', where 'biological sex' must always correspond with gender identity and the desires socially associated with it.

Heterosexual: A person who feels physical, romantic and/or emotional attraction towards people of the opposite sex.

Homophobia: Fear or hatred of lesbians and gays. Prejudice or intolerance are the more accurate descriptions of the hatred or antipathy towards LGBT people.

Homosexual: Generic term that describes someone who generally feels physically or emotionally attracted to people of the same sex. It might refer to lesbian women as well as gay men. In some countries or contexts, this word might have negative connotations which is why many people of a homosexual orientation, particularly if they openly express their orientation, prefer to use the terms lesbian or gay.

Human rights: Rights that belong to all people as a consequence of being human, rights which must be recognised by all people.

I

Intersexuality: Refers to the condition of having physical anatomy which is not considered to correspond to the standard of masculine or feminine. Intersexuality can be used as a general term to include differences in sexual development. The term intersexual is not interchangeable or synonymous with transsexual.

L

Lesbian: A woman who feels physical, romantic and/or emotional attraction towards other women. Some women prefer to be referred to as gay or gay woman.

LGBT or LGBTI: The term used to refer to a set of individuals with a sexual preference and/or gender identity which are different to those that are considered normative, including lesbians, gays, transgender people, transsexuals, bisexuals and intersexuals. This term, however, generally functions as a kind of collective identity for people who do not identify as heterosexual, although it is not always the case that they agree with or feel represented by the term that claims to encompass them.

P

Prejudice: Preconceived belief, opinion or judgement about a group of people.

Persecution for reasons of gender: Taking the concept of persecution as defined in the area of the right to asylum, which is the serious, sustained or systematic violation of human rights, persecution for reasons of gender is what occurs when these rights violations are related to the role that is assigned to a person based on their gender (woman, man,

trans, or other) or their sexual preferences. Discrimination or less favourable treatment can amount to persecution and require international protection.

The persecution suffered by women and non-normative people – those whose identity or sexuality does not correspond to the norms – is effected above all through the control of their sexuality, their reproductive capacity and their bodies.

From a structural point of view, persecution for reasons of gender can be manifested through the imposition discriminatory social, religious or cultural laws and norms; or through the imposition of disproportionate penalties and punishments for transgressing these laws and norms. This can be manifested both in the public and private sphere, carried out by state and non-state agents

Sexual violence, domestic violence, violence at the level of the community and the state (such as femicide, female genital mutilation, forced marriage, the burning of widows, forced sterilisation, selective abortion, stoning, etc.) and trafficking people for the purposes of sexual exploitation are some of the forms of persecution that women frequently suffer.

Punishment, including the death penalty in some countries, torture and degrading treatment (sometimes carried out by state agents themselves), rape and sexual abuse, stigmatization and pathologisation, confinement and domestic and community violence are some of the forms of persecution that the LGBT community frequently suffers.

These classifications are not watertight, but they attempt to represent some common cases in different areas.

S

Sex: Biological classification of people as masculine or feminine. At birth, babies are assigned a sex on the basis of a combination of physical characteristics, such as: chromosomes, hormones, internal reproductive organs and genitals.

Sexual diversity: Refers to the many possible ways we position ourselves with regard to our desires and feelings.

Sexual preference (heterosexuality, bisexuality, homosexuality, and so on) in its many social configurations acts as the pivot for gender identity (man, woman, transsexual, transgender, intersexual, and so on).

As has been the case historically with gender, an essentialist perception of sexuality persists today. Marriage, reproduction and love have been the historical justifications for sex and today they continue to condition our perceptions of what is legitimate.

Sexual orientation or sexuality: Refers to each person's capacity to feel profound attraction at an emotional, sentimental and sexual level and to have intimate relations with individuals of a different gender, the same gender, or more than one gender.

Social group: Belonging to a particular social group is one of the reasons for persecution which features in the definition of a refugee, established in the Geneva Convention of 1951. The social group category includes persecution for reasons of gender. This is experienced in particular by women for being women, and persecution due to sexual orientation or gender identity, which is directed against people with a sexual preference or a gender identity that transgress the norms established by hetero-normativity.

Spanish legislation does not recognise the full range of forms of persecution for reasons of gender, sexual orientation or gender identity. It considers that they are not in themselves sufficient reason to grant refugee status and makes them conditional on an undefined legal concept: 'prevailing circumstances in the country of origin'. Making the recognition of these forms of persecution conditional on prevailing circumstances in the country of origin might act as an almost insurmountable obstacle for those fleeing to Spain as a result of them.

Stereotype: Stereotypes are a collection of beliefs about the attributes assigned to a particular social group.

They arise from the cognitive process of categorisation: putting an object, a person, or an animal, for example, into a group. This process assumes that the whole group shares particular characteristics. Stereotyping is, ultimately, assigning identical characteristics to any person in the group, without considering the variations that exist between members of the same group.

Stereotypes correspond in part to reality, but they tend to exaggerate it. They are cognitive structures (like mental photographs) which include beliefs, feelings and expectations about different social groups.

T

Transgender: A general term for people whose gender identity and/or gender expression differs from the sex they were assigned at birth. The term might include, but is not limited to: transsexuals, transvestites and others. Transgender people may identify as woman to man (FTM), or man to woman (MTF). Transgender people may or may not decide to alter their bodies hormonally or surgically.

Transsexual: the legal term for a person who is about to go through, going through or has gone through gender reassignment surgery. It is offensive to describe someone as transsexual, just as it might be in some cases to call a gay man or a lesbian a homosexual. We should always identify the person by referring to the sex they identify as (man or woman). It can, however, be used as an adjective, for example 'transsexual status' or 'transsexual condition'.

BIBLIOGRAPHY

AFRICAN COMMISSION ON HUMAN AND PEOPLE´S RIGHTS (2014): *Resolution on Protection against Violence and other Human Rights Violations against persons on the basis of their real or imputed Sexual Orientation or Gender Identity.*

AMNESTY INTERNATIONAL (2014): *Gambia: "Aggravated Homosexuality" Offence Carries Life Sentence.*

AMNESTY INTERNATIONAL (2003): *Honduras: Human rights violations against lesbian, gay, bisexual and transgender people.*

AMNESTY INTERNATIONAL (2008): *Drop charges of homosexuality against six men and ensure their safety.*

AMNISTÍA INTERNACIONAL(2008-2009) *Informe: Estado actual de las violaciones de los derechos humanos por causa de orientación sexual e identidad de género a nivel mundial. Enero 2008 - Junio 2009. [no English version available].*

BERGEAUD-BLACKLER, Florence, y ECK, Victor (2011). *Revue des mondes musulmans et de la Méditerranée: Les "faux" mariages homosexuels de Sidi Ali au Maroc : enjeux d'un scandale médiatique. Julio de 2011.*

CEAR-EUSKADI (2013): *"Vivir sin miedo. La protección del asilo frente a la persecución por motivos de género".*

CEAR-EUSKADI (2014): *Diccionario de Asilo.*

COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (CIDH) (2012): *Relatoría sobre los derechos de las personas LGBTI: Informe 2012.*

COMISIÓN INTERAMERICANA DE DERECHOS HUMANOS (2014): *Una mirada a la violencia contra las personas LGBTI.*

COMISIONADO NACIONAL DE DERECHOS HUMANOS (CONADEH) (2012): *LGTBI (Lesbianas, Gays, Transexuales, Bisexuales e Intersexuales) Reporte 2012.*

COUNCIL OF THE EUROPEAN UNION (2013): *Guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons 24 June 2013.*

DEFENSOR DE PUEBLO ESPAÑOL (2014): *Informe Anual 2014.*

FEDERACIÓN ESTATAL DE LESBIANAS, GAYS, TRANSEXUALES Y BISEXUALES (FELGTB) (2010): *Guía para el tratamiento informativo de las noticias relacionadas con la transsexualidad.*

GROTTI, LAETITIA et DAÏF, MARIA (2004): Être homo au Maroc. Revista Tel Quel [Casa-blanca]. 8 de abril de 2004.

GRUPO GAY DA BAHÍA (2014): Assassinato de homossexuais (lgbt) no brasil: Relatório 2014.

HUMAN RIGHTS WATCH (2014): License to harm: violence and harassment against LGBT people and activists in Russia.

HUMAN RIGHTS WATCH (2014): Gambia: Life Sentence for ‘Aggravated Homosexuality.

HUMAN RIGHTS WATCH (2015): World Report 2015 – Ethiopia.

ILGA-EUROPE (2011): Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe.

IRAN HUMAN RIGHTS DOCUMENTATION CENTER (2013): Denied Identity: Human Rights Abuses Against Iran’s LGBT Community.

MINISTERIO DEL INTERIOR. Secretaría de Estado de Seguridad- Gabinete de coordinación y estudios: Informe sobre incidentes relacionados con los delitos de odio en España de 2014.

MINISTÈRE DE L’IMMIGRATION, DE LA DIVERSITÉ ET DE L’INCLUSION DU QUEBEC (CANADA). Direction des politiques et programmes de francisation et d’intégration (2011): Réalités juridiques et sociales de l’homosexualité et de la transsexualité dans les principaux pays d’origine des nouveaux arrivants au Québec.

NACIONES UNIDAS. Consejo de Derechos Humanos (2015): *Discriminación y violencia contra las personas por motivos de orientación sexual e identidad de género, 4 de mayo de 2015.*

OHCHR (2011): *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity.*

OHCHR (2012): *Born free and equal: sexual orientation and gender identity in international human rights law.*

PEW RESEARCH CENTER (2013): *The Global Divide on Homosexuality.*

PROCURADURÍA PARA LA DEFENSA DE LOS DERECHOS HUMANOS.NICARAGUA. (2013): *“Salud para la diversidad sexual, un derecho humano”.*

RAINBOW,Rights Against Intolerance Building An Open-Minded World : *Glosario de términos LGTB.*

RUSSIAN LGBT NETWORK (2014): "Alternative Report. Implementation Of The International Covenant On Civil And Political Rights In The Russian Federation: *Sexual Orientation And Gender Identity Issues*".

SOBRINO, MANUEL (Coord.) y GARRIDO, EMMA (2015). Red Acoge: *Inmigracionalismo 2: Estudio sobre periodismo e inmigración*.

SWITZERLAND: STATE SECRETARIAT FOR MIGRATION (SEM) (2011): *The Development in Morocco in the Shade of the Arabic Spring and its Consequences on Migration*.

UNHCR (2009): *Discussion paper The Protection of Lesbian, Gay, Bisexual, Transgender and Intersex Asylum-Seekers and Refugees*.

UNHCR (2009): *Honduran teenager flees homophobia and finds a new life in Mexico, 4 agosto 2009*.

UNITED STATES DEPARTMENT OF STATE (2014): *2013 Country Reports on Human Rights Practices – Nicaragua*.

UNITED STATES DEPARTMENT OF STATE (2015): *2014 Human Rights Reports: Cameroon*.

UNITED STATES DEPARTMENT OF STATE (2015): *2014 Human Rights Reports: Ethiopia*.

UNITED STATES DEPARTMENT OF STATE (2015): *2014 Human Rights Reports: Honduras*.

UNITED STATES DEPARTMENT OF STATE (2015): *2014 Human Rights Reports: Iran*.



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