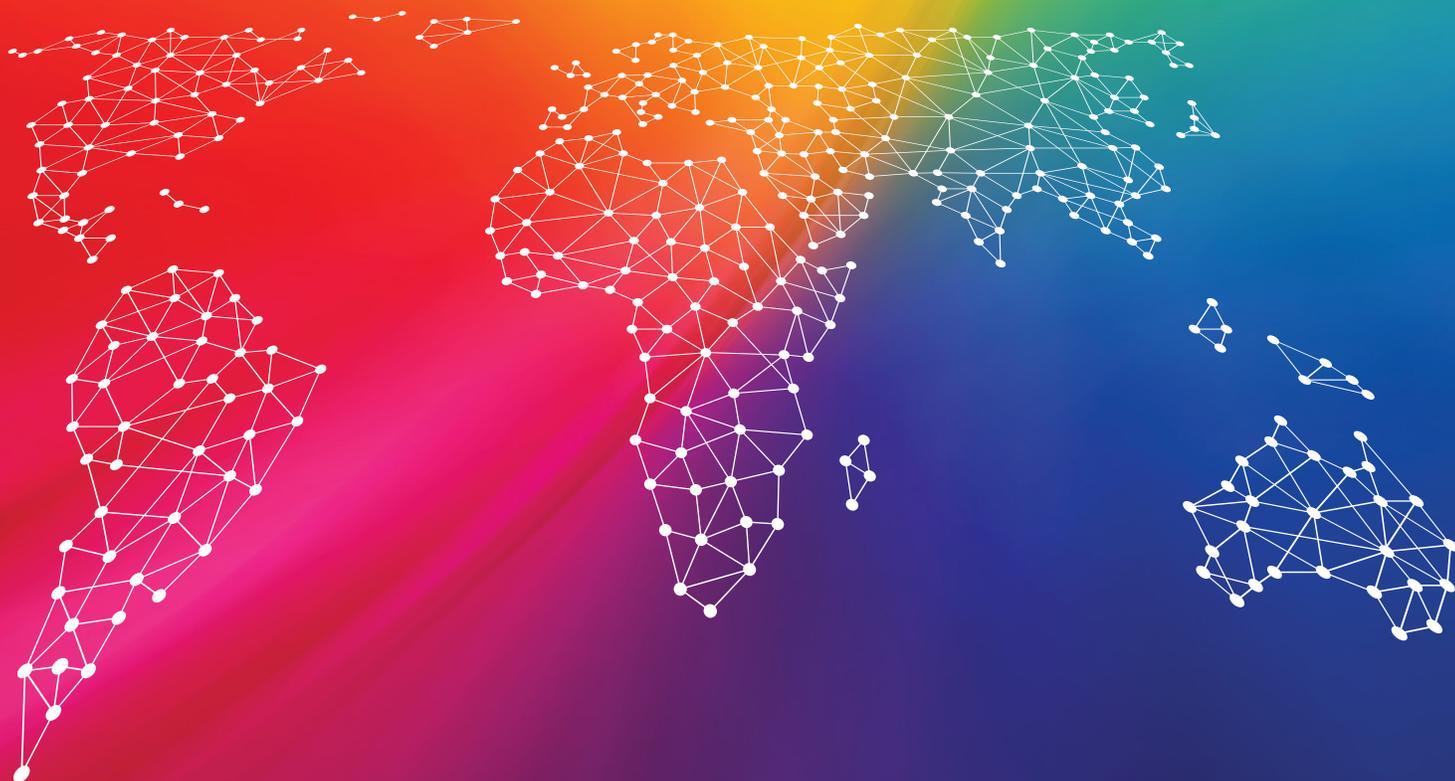




THE IMPACT OF COVID-19 ON DISPLACED LGBTQI PERSONS

A Report with Four Recommendations for Policy Makers | JUNE 2020



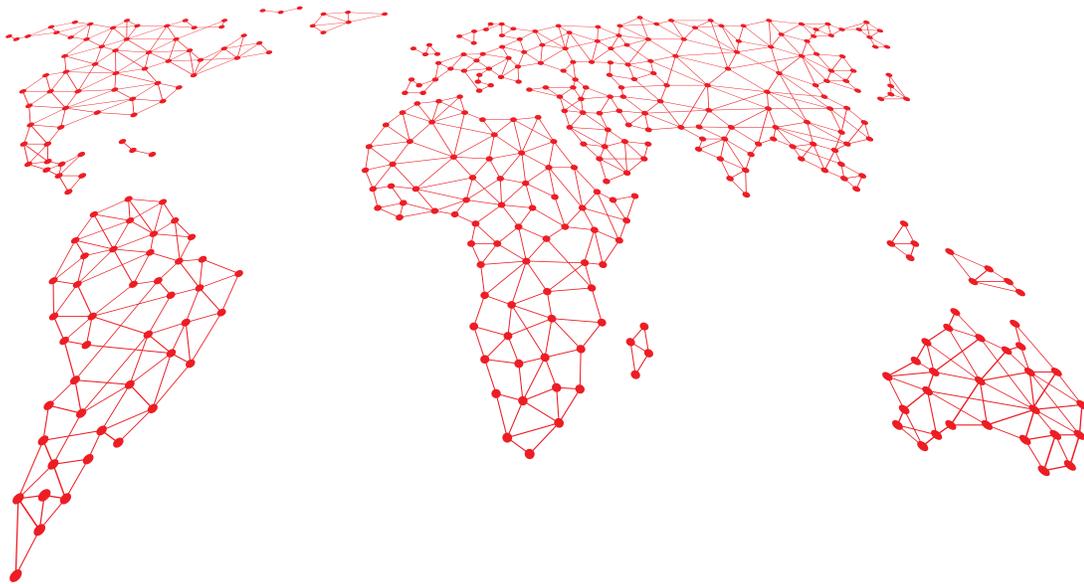
This report was written by Paul Dillane and Kimahli Powell, L.L.D (Hons) at Rainbow Railroad.

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Rainbow Railroad was founded to provide pathways to safety for LGBTQI persons facing imminent danger. Since our founding in 2006, we have helped over 800 people to safety.



www.rainbowrailroad.org

CANADA
401 Richmond Street West, Suite 360
Toronto, ON. M5V 3A8

USA
601 West 26th Street, #325-41
New York, NY. 10001

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Foreword

On March 11, the World Health Organization declared COVID-19 a global pandemic.

As of June, 2020 the world is well into a global health crisis, with over 5 million cases worldwide and over 330,000 deaths.¹ There remains great uncertainty about what comes next. We do not know how many people will be infected or how long the pandemic will last. However, we do know that those who are most marginalized will be disproportionately impacted by the pandemic, including members of the LGBTQI community.

For Rainbow Railroad, our work is complicated by the sweeping measures countries have adopted around the world to contain the virus, including lockdowns, travel restrictions and temporary border closures.² Prior to the pandemic, our 2020-2022 Strategic Plan identified the need to diversify our programming.³ This was largely the result of an exponential growth in year-over-year requests for help (2800 alone in 2019), which meant that we needed to expand our service delivery model to include options to assist people in-country. Our Strategic Plan has been essential in guiding how we do our work in this time.

An essential part of Rainbow Railroad's work during the pandemic has been developing a clear understanding of how COVID-19 is affecting LGBTQI communities internationally. There has already been significant work done in this regard by organizations like OutRight Action International, whose important work we cite later in this report. Rainbow Railroad is best positioned to contribute to this growing body of actionable knowledge by detailing **how COVID-19 is impacting LGBTQI refugees and internally displaced persons (IDPs)**, since these are the communities we work with on a daily basis.⁴

The goal of this report is to provide a snapshot of the impact of COVID-19 on forcibly displaced LGBTQI people including IDPs, asylum seekers and refugees. Secondly, we will touch on the impact on frontline organizations who serve these populations. The report concludes with four policy recommendations which we believe are both necessary and achievable **in order to make a substantial difference in the lives of displaced LGBTQI persons around the world.**

¹ <https://www.worldometers.info/coronavirus/>

² <https://www.aljazeera.com/news/2020/03/coronavirus-travel-restrictions-border-shutdowns-country-200318091505922.html>

³ https://assets.website-files.com/5996edc0ab717100012bd6a9/5e985d40d9239fbc9cdce90f_3116_RainbowRailroad_StrategicPlan2020-Final-Web-March9_2020-Smaller.pdf

⁴ Internally Displaced People, UNHCR. <https://www.unhcr.org/internally-displaced-people.html>



Executive Summary

COVID-19 has emerged as a devastating global pandemic, with over 5 million cases and 330,000 deaths as of June 2020. We now know that it is disproportionately affecting those most vulnerable, including LGBTQI Internally Displaced Persons.

Around the world today, more than 70 countries criminalize same-sex intimacy. In these countries, LGBTQI people are routinely arrested, denied basic human rights and are sometimes brutally attacked, tortured, or even murdered. This climate of fear that many LGBTQI people live in is exacerbated when states engage in crackdowns or campaigns that target LGBTQI people. In these instances, police or state authorities often conduct some combination of mass arrests, torture and imprisonment of LGBTQI populations.

In many countries around the world that criminalize same-sex intimacy, small grassroots organizations and human rights defenders provide day-to-day support to persecuted LGBTQI populations. However, in the most repressive of states, these networks are virtually non-existent, operate in utmost secrecy and are often targeted by state surveillance or disruption actions.

On account of what might accurately be called an **epidemic of violence against LGBTQI individuals around the world, many gender and sexually diverse individuals are forced to flee, or make the excruciating decision to do so.** At times, people try to flee to safer locations within their country. But sometimes, they must cross international borders, often to countries that also criminalize same sex intimacy. Also, when LGBTQI folks cross borders, they become residents of refugee camps, where their safety is sometimes compromised due to climates of homophobia, biphobia or transphobia, often aided and abetted by local authorities. This means that many displaced LGBTQI people end up abandoning the camps, opting to live on the margins of society in urban centres.

Civil society organizations around the world and governments that promote and respect human rights have sought to address the plight of LGBTQI refugees in past decades. As a result, there have been important legal developments at the national and regional levels. However, COVID-19 has demonstrated that LGBTQI refugees and displaced persons are vulnerable to the negative effects of the pandemic, especially as borders are temporarily closed.

“

For many, it is the family home which is a ‘hostile environment’.

– GARETH HENRY
SENIOR CASE OFFICER, RAINBOW RAILROAD



“
My worry is many refugees are affected the most by COVID. They can't travel, they have to stay in camps and can't get out. I fear refugees will be struggling even more than before COVID-19.

- FRANK MUGISHA, EXECUTIVE DIRECTOR, SEXUAL MINORITIES UGANDA

More than 20 members of the LGBTQI community in Uganda were arrested for violating the coronavirus lockdown.

As a result of our review of the existing research, our experience working with at-risk populations since the start of the pandemic and interviews we conducted with human rights defenders around the world, we've outlined the specifics of this vulnerability. In almost every aspect, from livelihood to discrimination in healthcare systems to greater social isolation and anxiety, LGBTQI people on average are disproportionately impacted.

The analyses of our international partners, our own research and our experience of receiving requests for help has caused us to be concerned about the unique vulnerabilities of displaced LGBTQI persons and refugees during COVID-19. Below are three specific examples:

1. COVID-19 could take a foothold in refugee populations where LGBTQI persons are already uniquely vulnerable.
2. COVID-19 could lead to more crackdowns on LGBTQI persons, causing further displacement
3. Border closures as a result of COVID-19 could lead to the breakdown of refugee resettlement and a refusal to accept asylum claims.

As a result of our findings, we make four urgent recommendations to government policy makers.

- 1 Uphold the right to asylum
- 2 Resume the resettlement of LGBTQI refugees
- 3 Release LGBTQI asylum-seekers being held in detention centres
- 4 Increase resources dedicated to supporting LGBTQI refugees

Photo: <https://news.sky.com/story/uganda-using-coronavirus-laws-to-target-marginalised-lgbt-groups-11985888>

Methodology

As part of our regular work, Rainbow Railroad has been conducting daily monitoring of issues concerning human rights, LGBTQI people and forced displacement. This has been supplemented through our relationships with partner organizations and triaging hundreds of requests for assistance.

Over the course of four weeks in April and May 2020, Rainbow Railroad conducted a literature review of emerging analyses, research and responses to COVID-19. During the same period, we conducted interviews with human rights defenders representing civil society organizations working on the frontline in the response to COVID, including by providing services dedicated to LGBTQI refugees.

Due to the nature of the pandemic, data and research is limited and preliminary. It is important to note that information concerning displaced persons and refugees who are intersex is limited. However, through our involvement on specific cases, we conclude anecdotally that intersex people also faced heightened vulnerability.

On behalf of Rainbow Railroad, this project has been conducted by an experienced researcher along with our Executive Director. We have received guidance from those with lived experience at each stage and followed international best practice ethical guidelines.

This was a rapid assessment using known partners. We have sought to both capture the voices and experiences of LGBTQI refugees, while being sensitive to the risk of re-traumatization especially at a time when LGBTQI refugees are more acutely vulnerable. Mindful of this, we decided to limit the number of interviews to five which provide a broad range of experiences of LGBTQI refugees and displaced persons in different regions around the world. These interviews, and our research and previous knowledge of the LGBTQI refugee space, informed this report.

All persons interviewed consented to sharing their experiences with this context.

A portrait of Filippo Grandi, UNHCR Commissioner, looking slightly to the right with a serious expression. He is wearing a dark suit jacket over a light-colored shirt.

Introduction

On 16 May 2019, on the occasion of the International Day against Homophobia, Biphobia and Transphobia (IDAHOT), UNHCR Commissioner Filippo Grandi issued a landmark statement calling for greater focus on the forcible displacement of LGBTQI people globally. In that statement, he wrote that:

“
It is vital that we create safe spaces for (LGBTQI) asylum seekers and refugees so they don't feel compelled to conceal their sexual orientation or gender identity in an effort to protect themselves.

© UNHCR/Boris Weber

COVID-19 has spread across the globe with remarkable speed, immediately and drastically impacting our daily lives. Across the world, new evidence is rapidly emerging which highlights the risks posed by the virus as well as the consequences of responses to it (for example lockdowns and emphasis on physical distance), to such marginalized groups including LGBTQI refugees.

As governments around the world continue to try to contain the spread of COVID-19, the number of mobility restrictions, both internationally and domestically, has risen sharply. Measures such as border closures and the enforcement of quarantines and lockdowns have become common. By early April 2020, more than 9 in 10 people globally lived in countries with travel restrictions.

This briefing aims to provide a rapid assessment of the impact of COVID-19 on LGBTQI people who have fled their homes and been forcibly displaced. It also includes key context on the issue of forced displacement due to COVID-19 globally and LGBTQI rights and issues worldwide.

COVID-19: Key Facts

- COVID-19 is highly contagious. Although a number of clinical trials have begun, there are presently no cures or vaccines.
- Cases have been reported in 215 countries, areas or territories, impacting virtually every corner of the globe.⁵
- UN officials have warned that COVID-19 could have a devastating impact on countries in the Global South. Many of these countries are already unsafe for LGBTQI people.⁶

⁵ WHO Coronavirus Disease (COVID-19) Dashboard.

⁶ World Health Organisation (WHO), WHO Director-General's opening remarks at the media briefing on COVID-19, 6 May 2020.



Pre-pandemic: an overview of LGBTQI forced displacement

Persecution related to sexual orientation or gender identity and expression or sex characteristics (SOGIESC) is pervasive globally. At least 70 countries have laws on their books that criminalize same-sex sexualities and no less than 58 criminalize gender diversity.^{7 8} These laws, which are often a legacy of colonization, are powerful tools of repression and extortion. As a consequence of these laws, LGBTQI people are routinely arrested, denied basic human rights and are routinely brutally attacked, tortured, or even murdered.

LGBTQI people face threats of violence that are hidden from the public eye, yet ever-present. Violence and surveillance begin at home, in families, often at a young age. Threats extend from families, into schools, workplaces, and communities.

Homophobic, biphobic and transphobic violence in families and social networks forces people to conceal their sexuality or gender identity, or physically hide themselves away out of fear. Where legal protections for LGBTQI people do not exist, and where countries actively promote persecution, people face unimaginable human rights violations including killings, torture, arbitrary detention and widespread discrimination in access to health care, education, employment and housing. In recent years, we have seen an unsettling number of state-sponsored campaigns or “crackdowns,” in which LGBTQI persons become swift and immediate targets of persecution.⁹

In many of these countries, human rights defenders and small grassroots organizations provide a lifeline of support to individuals at risk. However, these individuals and organizations often become victims of violence as well. In some countries, it is impossible to even establish a network. The result is an environment where LGBTQI individuals often face life-threatening situations where the only option is to evacuate.

⁷ State Sponsored Homophobia Report 2019, ILGA.

⁸ <https://transrespect.org/en/>

⁹ Chechnya, Egypt, and Tanzania are all recent examples.



However, for those needing to flee due to SOGIESC persecution, neighbouring countries are often far from ideal safe havens; nearby countries often exhibit similar patterns of violence and discrimination directed to LGBTQI people. For example, an at risk LGBTQI person in Rwanda would often escape to Uganda, which also discriminates against LGBTQI people.

When people do flee across borders to neighbouring countries, refugee camps that provide basic necessities to displaced persons are often dangerous places for LGBTQI people. Consequently, many LGBTQI displaced persons avoid or flee refugee camps, instead opting to seek refuge in urban centres where they risk arrest, assault and exploitation. State and civil society organizations that support refugees in these countries may be unresponsive or hostile to LGBTQI refugees. Accurate information about available LGBTQI-positive supports is scarce and difficult to access.

While some people are able to flee, there are many factors that prevent persecuted LGBTQI people from leaving their country. When considering leaving, many LGBTQI people:

- Cannot turn to family for practical assistance, as families are typically hostile. In some cases, lesbians and trans people have documented not being allowed to leave their homes, nor raise funds or arrange travel, without the support of male relatives. Merely asking to travel can raise suspicions;
- Face surveillance that impedes their efforts to organize travel – changes in routine must be hidden from families, communities, workplaces, etc. This dispersed surveillance extends into public spaces (e.g. hotel clerks), state and non-state authorities (e.g. road checks), organized crime and paramilitary forces;
- Are subject to additional barriers to employment in their country of origin, meaning that they aren't able to cover the travel costs associated with escaping their country.

Photo: <https://www.cbc.ca/radio/asithappens/as-it-happens-friday-edition-1.4132938/reporter-describes-watching-gay-indonesian-couple-being-caned-in-front-of-cheering-crowd-1.4132951>



Trans women (an at-risk population within LGBTQI communities) are often entirely excluded from the traditional labour market and therefore face a disproportionate risk of entrapment into sex trafficking. These individuals sometimes face surveillance and threats from gangs, making the prospect of escaping their country extremely difficult. In addition, while information concerning intersex displaced persons and refugees is extremely limited, through direct cases we conclude that they too face heightened vulnerability.

In recent years, international migration restrictions have become more stringent, and the penalties for irregular migration have intensified. Many countries that are safer for LGBTQI people, typically require entry visas, which are often difficult or impossible to attain for nationals of unsafe countries. For LGBTQI people, these are exacerbated by a number of factors. They include:

- Lack of employment due to homophobia, biphobia and transphobia limits visa eligibility;
- In many countries, lesbians and trans people are unable to access travel documents or travel abroad without male relatives;
- Trans people are often unable to access travel documents that align with their gender;
- Trans, gender diverse and intersex people face heightened scrutiny at borders and often cannot safely access points of border crossing;
- People who are HIV-positive may be barred from travel or face a heightened risk of deportation;
- Bisexual persons are often forced to conceal their identity in order flee. For those who marry and start a family, they may have to flee without their children.

Photo: https://www.vice.com/en_ca/article/kwpm4n/young-and-gay-jamaicas-gully-queens-288 sexual orientation: X,Y and Z

International Attention to LGBTQI refugees

Over the past two decades, civil society organizations and governments have sought to address the plight of LGBTQI refugees.

In 2006, international human rights experts published the Yogyakarta Principles, which sought to interpret international human rights as they apply to LGBTQI refugees and forced displacement.¹⁰ The principles were updated in 2017.¹¹ Credited with advancing understanding on the fundamental human rights of LGBTQI people, the Principles state that “everyone has the right to seek and enjoy in other countries asylum from persecution, including persecution related to sexual orientation or gender identity.”¹²

There have also been important legal developments at the national and regional levels. For instance, in the European Union, The Court of Justice of the European Union has issued two significant rulings with respect to LGBTQI people, which have bolstered standards of appropriate treatment during asylum processes.¹³ In Canada, the federal government worked with civil society organizations, including Rainbow Railroad, to establish the Rainbow Refugee Assistance Partnership. This partnership encourages Canadian citizens to privately sponsor LGBTQI refugees.¹⁴ The Canadian government at the behest of civil society also established guidelines for asylum-seeking adjudicators.¹⁵

However, significant challenges remain; the vast majority of countries worldwide do not allow for persons to claim asylum based on persecution arising from their sexual orientation or gender identity. In 2019, the UNHCR estimated that only 37 states grant asylum on such grounds.¹⁶ Recognizing the limited durable solutions available to LGBTQI people fleeing persecution, the UNHCR published a resettlement tool that aimed to assist states in adopting persecution based on LGBTQI status as legitimate grounds to claim asylum. The tool states:

“Due to the discrimination and abuse they may experience, many (LGBTQI) individuals flee their home countries and seek protection abroad. (LGBTQI) individuals may be under a continuous threat of human rights abuses due to discriminatory laws and hostile societal attitudes in the countries of asylum. Resettlement may be the only viable durable solution for (LGBTQI) refugees facing specific protection risks due to their sexual orientation and gender identity or expression. In some cases, emergency processing or evacuation may be required as lengthy processing can exacerbate the security risks.”¹⁷

Unfortunately, while it is clear that LGBTQI refugees and displaced persons are suffering severe human rights abuses and need focused strategies and approaches, there has not been an adequate response from governments nor civil society organizations.

¹⁰ Yogyakarta Principles

¹¹ Yogyakarta Principles, The YP+10

¹² Yogyakarta Principles, Principle 23.

¹³ Persecution for reason of sexual orientation: X, Y and Z.

¹⁴ Canada announces new initiative to support LGBTQ2 refugees

¹⁵ Chairperson’s Guideline 9: Proceedings Before the IRB Involving Sexual Orientation and Gender Identity and Expression

¹⁶ Joint OHCHR/UNHCR Press Release: UN rights experts urge more protection for LGBTI refugees.

¹⁷ Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees.

Understanding LGBTQI forced displacement and COVID-19: Global Voices of the Pandemic

Since the WHO declared COVID-19 a global pandemic, we have been in regular contact with our international network regarding issues concerning human rights, LGBTQI people and forced displacement. To gain knowledge and help shape the recommendations contained in this report, we conducted interviews with human rights defenders representing civil society organizations working on the frontlines in the response to COVID-19.

These interviews have been condensed and edited for clarity with consent.



FOCUS: JAMAICA AND THE CARIBBEAN

GARETH HENRY

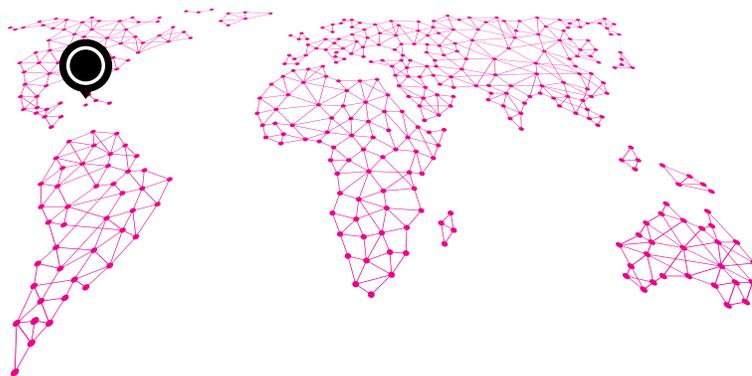
Senior Case Officer, Rainbow Railroad, Toronto

Gareth Henry is Rainbow Railroad's Senior Case Officer. A prominent human rights defender in Jamaica, he was forced to relocate to Canada and seek asylum in 2008. On a daily basis, Gareth provides frontline support to LGBTQI people who are in danger in countries across the Caribbean.

I work with many people who are homeless, it was a common problem before the pandemic. People have been kicked out of their homes; their families have turned their backs. They might stay with a friend, move from place to place or even sleep in the park. Those options have rapidly disappeared. The curfews and lockdown; the police response is rigid. It's putting them into conflict, they are homeless and don't have places to go. Police officers are harassing them; humiliating them because of their sexual orientation.

For many, it is the family home which is a "hostile environment." Many couldn't go back, even for a short time. People are on edge because of the virus; they don't want to open their home to people in need or rent out rooms. Desperation is a major issue. A few have been exploited by older men who wanted sex, either with a promise of a bit of money or in exchange for a place to stay for the night.

It's becoming much harder to find solutions for people; a roof over your head, basic safety. The curfews are a challenge: the times between which you can go out and shop for food, it's putting LGBTQI people in a fix. To source food and medicine in a tight timeframe, all the while on the lookout for risks; the person who is going to start on you because of who you are. The isolation is really affecting people and their mental health. At least before, they might have a friend or a group; a support network, to watch each other's back. People are isolated now; being in the same place for an extended period can put you at risk of physical attack, if people want to find you, but the isolation is also a terrible strain.



FOCUS: TURKEY & MIDDLE EAST

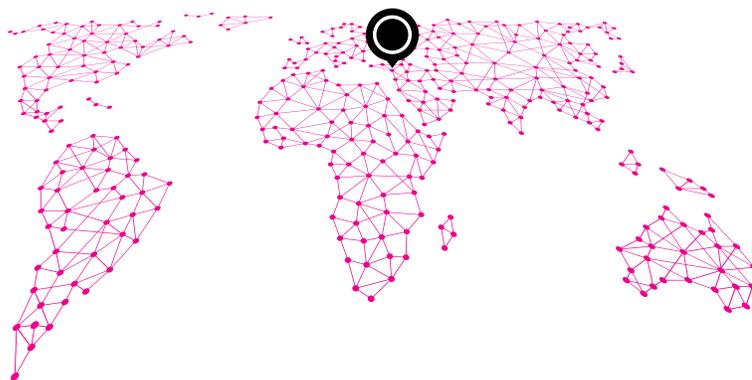
HARYIYE KARA, HUMAN RIGHTS LAWYER Refugee Rights Program Coordinator, Kaos, Ankara

Haryiye Kara is a lawyer specializing in refugee law based at KAOS GL (Kaos Gay and Lesbian Cultural Research and Solidarity Association). Founded in 1994 and based in Ankara, it is the leading LGBTQI rights organization in Turkey. Haryiye manages Kaos Refugee Rights Programme, which is dedicated to supporting LGBTQI refugees.

LGBTQI refugees are at the centre of different discrimination levels. They are not citizens; their legal status is uncertain. They face homo, bi and transphobia and racism and xenophobia. They face double discrimination in society and before the law. They have to live in conservative places and they are visible there (and face) a lot of violence. If they face violence and hate crime, they don't want to go to the police. It's understandable, they face mistreatment in police stations; even if they do try, we've had cases of being told they can't because they are not citizens. They can't get work permits even though the legislation indicates it should be possible.

Since COVID-19, they are trying to survive from day to day. If they did have some work, they've lost it and are unemployed. Before they were exploited but now, they have no income. We are trying to help secure support for them via UNHCR.

At the end of March and in April, some of the refugees were due to be resettled. After five or six years, all their flights were cancelled. We are so uncertain for them, when will the borders open and will they get a second chance?



FOCUS: UGANDA & EAST AFRICA

FRANK MUGISHA

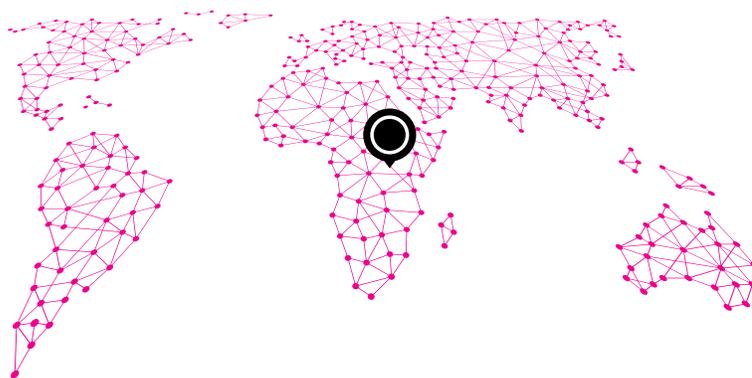
Executive Director, SMUG (Sexual Minorities Uganda), Kampala

Frank Mugisha is the Executive Director of Sexual Minorities Uganda (SMUG). Founded in 2004 to address the need to protect and support LGBTQI individuals in Uganda, today SMUG advocates for policy reform, while simultaneously monitoring and aiding to coordinate the efforts of 18 LGBTQI organizations in Uganda. SMUG has been on the front lines of forced displacement of LGBTQI persons during COVID-19, providing legal representation to 19 individuals who were arrested under the guise of lockdown restrictions, but in reality, were detained for two months because of state sponsored homophobia.

We are in total lockdown. If you want to travel you have to use a car with a government issued permit. Fortunately, we work with medical professionals who are sometimes needed on an emergency basis, so we have some options there. Otherwise you have to walk or use a bike, it's very challenging to work like this. However, we've been focused on our community, to make sure our members know about and are following the guidelines to protect themselves from COVID-19 or arrested like the 19. We've been providing relief in housing and food. And, we have received reports of violence against our members from people in their community, who have blamed them for the pandemic. We are investigating, we are not seeing hate speech from leaders or religious figures like other countries at the moment.

My worry is many refugees are affected the most by COVID. They can't travel, they have to stay in camps and can't get out. And, funding is being reduced as countries shift to crisis response. I fear refugees will be struggling even more than before COVID- 19. I think countries are so focused on COVID; they have forgotten about refugees. I think countries might impose stricter rules which will make it harder for refugees and harm them most.

Based on what I am seeing right now, I do think the dynamics are going to change. The LGBTQI community is always scapegoated, I fear that will come eventually. Also, social distancing and COVID regulations, I do not believe these will go away soon. I fear this will be used to stifle civil society particularly the LGBTQI community, which will make it very hard for us to organize. We are going to change our strategies, look at things entirely different. If things get stricter and tighter, we will need to respond. I foresee tough times for the LGBTQI community.



FOCUS: PAKISTAN AND CENTRAL ASIA

QASIM IQBAL

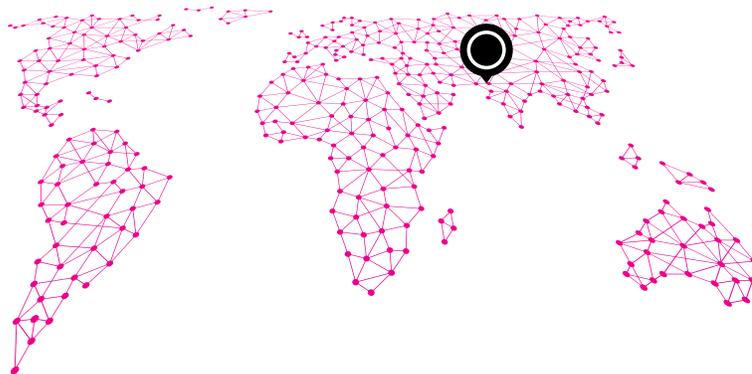
Executive Director, NAZ, Islamabad

Qasim Iqbal, Executive Director of NAZ, leads the first and only community-based NGO dedicated to LGBTQI people in Pakistan.

The situation doesn't look good. Given the large size of our national population and rampant poverty, with many people living in cramped and crowded spaces, it just isn't possible to practice social distancing in many cases.

The LGBTQI community is particularly vulnerable for a number of reasons: discrimination and violence, limited access to housing, food and healthcare and the numbers of people living with HIV/AIDS and disruption to access to their medication. A few people – religious figures – have tried to whip up hate towards LGBTQI people by blaming us for the pandemic. It's dangerous but at the moment many people are preoccupied with their own situations. At least for the time being.

It has been a challenge to secure funding when even the wealthiest parts of the world are in crisis. Just recently, three local trans women lost their lives to COVID-19. My worry is wealthier countries will turn their back on the developing world, and as a result vulnerable communities, civil society and human rights defenders, in the months to come. In the meantime, we will focus on responding to the needs of our community and hope for the best.



FOCUS: MEXICO AND CENTRAL AMERICA

JAIME MARIN

Director of Jardin de las Mariposas LGBTQI Shelter, Tijuana

Jaime Marin is the Director of Jardin de las Mariposas, an LGBTQI shelter in Tijuana, Mexico. The shelter provides sanctuary to LGBTQI migrants who have fled Central America due to homophobic and transphobic violence. Many at the shelter eventually seek asylum in the United States. The organization assists displaced LGBTQI people with the asylum process and provides employment opportunities.

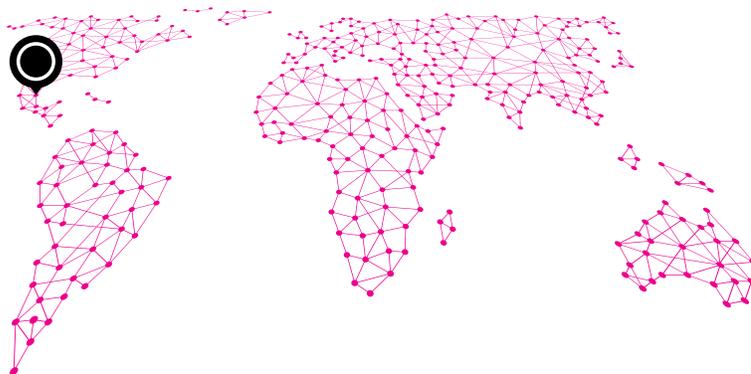
We currently house 30 transgender and queer residents... We provide access for medical exams and tests. We also provide HIV education. We have medical doctors who treat and provide medication for those who are at risk. We empower people of sexual and gender diversity.

We have people from different states in Mexico that are very violent, run by the cartels or other organized crime. People who are LGBT, leave those states because of the violence and discrimination. But most of our citizens come from the triangle in Central America: Guatemala, El Salvador, and Honduras. We have had people from Jamaica, Russia, Belarus and people from African countries too. Our mission is to basically help every individual with any type of problem.

Prior to the pandemic, residents would stay between three to five months. Now, since this pandemic, the borders have been closed. They're not taking anybody (in the U.S.) for political asylum at this moment, which means that people are staying longer now. And more people are fleeing or leaving their countries of origin, which means that we're getting overcrowded. The demand for food and water and services, as well as for medical attention keeps going up. As well, these people don't have any medical coverage, which means that if they were to get sick, if they were to get ill, or if they needed medication we have to pay out of pocket. It's very difficult.

This pandemic caught us by surprise. We were not prepared. We knew that it was going to come to the US and eventually come to Mexico, but I don't think our government was taking this very seriously because they had a slow reaction to protect their citizens. All of a sudden, in the month of March, they shut down the whole city and we knew that we needed to buy enough food and enough supplies. And we couldn't buy those products because the stores had shortages. When we wanted to protect ourselves and purchase stuff, we couldn't because there was nothing. So, we had to ask other LGBT organizations in the US to help us. We need more space for more people to accommodate in the shelter, to put more bunk beds, to keep our services not affected by this situation. Because we are adapting with the measures that the health department is asking us to do.

We're the number one city in Mexico with the most cases of COVID. Wherever we go, we have to wear a mask. And there's a lot of people that are losing their jobs. A lot of our trans women that do sex work and a lot of our LGBT community that worked at bars or restaurants, they're without a job. A lot of people that are LGBT are starting to become homeless. And it's been a very big challenge because the need is now bigger, but we still have the same amount of help and the same amount of services and there's nothing that we can do to improve.





Displaced LGBTQI people and COVID-19

According to UNHCR, “although the number of reported and confirmed cases of COVID-19 infection among refugees remains low, over 80 percent of the world’s refugee population and nearly all IDPs live in low to middle-income countries, many of which have weaker health, water and sanitation systems and need urgent support.”¹⁹

Meanwhile UNHCR has temporarily suspended resettlement travel for refugees. As countries temporarily reduce entry into their territories due to COVID-19, and restrictions around international air travel are introduced, travel arrangements for resettling refugees are currently subject to disruptions. Some states have also placed a hold on resettlement arrivals given their public health situation, which impacts their capacity to receive newly resettled refugees.

With the economic slowdown and possible recession, migrants will remain among the most vulnerable population groups to be economically affected and at risk of stigmatization and exclusion. Refugees International through a series of posts, effectively sounds the alarm to the risks that COVID-19 places on vulnerable populations.²⁰ It concludes:

“Certainly, many of the challenges that displaced people face will be shared by vulnerable and marginalized citizens in every country affected by the COVID-19 pandemic. However, we must recognize the unique circumstances of refugees, asylum seekers, IDPs, and other forced migrants in light of the threat an outbreak presents.”

The COVID-19 pandemic affects communities everywhere. But, members of LGBTQI communities are disproportionately vulnerable.

On May 14 2020, in advance of the International Day against Homophobia, Transphobia and Biphobia (IDAHOT), the UN Independent Expert on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, warned that “the fight against the pandemic is not waged on a level playing field.”²¹ A historic statement signed by 96 human rights experts from the United

¹⁹ UNHCR: Staying and delivering for refugees amid COVID-19 crisis.

²⁰ Covid-19 and the Displaced: Addressing The Threat Of The Novel Coronavirus In Humanitarian Emergencies.

²¹ COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States.



Nations, Council of Europe and The Inter-American Commission on Human Rights (IACHR) called on national authorities to urgently take into account the impact of COVID-19 on LGBTQI persons in response to the pandemic.²² It states:

“Lesbian, gay, bisexual, trans-and gender-diverse people, who are disproportionately represented in the ranks of the poor, the homeless, and those without healthcare, will be deeply impacted by the pandemic and, unless we take urgent action, this impact will be felt over generations.”

On May 15, 2020, also in advance of IDAHOT, the Equal Rights Coalition (ERC), an intergovernmental network of 42 member states designed to advance the human rights of LGBTQI persons, published a statement on COVID-19 and the human rights of LGBTQI people endorsed by 39 States. It stated:

“(LGBTQI) persons are amongst the most marginalized and excluded because of historic and ongoing stigma, discrimination, criminalization and violence against them, and they are and will continue to be among those most at risk during this crisis.”²³

Research undertaken by OutRight Action International indicates that LGBTQI service organizations around the globe have experienced a spike in demand for their services. This is due to LGBTQI people facing increased food insecurity, barriers to health care, lack of access to medications, unemployment, homelessness and domestic violence. The report, “Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTQI people,” documents the effects of the pandemic on LGBTQI people. Drawing on 59 rapid research interviews conducted in all regions of the world, the report concludes that the challenges faced by LGBTQI people as a result of the virus and surrounding containment measures are specific and amplified compared to the broader population.²⁴

²² ‘States must include LGBT community in COVID-19 response’: The how and why from a UN expert.

²³ Coronavirus and the human rights of LGBTI people: Equal Rights Coalition statement.

²⁴ Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTQI People.

Photo credit: <https://www.hrw.org/news/2020/03/25/pakistan-official-supports-transgender-community-amid-covid-19>

Seven key themes detailing the challenges LGBTQI people face during COVID-19 emerged from the report:

- **Devastation of livelihoods** - rising food and shelter insecurity resulting from job loss, and economic fallout as a result of the over-representation of LGBTQI people in the informal sector and broad employment discrimination;
- **Disruptions in accessing health care** - these include crucial HIV medication and gender affirming treatments and reluctance to seek health care due to discrimination, stigma and refusal of services experienced by LGBTQI people even outside a pandemic;
- **Elevated risk of domestic and family violence** - the most prevalent form of violence faced by LGBTQI people on a day-to-day basis is heightened in circumstances of lockdowns, curfews and lack of access to support services and community resources;
- **Social isolation and increased anxiety** - this is further heightened by being cut off from chosen families and the LGBTQI community;
- **Scapegoating, societal discrimination and stigma** - there is an unfortunate history of blaming LGBTQI people for emergency situations, leading to further stigmatization, marginalization, violence and danger;
- **Abuse of state power** - repression, exclusion, and criminalization are all on the rise in countries prone to authoritarianism and regressive gender ideologies, with some states using the emergency situation to clamp down specifically on LGBTQI people. We recently saw this in Uganda, where 19 LGBTQI people were arrested under the guise of enforcing COVID-19 restrictions;
- **Concerns about organizational survival** - LGBTQI organizations face an uncertain future with funding cuts, lockdowns, and having to shift activities on line while calls for direct, practical support are on the rise.

LGBTQI organizations from around the world have corroborated Out Right International's findings. Egale Human Rights Trust (Canada),²⁵ The Kaleidoscope Trust (U.K),²⁶ APCOM,²⁷ the ARAB Foundation for Freedom and Equality and others have published parallel research, with the latter focusing specifically on LGBTQI refugees in Lebanon.²⁸ The assessment of international experts and global LGBTQI organizations leaves little doubt that COVID-19 will disproportionately affect LGBTQI persons internationally.

²⁵ Egale and INNOVATIVE Research Group, "The impact of COVID-19 on the LGBTIQ2S community,"

²⁶ LGBT+ IN THE COMMONWEALTH IN THE COVID-19 ERA.

²⁷ UN Independent Expert on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz on IDAHOT virtual panel.

²⁸ COVID-19: The Price of Confinement.

The analyses of our international partners, our own research and our experience of receiving requests for help has caused us to be concerned about the unique vulnerabilities of displaced LGBTQI persons and refugees during COVID-19. Below are three specific examples:

1) COVID-19 could take a foothold in refugee populations where LGBTQI persons are already uniquely vulnerable.

Executive Director, Henrietta Fore of the United Nations Children's Fund (UNICEF) cautioned that COVID-19 will "almost certainly gain a foothold in refugee camps, crowded reception centres, or detention facilities holding migrant families."²⁹ Given how quickly the virus is spreading, such a scenario seems imminent. Many refugees live in dense and cramped spaces, whether it be camps, urban spaces or informal settlements. LGBTQI refugees already form tightly knit circles in order to find community and most importantly safety in situations where they are vulnerable to homophobic and transphobic violence. This leads them to be even more susceptible to contracting the virus.

2) COVID-19 could lead to more crackdowns on LGBTQI persons causing further displacement.

The recent arrests in Uganda are a clear example of the use of COVID-19 by state actors to arrest and detain LGBTQI persons. Oftentimes, the worst impacts are felt after people are released from prison. This is because people are outed to their friends and families, who may then harm them.³⁰

For example, during the wave of arrests of nearly 200 LGBTQI persons in Chechnya in 2017, individuals became most vulnerable to increased violence after being released into their communities, where family members were pressured to harm or even kill them.³¹ Many of the people who were released fled their homes and became displaced in Russia and Chechnya. The persons released in Uganda – and many more in the future in other countries – could also face similar homophobic treatment by families and displacement. COVID-19 worsens this by restricting peoples' movement through shelter-in-place ordinances, curfews and lockdowns.

3) Border closures as a result of COVID-19 could lead to the breakdown of refugee resettlement and a refusal to accept asylum claims.

There is an overarching concern that the pandemic might lead to increased xenophobia and stigmatization, which may cause governments to adopt regressive policies towards refugees. Many countries are already refusing to accept asylum seekers, justified through claims to public health.³² LGBTQI persons already have to endure long wait times in order to be resettled. Regressive policies towards LGBTQI refugees and asylum seekers may lead to further displacement in their country, or indefinite waiting in hostile camps or communities.

It is important to note that some LGBTQI asylum seekers flee to countries where they do not have legal status, and as such, are at risk of refoulement – the act of being returned to their country of origin.³³ Under international human rights law, the principle of non-refoulement guarantees that no one be returned to a country where they would face torture, cruel, inhumane or degrading treatment or punishment. This principle applies to all migrants at all times, regardless of migration status.

²⁹ <https://www.unicef.org/press-releases/covid-19-pandemic-could-devastate-refugee-migrant-and-internally-displaced>

³⁰ <https://www.reuters.com/article/us-health-coronavirus-uganda-lgbt/court-orders-release-of-jailed-lgbt-ugandans-after-coronavirus-charges-dropped-idUSKBN22U2DO>

³¹ <https://www.newyorker.com/magazine/2017/07/03/the-gay-men-who-fled-chechnyas-purge>

³² <https://www.npr.org/sections/coronavirus-live-updates/2020/03/20/819072183/canada-to-turn-back-asylum-seekers-in-effort-to-stop-coronavirus-spread>

³³ <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>

Four Recommendations for Policy Makers

Given our findings and analysis, we make the following four recommendations for policy makers to be implemented as soon as possible:

- 1 Uphold the right to asylum during COVID-19.
- 2 Resume the resettlement of LGBTQI refugees.
- 3 Release LGBTQI asylum seekers being held in detention centres.
- 4 Increase resources dedicated to supporting LGBTQI refugees.



Photo top left: <https://www.flickr.com/photos/51118464@N06/5925209471>

Photo bottom left: <https://www.gq.com/story/private-profit-detention-centers>

1.

Uphold the right to asylum during COVID-19.



The international community must prepare for COVID-19 to spread in refugee communities and camps, where social distancing is limited to virtually impossible.

2021 marks the 70th anniversary of the 1951 Refugee Convention. With now over 70 million people around the world forcibly displaced, we call on all actors to acknowledge that the record level of forced displacement due to war, persecution and conflict is one of the most critical challenges facing the world today. **The right to seek and enjoy asylum from persecution is a fundamental human right and must be upheld.** As a matter of urgency, access to safe and legal routes to enable those fleeing persecution and conflict to reach a place of safety must increase – **even during the pandemic.**

During COVID-19, governments cannot turn away LGBTQI asylum seekers at a port of entry. This could result in unjust detention and potential refoulement.³⁴

In addition, governments in transit countries and resettlement countries must ensure that their COVID-19 response measures factor in LGBTQI refugees.

2.

Resume the resettlement of LGBTQI refugees.



In 2018, 92,400 refugees were resettled globally, fewer than seven percent of those awaiting resettlement worldwide. Canada accepted the largest number; 28,000 refugees. Civil society has already advocated for increased numbers prior to the pandemic.

Now, COVID-19 has put a pause on this process. On March 17, UNHCR and the International Organization for Migration (IOM) announced a temporary worldwide suspension of refugee resettlement. Refugee resettlement is a vital and lifesaving response to protect the most vulnerable including LGBTQI refugees. Taking into account public health concerns, refugee resettlement must resume in order to respond to the record level of forced displacement globally. LGBTQI refugees and other vulnerable people must have access, especially if they are at real risk. In addition to resettlement, governments must prepare for the emergency evacuation of LGBTQI persons due to state sponsored crackdowns.

³⁴ Under international human rights law, the principle of non-refoulement guarantees that no one be returned to a country where they would face torture, cruel, inhumane or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, regardless of migration status.

3.

Release LGBTQI asylum seekers being held in detention centres.



All asylum seekers being held in detention centres must be immediately released. As a matter of urgency, those detained should be released and appropriate accommodation and support services provided.

LGBTQI refugees in particular face well documented risks and vulnerabilities in places of immigration detention including verbal and physical abuse and violence. Instances of LGBTQI refugees subjected to solitary confinement as a result of risks they face within the institutions is a matter of grave concern. The International Detention Coalition's reporting concludes that within places of immigration detention, LGBTQI persons face heightened levels of harassment, discrimination, psychological abuse, physical and sexual violence by detention staff as well as other detainees. The report offers alternatives to detention.³⁵

³⁵ https://idcoalition.org/wp-content/uploads/2016/06/LGBTI-Position_web_June-2016.pdf

4.

Increase resources dedicated to supporting LGBTQI refugees.



While some progress has been achieved, LGBTQI refugees continue to be pushed to the margins and excluded. We urge all actors to take proactive measures to ensure the lived experiences and needs of LGBTQI refugees are reflected via policies, service and approaches. This includes prioritizing the voices of refugees as part of COVID-19 response measures.

On a global scale, the number of groups, organizations and networks dedicated to LGBTQI refugees is limited. For non-LGBTQI organizations, we urge renewed focus, greater access to training, capacity-building and organization-wide policies to ensure progress.

Further, organizations dedicated to supporting and resettling LGBTQI refugees should not be excluded from funding opportunities. LGBTQI civil society organizations, collectives, and individuals must advocate for increased financial, social and mental health supports for LGBTQI refugees during COVID-19.

Additional Resources

UNHCR, 'Summary Conclusions: Asylum-Seekers and Refugees Seeking Protection on Account of their Sexual Orientation and Gender Identity' (2010).

<https://www.refworld.org/docid/4cff99a42.html>

UNHCR, 'Working with Lesbian, Gay, Bisexual, Transgender and Intersex Persons in Forced Displacement' (2011).

<https://www.refworld.org/docid/4e6073972.html>

UNHCR, 'Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees' (2012)

<https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=50348afc2&skip=0&query=claims%20to%20refugee%20status%20based%20on%20sexual%20orientation>

Forced Migration Review (FMR), 'Sexual orientation and gender identity and the protection of forced migrants' (2013)

<https://www.fmreview.org/sogi>

European Asylum Support Office (EASO), 'Researching the situation of lesbian, gay, and bisexual persons (LGB) in countries of origin' (2015)

<https://www.easo.europa.eu/sites/default/files/public/Researching-the-situation-of-LGB-in-countries-of-origin-FINAL-080515.pdf>

International Commission of Jurists (ICJ), 'Refugee Status Claims Based on Sexual Orientation and Gender Identity - A Practitioner's Guide' (2016)

<https://www.icj.org/refugee-status-claims-based-on-sexual-orientation-and-gender-identity-icj-practitioners-guide-n-11-launched/>

International Detention Coalition (IDC), 'IDC Position Paper: LGBTI Persons in Immigration Detention' (2016)

<https://idcoalition.org/publication/lgbti-persons-in-immigration-detention-position-paper/>

Transgender Europe (TGEU), 'Welcome to Stay - Building Trans Communities Inclusive of Trans Asylum Seekers and Refugees' (2016)

https://tgeu.org/wp-content/uploads/2017/09/TGEU_TransAsylumBrochure_LR.pdf

Office of the High Commissioner for Human Rights (OHCHR), 'Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law Second Edition' (2017).

https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf

Queer Sisterhood Project, 'Being Queer and Refugee' (2019)

<http://tinadixson.com.au/queer-sisterhood-project/>

United Nations, 'Global Compact on Refugees' (2019)

<https://www.unhcr.org/uk/the-global-compact-on-refugees.html>



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RAINBOW RAILROAD
401 RICHMOND STREET WEST, SUITE 360
TORONTO, ON M5V 3A8

RAINBOW RAILROAD USA
601 WEST 26TH STREET, #325-41
NEW YORK, NY 10001

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