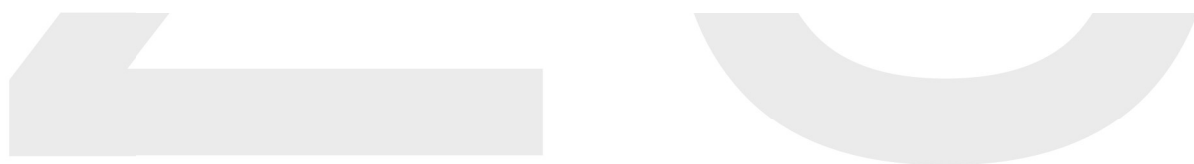




ISSUE DESCRIPTION



COMMITTEE Social, Humanitarian and Cultural Committee
ISSUE Protecting LGBTQ+ refugees fleeing persecution in conservative regions
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APPROVED BY Her Excellency Anna Takács, President of the General Assembly

Introduction

Despite global awareness for LGBTQ+ rights, in conservative regions, queer people are still being mistreated. They are often presented to the public as “unnatural” or “Western” influences trying to infiltrate and take over the country. For these reasons, they are left with no choice but to flee.

As a special minority, they often face harsher circumstances than others along their route to safety. There have been countless reports of discrimination, assault and humiliation by other refugees and even officials involved in the decision making process. Furthermore, many times LGBTQ+ refugees are unfamiliar with their rights, leaving them easily exploitable. While NGOs do everything in their power to help them, their resources are limited, and they cannot help every individual. Although the governments of some host countries are making it easier for SOGI asylum applicants to get permanent refugee status, there are still countless who get lost in the bureaucracy.

Definition of Key Terms

LGBTQ+ Refugee - An LGBTQ+ person (lesbian, gay, transgender, queer, or people with other sexual orientations) who has fled their country due to a well-founded fear of persecution.

Asylum - A protection a country gives a person who is already in (or at the border of) that country, and they cannot return safely to their home due to fear of harm.

Persecution - Persecution means being actively discriminated against to such an extent that the life of the victim is in serious danger.

Conservative Regions - “Conservative region” refers to an area or country where cultural, religious, or political values strongly oppose liberal ideas, such as LGBTQ+ identity or women’s rights. Such regions are, for example, the Middle East, Sub-Saharan Africa, Post-Soviet states, and East Asia.

Legal Protection - Laws and policies defending LGBTQ+ rights. This includes recognizing sexual orientation and gender identity as valid basis for asylum, as well as implementing non-discrimination laws, the right to marry and to form partnerships.

Humanitarian Protection - Provision of safe shelter, access to food, medical care, and freedom from violence in refugee camps, or transit centres during displacement.

Procedural Protection - Measures within asylum and migration procedures to ensure fairness and sensitivity for applicants.

SOGI - A legal term used in human rights and asylum law to describe discrimination or persecution due to a person’s sexual orientation or gender identity. (Abbreviation for sexual orientation and gender identity).

Resettlement - The transfer of a refugee from their first country of asylum to a third country which agrees to grant them long-term protection and legal status.

General Overview

HISTORICAL BACKGROUND

LGBTQ+ people have existed for as long as mankind does. Throughout most of this period, however, they have been persecuted. For instance, Abrahamic religions (Judaism, Christianity, Islam) have developed laws against same-sex relationships or gender diversity, which later shaped Western and Middle Eastern legislative systems. On the contrary, in Ancient Greece, homosexual desires were widely accepted, even celebrated, depending on whether the person maintained their masculine status afterwards or if they were married and had children.

In 1951, the term “refugee” was defined internationally by the Refugee Convention and later its 1967 Protocol. However, the treaty has not explicitly mentioned sexual orientation or gender identity, as they were still criminalized all over the world in that period. Over time, LGBTQ+ people started to be recognized under the category of “membership of a particular social group”,

and in 1990 a U.S. immigration judge granted asylum to Toboso-Alfonzo, marking the first instance of granting refugee status purely on the basis of sexual orientation. Since then, many Western and Latin American countries have incorporated sexuality and gender identity as valid grounds for the right of asylum.

CURRENT DEVELOPMENTS ON LGBTQ+ RIGHTS

Despite the progress in the 20th century, protection for LGBTQ+ refugees remains uneven. By 2019, UNHCR has only recorded 37 different countries which have granted refugee status on the basis of SOGI. 72 countries, mainly from Asia, Africa, and the Middle East, still criminalize same-sex relationships. In such conservative regions, LGBTQ+ people often face imprisonment, violence, or in some severe cases, execution even. Due to these atrocities, many decide to flee hoping to escape the day-to-day discrimination and humiliation.

The global trend is difficult to determine. On the one hand, countries, such as India and Botswana have decriminalized homosexuality. On the other hand, Uganda's 2023 Anti-Homosexuality Act, which introduced life imprisonment and even death penalty against LGBTQ+ individuals, shows that there is still some pushback against accepting different sexual orientations and gender identities. Likewise, the Taliban's takeover in Afghanistan in 2021 led to urgent evacuations of LGBTQ+ people by NGOs, for instance Rainbow Railroads, and supportive countries, such as the USA, Canada, and the UK. While global awareness of SOGI protection is at its peak, the safety of LGBTQ+ refugees varies depending on where they are coming from and where they seek refuge.

ROOT CAUSES

In conservative regions, LGBTQ+ individuals must endure a combination of legal oppression and social hostility. Criminalization is a key component; people are treated the same way as murderers or pedophiles do, only their sin is self-expression and love. In some countries, punishments include whipping, labour, life sentence, or even execution. Persecution to such an extent leaves the victims with no other choice but to escape.

Even where oppressive laws are not in order, social attitude might be unwelcoming towards LGBTQ+ people. In conservative regions, such individuals are often outed by their families, expelled from school, fired from their workplace or they might be subjected to "corrective" rape or forced marriages, as an attempt to change their sexual orientation or gender identity. Studies

consistently show that before their flight, SOGI asylum seekers face horrific incidents, namely physical assault, blackmail or sexual violence. Often, even in countries without discriminatory laws against LGBTQ+ individuals, authorities turn a blind eye when atrocities are committed against them, or they refuse to report such incidents due to fears of being outed.

Religious or political discourse might also contribute to persecution against people with different sexual orientation or gender identity. Such minorities may be used as scapegoats, or “Western” influences. For instance, in the “gay purge” in Chechnya (2017), security forces regularly tortured and killed homosexual men with the approval of local leaders. Such laws, social attitude, and state-supported violence mean that in conservative regions LGBTQ+ communities must endure persistent and well-founded fear for their lives.

DANGERS DURING TRANSIT AND IN REFUGEE CAMPS

Fleeing, however, does not mean immediate safety. New dangers present themselves in border zones, and in the host countries’ refugee camps or detention centers. Many queer individuals first escape to a neighbouring country, which most of the time does not offer real change (if any at all). In transit countries, LGBTQ+ refugees are regularly exposed to sexual violence and abuse by traffickers or other refugees. SOGI asylum seekers in Turkey reported suffering abuse and discrimination from local communities or other migrants during transit.

Inside refugee camps and immigration detention centres, the threats continue. For many SOGI refugees, arriving at an asylum reception center does not mean the end of harassment. There are multiple cases of LGBTQ+ individuals being beaten or sexually assaulted by other refugees, resulting in hiding their sexual orientation or gender identity. Several other instances have been recorded of asylum applicants facing neglect or mockery from staff who lacked sensitivity training. Furthermore, transgender refugees are often placed in male accommodations or being denied access to their hormones, causing distress. Another issue is the lack of privacy. Refugees are placed in tight rooms with complete strangers, making the simplest necessities, such as going to the toilet, an unpleasant experience.

Moreover, due to the hostile environment in camps or shelters, many SOGI refugees feel the need to “go back in the closet”. Humanitarian organizations are trying to push back with establishing specialized safe-house networks in transit countries for LGBTQ+ individuals. Such resources, however, are limited and often informal. Few reception facilities have protocols for protecting queer refugees, and sensitivity training for staff are sparse. Without raising awareness, social workers may make biased decisions when ruling over complaints. In other

words, SOGI refugees might not escape the constant humiliation and persecution while in transit, making their path to safety challenging. With proper attention and action, such as sensitivity training, or safe-house programmes, their journey in seeking refuge can be assisted.

BARRIERS TO ASYLUM AND RESETTLEMENT

Even after arriving at a country where they can apply for asylum, SOGI refugees are presented with numerous barriers in the process. One major obstacle is understanding their rights, since many do not know that simply their sexual orientation or gender identity are valid grounds for application. For this reason, LGBTQ+ refugees might not declare their identity on the initial asylum claim. However, those who do state it still face questions of credibility. To try to combat falsely stating one's basis for refuge, authorities regularly require evidence, even for SOGI applicants. Unlike other minorities, LGBTQ+ individuals' identity is highly personal and concealed. Thus, some officials have relied on stereotypes expecting the claimant to act in a certain way leading to inappropriate and humiliating interviews in the past. Nowadays, many countries outlaw such practices. Therefore, to prove that they are applying on valid ground, applicants must provide personal evidence, such as witness letters. However, acquiring this might endanger the very people (relatives, close friends, or romantic partners) who are trying to assist the claimant's safety.

Rejection rates have also been high historically; a 2010 study found that in the UK, 98% of applications based on sexual orientation have been denied initially (though many overturned on appeal). Asylum seekers find it challenging to convince officials that their fear is "well-founded". Many claims have been rejected (whether consciously or not), for decision-makers argued that the claimant could conceal their identity in order to avoid persecution. While such issues have been resolved locally on paper, in practice, applicants are still held back by prejudice.

Furthermore, the administrative process is halted by bureaucracy and financial difficulties. Since, often, SOGI refugees cannot work legally, they suffer financially. Many of them are exploited through work (e.g. sex work) while waiting due to their unstable situation. This uncertainty strains their mental health, which results in severe consequences, such as depression, anxiety, or suicide. Most protection-networks for SOGI refugees are often insufficient and mostly underfunded, limiting the help an individual might get. Even if refugee status is granted, resettlement and integration introduce new challenges to overcome. Only a fraction of refugees get resettled to third countries, since most resettlement programmes

operate on a priority-based system. Such individuals as survivors of torture, people with severe medical needs, unaccompanied minors, single parents, and people with disabilities are officially recognised as “vulnerable”, thus giving them an advantage. A handful of resettlement countries specially allocate slots for SOGI cases; they are very limited, however. Integration poses a new hurdle if, for instance, the refugee had little preparation for open living. They might have difficulty with beating the bureaucratic system or accessing employment opportunities.

Major Parties Involved

United Nations High Commissioner for Refugees (UNHCR): As the UN’s refugee agency, The UNHCR is a central organization working for the protection of the LGBTQ+ refugees. Since the early 2000s the organization has recognised that the persecution of someone due to their sexual orientation or gender identity qualifies them as a refugee. It has issued guidelines protecting (in 2008) to governments and other organizations on how to handle such asylum claims fairly. They work to ensure that every member of the LGBTQ+ community who seeks asylum will be provided fairly and will not be refouled (sent back to dangerous regions). Dedicated staff of the UNHCR also travels around troubled regions, and provides safe housing or shelter for any LGBTQ+ refugees who experience abuse of some kind in communal housing, or refugee camps. The UNHCR’s Assistant High Commissioner has publicly urged more countries to help facilitate any individuals who are fleeing persecution of any anti-LGBT communities. They also help in resettlement, meaning, any LGBTQ+ refugees who are experiencing abuse or are in high-risk situations in a hostile first-asylum country will be placed elsewhere in a safer third country where they can feel more welcome.

International Organization for Migration (IOM): IOM is an agency related to the UN that supports migrants and helps with refugee logistics (e.g. transportation during resettlement). Although IOM focuses on other groups, not only refugees, it has increasingly incorporated LGBTQI+ sensitivity into its work. IOM upholds its reputation as an organization who follows a non-discrimination policy, for this reason, its documents recognise gender identity and sexual orientation as prohibited grounds of discrimination in migration services. IOM often works together with UNHCR in refugee resettlement processes, for instance conducting health screenings and arranging transportation for refugees getting relocated. IOM helps to train and inform officials and individuals who will certainly get involved in the transport of refugees about preferences and behaviour towards LGBTQI+ refugees. IOM plays a rather practical support role,

helping the implementation of any new programs (such as safe transport corridors or relocation initiatives). The presence of IOM in many countries including conservative ones helps it reach refugees that UNHCR cannot, and makes it able to quietly help LGBTQ+ people (through family reunification) and many other forms of “under the radar politics”.

European Union (EU): The EU is quite influential. Beyond its legislation harmonizing asylum criteria (including SOGI), the EU has funded projects for vulnerable refugees and incorporated LGBTQ+ issues into some of its external human rights programs. The EU also has political leverage: it can diplomatically engage countries like Kenya or Uganda into protecting LGBTQ+ refugees or setting up asylum for those in need.

African Union (AU): The AU and its human rights arm have delicately started to address violence based on orientation. Notably they have passed Resolution 275, which condemns violence and prejudice against LGBTQ+ people in Africa, indirectly supporting the idea that those fleeing such violence merit protection.

Organization of American States (OAS): The OAS has been relatively progressive. It has passed general resolutions on “Human Rights and SOGI” repeatedly over the last decade with broad support from the Americas (though some Caribbean states dissent). Latin American regional solidarity agreements (like the 2014 Brazil Declaration and Plan of Action on Refugees) also explicitly mentioned diverse groups (LGBTI) to be considered in protection strategies.

Organization of Islamic Cooperation (OIC): The OIC, has generally been a forum for states to collectively resist LGBTQ+ inclusion. It often issues statements at the UN saying that SOGI are not universally accepted human rights categories, as noted earlier, and it has an Independent Permanent Human Rights Commission which in a 2018 study took the stance that LGBT concepts are incompatible with Islam and should not be recognized. Thus, OIC tends to coordinate opposition to initiatives aimed at LGBTQ+ refugee protections.

United Nations Human Rights Council and General Assembly: The HRC created the Independent Expert on SOGI who monitors violence and discrimination worldwide. Both HRC and the Third Committee of the GA have seen heated debates; their resolutions (when passed) lend normative weight. However, attempts to mention LGBTQ+ explicitly in refugee-specific texts (like the annual UNHCR resolutions) have been experiencing constant pushback.

Timeline of Events

1951 - The UN Refugee Convention is signed, defining a refugee and states' obligations. Although it did not list LGBTQ+ persecution explicitly, its category of "membership of a particular social group" later became the basis for including LGBTQ+ cases. This lays the legal foundation for the protection of future LGBTQ+ refugees.

1981 - First Known LGBTQ+ Asylum Cases (Europe): A Dutch court in 1981 is often cited as one of the first instances of recognizing a gay man (from Iran) as a refugee due to persecution on account of sexual orientation. Around the same time, a few German and Swedish cases also granted protection to LGBTQ+ individuals. These early cases were rare but set precedents in Europe that homosexuals could be a particular social group.

1991 - Canada's Breakthrough Decision: Canada becomes one of the first Western countries to formally recognize sexual orientation as grounds for refugee status. On 30 December 1991, Canada's Immigration and Refugee Board granted asylum to a gay man from Bangladesh, this decision was the one that created a policy shift to welcome LGBTQ+ refugees in the country.

1993-1994 - Following Canada, other countries change course. In 1993, Australia accepted its first LGBTQ+ refugee claims (its courts recognized gay Bangladeshis as a persecuted group). In 1994, the United States' Attorney General Janet Reno designated the Matter of Toboso-Alfonso (a 1990 BIA case of a gay Cuban) as precedent, firmly establishing that gays and lesbians can qualify as a particular social group in US asylum law. These moves in the mid-90s prompted most EU states to quietly adopt similar practices through either case law or policy directives.

2001 - The Netherlands starts a program that resettles Iranian LGBTQ+ refugees (fleeing persecution in Iran) inside the borders of the Netherlands. This is one of the first resettlement efforts for LGBTQ+ individuals and highlights Europe's growing role as a safe haven.

2007 - A group of international human rights experts released the Yogyakarta Principles, affirming the application of international law to sexual orientation and gender identity. Principle 23 specifically asserts the right of LGBTQ+ people to seek asylum from persecution. While non-binding, these principles influence UNHCR, some other organizations and states in crafting their own guidelines.

2008 - UNHCR publishes its first comprehensive Guidance Note on refugee claims connected to sexual orientation and gender identity. This note (which was later expanded into formal

Guidelines) clarifies that criminal laws against people of the LGBT community can equate to persecution and urges states to treat such asylum claims sensitively.

2010 - HJ and HT vs UK (No Concealment Principle): The UK Supreme Court issues a landmark judgment in the case of HJ (Iran) & HT (Cameroon), holding that asylum applicants cannot be denied refugee status on the grounds that they could avoid harm by concealing their sexual orientation or identity at home. The Court famously stated that a person should not be expected to “live discretely” to be safe. This principle against forced concealment becomes widely cited.

2011 - The EU adopts a revised Qualification Directive (2011/95/EU) that recognizes sexual orientation (and gender identity) as grounds of persecution within “particular social groups”. It also cautions that laws criminalizing homosexuality indicate likely persecution. This legally binds all EU member states to protect LGBTQ+ asylum-seekers in their national asylum procedures.

2011 - In June of 2011, the UN Human Rights Council passed Resolution 17/19, the first-ever UN resolution on human rights, sexual orientation, and gender identity. Led by South Africa (itself a significant moment as an African state sponsor), it expresses great concern at violence and discrimination against people for SOGI. While not focused on refugees per se, it establishes that SOGI is on the international agenda.

2012 - UNHCR releases Guidelines on International Protection No.9 a detailed legal guidance on asylum claims based on sexual orientation and (or gender identity). These guidelines replace the 2008 note and are circulated to governments and adjudicators worldwide. They cover definitions, state that being LGBT is an innate characteristic not a choice, and that decision-makers should be informed about the unique evidentiary problems and trauma of such cases.

2016 - The Human Rights Council establishes the mandate of an Independent Expert as protection against violence and discrimination based on SOGI. This UN expert’s work includes examining the situation of LGBTQ+ people globally and making recommendations, which could make life easier for LGBTQ+ refugees and migrants. (The mandate has since been renewed in 2019 and 2022 despite pushback).

2017 - Reports emerge of a violent anti-gay purge in Chechnya, Russia where dozens of men are allegedly detained and tortured for being gay. This sparks an international secret evacuation effort led by NGOs like Rainbow Railroad and supported by countries like Canada and several European nations. By 2018, around 150 Chechen LGBTQ+ individuals found refuge abroad due

to these efforts. This event raised awareness of the extreme dangers in certain regions and the need for rapid response for LGBTQ+ people at risk.

2018 - In Advisory Opinion OC-24/17, the Inter-American Court of Human Rights declares that the American Convention's anti-discrimination provisions require states to recognize and protect diverse sexual orientations and gender identities. It implies that persecution on these bases should be seen as legitimate cause for refugee protection in the Americas. Also in 2018, multiple Commonwealth countries (India, Trinidad & Tobago, etc.) strike down colonial-era sodomy laws, indirectly improving conditions in those countries and potentially reducing long term refugee outflows.

2021 - After the Taliban seized control of Afghanistan in August of 2021, LGBTQ+ people faced grave threats under Taliban ideology. A coordinated effort by advocacy groups (Rainbow Railroad, Stonewall, etc.) and several Western governments leads to the evacuation and resettlement of a few hundred LGBTQ+ Afghans to the UK, Canada, and other safe countries. This marked one of the first times where LGBTQ+ refugees were airlifted as a vulnerable group in an international crisis.

2022 - As follow-up to the Global Refugee Forum, a few states and NGOs made specific pledges related to LGBTQ+ refugees (for instance, training programs for asylum officers on SOGI, or cities offering to welcome LGBTQ+ refugees as part of their resettlement quotas). Meanwhile, data by this time shows a rise in numbers of LGBTQ+ asylum claims in Western countries (e.g., thousands of SOGI-based asylum applications recorded in the US and Europe in the 2010s).

2023 - This is the year when the most severe anti-LGBTQ+ laws were enacted, notably Uganda's Anti-Homosexuality Act (May of 2023) imposing lifelong imprisonment and even death for "aggravated homosexuality". This triggered a wave of LGBTQ+ Ugandans fleeing to Kenya and beyond. Similarly, developments in countries like Nigeria (considering even stricter enforcement). These events underline that despite progress elsewhere; new refugee flows can emerge when conservative regimes tighten repression.

2025 - As of 2025, the UNHCR Executive Committee and other bodies are still debating language to better include "people of diverse SOGI" in protection frameworks. A few more countries, for example, Thailand are contemplating legal changes that could recognize LGBT refugee claims, demonstrating a slow broadening of acceptance in parts of Asia. However, the divide remains: international attempts to have a dedicated strategy or resolution on LGBTQ+ refugees have yet to be achieved. The issue is firmly "on the table," though, and far more visible than it was a few decades ago.

Possible Solutions and Approaches

ESTABLISH SAFE PATHWAYS FOR LGBTQ+ REFUGEES

The idea is to create pathways for at-risk LGBTQ+ individuals to reach safety without having to undertake dangerous irregular journeys. This can include humanitarian visa programs, emergency airlifts or private sponsorship schemes. For example: Canada has partnerships with multiple non-governmental organizations to directly resettle LGBTQ+ refugees, more countries should set aside resettlement spots or provide fast-track visas for LGBTQ+ individuals in immediate danger. Another idea is a multi-country “Rainbow Refuge” humanitarian corridor which is an agreement where a group of like-minded countries take turns hosting small cohorts of LGBTQ+ evacuees from crisis zones (similar to how some states evacuated women and children from Afghanistan). Overall, safe pathways are a high-impact solution for those individuals who get them, literally meaning life or death escape.

STRENGTHEN LEGAL PROTECTIONS AND ASYLUM PROCEDURES

The idea is to reform laws and policies so that LGBTQ+ refugees are explicitly protected and fairly treated. This includes legal reforms such as amending national asylum laws to explicitly list sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) as protected grounds (as some EU states have already done). It also means updating guidelines for asylum officers: ensuring that no claimant is denied for not fitting stereotypes, and that decision-makers have current country information on LGBTQ+ persecution. Another legal aspect is urging origin countries to decriminalize homosexuality and improve human rights, which addresses root causes, though that is a longer-term global advocacy issue. Training and guideline changes are low-cost and within bureaucratic reach; for instance, after courts banned degrading questioning, governments managed to implement new interview protocols. Pushing persecuting countries to change their laws is difficult and slow; it relies on human rights diplomacy, public pressure, and local activism – recent wins (India, Botswana) show it’s possible, but each cultural context differs. Legal reforms can have wide systemic impact, making asylum more accessible and decisions more consistent, but they require sustained advocacy and, crucially, implementation on the ground.

INTERNATIONAL COOPERATION AND RESPONSIBILITY SHARING

The idea is to incorporate LGBTQ+ refugee protection into broader refugee agreements so that the burden isn’t on just a few countries. This could involve a commitment that more liberal

countries will take referrals of LGBTQ+ refugees from regions where they face danger (a form of responsibility-sharing). Another cooperative measure is data collection and research: countries and agencies could agree to improve how they track LGBTQ+ asylum cases (while maintaining confidentiality) to better understand the scale and outcomes. Gaining formal mention in global compacts or multilateral agreements is politically challenging, the diversity of views we discussed means any explicit language on LGBTQ+ in new treaties is likely to be vetoed by conservative states. More promising are club approaches: e.g., a group of 30-40 like-minded countries make a joint pledge outside the UN framework. This happened to an extent with the Equal Rights Coalition issuing statements on refugees. In essence, formal global solutions face headwinds, but mini-lateral and technical cooperation is quite feasible and already happening to some degree.

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