

Training manual on identification and communication with migrant victims of sexual and gender-based violence

PROTECT – Preventing Sexual and Gender-Based Violence against Migrants and Strengthening Support to Victims

2020



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ABOUT THE PROTECT PROJECT

Sexual and gender-based violence (SGBV) is a prevalent human rights violation both globally and on the European level. SGBV has both physical and psychological forms, it includes domestic violence, sexual harassment and violence, harmful practices, exploitation and trafficking in human beings. Women and men, girls and boys and LGBTI people can all become victims of such violence.

The **PROTECT – Prevention of Sexual and Gender-Based Violence against Migrants and Strengthening Support to Victims project** aims to strengthen the capacities of existing national support services for sexual and gender-based violence to coordinate better and make these systems available for refugee, migrant and asylum seeker victims and potential victims of SGBV. The project also aims to raise awareness among and empower these communities.

It is implemented by **12 IOM country offices** (Belgium, Bulgaria, Croatia, Greece, Hungary, Ireland, Italy, Malta, the Netherlands, Poland, Slovenia and Spain) and **eight NGO partners**, Legebitra (Slovenia), Le monde selon les femmes abl (Belgium), Fundación EMET Arco Iris, Asociación Rumiñahui, Movimiento por la Paz (Spain), Arq Psychotrauma Expert Groep, Rutgers, and Pharos (Netherlands) between October 2018 and March 2020.

The following specific **objectives and activities** will be implemented during the 18-month project cycle. Most of the activities will be tailored to specific national contexts.

1. Strengthen and adapt existing national support services for sexual and gender-based violence (SGBV) to coordinate better and include refugees, migrants and asylum-seekers.
2. Build capacity for professionals who work with and for refugees, migrants and asylum-seekers with the aim of identifying and addressing the needs of victims and potential victims of SGBV more effectively.
3. Empower and inform refugee and migrant communities and asylum-seekers of SGBV and its prevention through a regional awareness-raising campaign.

The project is funded by the European Union's Rights, Equality and Citizenship Programme 2014-2020.

Learn more about the project here: <https://eea.iom.int/PROTECT-project>

Training Manual

INTRODUCTION TO THE TRAINING MANUAL

According to the Mapping Report on Legal Frameworks and Assistance Available to Migrant Victims of Sexual and Gender-Based Violence (SGBV) prepared in the inception phase of the PROTECT project, there is a clear need for professionals who are working with migrant people to receive specialized trainings on the topic of sexual and gender-based violence in the migration context.

This manual aims to be a useful interactive tool for training professionals (e.g. social workers, police officers, interpreters, teachers, health care professionals) who regularly meet and work with migrants, refugees or asylum-seekers who might also be a victim of SGBV.

The main topics covered in the manual are the following:

- Module 1: Definitions of SGBV
- Module 2: Migration and LGBTI-related issues
- Module 3: Identification
- Module 4: Communication
- Module 5: Interculturality

Each module of the Manual follows the same structure: the aim of the module, a brief summary of the learning objectives, required materials (if any), theoretic background with bibliography, and activities.

The Manual should be used together with **Handbook on Sexual and Gender-Based Violence in the context of migration** prepared by Le Monde selon les femmes and IOM Belgium within the framework of the **PROTECT – Preventing sexual and gender-based violence against migrants and strengthening support to victims** project.

The publication is available here: <https://eea.iom.int/PROTECT-project>

MODULE 1: DEFINITIONS

Module 1, 3, 4, 5 were written and edited by: Zsuzsanna Vég, M. Ferdous Momand and Andrea Márcz, IOM Budapest.

Aim of the Module

The aim of the module is to familiarize participants with the concept of sexual and gender-based violence and its forms in general and in the context of migration. The participants will also learn about the international legal framework on which national legislations are built.

The starting point is to understand the difference between **SEX**, **GENDER** and **GENDER IDENTITY**. These concepts are often used incorrectly in our everyday life, however they are not interchangeable.

Learning Objectives

- Describe the concept of sexual and gender-based violence and its related terms
- Identify the main international documents regarding sexual and gender-based violence

Theoretic Background

The Inter-Agency Standing Committee defines gender-based violence (SGBV) as “**any harmful act** that is perpetrated **against a person’s will** and that is **based on socially ascribed (i.e. gender) differences between males and females**. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty”.¹

Historically, sexual and gender-based violence was used to describe violence committed against women and girls and was rooted in **unequal power relations between men and women**. We have limited statistical data on the exact number of victims of SGBV due to underreporting. It is estimated that around 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives.²

¹ Inter-Agency Standing Committee: Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Actions, 2015, p.5. https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf.

² Facts and figures: Ending violence against women, <https://unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

However, it is important to keep in mind that **men and boys and people identified as lesbian, gay, bisexual, transgender or intersex (LGBTI) can also become victims of SGBV.**

Sexual and gender-based violence and migration

Sexual and gender-based violence can be **a reason why someone leaves their country of origin.** Many women decide to leave their home because of the unequal power dynamics between men and women in their society or because of harmful traditional practices such as female genital mutilation (FGM) or forced marriage. **During their journey or in transit** they may also face various forms of SGBV. Women or young boys are often sexually exploited by smugglers or fellow migrants. Furthermore, the risk of vulnerability increases **when they arrive to their country of destination** due to language barriers, lack of social networks, lack of knowledge of various support services.

Did you know?

- ⇒ It is estimated that there are 650 million women and girls in the world today who were married before age 18.³
- ⇒ At least 200 million women and girls aged 15-49 have undergone female genital mutilation.⁴

Forms of SGBV

Sexual and gender-based violence **can take many forms.** Among the **most common ones** are the following:

Domestic violence

It is used to describe violence that takes place within the home or family between intimate partners as well as between other family members.

Intimate partner violence

It applies specifically to violence occurring between intimate partners (married, cohabiting, boyfriend/girlfriend or other close relationships), and is defined as behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm. This includes acts of physical aggression, sexual coercion, psychological/emotional abuse and controlling behaviours. This type of violence may also include the denial of resources, opportunities or services.

³ Facts and figures: Ending violence against women, <https://unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

⁴ Facts and figures: Ending violence against women, <https://unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

Economic abuse

It is an aspect of abuse where the abuser controls the victim's finances to prevent them from accessing resources, working or maintaining control of earnings, achieving self-sufficiency and/or gaining financial independence.

Emotional abuse

It is an act which causes mental or emotional pain or injury. Examples include: threats of physical or sexual violence, intimidation, humiliation, forced isolation, social exclusion, stalking, verbal harassment, unwanted attention, remarks, gestures or written words of a sexual and/or menacing nature, destruction of cherished things, and sexual harassment.

Physical assault

It is an act of physical violence that is not sexual in nature. Examples include: hitting, slapping, choking, cutting, shoving, burning, shooting or the use of any weapons, acid attacks or any other act that results in pain, discomfort or injury.

Sexual abuse

It is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

Hate crime

It is a prejudice-motivated crime which occurs when a perpetrator targets a victim because of their membership (or perceived membership) in a certain social group (e.g. attack on someone because of their race, religion, colour or gender identity).

Consequences

Any kind of violence has various consequences, SGBV is not an exception. Among the consequences we can find death, physical consequences such as unwanted pregnancy or sexually transmitted infections, mental and psychosocial consequences like anxiety, depression, social stigma and isolation. Moreover, they include socioeconomic consequences such as loss of income, medical expenses and legal consequences for example in countries where same-sex relationships are criminalized.

These consequences are connected: physical well-being affects psychological well-being and vice versa. Thus, when providing support to victims of SGBV a holistic approach is needed which take into consideration of all the impacts of SGBV on the individual, their families and their communities.⁵

For more information on sexual and gender-based violence in the context of migration please read the training **Handbook on Sexual and Gender-Based Violence in the context of migration** prepared by Le Monde selon les femmes and IOM Belgium within the framework of the **PROTECT – Preventing sexual and gender-based violence against migrants and strengthening support to victims** project.

The publication is available here: <https://eea.iom.int/protect-project>.

⁵ IOM Institutional Framework for Addressing Gender-Based Violence in Crises, 2018, p.10.



Activity I

Duration: 30 minutes

Purpose

The aim of this activity is to introduce the basic concepts of sexual and gender-based violence in the context of migration to the participants.

Required materials

- As many packs of definitions and words (see Annex I) as the number of groups that will be formed
- Flipchart paper
- Blu Tac or any adhesive to stick the matching pairs on to the flipchart people

Instructions

The participants are divided into groups (no more than 4-5 people/group).

Each group is received a pack of words and a pack of definitions.

The task is to match the words with the definitions.

The groups have 10 minutes to do the task.

In the next 20 minutes, the groups present and discuss their results. The discussion is moderated by the facilitator who helps to clarify the concepts, if needed and ensure that each group can be heard.

There are 21 definitions listed in the handout, however, depending on the participants and the time limit, the facilitator may decide not to work with all of the definitions.

Notes for facilitator

The aim of this exercise is to understand what SGBV means in general and in the context of migration. Instead of the facilitator providing the definitions directly, the activity requests the attendees to actively participate and start thinking about these concepts and understand them better.

Some of the concepts are obvious while some are more complex. It is essential for the facilitator to ensure that each definition is understood by the participants after the group discussion.

Activity II

Duration: 20-30 mins.

Purpose

In this activity participants collect situations from their own life/experience when they have witnessed/been exposed to SGBV.

Required materials

- As many flipchart people as the number of groups will be formed
- Markers in different colours

Instructions

Participants are divided into groups (no more than 4-5 people/groups).

Each group has 15 minutes to collect and write down

- ⇒ what forms of SGBV they know,
- ⇒ where / in which situation can SGBV happen,
- ⇒ who can be the perpetrator,
- ⇒ who can be the victim of SGBV.

They should think about SGBV in general, not necessarily in the context of migration.

In the next 10-15 minutes the participants discuss their findings together with the facilitator moderating the discussion.

Notes for facilitator

Although in this activity the participants will give specific examples (probably also from their own life), it is important to make it clear during the discussion that perpetrator can be ANYONE and victim of SGBV can also be ANYONE.

When all four categories have been discussed with the participants, the facilitator should ask the following questions:

- ⇒ Are migrants more vulnerable to SGBV than others? Why?
- ⇒ In which situation migrants are more at risk of SGBV?

MODULE 2: MIGRATION AND LGBTI-RELATED ISSUES

Module 2 was written by: Eva Gračanin and Lana Gobec, Legebitra.

Module 2 was edited by: Ivana Naceva and Iva Perhavec, IOM Slovenia; Jennifer Rumbach, IOM Washington.

Aim of the Module

Service providers in various professions might think they have never provided services to a LGBTI person. This is highly unlikely. Lesbians, gay, bisexual, transgender and intersex persons (LGBTI-persons) come from all walks of life, religious, ethnic, political, socio-economic, educational and other backgrounds. Therefore, it is likely that every professional has already provided a service to LGBTI persons; they just did not know it at the time.

The module aims to familiarize participants with the **intersection of migration and LGBTI-related issues**, especially **in connection to the sexual and gender based violence (SGBV)**. The unit discusses specific needs of LGBTI-persons in migration and those who have or at risk of SGBV.

The participants will learn about:

- the key terms that describe non-normative sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC) and experiences lived by persons with such personal circumstances;
- aspects that may be applied to working with LGBTI persons in general;
- aspects on working with LGBTI persons in migration, especially those in forced migration;
- and aspects on LGBTI persons in forced migration who experience SGBV.

Learning Objectives

By the end of the module the participants will be able to:

- use the current terminology when describing diverse sexual orientations, gender identities, gender expressions and sex characteristics and experiences lived by persons with such personal circumstances;
- describe in general why LGBTI persons experience discrimination and violence based on their SOGIESC;
- identify needs of LGBTI persons in migration (with a focus on LGBTI persons in forced migration in connection to SGBV);
- identify possible measures to address the needs of LGBTI persons in migration (with a focus on LGBTI persons in forced migration in connection to SGBV).

Required Materials

- PPT (computer, projector)

- Copies of Annex XX (Activity I)
- Copies of Annex YY (Activity II and III)
- Copies of Annex ZZ (Activity IV)
- Pens

Theoretic Background

Lesbian, gay, bisexual, transgender, intersex (LGBTI) people face a complex array of challenges and threats, including discrimination, prejudice, violence, difficulty in accessing humanitarian services and barriers to articulating their protection needs to assisting organizations.⁶ This chapter is divided into three sections that each represent three layers of the topic:

- The first section describes aspects that may be applied to working with LGBTI persons in general
- The second section focuses on working with LGBTI persons in migration, especially those in forced migration
- The third section explains how LGBTI persons in forced migration experience sexual and gender-based violence (SGBV) and how to address the needs of LGBTI persons who survived SGBV or are at risk of SGBV.

None of the sections claims to be exhaustive, rather they serve as an introduction to the intersection of migration and LGBTI issues. Intersectionality is used to describe the way social identities and backgrounds overlap and intersect with each other. It highlights to us that people who belong to more than one marginalized group experience even greater discrimination than those who are only stigmatized due to a single aspect of their identity or background, and that oppression can occur at the intersection of multiple marginalized identities and backgrounds.⁷ LGBTI persons are not a homogenous group. The acronym LGBTI itself contains a wide array of identities, genders, backgrounds and experiences which are complex, often divergent, and represent a variety of needs that require specific and tailored responses. Therefore, diversity is the only constant.

⁶ IOM-UNHCR LGBTI Training Package. Available at: <https://lgbti.iom.int/lgbti-training-package>.

⁷ Fredman, Sandra (2016): Intersectional discrimination in EU gender equality and non-discrimination law. European Commission, Directorate-General for Justice and Consumers. Available at: <https://equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb>.

1. Language and basic terminology ⁸

The use of language is a powerful way of promoting gender equity and gender diversity and a tool to eradicate gender bias. On an interpersonal level, it enables us to form trustworthy relations based on respect, which is especially important when supporting victims of SGBV.

The terminology describing diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC) is varied and non-standardized. It can differ across countries, regions and cultures, from context to context, and between different groups, movements, communities and individuals within one economic, geographical or social unit. It can also change over time as activists, researchers and experts in different fields fine tune the meanings and develop terms that more accurately and inclusively describe diversity.

In the languages of origin of many migrants and persons in forced migration, there is no uniform terminology. It can be scarce and unnuanced. Lack of (nuanced) terminology can be linked to a high level of social unacceptance of diverse sexual orientations, gender identities, gender expressions and sex characteristics and social isolation of LGBTI persons diverse background, which may cause a profound feeling of shame that discourages people to self-identify altogether.⁹ The terminology which is commonly used in European countries may also have different, sometimes negative or derogative connotations, in other languages; therefore, some people may distance themselves from identifying with such terms. It is reported by the European Asylum Support Office (EASO)¹⁰ that socioeconomic factors, knowledge of foreign languages and access to electronic communication play a role in the terms a person is likely to use. For example, educated, wealthy individuals living in urban areas with the possibility to travel are more likely to use terms such as *lesbian*, *gay*, *bisexual*, *transgender* than less educated, poor individuals living in rural areas with less possibilities to travel.¹¹

However, regardless of the language of origin, persons we work with/assist may be familiar with the terminology listed below. The terms are listed in clusters based on how they relate to each other. The list is not exhaustive. The

⁸ This subchapter is almost entirely based on the following resources, unless specified differently: EASO – Research situation of lesbian, gay and bisexual persons in countries of origin – Practical guides series (April 2015). Available at: <https://easo.europa.eu/sites/default/files/public/Researching-the-situation-of-LGB-in-countries-of-origin-FINAL-080515.pdf>;

The Yogyakarta principles, Yogyakarta principles on the application of international human rights law in relation to sexual orientation and gender identity (March 2007). Available at: <http://yogyakartaprinciples.org/principles-en/>;

The Yogyakarta principles plus 10, Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta principles (November 2017). Available at: http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf;

ILGA-Europe's Glossary. Available at: <https://ilga-europe.org/resources/glossary>.

⁹ EASO – Research situation of lesbian, gay and bisexual persons in countries of origin – Practical guides series (April 2015), page 13. Available at: <https://easo.europa.eu/sites/default/files/public/Researching-the-situation-of-LGB-in-countries-of-origin-FINAL-080515.pdf>.

¹⁰ Ibid., page 14.

¹¹ Ibid.

definitions may not fully correspond to the meanings these terms have in different languages and contexts. They may also be revised over time as the body of knowledge about diverse sexual orientations, gender identities, gender expressions and sex characteristics increases. The aim of this list is to give the user of this manual a starting point in the use of LGBTI-related language.

1.1 Key terms

Sexual orientation, gender identity, gender expression and sex characteristics are distinct categories. They may overlap, but they do not condition each other. For example, someone who identifies as a transgender man may be heterosexual, gay, bisexual, or identify his sexual orientation in another way. Similarly, an intersex person may identify with any gender and can be lesbian, gay, bisexual, heterosexual or another sexual orientation. We cannot assume someone's sexual orientation, gender identity or sex characteristics based on our knowledge of other factors.

LGBTI is an acronym for lesbian, gay, bisexual, transgender and intersex people. Other organizations and (in)formal groups may use different formulations to more accurately describe their own work, for example: sometimes intersex is not included and the acronym is LGBT; sometimes "queer" or "questioning" is included and the acronym is LGBTQ or LGBTIQ; and sometimes "ally," "aromantic" or "asexual" is included, and the acronym is "LGBTQA" or "LGBTIQA".¹²

SOGIESC is an acronym referring to sexual orientation (SO), gender identity (GI), gender expression (E) and sex characteristics (SC). It is usually used in connection to the rights of the people with diverse sexual orientation, gender identity, gender expression and sex characteristics.¹³

Sexual orientation

Sexual orientation refers to each person's enduring capacity for profound romantic, emotional and/or physical feelings for, or attraction to, individual(s) of a different sex or gender or the same sex or gender or more than one sex or gender.¹⁴ How individuals describe and name their sexual orientation is part of their right to either self-identify or not. It is also advisable to note that acts of intimate and sexual relations are not mandatory in order for a person to self-identify, nor should such acts be expected in order to validate someone's sexual orientation.¹⁵

¹² IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

¹³ ILGA-Europe's SOGIESC Asylum Mailing list available at: <https://ilga-europe.org/sogiesc-asylum>.

¹⁴ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

¹⁵ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Instiute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

Gay refers to a person whose enduring romantic, emotional and/or physical attraction is to people of the same gender. It traditionally refers to men, but other people who are attracted to the same gender or multiple genders may also define themselves as gay.¹⁶

Lesbian is a woman whose enduring romantic, emotional and/or physical attraction is to other women.¹⁷

Homosexual describes persons whose enduring romantic, emotional and/or physical attraction is to person(s) of the same sex or gender (also referred to as "gay"). Note that, in English, many people consider homosexual an outdated clinical term that should be avoided¹⁸.

Bisexual refers to a person who has the capacity for romantic, emotional and/or physical attraction to person(s) of the same sex or gender, as well to person(s) of a different sex or gender¹⁹, not necessarily at the same time and equally among persons of the genders they are attracted to²⁰.

Pansexual refers to a person who has the capacity for romantic, emotional and/or physical attraction to person(s) of all genders or regardless of their gender.²¹

Heterosexual refers to person who has the capacity for enduring romantic, emotional and/or physical attraction to person(s) of different sex or gender (also referred as "straight").²² Heterosexual persons have a normative sexual orientation and as such are not subject to discrimination and/or violence based on their sexual orientation.²³

Gender identity and gender expression

Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth or gender attributed to them by society, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.²⁴ Some people's gender identity falls outside the gender binary, and related norms.

¹⁶ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>.

¹⁷ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

¹⁸ Ibid, p. 1.

¹⁹ Ibid, p. 1.

²⁰ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Instiute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

²¹ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

²² Ibid, p. 1

²³ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>.

²⁴ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

Gender expression refers to people's manifestation of their gender identity to others, by for instance, their name, pronouns, dress, speech and mannerisms.²⁵ People's gender expression may or may not match their gender identity, or the sex and corresponding gender they were assigned at birth. It is important to keep in mind that our predominant notions of what gender expression matches what gender identity and/or gender are socially constructed.²⁶

Transgender or trans is umbrella term used by people whose gender identity and, in some cases, gender expression, differs from what is typically associated with the sex they were assigned at birth, including those whose assigned sex is different from their gender identity and people whose gender identity is neither male nor female as traditionally defined. "Transgender" is preferred over "transsexual," as it encompasses transsexual and other gender identities.²⁷

It may include, but is not limited to: transgender, non-binary, androgyne, polygender, genderqueer, agender, gender variant, gender non-conforming, or with any other gender identity and/or expression which does not meet the societal and cultural expectations and norms placed on gender identity.²⁸

IMPORTANT!

⇒ Transgender persons may have health needs related to being transgender and their transition, or to their physical bodies. These needs may or may not correspond with the expectations and assumptions we have based on their gender expression. It is thus important to consider the full possible spectrum of care for every individual. For instance, a transgender man who was assigned the sex of female at birth may have gynaecological health needs related to their physical body.

Transition is a process of modifying one's external gender presentation in order to be more in line with one's gender identity. This is a complex process that typically occurs over a long period of time. Transition includes some or all of the following personal, medical and legal steps: telling one's family, friends and co-workers, using a different name and new pronouns, dressing differently, changing one's name and/or sex on legal documents, hormone therapy and possibly (though not always) one or more types of surgery. The steps involved in transition vary from person to person.²⁹

²⁵ Ibid, p. 2.

²⁶ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Instiute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

²⁷ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

²⁸ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Instiute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

²⁹ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

Gender recognition is a process whereby a person's gender that differs from the sex assigned at birth is recognized in law, or the achievement of the process.³⁰

Pronouns are words that refer to either the person talking (I or you) or someone or something being talked about (she, he, it, them or this)³¹. In order to refer to someone respectfully, we should know the pronoun(s) they use to refer to themselves.

We are socialized into thinking that we can deduce which pronoun(s) a person uses based on their gender expression. However, gender expressions are varied and do not always fall under the gender binary notion of female-male. Some persons may also choose not to express their gender identity as they might risk their well-being, their employment and/or social status if they do so.

Therefore, it is advisable to ask a person about their pronoun or listen to how this person refers to themselves. When in a group of persons you do not know, ask everyone about their pronoun and not just the person whose pronouns you think you do not know. Make sure you also disclose your own pronoun.

For example, a transgender woman may be called "he" by people who are unaware she identifies as female and prefers the pronoun "she," people who are confused by her gender identity or people who are deliberately trying to hurt her. Commonly used gender-neutral pronouns in English are they, them and theirs. Less commonly used are ze, hir and hirs (pronounced zee, here and heres). For example, "Caleb really likes their new bike. It's a great fit and they saved up to buy it themselves!" or "Linh prefers to make hir food by himself, but ze is always happy to share hir meal." Some languages do not require pronouns to indicate gender or have a gender-neutral option, including Japanese, Swahili, Swedish and Turkish. Sweden has added to their language the gender-neutral pronoun "hen" to complement "han" (he) and "hon" (she). Other languages do not mark gender at all, including Armenian, Finnish, Hungarian, Persian and Yoruba.³²

Sex, gender and sex characteristics

Sex: A person's sex is a combination of bodily characteristics³³ including:

- chromosomes, which can include such variations as XXX, XXY, XYY and X0, in addition to the more common XX and XY variations;
- hormones;

³⁰ ILGA-Europe's glossary available at: <https://ilga-europe.org/resources/glossary>.

³¹ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

³² Ibid, p. 3.

³³ Ibid, p. 1.

- internal reproductive organs (such as ovaries and testes);
- external genitalia (such as vulvas and penises) and
- secondary sex characteristics (such as breasts, Adam's apple, hair or lack of it on certain parts of body).

Generally, a doctor, midwife or other individual delivering a baby determines the infant's sex based on the appearance of external genitalia alone and a binary vision of sex (male-female), which can exclude intersex persons. The information about sex is usually written on a birth certificate and other personal identification documents, which makes sex a legal category.

However, as explained above, sex is a combination of various bodily characteristic. Moreover, the process of assigning an infant's sex is also a process of gender assignment, as we usually name infants, modify our behaviour towards them, and develop and communicate our expectations based on their assigned sex. This behavioural modifications and communication of expectations can be very subtle and are usually so deeply ingrained notions that it may take some effort to become aware of them.

Gender refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for individuals based on the sex they were assigned at birth.³⁴

Sex characteristics refer to a person's chromosomes, anatomy, hormonal structure and reproductive organs. Organization Intersex International Europe (OII Europe)³⁵ and its member organizations recommend protecting intersex individuals by including sex characteristics as a protected ground in anti-discrimination legislation. This is because many of the issues faced by intersex people are not covered by existing laws referring only to sexual orientation and gender identity. This is seen as being a more inclusive term than 'intersex status' by many intersex activists, as it refers to a spectrum of possible characteristics instead of a single homogenous status or experience of being intersex.³⁶

Endosex the opposite of intersex (*see below*).

Intersex³⁷ is an umbrella term used to describe a wide range of natural bodily variations. Intersex individuals are born with sex characteristics that are either female and male at the same time, not quite female nor male, or neither female nor male. Intersex people's sex characteristics and bodies are healthy variations of the human sexes. For some intersex

³⁴ Ibid, p. 2.

³⁵ OII Europe is the only intersex-led umbrella organization working for human rights of intersex people in Europe. For more go to: <https://oiieurope.org/>.

³⁶ ILGA-Europe's glossary available at: <https://ilga-europe.org/resources/glossary>.

³⁷ This definition is used by OII Europe, the only Intersex-led umbrella organization working for human rights of intersex people in Europe. Forore go to: <https://oiieurope.org/>.

people, their intersex body becomes visible at birth, for some during childhood and with others, their body shows itself to be intersex during adolescence or even adulthood. For some, the differences will be so small they may never realize they are intersex at all.

Many forms of intersex exist; it is a spectrum or umbrella term, rather than a single category. That is why intersex activists frequently prefer to use the term sex characteristics (for example, when talking about grounds that can be protected against discrimination). There is no static state called 'intersex status', so using the term sex characteristics reflects the fact that being intersex is a bodily experience and only one part of a person's identity.

In a 2013 report, the United Nations special rapporteur on torture noted that children who are born with atypical sex characteristics are often subject to irreversible sex assignment, involuntary sterilization, involuntary genital normalizing surgery, performed without their informed consent, or that of their parents, "in an attempt to fix their sex," leaving them with permanent, irreversible infertility and causing severe mental suffering.³⁸ In February 2019, the European Parliament adopted a resolution calling on member states to protect the rights of intersex people emphasising the need to stop medically unnecessary surgeries performed on infants.³⁹

Personal development

Coming out is a life-long process of self- acceptance of one's own sexual orientation and/or gender identity, and can include providing information to others. The decision to publicly share one's identity may be influenced by internalized and/or structural and persistent homophobia, biphobia and/or transphobia in society. Coming out can be direct, when, for example, uttering the words "*I am a lesbian*" or more indirect, such as kissing a person of the same gender in public or talking about one's feelings related to gender. Indirect manifestations of coming out are also inherent to heterosexual people, but due to the self-evidence of this sexual orientation are not usually perceived as coming out.⁴⁰

Safer spaces is any space which an individual perceives to be welcoming and accepting of their identity, and which they can share information about themselves without the fear of harassment or violence.

³⁸ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez (2013). United Nations Human Rights Council. Available at: https://ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf.

³⁹ European Parliament resolution on the rights of intersex people (2018/2878(RSP)). Available at: http://europarl.europa.eu/doceo/document/B-8-2019-0101_EN.html?redirect.

⁴⁰ Klančar, Tilka and others (2013): Rainbow Ljubljana. Municipality of Ljubljana. Page 19. Available at: <https://ljubljana.si/assets/Uploads/Mavricna-Ljubljana4.pdf>.

Prejudice

Homophobia, Biphobia or Transphobia: Fear or hatred of gays, lesbians, bisexual and/or transgender persons. It can manifest itself in social exclusion, discrimination and violence against LGBTI people.⁴¹

Outed/Public Outing: Describes an individual's gender, sexual orientation or gender identity being made public against their will or without their knowledge, often for malicious purposes.⁴² Outing is a form of violence rooted in homophobia, biphobia and/or transphobia.

Other terms

Men who have sex with men (MSM) is a term that refers to sexual conduct and encompasses males who engage in sexual activity with other males regardless of how they identify themselves.⁴³ It is a term that is widely used in the field of HIV and other sexually transmitted infections (STIs), including by experts, activists and policy makers etc.

Women who have sex with women (WSW) is a term that refers to sexual conduct and encompasses females who engage in sexual activity with other females regardless of how they identify themselves.⁴⁴

Queer was used as a derogatory term to refer to LGBTI individuals in the English language. Queer has been reclaimed by people who identify beyond traditional gender categories and heteronormative social norms. However, depending on the context, some people may still find it offensive. It also refers to queer theory, an academic field that challenges heteronormative social norms concerning gender and sexuality.⁴⁵

Questioning: People who are uncertain of their gender, sexual orientation or gender identity.⁴⁶

Intersectionality⁴⁷: "Intersectionality" is a term that was created in 1989 by American critical race scholar and civil rights activist Kimberlé Crenshaw. It is used to describe the way social identities overlap and intersect with each other. It highlights to us that people who belong to more than one marginalized group experience even greater discrimination than those who are only stigmatized due to a single aspect of their identity, and that oppression can occur at the

⁴¹ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

⁴² Ibid, p. 3.

⁴³ Ibid, p. 4.

⁴⁴ Ibid, p. 4.

⁴⁵ Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Instiute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

⁴⁶ IOM and UNHCR's glossary available at: https://lgbti.iom.int/sites/default/files/LGBTI_Glossary_2017.pdf.

⁴⁷ Fredman, Sandra (2016): Intersectional discrimination in EU gender equality and non-discrimination law. European Commission, Directorate-General for Justice and Consumers. Available at: <https://equalitylaw.eu/downloads/3850-intersectional-discrimination-in-eu-gender-equality-and-non-discrimination-law-pdf-731-kb>.

intersection of multiple marginalized identities. Generally, there are three main ways in which intersectional discrimination may manifest itself:

- 1.) When a person suffers discrimination on different grounds on separate occasions. This type of discrimination will be called “*sequential multiple discrimination*”. For example, a lesbian using a wheelchair may be denied access to a public building as it is not adapted for persons with disabilities. The same person may be denied access to a public service (for example, biomedically assisted reproduction) based on her sexual orientation.
- 2.) When a person is discriminated against on the same occasion but in two different ways. For example, a gay woman might report that she has been subject to harassment both because she is a woman and because she is gay. Such discrimination can be said to be “additive”, in that each type of discrimination can be proved independently. This type of discrimination could be called “*additive multiple discrimination*”.
- 3.) Discrimination does not simply consist in the addition of two sources of discrimination; the result is qualitatively different, or, as Crenshaw⁴⁸ terms it, “*synergistic*”. For example, women of colour may experience discrimination in a way which is qualitatively different from either white women or men of colour. Women of colour share some experiences in common with both white women and men of colour, but they also differ in important respects. Thus, while white women may be the victims of gender discrimination, they may also be the beneficiaries and perpetrators of racism. Conversely, men of colour may experience racism but be the beneficiaries and perpetrators of sexism. This type of discrimination is usually referred to as “*intersectional discrimination*”.

EXAMPLES OF APPROPRIATE LANGUAGE USE:

Most LGBTI movements in Europe and in other English-speaking countries use the pronoun they/them and possessive pronoun their in singular form as gender neutral, replacing a standardized version of he or she, him or her, his or hers. The gender neutral pronouns they/them and possessive pronoun their is used in this chapter.

Paying attention to the meaning of different terms describing sexual orientations, gender identities, gender expressions and sex characteristics will enable to form trustworthy relations based on respect. For example, using the term same-sex union could be more inclusive of people with different sexual orientations than the term gay union. Gay union implies that both partners identify as gay, which may not be the case, as for example bisexual people can form same-sex unions.

⁴⁸ Crenshaw, Kimberle. 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. University of Chicago Legal Forum 139:139–142.

TIPS:

“Do not assume, ask.” This is a useful guideline to keep in mind when working with LGBTI people. It is especially important for transgender persons, as gender expression does not necessarily tell you anything about an individual’s name or pronouns. Asking about a pronoun is a question that allows you to communicate with the person respectfully. At the same time, make sure you also disclose your pronoun.

Some people may also use a different name than that listed on their official documents. Referring to the person with the name they use will enable to communicate with them respectfully.

Avoid questions you would not ask a heterosexual, cisgender and/or endosex person, unless such a question is necessary to obtain vital information for organizing support for the person in question, for example in a healthcare/medical setting. Asking a cisgender and/or endosex person about their genitals, or a heterosexual person about the way they have sex is disrespectful and an intrusion of their privacy.

It is unrealistic to expect that a LGBTI person should be asked to, or able to, provide with all necessary background information about LGBTI rights or experiences in a particular location. It is also a false assumption on our part that someone who is gay, for instance, would understand the lived experiences of persons who are lesbian or transgender, or be aware of the particular forms of discrimination and violence they face. From an intersectional standpoint, one LGBTI person cannot speak for many communities and persons, just like one heterosexual person cannot speak for all heterosexual people. If you feel that you lack comprehensive information about LGBTI rights or experiences in a certain country, try using available on-line resources⁴⁹ or seek advice from a local LGBTI organization.

Listening to how people speak about SOGIESC, what terms, pronouns and names they use is a subtle and reliable way of familiarizing yourself with how someone self-identifies.

⁴⁹ The most reliable resources on LGBTI rights and experiences in different countries is usually provided by local LGBTI and/or human rights organizations and gathered by international organizations such as International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-World), Amnesty International, Human Rights Watch etc. For a list of local LGBTI organizations, you can refer to ILGA-Europe’s list of member organizations available at: <https://ilga-europe.org/who-we-are/members>. ILGA World issues State-Sponsored Homophobia report, a world survey of sexual orientation laws published every year, which is available at <https://ilga.org/state-sponsored-homophobia-report>. ILGA-Europe’s Rainbow Europe is an on-line collection of tools bringing together both the legal index of LGBTI equality based on Rainbow Europe Map and an overview of the social climate for LGBTI people in each country based on Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe. It is available at <https://rainbow-europe.org/>. For more resources, please refer to Useful Additional Resources section of this chapter.



Activity III

Instructions:

Divide the group into 4 smaller groups. Each group receives a list of three to six words for which they should write definitions by discussing them amongst themselves in the next 5 to 10 minutes. After that each group reports to the whole group. After each presentation, the facilitator shows the slides with definitions from the manual. The aim of this activity is to start a discussion and to obtain information from the group about whether they are already familiar with the terms.

GROUP A discusses the following terms (sexual orientation): Gay, Lesbian, Homosexual, Bisexual, Pansexual, Heterosexual

GROUP B discusses the following terms (gender identity and gender expression): Transgender, Transition, Gender recognition

GROUP C discusses the following terms (personal development and prejudice): Coming out, Safer spaces, Homophobia, Biphobia or Transphobia, Public outing

GROUP D discusses the following terms (other terms): Men who have sex with men, Women who have sex with women, Queer, Questioning

Point out that the list of terms is not exhaustive and that the definitions may vary from country to country, region to region and over time.

2. Introduction to Gender and Sexual Orientation Norms ⁵⁰

We all have a sexual orientation, gender identity, gender expression and sex characteristics. The diversity amongst us arises from the way each individual experiences these identities and characteristics for themselves, manifests them in social environments, and the way others perceive them. Some variations of sexual orientation, gender identity, gender expression and sex characteristic are defined as the norm in certain societies and others as a deviation from that norm.

Most societies are predominantly constructed around the following norms: heteronormativity, cisnormativity, gender binary and endosex privilege. In order to begin to understand the diversity of sexual orientation, gender identities, gender expression and sex characteristics, it is crucial to point out and define the norms that govern most of our societies. These norms appear to be self-evident, unquestionable, and some might even say 'natural', to the degree that the words describing them are unfamiliar to most people.

However, human sexual orientation, gender identity, gender expression and sex characteristics are diverse. They have been such throughout human history and will continue to be in the future.

Heteronormativity

Heteronormativity is a set of social norms and everyday life practices which have evolved over the course of history around heterosexuality and are based on a binary opposition of female and male. One of the manifestations of heteronormativity is the assumption that all persons are heterosexual, therefore defining heterosexuality as the only socially acceptable sexual orientation. This has a negative effect on the everyday lives of gay, lesbians and bisexual people, and other people with non-normative sexual orientations. These negative effects can range from invisibility issues such as others assuming one's wife is a friend, to structural and systemic discrimination and violence, for example criminalization of sexual relations between consenting adults of the same gender.

Cisnormativity

If heteronormativity connects to sexual orientation, then cisnormativity connects to gender identity. If the person's gender identity matches their sex assigned at birth, the person is cisgender. The Latin prefix cis means "on the same side". If you recognize yourself in this description, it does not mean you have to identify your gender identity with this word. However, it is important to grasp its meaning and recognize the privileges to which it connects. These privileges

⁵⁰ This subchapter is based on different resources: Legebitra's glossary available at (in Slovene): <https://legebitra.si/lgbtq-slovar/>; Institute TransAkcija's glossary available at (in Slovene): <http://transakcija.si/2017/03/13/slovar-izrazov/>.

range from seeing your gender represented on official forms to not being afraid of being arrested because your picture in your identity card does not match your appearance.

Cisnormativity is therefore a set of social norms and everyday life practices that lead to the assumption that all persons are cisgender and fall relatively comfortably within the gender binary female-male. Cisnormativity has a highly negative impact on the lives of transgender persons and persons whose gender identity differs from the sex they were assigned at birth.

Sex assigned at birth

Medical doctors, nurses, midwives and/or relatives usually assign a child's sex at birth by inspecting the child's genitals. Based on this single piece of information, the child is typically assigned to be either a girl or a boy. For this purpose Western, mainstream medicine has developed a set of measurements and description of characteristics that help medical staff define, for example, what is a clitoris and what is a penis; what levels of a specific sex hormone are "normal" for females and males; what pairing of chromosomes is consistent with being female or male. However, based on research and theory of gender studies experts, some sociologists, psychologists, and even medical doctors and, last but not least, the experience of transgender and intersex persons, genitals do not define a person's gender identity. Therefore, it is not (always) possible to determine one's gender identity based on how someone's body appears.

The current process of sex, and subsequently, gender assignment right after birth is a manifestation of cisnormativity. Due to social norms connected to specific genders, it is expected that all people develop a gender identity, gender expression and sexual roles accordingly.

The gender binary is a socially constructed system that divides humanity into two distinct groups: women or men. The gender binary is inextricably linked to sex characteristics, which include internal anatomy, genitals and chromosomes. Many people assume that sex characteristics define gender identity, gender expression and gender roles.

However, there are more genders than just male and female, and one's gender identity does not necessarily correspond with their sex characteristics. There are hundreds of societies that have developed traditions recognizing many genders.⁵¹

⁵¹ A map of gender diverse cultures (PBS, Independent lens) available at: http://pbs.org/independentlens/content/two-spirits_map.html/.

TIPS:

Keep in mind that there is no one way of being lesbian, gay, bisexual, transgender and/or intersex.

For example, a self-identified gay man married to a woman is still gay since people marry for various reasons, including cultural and/or social expectations and norms, obtaining a higher level of economic safety, physical safety, and upholding the appearance of “normalcy”.

Another example is that a transgender woman does not need to conform to the social norms of female gender expression in order for her gender identity to be valid. The reasons she may not conform could be varied. For example, aligning her gender expression to her identity could mean risking her well-being and physical and/or economic safety.

As previously mentioned, LGBTI persons do not form a homogenous group. They define their sexual orientation and gender identity differently, express their gender differently and have diverse sex characteristics. They also differ in age, race, ethnicity, religion, political persuasions, socio-economic status, education, and other factors. When designing a support plan for an individual person, all of their personal circumstances should be taken into consideration.

3. LGBTI Persons in Migration

LGBTI persons migrate for different reasons and under different circumstances. Even if LGBTI persons migrate to pursue their education or career, they disproportionately face various obstacles. These can range from a lack of adequate and accessible medical services (for example, hormone replacement treatments) to the host country not recognizing their same-sex partners. An illustration of this point is a recent (June 2018) European Court of Justice (CJEU) judgment in the case *Relu Adrian Coman and Others versus Romanian immigration and internal affairs authorities*⁵². With this judgment, the CJEU put an end to legal ambiguity regarding whether the term spouse in the Citizens Directive covers same-sex spouses of EU nationals, including when granting residence permits⁵³.

When LGBTI persons are forcibly displaced, their vulnerability is exacerbated as legislative, social and cultural discrimination against LGBTI persons is pervasive globally. LGBTI persons in forced migration are often at risk of additional dangers during their journey and upon arrival or during their stay in transit or destination countries. These can manifest in the form of harassment, exclusion, sexual violence, or other forms of violence. That is why they often but not always qualify as vulnerable persons with specific needs in terms of legal assistance, reception conditions, healthcare, etc.⁵⁴ UNHCR's report from December 2015, its very first global report on LGBTI asylum issues, clearly showed that LGBTI people are subject to severe social exclusion and violence in reception centres, and especially in camp settings.⁵⁵ Physical, sexual and psychological violence against persons who are perceived as transgressing ascribed gender roles, such as men who have sex with men, transgender persons and boys who do not conform to the expected norms of masculinity, are particularly vulnerable in camp and camp-like settings⁵⁶.

Some LGBTI people flee persecution unrelated to their SOGIESC, while others have been persecuted or are at risk of persecution because of their SOGIESC. The data collected by International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-World) in 2018 shows that six countries, or parts thereof, still punish consensual same-

⁵² Judgment of the Court (Grand Chamber) of 5 June 2018. *Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*. Request for a preliminary ruling from the Curtea Constituțională a României. Full judgement available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62016CJ0673>.

⁵³ Avetisyan, Arpi and Teoh, Juliana (2019): Together we can make the Coman judgment a reality: the freedom of movement of same-sex couples across the EU. ILGA-Europe. Available at: <https://ilga-europe.org/blog/together-we-can-make-coman-judgment-reality>.

⁵⁴ Seeking refuge without harassment, detention or return to a "safe country" ILGA Europe Briefing on LGBTI Refugees and Asylum (February 2016). Available at: https://ilga-europe.org/sites/default/files/Attachments/ilga_europe_briefing_on_lgbti_asylum_issues_-_february_2016.pdf.

⁵⁵ Protecting persons with diverse sexual orientations and gender identities: A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender and Intersex Asylum Seekers and Refugees (December 2015). Available at: <https://refworld.org/docid/566140454.html>.

⁵⁶ IOM, NRC, UNHCR (June 2008). *Camp Management Toolkit*, pg. 145

sex sexual relations by death⁵⁷ and in five additional countries such punishment is possible⁵⁸. More than 70 other countries criminalize same-sex relations or diverse gender identity. The UNHCR report notes that while laws targeting LGBTI persons may be written to criminalize specific sexual acts rather than the broader identities of persons with a diverse SOGI, some of their offices noted that such laws might nonetheless be used to prosecute individuals who identify as LGBTI⁵⁹.

It also states that laws of general application, including laws pertaining to public decency, marriage and sex work, may be disproportionately applied to target LGBTI persons. And even where legal protections exist for LGBTI persons, some UNCHR offices noted these safeguards might not be guaranteed in practice.⁶⁰

3.1. LGBTI persons in forced migration: EU perspective

In the past few years, EU has developed some positive policies on the protection of LGBTI seekers of international protection. EU legislation obliges EU Member States to recognize sexual orientation and gender identity as a valid grounds for international protection. It also obliges them to provide adequate reception conditions, legal assistance, etc.⁶¹ However, this legislation and its transposition by the Member States have not yet led to a satisfactory situation on the ground.

There is still notable diversity with regards to the processing of LGBTI international protection applications in the various EU Member States and in ensuring adequate reception conditions.

ILGA-Europe has identified the following main challenges for LGBTI persons in forced migration⁶²:

- the relevance of laws in the country of origin criminalizing consensual same-sex sexual acts or the expression of non-standard sexual or gender identities;
- the requirement for LGBTI applicants to conceal their sexual orientation or gender identity upon return to the country of origin in order not to “provoke” violence and discrimination;
- the requirement to seek protection from homo- or transphobic state authorities in the country of origin;

⁵⁷ These countries are: Eritrea, Sudan, Northern Nigeria, Yemen, Iran, Saudi Arabia. Full data available at: https://ilga.org/sites/default/files/ilga_sexual_orientation_laws_map_2019.jpg.

⁵⁸ These countries are: Mauritania, United Arab Emirates, Qatar, Afghanistan, Pakistan. Full data available at: https://ilga.org/sites/default/files/ilga_sexual_orientation_laws_map_2019.jpg.

⁵⁹ Protecting persons with diverse sexual orientations and gender identities: A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender and Intersex Asylum Seekers and Refugees (December 2015). Available at: <https://refworld.org/docid/566140454.html>.

⁶⁰ Ibid.

⁶¹ This was confirmed by the Court of Justice of the EU in December 2014, in the A, B and C case available at: <http://curia.europa.eu/juris/document/document.jsf?docid=160244&doclang=en>.

⁶² Full list is available at: <https://ilga-europe.org/what-we-do/our-advocacy-work/asylum-europe>.

- the growing trend of rejections based on non-credibility of the sexual orientation or gender identity itself, in many cases based on stereotypes;
- the problem of late disclosure (coming out) to the migration authorities, which causes increased disbelief in the person's non-normative sexual orientation, gender identity and/or sex characteristics. There is little or no consideration of taboo or stigmatization in the countries of origin, which can lead to seekers of international protection not disclosing their sexual orientation, gender identity and/or sex characteristics from the beginning of the international protection procedure⁶³;
- discrimination and violence faced by LGBTI applicants in reception facilities.⁶⁴

Violence also includes sexual and gender-based violence (SGBV) or survival sex in forced migration as noted by the UNHCR in its global report⁶⁵.

⁶³ The Court of Justice of the EU has ruled that this cannot be a sufficient reason to refuse a refugee status application. This was confirmed by the Court of Justice of the EU in December 2014, in the A, B and C case available at: <http://curia.europa.eu/juris/document/document.jsf?docid=160244&doclang=en>.

⁶⁴ Seeking refuge without harassment, detention or return to a "safe country" ILGA Europe Briefing on LGBTI Refugees and Asylum (February 2016). Available at: https://ilga-europe.org/sites/default/files/Attachments/ilga_europe_briefing_on_lgbti_asylum_issues_-_february_2016.pdf.

⁶⁵ Protecting persons with diverse sexual orientations and gender identities: A Global Report on UNHCR's Efforts to Protect Lesbian, Gay, Bisexual, Transgender and Intersex Asylum Seekers and Refugees (December 2015). Available at: <https://refworld.org/docid/566140454.html>.

IMPORTANT!

Currently the only EU-wide LGBT survey,⁶⁶ conducted in 2012 by the European Union Agency for Fundamental Rights (FRA), reports alarmingly low levels of reporting the most recent incident of hate-motivated harassment to the police. The EU average amounts to only four (4) percent of such reports.

The respondents' reasons for not reporting such incidents to the police include: the incident was too minor, not serious enough to be reported; they did not think of the possibility to report it; around a third of respondents felt that the police either would not or could not do anything about the incident; nearly one in five feared a homophobic or transphobic reaction from the police; in the case of the most serious incidents, 20 percent of respondents said they did not report the incident to the police because they felt ashamed and/or embarrassed and wanted to keep it a secret; approximately one in eight victims of hate-motivated harassment chose not to report the incident to the police because they were afraid of possible reprisals by the offenders.

Nine out of 10 of the respondents who experienced hate-motivated harassment did not report the incident to another organization or institution, namely a non-governmental organization (NGO), an LGBT organization, a general victim support organization, a state or national institution such as an equality body, a hospital or other medical service, a rape crisis centre or another organization.

Although the survey did not target LGBTI persons in forced migration or pose questions about experiencing SGBV, it can be argued that this data could also be relevant for LGBTI persons in forced migration who experienced SGBV incidents. It might be even more difficult for LGBTI persons to discuss their experiences, especially if they have been subjected to SGBV. Inadequate understandings of diverse SOGIESC experiences in different cultural and social contexts may seriously affect the assessment of needs of LGBTI persons in forced migration. LGBTI persons also differ in age, race, ethnicity, religion, political persuasions, socio-economic status and levels of education. When designing a support plan for an individual person, all of their personal circumstances should be taken into consideration.

⁶⁶ EU LGBT survey: European Union lesbian, gay, bisexual and transgender survey – Main results (2014). Available at: https://fra.europa.eu/sites/default/files/fra-eu-lgbt-survey-main-results_tk3113640enc_1.pdf.

EXAMPLES:

A gay man claimed international protection in one of the EU Member States on the ground of being persecuted based on his sexual orientation in one of the countries of the Global South. Fearing that his claim would be considered invalid, he decided not to disclose to the asylum authorities that he was married to a woman, which he was forced to do in his country of origin. He was granted refugees status. The asylum authorities later found out about his marriage and reopened his case.

The man in question contacted a local LGBTI organization that wrote a report for the asylum authorities on the situation in his country of origin, explaining the role of marriage and describing the man's involvement in the local LGBTI movement. A representative of the LGBTI organization was also present at the interview with the asylum authorities to provide psychosocial support. Both interventions contributed to the retention of his refugee status.

According to World Health Organization (WHO), thirty years after the initial description of the HIV in men who have sex with men in North America, we are facing re-emerging and newly documented HIV epidemics in men who have sex with men, with estimated median HIV prevalence ranging from 4.3% in South East Asia to 14.9% in the African region⁶⁷ (2015 data)⁶⁸.

In some settings, criminalization of consensual, adult same-sex behaviour, stigma, discrimination and violence against men who have sex with men has created an environment which compromises people's human rights and where they are less likely to access essential HIV and health services.

Disclosing HIV status may negatively affect their ability to access health care and other services, and could negatively impact the outcome of their claim for international protection. On the other hand, by not disclosing their HIV status to relevant medical staff, they are at risk of not being able to access adequate health care services, such as antiretroviral treatment.

⁶⁷ World Health Organization defines African region as countries in Africa except Libya, Tunisia, Djibouti, Egypt, Morocco, Somalia and Sudan.

⁶⁸ World Health Organization website: <https://who.int/hiv/topics/msm/about/en/>.

A transgender woman claimed international protection in one of the EU Member States. Her official documents were not in line with her actual gender identity; therefore, she expressed the need for legal gender recognition in the mentioned EU country. As this particular country does not have any legal provisions regulating legal gender recognition for non-citizens and persons who were not born there, the woman decided to travel to another EU member state, despite the restrictions established by the Dublin Convention.

Documents that reflect a person's gender are essential for a life without fear of persistent questioning, violence and discrimination. We are regularly asked to present our documents: for example, at the post office, at banks, in libraries, when signing different contracts, such as employment or lease agreements and when enrolling in schools.

A transgender man claimed international protection in one of the EU Member States. His official documents were already in line with his gender identity. He disclosed his medical issues to a nurse and social worker at the accommodation facility, and reported to them that he was in need of hormone replacement treatment. The nurse and social worker ignored this information. Only after several NGOs intervened, have the migration authorities enabled his access to hormone replacement treatment.

In many countries, EU Member States included, transgender persons who are citizens of these countries do not have full access to respectful, transgender-specific health care services. They might not exist or may not be available under general health care insurance. Transgender individuals may also face discrimination when accessing general health care services. Therefore, it is advisable to check with LGBTI NGOs, health care providers, health insurance providers and/or in legally binding acts:

- which transgender specific health care services are available in a specific country, if any;
- whether such services could also be available to transgender persons seeking international protection; and

- whether such service falls under emergency health care or any type of health care preventing serious deterioration of health.

For example: In Slovenia under the International Protection Act⁶⁹, international protection seekers have the right to emergency health care, which includes “services in the case of chronic diseases and conditions, whose omission would lead in a short period of time to invalidity, other permanent damage to health or death” (Article 86, Paragraph 1, Indent 4). Hormone replacement therapy falls under these provisions, therefore in Slovenia the above mentioned transgender man is entitled under the national law to obtain hormone replacement therapy.

Activity IV

Instructions:

Divide the group into small groups of three to five participants. Ask them to discuss for five minutes why LGBTI persons may decide not to disclose certain personal information to migration authorities. Display the example of a gay man in forced migration.

After the discussion in smaller groups, ask the groups to share their thoughts with everyone.

When discussing, focus on the facts:

- people marry for different reason (for example, economic reasons or cultural reasons);
- some people may be forced to marry due to family or social pressures; and
- being married to a person of a different gender is quite common and does not define a person’s sexual orientation.

The aim of the activity is not to find a solution or come to a final answer, but rather to discuss where LGBTI people in forced migration face specific obstacles.

⁶⁹ Official Gazette, no. 16/2017. Available at: <https://uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-01-0803?sop=2017-01-0803>.



Activity V

Instructions:

Again, divide the group into smaller groups of three to five participants. Ask them to discuss the case displayed for five minutes (PowerPoint Presentation, Slide 39).

After the discussion in smaller groups, ask the groups to share their thoughts with everyone.

During the discussion, highlight that documents that reflect a person's gender are essential for a life without fear of persistent questioning, violence and discrimination. We are regularly asked to present our documents: for example, at the post office, at banks, in libraries, when signing different contracts, such as employment or lease agreements and when enrolling in schools.

The aim of the activity is not to find a solution or come to a final answer, but rather to discuss where LGBTI people in forced migration face specific obstacles.

4. Sexual and Gender-based Violence Experienced by LGBTI Persons

As mentioned above, LGBTI persons do not form a homogenous group. They define their sexual orientation and gender identity differently, express their gender differently and have diverse sex characteristics. They also differ in age, race, ethnicity, religion, political persuasions, socio-economic status, education and other characteristics. All of these diverse personal circumstances and characteristics influence the vulnerability of each person, including in relation to sexual and gender based violence.

LGBTI persons may experience SGBV in all stages, and in all areas, connected to forced migration, including:

- on route to another country;
- in accommodation facilities (including asylum centres, camps and camp-like settings and detention centres);
- in accessing health care (for example, gynaecological care for lesbian, bisexual women and transgender persons; adequate care for multiple chronic conditions (such as heart conditions, diabetes); antiretroviral treatment for persons living with HIV and other STIs prevention and treatment services; mental health services; assistance in SGBV related conditions or survival sex related conditions);
- in accessing national, provincial, or municipal justice mechanisms, including law enforcement and judiciary mechanisms, for SOGIESC related grievances;
- in accessing any other type of support.

The perpetrators can be their family and community members, other persons in forced migration, police staff, military staff, migration authorities, staff in accommodation facilities, and others.

The following are examples of possible manifestations of SGBV experienced by LGBTI persons (in forced migration):

Lesbians may experience persecution based on their gender and sexual orientation and may be exposed more frequently to honour crimes and rape at the hands of private actors, including family and community members. Perpetrators may be male or female, and crimes in which the woman is a perpetrator may be underreported by women. Lesbians may also be victims of 'corrective rape', which is perpetrated in an attempt to 'cure' an individual's sexual orientation. Their socio-economic status may impede their access to international protection procedures, police, and other forms of protection and support in other countries. If a lesbian is, for example, also living with a disability that increases her dependency on other people, she might be at a higher risk of SGBV.

Due to threats, stigma and feelings of shame, lesbians can be forced to keep quiet about their SGBV experiences. Perpetrators may silence them by threatening to disclose their sexual orientation to others should they decide to report SGBV indecent(s) or refuse to obey them.

Lesbians may also encounter obstacles in accessing gynaecological services due to a pervasive stereotype that lesbians do not have penetrative vaginal sex and are therefore in no need of gynaecological check-ups. This may have a negative impact on their sexual and reproductive health.

Same-sex couples may not be recognized as family members by the authorities in the country of refuge or residence. They therefore face the risk of being accommodated in separate facilities. Not recognizing same-sex couples as family members also impedes such couples in claiming the right to family unity and to reunify with their family members. Forced separation of such couples may have a negative effect on their mental health and socio-economic status, which can furthermore exacerbate risks for SGBV. Non-recognition of same-sex couples is further complicated when the couple has children.

Gay men tend to live more public lives and, as a result, are often at more immediate risk of harm, especially from state actors in countries where male same-sex conduct is a criminal offence. Gay men may be reluctant to reveal to authorities or service providers the SGBV endured, due to threats, stigma or feelings of shame. They could experience additional fear that reporting SGBV will force them to disclose their sexual orientation.

A common belief is that men cannot experience SGBV and can only be the perpetrators of SGBV. Therefore, gay men who are victims of SGBV may experience additional stigma and feelings of shame when they are dealing with physical and psychological trauma caused by SGBV. They can also be forced to keep quiet about their SGBV experiences as the perpetrators may silence them by threatening to disclose their sexual orientation to others should they decide to report SGBV incident(s) or refuse to obey them. They may also be forced to perpetrate SGBV on other persons, for example to prove they are “*real men*” (meaning they are heterosexual men).

Bisexual persons: Bisexuality is not well understood in many countries. The majority of persons in society or persons in positions of power in a country may consider bisexual persons' sexual orientation to be flexible, creating the misperception that their sexuality is a matter of choice, not inextricably part of themselves. Even though bisexual persons are attracted to people of more than one gender, they are persecuted because of their same-sex conduct.

Bisexual women's experiences, especially connected to SGBV or the risk of SGBV, may be similar to those of lesbians. Bisexual men's experiences, especially experiences connected to SGBV or the risk of SGBV, may be similar to those of gay men.

Transgender persons may experience particularly severe persecution based on their gender, gender identity and/or sexual orientation. Often they are persecuted under the laws that criminalize same-sex conduct. They are often shunned by their family, friends and community.

Partly depending on their visibility, they may be exposed more frequently to honour crimes and rape at the hands of private actors, including family and community members. Their socio-economic status may impede their access to international protection procedures, police, and other forms of protection and support in safer countries. If a transgender person is also unable to earn money or contribute to providing for the family due to structural and omnipresent transphobia, this may increase their dependency on other people and their risk of SGBV.

Intersex persons may experience persecution based on their sex characteristics. Persecution in the form of exclusion, harassment and violence can start when the individual is a baby or a child, due to traditional views in some societies that intersex people are 'unnatural' or even evil. Humanitarian aid workers, medical practitioners and others may be unfamiliar with intersex variations, further impacting individuals who experience abuse by providing uninformed, inappropriate or medically abusive care, or by outing the individual to others. The entire family of an intersex individual can also be affected, as communities may shun or persecute them for having an intersex child or relative. Intersex persons may experience intimate partner violence if their partner was unaware they were intersex.



Activity VI

Instructions:

Divide the group into six smaller groups. Ask them to discuss for five to ten minutes examples of possible manifestations of SGBV experienced by LGBTI persons in forced migration.

GROUP A: Lesbians

GROUP B: Same-sex couples

GROUP C: Gays

GROUP D: Bisexual persons

GROUP E: Transgender persons

GROUP F: Intersex persons

After the discussion in smaller groups, ask the groups to share their thoughts with everyone. After each group presents, display the respective slides.

The aim of the exercise is to discuss situations in which LGBTI persons in forced migration may face specific and additional risks of SGBV and specific obstacles in addressing SGBV. The aim is not to create an exhaustive list.

4.1 Measures to address the needs of LGBTI victims of SGBV and LGBTI persons at risk of SGBV

As discussed above LGBTI persons have diverse and specific needs due to the pervasiveness of heteronormativity and cisnormativity in our societies. These needs stem from basic needs of every human being regardless of their personal circumstances and/or background. Some of these needs are:

- **Respect for one's privacy:** (1) LGBTI persons should be believed when they disclose their sexual orientation, gender identity and/or sex characteristics without seeking any type of confirmation from third parties (such as psychologists, psychiatrists, LGBTI NGOs) or invasive and/or derogatory questioning or examinations (such as psychological tests). (2) Their sexual orientation, gender identity and/or sex characteristics should be disclosed to third parties only with the permission of the said person or when the disclosure leads to other needs being met (such as disclosing to a medical practitioner that a person is transgender and/or intersex). (3) Respecting one's pronouns and name(s) regardless of what is written on their documents. However, keep in mind the extent to which this person has or has not come out to others.
- **Respect for one's freedom of expression:** (1) LGBTI persons should not be forced to conceal their sexual orientation, gender identity and/or sex characteristics in order to meet the expectations of their surroundings. It is highly recommendable to give them all the available information on the levels of homophobia, biphobia and transphobia in their current surroundings in order for them to make an informed decision on where and how to express themselves. (2) They should not be taken responsible for any homophobia, biphobia or transphobia they may experience, regardless of their conduct or appearance. (3) LGBTI persons should be enabled to visit or form safer spaces for them exclusively inside and outside their accommodation facilities (for example support groups for lesbians, gays, bisexual, transgender and or intersex persons), should they express such a need.
- **Accessing health care services:** LGBTI persons should be able to access all health care services they need and are available in the country in which they are (currently) staying. For example, Lesbians should not be discouraged from gynaecological examinations due to the stereotypical notion that sexual and reproductive services are only needed for females who practice penetrative vaginal sex. For more examples, see examples under section 3.1 LGBTI persons in forced migration: EU perspective.
- **Accessing support services (such as psychosocial counselling):** LGBTI persons should have access to all support services available in order to address the issues they consider in need to be addressed. For example, if a transgender person expresses the need to see a counsellor for an issue unrelated to their gender identity, this service should be provided to them, if available, without questioning their gender identity during service provision.
- **Safe(r) accommodation:** See section below.

Accommodation

Adequate accommodation can contribute to the healing process of victims of SGBV and can mitigate the risks of SGBV incidents.

In some countries, there are special accommodation facilities for LGBTI people in forced migration. It is important to keep in mind that not all LGBTI people will prefer to stay in such facilities. For various reasons, some will prefer to stay in accommodation facilities for “general” population of persons in forced migration. Each circumstance should be individually analyzed when considering which type of accommodation is most appropriate for the person.

In many countries, however, the establishment of such facilities is not (yet) possible. In such countries, you can search for ad hoc solutions that meet the needs of a particular LGBTI person in cooperation with that person, the migration authorities and relevant NGOs (such as LGBTI, human rights NGOs and/or NGOs providing services to seekers of international protection). You can also develop a list of different solutions in cooperation with LGBTI persons, migration authorities and relevant NGOs.

Taking into consideration available resources these solutions could be:

- private accommodation/single rooms
- accommodation provided by LGBTI NGOs and other NGOs
- accommodating LGBTI person in facilities for families in forced migration (such a solution might only be available for women or persons perceived as women and may for example exclude transgender women whose official documents do not match their actual gender identity)

Standard operating procedures for prevention and action in cases involving SGBV

If standard operating procedures (SOPs) for prevention and action in cases involving SGBV already exist, check if they are inclusive of the diverse needs of LGBTI persons. If they are not or lack specific information and measures, suggest revising them in cooperation with relevant LGBTI NGOs and other relevant stakeholders.

If possible, try to include a provision enabling LGBTI persons to access safe house(s). This is especially important for transgender women, as they are often mistakenly perceived as men, and gay and bisexual men as there is usually lack of safe accommodation for men who experienced SGBV.

If possible, include LGBTI NGO(s) on the list of support providers and other bodies the SOPs envisages.

If a revision of the SOPs is not possible, you could develop informal operational guidelines with relevant stakeholders that could be tailored specifically to the needs of LGBTI victims of SGBV.

Sometimes, just writing down issues that need to be addressed and listing possible solutions can also be a powerful tool to advocate for an adequate change at systemic level.

Trainings on LGBTI issues and forced migration

Consider using or developing training materials and standard outreach materials that take into account challenging operational contexts. Try including LGBTI NGOs in the process. IOM's comprehensive training package, *Working with LGBTI Persons in the Humanitarian Context*⁷⁰, is available online and is widely applicable for various organizations and government entities. Expert trainers in IOM can advise and assist in providing training that is tailored to the location and programming.

Training is especially important for NGOs that do not specifically work with LGBTI persons and other stakeholders in the field of migration.

Safer spaces for LGBTI persons in forced migration

Create safer spaces for LGBTI persons in forced migration. This could mean creating support group(s) for LGBTI victims of SGBV and groups for LGBTI persons at risk of SGBV, where they could discuss different aspects of SGBV or any other topic. These groups could meet at the local LGBTI NGO, if they have spaces for such meetings and LGBTI persons feel comfortable meeting there, or at any other NGO.

Create visual information materials such as posters clearly stating that this place welcomes and respects all people, regardless of their race, religion, sexual orientation, gender identity, gender expression or sex characteristic.

Other examples of how to create safer spaces may include displaying rainbow flag and other known symbols of LGBTI support at offices and other rooms. However, rainbow flags or any other symbols are not universal and many migrants may not be familiar with their meaning. Therefore, you can display materials with pictures showing for example same-sex couples, or have them at hand. Staff at your organization can mention LGBTI issues in their spoken introductions. You can ensure there are anonymous comment and complaint boxes in accommodation facilities, and arranging visits by community services staff to areas where LGBTI populations meet, carry out different activities, offer support services (such as LGBTI organization spaces, spaces of other NGOs where LGBTI people are welcome, youth centres, cafes and other spaces with organized activities about LGBTI issues).

⁷⁰ The training package is available at: <https://lgbti.iom.int/lgbti-training-package>.

Working with local LGBTI NGOs

Working with local LGBTI NGOs and including them into different processes and actions is considered a good practice. However, keep in mind that many of these NGOs are run by volunteers or function as (in)formal group(s), therefore they might not be able to provide all the support and information your organization or LGBTI persons need. Make sure the type of support that could be provided by LGBTI NGOs and/or (in)formal groups is clearly defined.

Some LGBTI persons might not want to be associated with LGBTI NGOs or a particular LGBTI NGO or (in)formal group. This is legitimate. Maintain open communications with LGBTI NGO(s) and/or (in)formal groups to obtain as much information as possible.

Protection of LGBTI persons in camp and camp-like settings

In a camp setting, including reception and transit centres for migrants and refugees, both vulnerability that existed before a crisis or that developed as a consequence of the crisis affect the needs of camp residents. As established coping mechanisms are disrupted, certain people with specific needs may be at a heightened risk within the camp population. For example, a LGBTI person who was accepted by the community may be more vulnerable if separated and may face stigma and discrimination in addition to the problems that arise as a consequence of the crisis, such as displacement. Issues such as overcrowding, poor lighting, inadequate sanitation facilities and the general insecurity, deprivation and tensions in the camp can furthermore increase the risk for SGBV.

Due to reasons such as stigmatization, national laws which often criminalize being an LGBTI person and negative attitudes, including among humanitarian workers and service providers, LGBTI persons may be excluded from assistance and may not have safe a dignified access to services. If the vulnerability of persons with special needs is not recognized and/or its consequence not understood, the impact on their physical and psychological health, general well-being, and access to human rights can be grave and at times life-threatening.

In order to contribute to the protection of LGBTI persons, the agencies and organizations managing the camp and providing assistance to its residents should work to increase awareness of all stakeholders on the nuanced and wide-ranging protection issues facing LGBTI persons. Furthermore, they should identify local NGOs who have experience working with LGBTI persons and may provide specialized advice to increase assistance, such as through the establishment of separate safe spaces, the availability of one-on-one counselling, healthcare and psychosocial support

and provision of advice regarding how to report SGBV to the police or the authorities, should it be safe and should they decide to do so.⁷¹

5. Non-governmental Organizations in Europe Working with LGBTI Persons and/or LGBTI Persons in Migration

The number of NGOs in a certain country and/or region largely depends on the levels of social acceptance of diverse SOGIESC experiences in that country and/or region and the level of the development of the NGO sector.

Some countries have a well-developed network of LGBTI organizations focusing on different issues, forced migration being one of them. However, there are also countries with only a few organizations or (in)formal groups. Regardless, it is advisable to try to establish a cooperation that will meet your needs and take into consideration the capacities of local LGBTI NGOs.

ILGA-Europe's membership list is a valuable source of information on LGBTI NGOs in Europe and is available at: <https://ilga-europe.org/who-we-are/members>

6. Useful Additional Resources

Below is a non-exhaustive list of useful resources:

SOGICA Database includes links to legal cases, research and other SOGICA related resources. 'SOGICA – Sexual Orientation and Gender Identity Claims of Asylum: A European human rights challenge' is a four-year project funded by a Starting Grant of the European Research Council (ERC). Available at: <http://sogica.org/en/sogica-database/>

ILGA-Europe's⁷² asylum resources available at: <https://ilga-europe.org/resources/thematic/asylum>

ILGA-Europe's Rainbow Europe, an on-line collection of tools bringing together both the legal index of LGBTI equality based on Rainbow Europe Map and an overview of the social climate for LGBTI people in each country based on Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe. Available at: <https://rainbow-europe.org/>

⁷¹ IOM, NRC, UNHCR (June 2008). *Camp Management Toolkit*, Chapter 11.

⁷² ILGA-Europe are an independent, international non-governmental umbrella organization bringing together nearly 600 organizations from 54 countries in Europe and Central Asia. Their vision is of a world where dignity, freedoms and full enjoyment of human rights are protected and ensured to everyone regardless of their actual or perceived sexual orientation, gender identity, gender expression and sex characteristics. They are part of the wider international ILGA organization, but ILGA-Europe was established as a separate region of ILGA and an independent legal entity in 1996. ILGA itself was created in 1978.

ILGA's⁷³ State-Sponsored Homophobia report, a world survey of sexual orientation laws published every year.

Available at: <https://ilga.org/state-sponsored-homophobia-report>

Transgender Europe – TGEU's⁷⁴ resources on asylum available at: <https://tgeu.org/issues/asylum/>

IIO Europe's⁷⁵ resources on intersex available at: <https://oiieurope.org/>

The Yogyakarta principles, Yogyakarta principles on the application of international human rights law in relation to sexual orientation and gender identity (March 2007), available at: <http://yogyakartaprinciples.org/principles-en/>

The Yogyakarta principles plus 10, Additional principles and state obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta principles (November 2017), available at: http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf

⁷³ ILGA – the International Lesbian, Gay, Bisexual, Trans and Intersex Association – is the world federation of national and local organizations dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people across the globe.

⁷⁴ TGEU is a member-based organization created in 2005. Since then, TGEU has kept growing and established itself as a legitimate voice for the trans community in Europe and Central Asia with 112 member organizations in 44 different countries.

⁷⁵ OII Europe is the only Intersex-led umbrella organization working for human rights of intersex people in Europe.

MODULE 3: IDENTIFICATION

Module 1, 3, 4, 5 were written and edited by: Zsuzsanna Vég, M. Ferdaus Momand and Andrea Märçz, IOM Budapest.

Aim of the Module

The **module aims to familiarize** participants **with** the phenomenon of **vulnerability** itself, the classification of **vulnerable groups** (especially within the context of migration) and with the **forms of protection** of victims.

The **unit also discusses** the concept of **Sexual and Gender Based Violence**, its **indicators**, the **types of risks** and the **consequences of the experiences** survived.

Learning Objectives

- describe the patterns of vulnerability in regard to the person's characteristics, experiences in the country of origin/during the journey/in the host country
- identify the indicators of SGBV, risk groups, and types of violence survived

Required Materials

- PPT
- hand-outs of questions/assignments, case studies, role plays
- white board, markers, brush

Theoretic Background, Questions

Vulnerability related to SGBV

Some people are more susceptible to harm relative to others as a result of exposure to some forms of risk. The type of **harm may be psychological, physical, environmental, etc.**

Vulnerability⁷⁶ is a **complex term**, there is **no agreed legal definition**⁷⁷ of the concept **used depending on the disciplinary context**. Common section of the approaches describes it as **impairment of one's capability to**

⁷⁶ Mouzourakis, K. P., Fierens, R., Woollard, C.: The concept of vulnerability in European asylum procedures (ECRE, 2017) http://asylumineurope.org/sites/default/files/shadow-reports/aida_vulnerability_in_asylum_procedures.pdf.

⁷⁷ Manzoni, M.L.P., Timmer, A.: Vulnerable groups: the promise of an emerging concept in European Human Rights Convention law (Icon-International Journal of Constitutional Law, 2013) <https://biblio.ugent.be/publication/4430710>.

represent his/her interest(s) due to his/her age; gender; sexual orientation; physical, mental, psychological, intellectual condition; race, ethnicity, religion, faith; medical, educational, legal, social needs.

Within the frames of migration the abovementioned **groups include**⁷⁸, children, unaccompanied children; elderly people; pregnant women; single parents with minor children; people belonging to sexual minorities (LGBTI); disabled people; people with mental health problems; victims of trafficking; persons who have been subjected to torture or other serious forms of psychological, physical, sexual or gender based violence.

Another reading of the phenomenon 'vulnerability' comprehends the **impairment of accessibility/inaccessibility to protection** (human rights, legal, physical, social, humanitarian protection; child, women's, refugee protection, protection of persons living with disabilities, LGBTI people, trafficked persons and smuggled migrants).

IOM uses the following **definition** of vulnerable migrants⁷⁹:

Vulnerable migrants are "persons who are **unable to enjoy their human rights effectively, are at increased risk of violations** and abuse and who – accordingly – are entitled to call on a duty bearer's heightened duty of care⁸⁰."

The majority of legislations, guidelines and discussions on the subject of vulnerability emphasizes the **importance of the early identification of special needs**⁸¹. Assessment of the needs of migrants vulnerable to violence, exploitation and abuse should be accomplished when vulnerable migrants first begin accessing support from a case manager and regularly thereafter.

Vulnerable migrants may have unique health-care needs arising from pre-existing conditions or from an injury or illness suffered during their journey or on arrival at a transit location or their destination. They **may have experienced violence, exploitation or abuse that has health consequences both physical and mental**.

⁷⁸ Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (UNHCR, 1992) <https://unhcr.org/4d93528a9.pdf>.

⁷⁹ IOM Handbook, Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse (IOM, 2018) https://unodc.org/documents/human-trafficking/GLO-ACT/IOM_Handbook_on_Protection_ADV_COPY_1.PDF.

⁸⁰ Global Migration Group Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations (GMG, 2017) <https://ohchr.org/en/issues/migration/pages/vulnerablesituations.aspx>.

⁸¹ EASO Training Curriculum: Interviewing Vulnerable Persons module.

The IOM Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse⁸² lists the **types of health risks** that vulnerable migrants may experience **and**, accordingly, the potential **health-related consequences** that they may struggle with:

Experience - 1⁸³: physical abuse

Consequence – 1: bruises, cuts, burns, broken bones, soft tissue injuries; psychological distress, mental health problems

Experience – 2: threats, intimidation, psychological abuse

Consequence – 2: depression; anxiety, hostility, aggression; isolation, withdrawal; psychological distress, mental health problems; sleep disturbances

Experience – 3: sexual violence, abuse

Consequence – 3: sexually transmitted infections; pregnancy, unsafe abortion; sexual dysfunction; vaginal, anal fistula; bruises, cuts, burns, broken bones, soft tissue injuries; psychological distress, mental health problems

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What does the concept 'vulnerability' mean?
- ⇒ Which elements influence a person's capability to represent his/her interests? (generally, within the frames of migration)
- ⇒ Which forms of protection can you specify?
- ⇒ What is the content of the 'early identification' principle?
- ⇒ Where can/do migrants experience violation?
- ⇒ What health risk types can you identify? What health-related consequences do survivors struggle with?

Sexual and Gender Based Violence

Sexual and gender based violence is a manifestation of historically **unequal power relations between men and women**, which have **led to oppression and discrimination against women by men**. However, gender

⁸² IOM Handbook, Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse (IOM, 2018) https://unodc.org/documents/human-trafficking/GLO-ACT/IOM_Handbook_on_Protection_ADV_COPY_1.PDF.

⁸³ The assignment is not entire, comprises only the SGBV relevant categories.

discrimination **tends not only to female**: term 'SGBV' increasingly used to **describe certain forms of violence against men, boys and transgender persons as well**⁸⁴.

Gender-based violence is one of the most widespread human rights abuses in the world affecting individuals with consequences that reach beyond the individual and can **affect entire families and communities**.

Gender-based violence is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed differences between males and females. It includes acts that inflict **physical, sexual or mental harm or suffering, threats of such acts, coercion and other deprivations of liberty**⁸⁵.

Based on the decreased ability to represent their own interest, certain **groups of individuals are more vulnerable to harm** than other members of the population. These individuals hold less power in the society, are more dependent on others for survival. **When sources of vulnerability** (age, disability, sexual orientation, religion, ethnicity, etc) **intersect with gender-based discrimination, the likelihood of exposure** of particular groups **to SGBV may escalate**.

Certain **conditions related to migration and vulnerability associated with attitudes, beliefs, norms and structures that promote gender based discrimination may exacerbate the risk of SGBV**.

There are different systems designed to categorize the concept of SGBV. The **classification traced and used in the UNHCR documents**^{86 87 88} include the following forms and levels:

physical, sexual, psychological violence in the family

- **sexual exploitation** (act committed via non-consensual abuse of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit, etc.)
- **sexual abuse of children** (sexual act forced upon a child without his/her consent)
- **marital/spousal rape** (act of sexual intercourse with one's spouse without the spouse's consent)
- **female genital mutilation** (female circumcision)
- **coerced family planning/forced marriage** (marriage of an individual against her/his will)

⁸⁴ Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action (GPC, IASC)
https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf.

⁸⁵ Institutional Framework for Addressing Gender-based Violence in Crises (IOM, 2018)
<https://publications.iom.int/books/institutional-framework-addressing-gender-based-violence-crises>.

⁸⁶ Standard Operating Procedures for Prevention and Response to SGBV, Hungary (UNHCR, 2011).

⁸⁷ Standard Operating Procedures for Prevention and Action in Cases Involving SGBV, Slovenia (UNHCR, 2015).

⁸⁸ Standard Operating Procedures for Prevention of and response to SGBV, Greece (UNHCR, 2017).

- **honour crime** (murder of a family member due to perpetrator's belief that the victim has brought shame upon the family or has violated the rules of a community or religion)

physical, sexual, psychological violence in the community

- **rape** (non-consensual, physically forced penetration)
- **sexual abuse** (sexual act forced upon a woman, man or child without their consent)
- **sexual harassment and intimidation at work, educational institutions** (unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature)
- **human trafficking** (recruitment, transportation, transfer, harbouring, receipt of persons by means of the threat, force, abduction, fraud, giving/receiving payment to achieve the consent of a person having control over another person for the purpose of exploitation)
- **forced prostitution** (exchange of sexual favours for material resources)

physical, sexual, psychological violence perpetrated by the state,

societal and legal discrimination, hate crimes, bias-motivated crimes, felony against the members of LGBTI community.

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What are the target groups of SGBV?
- ⇒ What kind of acts does SGBV cover?
- ⇒ Can you explain which components increase the risk of SGBV?
- ⇒ What forms of SGBV can you recognize? On what levels do the forms in question appear?

Indicators of Endangeredness

The **self-image** of victims subjected to any form of human right violations may seriously be **damaged**. They may feel shame, worthless, guilty and contaminated. **At the somatic level** they may complain of dizziness, headache, stomach ache, constipation, period disorder, sexually transmitted disease. **At social level** SGBV victims' position is often heavily distorted: their or their family's honour may be damaged, their or their family's life may be in danger. **At communication level** it reveals in reluctance to reveal the group membership, attitude of distrust, fear of moral judgements, sanctions.

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What types of symptoms/indicators should you pay attention to while talking with survivors of SGBV?

Activities

- ⇒ Story of Anna (Annex II.)
- ⇒ Story of Mirjana (Annex III.)
- ⇒ Role play based on the stories above (or similar concerning the merit and the tools used) (Annex IV.)

MODULE 4: COMMUNICATION

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Aim of the Module

As a **consequence of the experience survived**, the **information processing** of SGBV victims may be seriously **hampered**. **Memory storage** and **retrieval** are **influenced by psychological and physical factors**. In order **to reduce the difficulties** that are caused by the impeded information processing, the **interviewer should be aware of the factors that may alter the operation of the memory**.

Dealing with victims of SGBV requires skills, knowledge, adequate attitude and a proper communication strategy. There are several **interview methods** that have been **developed to optimize communication** with clients whose ability to represent their own interests are impaired. The **communication methods** and the supplementary tools (cognitive methods, Dialogical Communication Method; encouraging tools) reviewed **provide support to develop the interviewer's capability to minimize misinterpretation** and also **to gain** qualitatively and quantitatively **optimal recollections**.

Interviewing vulnerable persons may conclude in excessive emotional involvement, therefore **listeners should** continuously **monitor their behaviour** and **apply different strategies** (observation, intervision supervision).

Migrants and refugees face difficulties in each phase of their route that derives from mutual unfamiliarity. In order **to bridge the differences** in question it is crucial **to enlist** the assistance of an **interpreter and/or intercultural mediator**. Besides the linguistic and the cultural difficulties, both the **interpreter** and the **intercultural mediator** **ought to tackle** the concerns connected to **vulnerability**. To be able **to unburden the duty** of facilitators referred, the **interviewer must be acquainted with challenges faced by interpreters and cultural mediators**.

Learning Objectives

- explain how different factors interfere with memory function, and accordingly, which factors influence the memory processing
- describe the meaning, system and the appliance of best communication practices
- identify the notion of excessive emotional involvement and to review certain struggling methods
- make the distinction between the role of an interpreter and the function of an intercultural mediator, and to give an account of the structure and the characteristics of their work

Required Materials

- PPT
- white board, markers, brush
- hand-outs of assignments, case studies, role plays

Theoretic Background

Memory

In case of interviewing SGBV victims there are **various conditions** that may **affect the interview** situation, such as physical, cognitive, psychical, social, etc. state of the interviewee.

Since the memory encoding, storage and retrieval are influenced by the abovementioned factors, it is important to descend to the procedure of information processing^{89 90}.

Memory is the ability to encode, consolidate, store and recall information ⁹¹

Encoding is the first step to create a new memory. It allows the perceived item of interest to be converted into a construct that can be stored within the brain and then recalled later from the short or long-term memory.

Consolidation is the process of stabilizing a memory trace after the initial acquisition.

Storage is practically a passive process of retaining information in the brain.

Recall (or retrieval) of memory refers to the subsequent re-accessing of events or information from the past, which have been previously encoded and stored in the brain.

What one usually thinks of as memory in day-to-day usage is the long-term memory. In fact there are **three** different **types of memory**⁹². Albeit each have its own particular mode of operation, they cooperate in the process of memorization and considered as three necessary steps in forming the lasting memory.

⁸⁹ Squire, L.R.: Memory and Brain Systems (The Journal of Neuroscience, 2009) <http://jneurosci.org/content/29/41/12711>.

⁹⁰ Baddeley, A.: Working Memory, Thought, and Action (Oxford University Press, 2007) <http://oxfordscholarship.com/view/10.1093/acprof:oso/9780198528012.001.0001/acprof-9780198528012>.

⁹¹ Craik, F.I.M., Lockhart, R.S.: Levels of processing: A framework for memory research (Journal of Verbal Learning and Verbal Behavior, 1972) <https://sciencedirect.com/science/article/pii/S002253717280001X>.

⁹² The Brain, Learning and Memory, Types of Memory <https://qbi.uq.edu.au/brain-basics/memory/types-memory>.

Human **memory consists of sensory memory** (<1 sec), **short-term memory** (<1 min), **long-term memory** (life-long).

Sensory memory is the shortest-term element of the memory. It is the ability to retain impressions of sensory information (stimuli received through the five senses of sight, hearing, smell, taste, touch) after the original stimuli have ended.

Short-term memory is the ability to remember and process information at the same time. It holds a small amount of information (5-7 items) in the mind in an active, readily available state for short period of time (10-60 seconds).

Long-term memory is intended for storage of information over a long period of time.

Long-term memory divided into⁹³ implicit (or procedural) **memory** (skills, tasks), **explicit** (or declarative) **memory** (facts, events).

Implicit memory is the unconscious memory of skills and how to do things, particularly the use of objects or movements of the body.

Explicit memory is memory of facts and events and refers to those memories that can be consciously recalled (or declared).

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What kind of conditions may affect the interview situation?
- ⇒ What are the stages of information processing?
- ⇒ What types of memory can you identify?

⁹³ Graf P., Schacter D.L.: Implicit and Explicit Memory for New Associations in Normal and Amnesic Subjects (Journal of Experimental Psychology, 1985) <http://scholar.harvard.edu/files/schacterlab/files/grafschacter1985.pdf>.

Interview

SGBV victims are often extremely **vulnerable**, therefore they should be treated with special consideration. As a consequence of the trauma they survived, **their information processing may be seriously hampered**. There are several interview methods (P.E.A.C.E.⁹⁴, Conversation Management⁹⁵, Enhanced Cognitive Interview⁹⁶, etc.) that have been developed with the goal to optimize communication with clients whose ability to represent their interest is impaired. The **cognitive interview pattern** described under mark A/ **provides the base for overwhelming part of the methods** in question. **Dialogical Communication Method (B/)** reviewed below it is considered and thus **used as the best practice in Europe when interviewing vulnerable people**⁹⁷.

A/ **Cognitive Interview**^{98 99} is a **method of interviewing victims about what he/she remembers** from the scene. It aids in minimizing both the misinterpretation and the uncertainty that is otherwise seen in the interview situations. Cognitive interviews reliably enhance the process of memory retrieval and elicit memories.

Steps of the Cognitive Interview¹⁰⁰ are the follows:

- establishment of relationship between the victim and the interviewer
- the interviewer gives the victim an opportunity to provide an uninterrupted narration of what he/she experienced
- during this time, the interviewer is able to construct a strategy to carry out the remainder of the interview
- the interviewer will then guide the victim through several information-rich memory representations, after which the interviewer will assess the witness' recollections
- the completion of this last step is followed by the completion of the interview.

⁹⁴ Investigative Interviewing Techniques: The P.E.A.C.E. model <https://i-sight.com/resources/investigative-interviewing-techniques-the-peace-model/>.

⁹⁵ Sheperd, E., Griffiths, A.: Investigative Interviewing: The Conversation Management Approach (Oxford University Press, 2013) <https://global.oup.com/academic/product/investigative-interviewing-9780199681891?cc=hu&lang=en&>.

⁹⁶ Rui M.P., Albuquerque P.B., Bull, Ray: The Enhanced Cognitive Interview: Towards a Better Use and Understanding of this Procedure (International Journal of Police Science and Management, 2013) <https://journals.sagepub.com/doi/abs/10.1350/ijps.2013.15.3.311>.

⁹⁷ EASO Practical Guide: Personal Interview <https://easo.europa.eu/news-events/easo-practical-guide-personal-interview>.

⁹⁸ Loftus, E.F., Zanni, G.: Eyewitness testimony: The influence of the wording of a question (Bulletin of the Psychonomic Society, 1975) <https://link.springer.com/article/10.3758/BF03336715>.

⁹⁹ Geiselman, E., Fisher, R.P., Firstenberg, I., Hutton, L.A., Sullivan, S.J., Avetissain, I.V., Prosk, A.L.: Enhancement of Eyewitness Memory: An Empirical Evaluation of the Cognitive Interview (Journal of Police Science and Administration, 1984) <https://ncjrs.gov/App/Publications/abstract.aspx?ID=93116>.

¹⁰⁰ Dr. Milne, B.: The Enhanced Cognitive Interview – A Step-by Step Guide (2004) https://researchportal.port.ac.uk/portal/files/3890630/ECI_Handout_1_.doc.

Uncovering techniques¹⁰¹ that facilitate the effectiveness **of the Cognitive Interview** are the follows:

- the interviewer should **encourage the victim to revisit the state of his/her mind** at the time of the event
- the interviewer would **encourage so that the victim thought about** any **external factors** (weather), **emotional factors** (feelings of fear), and **cognitive factors** (relevant thoughts) that were present
- the interviewer should make every effort to **assist the victim to remain in a state of focused concentration** because if there is any disruption, the retrieval process will be impaired
- to encourage the witnesses' participation, the **interviewer should use open-ended questions**
- an effective interviewer makes every effort to tailor the interview to each victim, thus **interviewers should be flexible** and **alter their approach to meet the needs of** each **victim** rather than use a rigid, uniform style of questioning.

B/ Dialogical Communication Method (DCM)^{102 103} is a structured method for conducting interview with **vulnerable people** with special needs. The assumption is that the **stakeholders mutually influence each other**. The dialogical perspective implies that the act of **communication is a joint construction**. The explanation of communication is based on a theory of human actions and activities in cognitive and social contexts, thus in the dialogistic framework the **contextual nature of the interaction is essential**.

SGBV victims are in an unsafe situation. The relationship that arises between the interviewer and the victims can affect SGBV victims in a positive or a negative manner. In order to prepossess positively, talking with people demands conscious organizing. The model of **DCM consists of six interdependent phases together with one 'preparation phase' and one 'activities after the interview' phase**¹⁰⁴. The two supplementary phases are not organic part of the conversation.

The eight steps are the follows:

¹⁰¹ Fisher, R.P., Geiselman, R.E.: Memory-enhancing techniques for investigative interviewing: The Cognitive Interview (1992) <https://psycnet.apa.org/record/1992-98595-000>.

¹⁰² Jakobsen, K.K., Langballe, Å., Schultz J-H.: Trauma-Exposed Young Victims: Possibilities and Constraints for Providing Trauma Support within the Investigative Interview (Psychology and Crime an Law, 2016) https://researchgate.net/publication/311732406_Trauma-Exposed_Young_Victims_Possibilities_and_Constraints_for_Providing_Trauma_Support_Within_the_Investigative_Interview.

¹⁰³ Schultz J-H, Langballe, Å.: I couldn't tell such things to others': trauma-exposed youth and the investigative interview (Police Practice and Research, 2016) https://researchgate.net/publication/308093504_'I_couldn't_tell_such_things_to_others'_trauma-exposed_youth_and_the_investigative_interview.

¹⁰⁴ EASO Interviewing Vulnerable People, <https://asylum-curriculum.eu/eac/courses>.

I. **Preparation before the interview** (supplementary phase) includes

- **mental preparation**
 - reflecting on the general mental state (interviewer's)
 - focusing on the interview
 - focusing on the proper attitude
- **physical preparation**
 - selecting of location for the interview
 - estimating the duration of the interview
 - considering, arranging logistics
 - arranging IT
 - purchasing information material
 - considering dress code
- **case preparation**
 - considering the frames
 - considering the roles
 - collecting information about the client
 - collecting country of origin information
 - choosing interpreter.

1. **Opening and establishing contact phase** implies

- introducing of the involved parties
- establishing trustworthy atmosphere by neutral topics
- ensuring informed consent and the right to withdraw.

2. **Introductory phase** covers

- reaching mutual understanding
- providing information (frames, roles, rules)
- inviting the client to reflect over the information provided.

3. **Introduction to the focused theme phase** means

- introducing the context (themes, reason of the dialogue) in order to ensure the client's understanding.

4. **Free narrative phase** inheres

- providing opportunity for giving uninterrupted account
- obtaining spontaneous, detailed and coherent information
- refraining from asking questions
- using encouraging techniques

- topic development.

Topic development

In order to achieve optimal result in the communication the **interviewer invites the client to elaborate** and extend the **topics** proposed **in three** different **semantic levels**:

- **experiential level** consists of subjective descriptions (What did you feel when it happened? How do you feel when you see this?)
- **activity description level** consists of descriptions about details in situations, actions (Explain how it happened! What did he/she do to you?)
- **contextual level** consists of contextual descriptions, details (Where did it happened? What did it look like?).

5. **Probing the validity phase** implicates

- obtaining broader information about the main topic(s) stated in the free narrative phase
- probing the topics of the free narrative phase.

6. **Closing phase** comprehends

- summarizing key-points
- ascertaining that all necessary information have been explained, developed, elaborated
- leaving the interview with a sense of accomplishment.

II. **Activities after the interview** (supplementary phase) includes

- **contacting the specific care institutions** (in case of need)
 - medical care
 - psychologist
- **contacting the responsible authorities, organizations, NGOs** (in case of need)
 - on the field of human trafficking
 - on the field of sexual abuse
 - on the field of anti-LGBTI hate crimes
- **self-analyzing** (in case of need)
 - observation
 - intervision
 - supervision.

Encouraging communication

The **objective of the Dialogical Communication Method is to achieve** a balanced, spontaneous **free narrative without using repressive, enforcing patterns**. In addition to the above-described structured method there are supplementary techniques and attitudes that facilitate to gain this goal.

The **tools of the encouraging communication** are the empathetic communication, open questions, non-leading questioning, active listening.

Empathy vs. sympathy¹⁰⁵

- **Empathy** is capability to imagine oneself in the situation of another, experiencing the emotions, ideas or opinions of the other person. As empathy is an ability to discover emotions in another person, thus empathy is a tool to establish contact.
- **Sympathy** describes one's own emotional state (convey commiseration, pity, feelings of sorrow) in relation to another person who is experiencing misfortune.

Open questions vs. closed questions¹⁰⁶

- **Open questions** contain wordings that open up to various answers. (YX, please, explain this to me...! AB, describe it to me ...!)
- **Closed questions** refer to any question for which the options to choose are the response. (Could you tell me something about it? Will you tell me what happened when...?)

Non-leading questioning vs. leading questioning¹⁰⁷

- **Non-leading questioning** does not expect any specific answer, but gives structure to the answer. (Could you carry on the previous thought? Describe me the situation!)
- **Leading questions** suggest the answer that is expected adapts to the asker's concept. (Was it painful to...? Was it exciting to...?)

¹⁰⁵ Rothschild, B.: Help for the Helper: The Psychophysiology of Compassion Fatigue and Vicarious Trauma (W. W. Norton & Company, 2006) <https://onlinelibrary.wiley.com/doi/abs/10.1002/ch.322X>.

¹⁰⁶ Worley, P.: Open thinking, closed questioning: Two kinds of open and closed question (Journal of Philosophy in Schools, 2015) <https://ojs.unisa.edu.au/index.php/jps/article/view/1269>.

¹⁰⁷ Loftus, E. F.: Leading questions and eyewitness report (Cognitive Psychology, 1975) <https://psycnet.apa.org/record/1976-08916-001>.

Active listening vs. passive listening

- **Active listening** is an attentive and sensitive mental attendance while another person delivers verbal or non-verbal signs. Patterns of active listening are
 - short reflections
 - verifications (Ok. I understand. Hm.)
 - follow-up questions to expand the theme
 - direct sum-ups.
- **Passive listening** is an attitude indicating that one's attention is not (or not fully) directed to the other person. Unconcern formulated in manifestations, such as
 - doubt
 - deny
 - changing the subject
 - pressure
 - negotiation.

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ Which interview method provides the base for other interview methods that have been developed for communication with vulnerable persons?
- ⇒ What is the philosophy of DCM?
- ⇒ Could you describe the structure of DCM?
- ⇒ What is the burden of topic development? On what levels does the client elaborate on the topics?
- ⇒ What is the meaning of the 'encouraging communication'? What are the tools of the encouraging communication?

Excessive Emotional Involvement, Burn-out

Professional behavioural attitude is essential in effective communication with vulnerable persons. In order to possess the capacity of struggling with one's own emotions the interviewer should **consciously control** and conduct the **level of flexibility**, patient, calmness; **capacity to listen**; capacity to keep **emotional distance**; capacity of acceptance, **disengagedness** (being free from prejudice); **empathy**; **capacity of self-reflection**; **accepting** the phenomenon of observation, intervision, supervision as **tools of self-reflection**.

Considering the fact that interviewing vulnerable persons may conclude in appearance of excessive emotional involvement **listeners should** permanently **monitor their behaviour**.

Symptoms of excessive emotional involvement¹⁰⁸ **appear in different forms and degrees** from detachment to over-involvement in terms of behaviour or wordcraft (boredom, arrogance), physical reactions (dizziness, abhorrence), loss of attention, scepticism, loss of control, emptiness.

According to the degree of the impact, one can apply different strategies to tackle it, from taking deep breath, taking breaks, up to turning for external assistance^{109 110}.

Observation is a simple and effective measure. The pattern is to call upon an experienced associate to observe the difficult case and provide feedback.

Intervision is a structured coaching method based on own experiences. During the event the colleague concerned presents his/her case for a group of associates. Another colleague as moderator leads the discussion. Without judgement, each participant reflects on the presentation given and possibly puts questions.

The aim of this approach is to see the case from different aspects that may help struggling with the difficulties raised on the track of handling problematic situation. Considerable advantage of the method is that information remains within the group.

Supervision can be performed individually and also in group. The supervisor is an external qualified expert in supervision. Besides the vocational issues the proposed subject of the supervision might be in relation with group dynamics or psychological (e.g. burnout), ethical (e.g. preconception), etc. questions, too.

The interviewer is required to listen and act empathetically. **Facing with the stories of traumatized people for long period of time, listeners** are definitely **exposed to extreme emotional involvement**. The self-defensive response for the long term effects in question **may result in burn-out**¹¹¹. There is a range of **indicators** that refer to distress caused by burn-out, like retreat (avoiding eye-contact, abstaining from small talk), depersonalization (treating clients or colleagues in cynical way), emotional exhaustion, quickness to anger, physical reactions (headaches, physical

¹⁰⁸ Ruotsalainen J.H., Verbeek J.H., Mariné A., Serra C.: Preventing occupational stress in healthcare workers (The Cochrane Database of Systematic Reviews, 2015) https://cochrane.org/CD002892/OCCHEALTH_preventing-occupational-stress-in-healthcare-workers.

¹⁰⁹ EASO Interviewing Vulnerable People, <https://www.asylum-curriculum.eu/eac/courses>.

¹¹⁰ Intervision Guidelines (UNODC Project Office for the Baltic States, 2010) <https://unodc.org/documents/balticstates/Library/PharmacologicalTreatment/IntervisionGuidelines/IntervisionGuidelines.pdf>.

¹¹¹ Maslach, Ch, Jackson S.E., Leiter, M.: The Maslach Burnout Inventory Manual (The Scarecrow Press, 1997) https://researchgate.net/profile/Christina_Maslach/publication/277816643_The_Maslach_Burnout_Inventory_Manual/links/5574dbd708aeb6d8c01946d7.pdf.

fatigue, sleeping disturbance), loss of concentration, cognitive weariness, closed thinking, disengagement, distrust, secondary traumatization.

Occupational burnout¹¹² is consequence of unresolvable job stress. Burnout is characterized by a set of symptoms that includes exhaustion as result of excessive work demands as well as physical symptoms. On base of observations burned-out workers looks, acts and seems depressed.

Secondary trauma¹¹³ may appear when an individual is exposed to persons who have been traumatized themselves. It can raise on the track of disturbing descriptions of traumatic events by a victim, or others inflicting cruelty on one another. Symptoms of secondary trauma are similar to those of PTSD¹¹⁴ (e.g. intrusive re-experiencing of the traumatic material, avoidance of trauma triggers/emotions, negative changes in beliefs and feelings, hyperarousal). Secondary trauma is detectable at first responders, mental health care workers, social workers, case makers, etc. The on-going demand of being compassionate in helping others can also lead to **compassion fatigue or vicarious trauma**¹¹⁵ which can impact the individual's psychological, physical and spiritual well-being.

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What elements should the interviewer control in order to possess the capacity of struggling with his/her own emotions?
- ⇒ What are the indicators of excessive emotional involvement?
- ⇒ What kind of strategies could one apply to struggle with excessive emotional involvement?
- ⇒ What may be the result if an interviewer is exposed to excessive emotional involvement for long period of time? What are the symptoms of the ...?
- ⇒ What does secondary trauma mean?

¹¹² Freudenberger, H.J.: Staff burnout (Journal of Social Issues, 1974) <https://spssi.onlinelibrary.wiley.com/doi/pdf/10.1111/j.1540-4560.1974.tb00706.x>.

¹¹³ Cieslak R., Shoji K., Douglas A., Melville E., Luszczynska A., Benight C.C.: A meta-analysis of the relationship between job burnout and secondary traumatic stress among workers with indirect exposure to trauma, Psychological Services, 2014, https://uccs.edu/~Documents/thhc/faculty_publications/CieslakShojiDouglas2014.pdf.

¹¹⁴ American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders (5th ed., American Psychiatric Publishing, pp. 271–280., 2013).

¹¹⁵ 'Understanding and addressing vicarious trauma' Pearlman and McKay, 2008, https://headington-institute.org/files/vtmoduletemplate2_ready_v2_85791.pdf.

Role of Interpreter, Function of Cultural Mediator

Interpreting means transmitting a message from one language to another. In this subtle procedure the first step is **receiving the message** in one language, second phase is **capture of the meaning** and the intention and finally the process ends by **delivering the message to the other language**. **Task of the interpreter is to combat with linguistic bounds.**

In order to achieve the abovementioned goal the **interpreter should possess deep knowledge of both the initial** and also the **target language** (moreover often the proper dialect); knowledge about the **object of the talk**; knowledge about the **cultural background** of the interviewee and also cultural attributes tied to the target language. Beside the previous factors, on occasion of choosing the proper interpreter the **key-question might be the gender** and the **age** of the interpreter as well¹¹⁶.

Communication between actors may **undergo** a number of **distortions** due to physical, psychical, educational, social, economic, environmental and other reasons.

Interpreting the message of vulnerable persons, thus SGBV victims particularly those whose ability to re/present interests is impaired due to physical and psychological difficulties, **imply skills and knowledges of handling difficult situations**. Besides the ease of interpreting non-coherent story, **interpreters should be prepared to tackle the emotional outburst, aggression, crying, etc.**

In order **to avoid** the aggravating **considerations** mentioned before, **interpreters** and all concerned parties

- **must be aware of the frames**, meaning and **roles** in the **given situation**
- should be **provided with adequate information** prior the act of interpreting (interviewee's gender, age, family structure, education, health condition, nature of vulnerability, etc.)
- ought to be aware that **accepting** the assignment is **improper in case of** direct or indirect **relation to the interviewee**
- **required to be** entirely **impartial** and **confidential**.

Interpreting is a translational activity. The two most common **modes of interpreting** are **simultaneous interpreting**, which happens at the time of the exposure to the source language, and **consecutive interpreting**, in which the interpreter starts to interpret when the speaker pauses.

¹¹⁶ Government Decree no. 301/2007 (XI. 9.) on the implementation of Act LXXX of 2007 on asylum 66.§ (1), (3), (3a) section <https://net.jogtar.hu/jogszabaly?docid=a0700301.kor>.

Advantages of simultaneous interpreting are saving time and not disturbing the natural flow of the speaker. Advantage of consecutive interpreting is that the interpreter disposes sufficient time to analyze the content of the message on the whole.

In working **with vulnerable persons**, the **preferred** method is the **consecutive interpreting**.

The issue of multicultural communication is in the focal point of interpreting the message of the target group under discussion. **Gender** or **cultural taboo based factors require** particular **attention** during the interpretation process, too.

Although there is a close link between culture and language the **interpreter is not a cultural expert**, interpreting the cultural context is not the interpreter's responsibility. Optimal practice is using impartial linguistic model, which means **interpreter interprets** solely and accurately **what is said**, intervenes only in need of clarification or repetition.

Cultural mediation is a tool for bridging the cultural differences^{117 118} between the stakeholders. The cultural mediator is in possession of both, the initial and also the target language and cultural background.

The goal of the cultural mediation is to provide assistance in the interactions so that the person in need reached the services, realized his/her rights, understood his/her responsibilities and integrated to the society.

Interpretation and cultural mediation differ in the setting in which they occur. While **interpreting** function appears dominantly **in formal situations**, the frames of **cultural mediation** are rather **informal**.

Besides interpreting – that is common with the interpreters' task – the cultural **mediators' duty covers informing, reformulating, explaining, negotiating, navigating, supporting** as well.

Non-verbal communication is the hothouse of misinterpretations. Verbally interpreting the tone of speech, body language, facial expressions is **misleading**, the interpreter's **duty is to convey the intonation of the interviewee**.

¹¹⁷ Phelan, M., Martín, M.: Interpreters and cultural mediators—different but complementary roles (Dublin City University, 2010), <http://doras.dcu.ie/16481/>.

¹¹⁸ Cross, T., Bazron, B.J., Dennis, K.W., Isaacs M.R.: Towards a Culturally Competent System of Care (Georgetown University Child Development Center, 1989).

The capacity of the **memory is limited**. The interviewer facilitates the economic usage of the interpreter's memory insofar **phrases** formed during the talk **required to be short, simple and clear, breaks should be proposed** time after time.

The **expression of some interviewees** might be **incoherent or fragmented**, sometimes meaningless. Despite the root-position, the **goal** is to **obtain the qualitatively and quantitatively optimal information**. In order to gain the aim

- the way of **expression** of the interviewee **desired to be interpreted via verbal tools**, besides as **accurately** as possible
- **legal and official terminology** should be **avoided**
- **simultaneous explanation of** lingual **distortions** by the interpreter that easily results in distrust **supposed to be prevented**
- **relationship** that is established by the interpreter towards the interviewee should remain **within the frames of empathy**.

In some situations the interpreter becomes emotionally involved that may alter the quality of the translation. If the **interpreter** seems **dispirited**, nervous or stressful it is advisable to **dispose break or** even to consider the possibility of **replacement**.

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ What does interpreting mean?
- ⇒ What is the task of the interpreter? What is the duty of the intercultural mediator? (differences, fields of operation)
- ⇒ What extra knowledge and skills does a competent interpreter/intercultural mediator possess?
- ⇒ What information should an interpreter obtain before the interview?
- ⇒ Which interpreting methods are the most applicable/preferred in working with vulnerable persons?

Activities

- ⇒ Story of Zahra (Annex V.)
- ⇒ Story of Biniam (Annex VI.)
- ⇒ Role play based on the stories (Annex VII.)

MODULE 5: INTERCULTURALITY

Module 1, 3, 4, 5 were written and edited by: Zsuzsanna Vég, M. Ferdaus Momand and Andrea Márcz, IOM Budapest.

Aim of the Module

When **interviewing SGBV victims** there are **lots of challenges** that may **affect the situation**. **Above the personal experiences one may face** with the consequences of **different geographical and cultural backgrounds**. Thus, first the **participants** will be **introduced** to the matter and **importance of cultural awareness**, then they will learn **how to bridge the cultural gap between different cultures**. By the end of the module the participants will be able to **categorize concepts** and the potential **obstacles of intercultural communication**, particularly within the frames of communication with SGBV migrants and to **describe** those **techniques that contribute to minimize** the potential **misunderstandings** arisen due to diversity.

Learning Objectives

- describe the main characteristics and aspects of culture
- identify different dimensions of cultural values, attitudes and practices
- understand that culture affects identity, behaviour and beliefs, but it is only one of the several potential layers of interpretation
- awareness of one's own cultural influences
- identify the importance of non-verbal cues and common misunderstandings

Required Materials

- PPT
- Script for facilitators
- Exercise handout "Circles of my multicultural self"
- Participants' portable devices (smartphone, tablet, laptop, etc.)
- Wireless internet

Theoretic Background, Procedure, Questions

The **session starts with the activity** title "**Circles of my multicultural self**". Detailed instructions and notes for facilitators are provided in handout (ANNEX VIII.).

Participants are asked to reflect on **what culture means** for them and are given the opportunity to share their thoughts with the group. It should become clear that culture represents different things to different individuals. Then, **facilitators present** some common **definitions** from the literature, **explain the analogy of culture as an iceberg**, as well as selected **dimensions of cultural values, attitudes** and **practices**, using PPT. They will provide examples relevant to the context of participants, either from the accompanying script for facilitators or from their own experience. This is followed by a **presentation** of some of the aspects to consider **related to nonverbal communication**, also including examples (PPT).

In the next part of the session, **participants** should **answer** the following **questions for themselves on a blank sheet of paper** (questions presented on PPT slide).

Questions to be asked (before) and after the accomplishment of the chapter:

- ⇒ How do you define your culture?
- ⇒ What does that mean to you (benefits and disadvantages)?
- ⇒ How does it shape your attitudes and behaviours (example)?
- ⇒ List your perceptions of four qualities/attributes about a culture different from your own.
- ⇒ Where did you get the above opinions (i.e., first-hand experience, someone told you or you read about it, not sure)?

After about **5-10 minutes**, the **participants** are **invited to share their responses with the rest of the group**. Facilitators guide the discussion, covering the following topics: how each of us have their own cultural influences that shape our attitudes and behaviours; how intolerance and lack of knowledge influence practice and effective work in their respective field; potential ways of addressing intolerance and lack of understanding of different cultures.

Iceberg model of culture

The 'Iceberg model' is one of the most known and used model to describe the concept of culture. The **iceberg** as mentioned above **has the visible tip. These are the areas of culture that we can see manifest** in the physical sense. Because we see them we can respond to them. The **biggest part of culture is hidden below the surface**, the **invisible rules** and **values define** each **culture**. For example, it may be visible that a person behaves in a certain way, but why the person behaves like it is part of the invisible part of culture.

"More often than not **these are the elements that we come into contact with first** when diving into a new country or culture. Such "**visible**" **elements** include things such as music, dress, dance, architecture, language, food,

gestures, greetings, behaviours, devotional practices, art and more. In addition it can also relate to behaviours such as seeing people ignoring red traffic lights, spitting on the floor, smoking in public or queuing for a bus. All, depending on your own culture, may come across as weird, strange, rude, ignorant or simply silly. **None of the visible elements can ever make real sense without understanding the drivers behind them; and these are hidden on the bottom side of the iceberg, the invisible side.** It is these **invisible elements** that **are the underlying causes of what manifest on the visible side.** So, when thinking about culture, the bottom side of the iceberg will include things such as religious beliefs, worldviews, rules of relationships, approach to the family, motivations, tolerance for change, attitudes to rules, communication styles, modes of thinking, comfort with risk, the difference between public and private, gender differences and more."¹¹⁹

Difficulties arise when the rules of one culture are used to interpret the behaviour of another culture with a different set of cultural rules. **Failing to understand and recognize the invisible elements of culture and the different layers that compose them,** as well as how those elements can influence each other, **is the prime reason of misunderstandings and misinterpretation of certain behaviours.** This can be crucial when working with refugees/migrants, including for identification of issues such as cases of sexual and gender-based violence or certain types of exploitation.

Characteristics of Culture

There are **certain characteristics** which **are common in all cultures. Much of learning culture is unconscious. We learn culture from families, peers, institutions, and media.** While all humans have basic biological needs such as food and sleep the **way we fulfil those needs varies cross-culturally.** Culture is shared with other members of our group. That is why we are able to act in socially appropriate ways as well as predict how other members of the cultural group will act.

Symbols vary cross-culturally and are arbitrary. They **only have meaning when people in a culture agree on their use.** Language, money and art are all symbols. **Language is the most important symbolic component of culture.** Cultures interact and change over time, because most cultures are in contact with other cultures and they exchange ideas and symbols.

It is important to highlight that every person is an individual with his/her own needs and not all people identify with their cultural or religious background. Some people are forced to migrate or leave their home countries because of

¹¹⁹ This paragraph was adopted from: Culture Vulture. 2016. *Intercultural Training and the Iceberg Model*. Commisceo Global Blog <https://commisceo-global.com/blog/intercultural-training-and-the-iceberg-model>.

their cultural, racial and religious backgrounds. Others are leaving the country because of their clash and differences with their own culture and religion.

Selected dimensions of cultural values, attitudes and practices

Dimensions such as **age, gender, ethnicity, religion, family, communication, body language, space, cultural practices, time, group dynamics, authority, relationships** can be interpreted within the framework of **culture**. It is essential to point out how **attitudes and practices are perceived differently in each culture**.

Age is one of the dimensions mentioned above, which **is perceived differently in different cultures**. For instance, in Europe one is considered a child up to the age of 18, but in some Middle Asian societies, like Afghanistan, teenagers may be considered adults. They are expected to care for themselves and establish a family as early as the age of 14.

Another important dimension is “family”. The following definition suits the concept very well; “**Family is the fundamental structure of every society** because, among other functions, this social institution provides individuals, from birth until adulthood, membership and sense of belonging, economic support, nurturance, education, and socialization”.¹²⁰ The concept of **nuclear family** considers a family **consisting of parents and their children**. The concept of nuclear family is becoming increasingly common especially in Europe, North America, etc. The concept of **extended family**, on the other hand, consists of non-immediate family members such as **grandparents, uncles, aunts, and cousins** etc., often living within the same household or nearby. Extended families appear to be more common in parts of Asia, the Middle East, South America and Africa.

Different societies may have **different perceptions of gender roles and relationships** within the family. For example, where extended families are the norm and there is a recognized head of the family, that person may be considered the highest authority, taking decisions for family members or expecting to be consulted before family members themselves take decisions. Also, the social status of siblings may be determined by their age and gender, and this may be reflected in the order in which they speak in a public setting.

Nonverbal Communication

Nonverbal communication refers to the use of body language to convey a message through tone and volume of voice, physical gestures, facial expressions, physical touch, body posture, eye contact, appearance etc. Nonverbal communication is crucial to understand in order to prevent sending or receiving wrong messages. The following list contains examples of nonverbal communication and how they are perceived in different cultures.

¹²⁰ Canary, H., & Canary, D. J. (2013). *Family conflict* (Key themes in family communication). Cambridge, UK; Malden, MA : Polity Press, 2013.

Eye contact: The importance of eye contact should never be underestimated. Keeping or avoiding eye contact can be crucial in some settings. In some cultures, avoiding eye contact can be interpreted as disinterest and disrespect, and on the contrary in some other cultures, avoiding eye contact can be considered respect for authority or the elderly.

Example: In eastern societies, such as in the Middle East and in Afghanistan, young people do not look directly into the eyes of elders. Keeping long eye contact is considered inappropriate. Not looking into the eyes of the elders is a gesture of respect towards them. Keeping eye contact with a female or looking into their eyes is avoided by male members of the society, since looking directly into the eyes is considered intimate.

Touch: Touch and physical gesture convey different signs and meanings in different cultures. Some cultures forbid touching between different genders, some cultures believe the head to be sacred and should not be touched unless given permission and some cultures consider touch as comforting.

Example: In the Muslim world, especially in public, men and women are not allowed to touch. Even if a couple is married, they will not hold hands and walk in public, hug or show affection by a physical gesture. On the other hand, individuals of the same gender can be seen holding hands and walking outside in public.

Voice: Some cultures consider speaking loudly as disrespectful.

Example: In the Middle East, people are famous for being loud. It comes from their culture. While talking to each other, being loud and clear does not mean they are being disrespectful.

Personal space: For some cultures, an arm's length away is a comfortable distance when talking with others, but in other cultures people may stand much closer.

Example: Afghans tend to be touchier and they like to stand very close when discussing an issue or having a friendly chat. A tap on shoulder or a light hug to a friend standing nearby is common. Personal space is almost non-existent in most of the Middle Eastern societies. This behaviour has its roots in the collectivist nature of the societies.

The **session ends with** an activity that should **raise awareness that culture is important**, but **only one** of several potential layers of **interpretation cannot explain everything**.

Activities

- ⇒ Circles of My Multicultural Self (Annex VIII.)
- ⇒ Case study of an Afghan couple (Annex IX.)

Annex I.

ASYLUM SEEKER

An individual who is **seeking international protection**. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

(IOM International Migration Law Glossary 2019)

CHILD

Every human being **below the age of eighteen** years unless, under the law applicable to the child, majority is attained earlier.

(IOM International Migration Law Glossary 2019)

**FEMALE GENITAL
MUTILATION (FGM)**

Refers to all procedures involving **partial or total removal of the external female genitalia** or other injury to the female genital organs for non-medical reasons. It is an act of violence that impacts sexual organs, and it is classified as sexual assault under the Gender-Based Violence Information Management System.

(IOM Gender-Based Violence in Crisis Framework 2018)

FORCED MARRIAGE

Marriage that is entered into **without the free and full consent** of one or both the intending spouses.

(IOM International Migration Law Glossary 2019)

GENDER

The **socially constructed roles** and relationships, personality traits, attitudes, behaviours, values, relative power and influence **that society ascribes to males and females** on a differential basis. It is relational and refers not simply to women or men, but to the relationship between them. Although notions of this concept are deeply rooted in every culture, they are also changeable over time and have wide variations both within and between cultures.

(IOM International Migration Law Glossary 2019)

**GENDER-BASED
VIOLENCE**

An umbrella term for any harmful act that is **perpetrated against a person's will** and is **based on socially ascribed (i.e. gender) differences between males and females**. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and denial of resources, opportunities or services, forced marriage and other deprivations of liberty. These acts can occur in public or in private.

(IOM International Migration Law Glossary 2019)

GENDER EQUALITY

The **equal rights, responsibilities and opportunities** of all individuals **regardless of their gender identity**. It does not imply that all individuals are the same, but rather that the interests, needs, capacities and priorities of all are taken into consideration.

(IOM International Migration Law Glossary 2019)

GENDER IDENTITY

Refers to each **person's deeply felt internal and individual experience of gender**, which **may or may not correspond with the sex assigned at birth**.

It includes the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

(IASC Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action 2015)

LGBTI

An acronym for **lesbian, gay, bisexual, transgender and intersex persons**. It is sometimes used as a shorthand for persons of diverse sex, sexual orientation and gender identity (SSOGI). Because of perceived sexual orientation and/or gender identity, they might face diverse discriminations and violations of human rights in their country of origin or, as migrants, in countries of transit or destination. **Sexual orientation and gender identity are also recognized as grounds for persecution** (i.e. under membership of a particular social group) for the purpose of granting refugee status.

(IOM International Migration Law Glossary 2019)

MIGRANT

An umbrella term, not defined under international law, reflecting the common lay understanding of **a person who moves away from his or her place of usual**

residence, whether **within a country or across an international border**, **temporarily or permanently**, and **for a variety of reasons**. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

(IOM International Migration Law Glossary 2019)

**MIGRANTS IN
VULNERABLE
SITUATIONS**

Migrants who are **unable to effectively enjoy their human rights, are at increased risk of violations and abuse** and who, accordingly, are entitled to call on a duty bearer's heightened duty of care.

(IOM International Migration Law Glossary 2019)

**MIGRANT-FRIENDLY
HEALTH SYSTEMS**

Health systems that **consciously and systematically incorporate the needs of migrants** into health financing, policy, planning, implementation and evaluation, including such considerations as the epidemiological profiles of migrant populations, relevant **cultural, language and socioeconomic factors** and the impact of the migration process on the health of migrants.

(IOM International Migration Law Glossary 2019)

**PSYCHOSOCIAL
SUPPORT**

The term "psychosocial" denotes the **inter-connection between psychological and social processes and the fact that each continually interacts with and influences the other**. The composite term mental health and psychosocial support (MHPSS) is used to describe any type of local or outside support that aims to protect or promote psychosocial well-being and/or prevent or treat mental disorder.

(IOM International Migration Law Glossary 2019)

**REFUGEE
(1951 Convention)**

A person who, owing to a **well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion**, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual

residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

(IOM International Migration Law Glossary 2019)

SEXUAL ABUSE

The actual or threatened **physical intrusion of a sexual nature**, whether by force or under unequal or coercive conditions.

(IOM International Migration Law Glossary 2019)

SEXUAL EXPLOITATION

Any **actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes**, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another.

(IOM International Migration Law Glossary 2019)

SEXUAL VIOLENCE

It is a form of gender-based violence and encompasses **any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic**, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It takes multiple forms and **includes rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, trafficking, sexual enslavement, forced circumcision, castration and forced nudity**.

(IOM International Migration Law Glossary 2019)

UNACCOMPANIED CHILDREN

Children, as defined in Article 1 of the Convention on the Right of the Child, who have been **separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so**. In the context of migration, children separated from both parents or other caregivers are generally referred to as unaccompanied migrant children (UMC).

(IOM International Migration Law Glossary 2019)

VICTIM OF GENDER-BASED VIOLENCE

A person **who has experienced gender-based violence**. The terms **“victim” and “survivor” can be used interchangeably**. “Victim” is a term often used in the legal and medical sectors. “Survivor” is the term generally preferred in the psychological and social support sectors because it implies resiliency.

(IOM International Migration Law Glossary 2019)

**VIOLENCE AGAINST
WOMEN**

Any act of gender-based violence that results in, or is likely to result in, **physical, sexual or psychological harm or suffering to women**, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

(IOM International Migration Law Glossary 2019)

VULNERABILITY

Within a migration context, it is the **limited capacity to avoid, resist, cope with, or recover from harm**. This limited capacity is the result of the unique interaction of individual, household, community, and structural characteristics and conditions.

(IOM International Migration Law Glossary 2019)

Annex II.

Story of Anna

I was a little girl then. They made a photo about the grade I attended. The mother of a little boy told to her son: look, what a little Jewish girl! I said to myself I'm not that, but when I went home I asked my mother whether it's true. She told me, yes, we are Jews, but we will talk about it when you will be bigger. After we never ever spoke about it. When I became a high school student I realized that I differ from the others, but not only because of my origin. I was about 14, you know, when children insensate sexually... so I discovered that not boys, but girls attract me. Since it is not the part of the common thinking in my country I had been keeping this feeling in myself for long period of time... by now the hate towards people like me somehow became more active. Every day happens something: arsons, stabbings, graffiti... My mother lives separately, we do not speak about it. My daughter presumes it, but she is discreet. The connection with my mother is quite problematic, with my daughter... let's say amicably. We never cross certain limits. If we are in trouble, we help each other, but we do not speak about particular things. When I was 20-21 I had a girlfriend. When my daughter was little I had a couple of girlfriends ... during the day.

We had been together with Lena for 5-6 years. Still it's difficult to speak about ... At the beginning we were just talking... hiking, concerts, exhibitions... (the client is in tears) My daughter is big already, I work a lot... Neither neighbours nor friends knew about us. Lena was murdered in July. It happened on a Friday... Lena proposed to attend the Pride. I didn't like the idea, but finally accepted. The weather was beautiful. We arrived to the venue. There were a lots of like us around. All of sudden I just see the riot police and people with huge crosses. Posters all around "Death for the buggers"... "No end of Sodom"... I wanted to disappear, I was frightened so much... I touched her arms asking to go... I know the entire town, the alleys, the lanes, everything. The mess became bigger and bigger. I was running towards the underground... I lost her. (the client breathes hard, trembles, her head is red) I'm crying, seeking for her, nowhere. Two policemen stop me... asking something, I don't hear them. Where is she? At once I see her running in the far. A policeman tries to catch me, I'm shouting... then blind canvas. Next day I'm running all around the police units, hospitals... Since then I can't sleep... those nightmares every night... By the sunset I find her in the mortuary of the 6th district... (the client stands up, sits down – she doesn't speak anymore)

Annex III.

Story of Mirjana

I'm 13. I'm happy to be here. I can attend school. Look, I can write down my name... I miss my mother, my father and all my sisters and brothers... When I decided to run away from them I was worked up. You want me to tell you how was it? We were rich, we had a house, clothes, good food everything, but we lost all we had. My mom says, it happened because of my dad, not because of the war. I want a good life again... That boy, he is cute and rich. He lives in Belgium with his family. He is big, 17 already. He loves me. We met him on the internet. Our families knew each other from before... when they lived at home. Maybe we are even relatives. Hamdija's parents are sending money for us... It was said, when I fill up 13, we go. I was waiting for my birthday, I wanted to travel so much. Then we packed up all my things and departed. The date of the marriage was appointed... It is so good to be here. Although I've been here for 3-4 months I can speak your language. What do you want me to tell you in your language? I have friends here... When we were approaching to the border I decided to hide. I got frightened. They couldn't find me, it was dark. I don't remember that night. I don't want to speak about it... Police found me and now I'm here in this big city... Other girls in my children's home wear G-string... what, I'm a hooker? I wear panties until my waist... I miss my little sister, she is a baby... They would punish me if I went back. My parents put everything on this horse.

Annex IV.

Case study - Text analysis based on the stories above (or similar concerning the merit and the tools used)

Questions to elaborate by chapters:

Vulnerability, protection

- ⇒ Which elements of the story refer to the vulnerability of the client?
- ⇒ Which expressions of suffering can you identify based on the text?
- ⇒ Which group(s) of vulnerability does the client belong to?
- ⇒ Identify the form(s) of protection-need!

SGBV

- ⇒ What did the client experience, and what are consequences?
- ⇒ What form(s) of SGBV can you recognize in the story?
- ⇒ On what level(s) does the harmful act appear?

Indicators of the endangeredness

- ⇒ What kind of indicators of endangeredness can you identify based on the text? On what levels?

Annex V.

Story of Zahra

My name is Zahra, I am 24 years old and from Algeria. I studied child care in Blida. After finishing my studies I moved to Jordan for work. While in Jordan, I met my husband in Amman, he lives in the UNRWA camp... Amman New Camp (Wihdat). He is Palestinian. My family was dismissive with us because of the cultural differences between our families, also because of the religion, the traditions, the distance... I became pregnant quickly... In the first months of my pregnancy I lived in my mother in law's house. We had a lots of conflicts. In the 20th week of my pregnancy, we found out that our baby is a girl. My situation became awful. My mother in law is so cruel, she pinches me all the time. It happened that she even slapped me. My husband and his mother are on the same side against me. They support each other in everything. I feel isolated out of the family and alone. I decided to move in with a female friend, but without money, being pregnant... I wanted to return to Algeria, home..., but my family is traditionalist, they wouldn't accept me as an outcast wife with my daughter. My father died, who could protect me? My brother or my husband's family would take my child. I'm afraid so much... how would people around consider me? I was thinking of flying to Algiers... but who will take care of me and my child in a big city like that? Finally I decided to escape to Europe. I don't have any connection to my husband. I tried to call him, but he is not available. Anyhow, we fixed in our marriage contract, if he decides to break our marriage he must pay me \$5000, but if I do not accomplish the role of a wife, he'll marry a second wife on the condition that I should stay in a position of a servant. Now I'm here, not my daughter, but my fate is in my mind ...

Annex VI.

Story of Biniam

I'm Biniam – Biniam from Asmara. My family is religious very much. I vary from them. I vary not only in this. I was 17 when my family noticed it. They harmed me seriously... drubbing, hiding... Then they sent me away from home. They had presumed it before, but believed I will outgrow from it. My mother would accept me, but our family is an old, patriarchal, conservative family... - she couldn't expose herself to... When I was little she tried to protect me, but my father punished her, she got it in the neck. My brothers also looked away from me. Some years ago I went home to see my mother in secret, but some of our neighbours recognized me... then my eldest brother attacked me with a knife. He pierced me on my arm. Almost little further. I would forgive them. They couldn't forgive me, they would attack me again. They don't want me around. Tradition is stronger than love of beloved ones. After leaving home I couldn't get any job. I had to sell my body. Before I came to Europe they arrested me 4-5 times for some days. Once for two months. Only because I take similar to me. They raped me... threatened me with steel, stubbed cigarettes on my body ... look... After my last detention I decided to fly here. I have a fix partner here. I'm happy here... only those memories all the time... all at once...

Annex VII.

Role play based on the stories above (or similar concerning the merit and the tools used)

Exercise:

- ⇒ simulating an interview situation
- ⇒ evaluating the simulation

Actors:

- ⇒ interviewer, client, interpreter and/or intercultural mediator, observer (optional)

Tips:

- ⇒ for more effective time management each point should be elaborated by different groups of participant
- ⇒ it is not necessary to elaborate all the points
- ⇒ it is worth prioritizing based on the preferences of the given group

Points to elaborate considering the following regards:

Memory

- ⇒ impact the client's memory state on the dialogue
- ⇒ use of memory facilitating tools

Interview

Preparation

- ⇒ mental, physical, case preparation
- ⇒ considering the conditions choosing proper interpreter / intercultural mediator

1) Opening and establishing contact phase

- ⇒ introducing the involved parties
- ⇒ establishing proper atmosphere

2) Introductory phase

- ⇒ reaching mutual understanding
- ⇒ providing proper information
- ⇒ inviting the client to reflect over the information provided

3) Introduction to the focused theme phase

- ⇒ introducing the context

4) Free narrative phase

- ⇒ providing opportunity for giving uninterrupted account
- ⇒ obtaining spontaneous, detailed and coherent information
- ⇒ refraining from asking questions
- ⇒ using encouraging techniques
- ⇒ topic development on three levels

5) Probing the validity phase

- ⇒ obtaining broader information about the main topics stated in the free narrative phase
- ⇒ probing the topics of the free narrative phase

6) Closing phase

- ⇒ summarizing key-points
- ⇒ ascertaining that all necessary information have been elaborated
- ⇒ leaving the interview with a sense of accomplishment

7) Activities after the interview

- ⇒ contacting proper institutions, authorities
- ⇒ self-analyzing

Annex VIII.

Activity - Circles of My Multicultural Self

Frames:

- ⇒ Resource: Diversity Activities Resource Guide
- ⇒ Time required: 20-30 minutes

Purpose:

- ⇒ The Circles activity engages participants in a process of identifying what they consider to be the most important dimensions of their own identity. Stereotypes are examined as participants share stories about when they were proud to be part of a particular group and when it was especially hurtful to be associated with a particular group.

Instructions:

- ⇒ Ask participants to pair up with somebody they do not know very well. Invite them to introduce each other, then follow these steps:
 - 1) Ask participants to write their names in the centre circle. They should then fill in each satellite circle with a dimension of their identity they consider to be among the most important in defining themselves. Give them several examples of dimensions that might fit into the satellite circles: female, athlete, Jewish, brother, educator, Asian American, middle class, etc.
 - 2) In their pairs, have participants share two stories with each other. First, they should share stories about when they felt especially proud to be associated with one of the identifiers they selected. Next, they should share a story about a time it was particularly painful to be associated with one of the identity dimensions they chose.
 - 3) The third step will be for participants to share a stereotype they have heard about one dimension of their identity that fails to describe them accurately. Ask them to complete the sentence at the bottom of the handout by filling in the blanks: "I am (a/an) _____ but I am NOT (a/an) _____." Provide your own example, such as "I am a Christian, but I am NOT a radical right Republican." Instructions for steps 1, 2, and 3 should be given at once. Allow 8-10 minutes for participants to complete all three steps, but remind them with 2 minutes remaining that they must fill in the stereotype sentence.

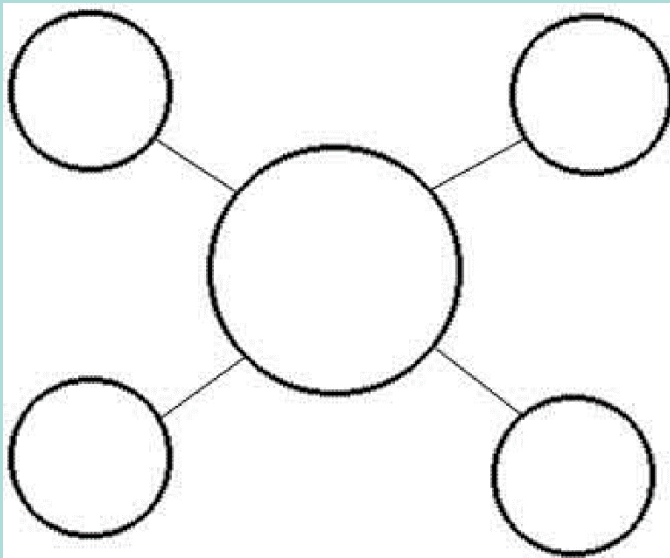
- 4) Probe the group for reactions to each other's stories. Ask whether anyone heard a story she or he would like to share with the group. (Make sure the person who originally told the story has granted permission to share it with the entire group.)
- 5) Advise participants that the next step will involve individuals standing up and reading their stereotype statement. You can either simply go around the room in some order or have people randomly stand up and read their statements. Make sure that participants are respectful and listening actively for this step, as individuals are making themselves vulnerable by participating. Start by reading your own statement. This part of the activity can be extremely powerful if you introduce it energetically. It may take a few moments to start the flow of sharing; so allow for silent moments.
- 6) Several questions can be used to process this activity:
 - ⇒ How do the dimensions of your identity that you chose as important differ from the dimensions other people use to make judgments about you?
 - ⇒ Did anybody hear somebody challenge a stereotype that you once bought into? If so, what?
 - ⇒ How did it feel to be able to stand up and challenge your stereotype? (There is usually some laughter when somebody shares common stereotype such as "I may be Arab, but I am not a terrorist" or "I may be a teacher, but I do have a social life.") I heard several moments of laughter. What was that about?
 - ⇒ Where do stereotypes come from?
 - ⇒ How can we eliminate them?

Facilitator Notes:

- ⇒ The key to this activity is the process of examining one's own identity and the stereotypes associated with that identity, then having one's own stereotypes challenged through others' stories and stereotype challenges. Encourage participants to think about the stereotypes they apply to people and to make a conscious effort to think more deeply about them, eventually eliminating them.
- ⇒ As with most activities, it can be especially effective if you participate while you facilitate. If you are willing to share your own experiences, participants are more likely to feel open to share their own.
- ⇒ It is crucial, especially for the final part of the activity when participants are sharing their stereotypes, to allow for silences. People will be hesitant to share initially, but once the ball starts rolling, the activity carries a lot of energy. Allow time at the end for participants to talk more about whatever stereotype they shared.
- ⇒ After everyone has shared their stereotype challenge, announce that anyone who would like to share another one can do so. Model by sharing another one about yourself.

Handout for participants:

- ⇒ This activity highlights the multiple dimensions of our identities. It addresses the importance of individuals self-defining their identities and challenging stereotypes.
- ⇒ Place your name in the centre circle of the structure below. Write an important aspect of your identity in each of the satellite circles -- an identifier or descriptor that you feel is important in defining you. This can include anything: Asian American, female, mother, athlete, educator, Taoist, scientist, or any descriptor with which you identify.



- 1) Share a story about a time you were especially proud to identify yourself with one of the descriptors you used above.
- 2) Share a story about a time it was especially painful to be identified with one of your identifiers or descriptors.
- 3) Name a stereotype associated with one of the groups with which you identify that is not consistent with who you are.
- 4) Fill in the following sentence:

I am (a/an) _____ but I am NOT (a/an) _____. (So if one of my identifiers was "Christian," and I thought a stereotype was that all Christians are radical right Republicans, my sentence would be: I am a Christian, but I am NOT a radical right Republican)

Annex IX.

Case study - Afghan couple

Frames:

⇒ This is a fictional story about a couple who left Afghanistan and are now in Europe intending to seek asylum. Most of the cultural, ethnic and religious aspects of life are taken into consideration during the construction of the case study.

Aim:

⇒ The aim is to spark a discussion and enhance the capacities of the participants regarding the knowledge of cultural and traditional practices and their implications and consequences.

Instructions:

⇒ Participants are divided into groups and receive below handout with the case study and related questions. They should read the case carefully, discuss it and provide answers to the questions. After around 10 minutes, groups could be invited to share their answers as well as any experiences of similar cases.

Handout for the participants:

Names of the family members:	Ali Hussaini (27 years old) and Amina Barakzai (23 years old)
From:	Husband: Ghazni Province Wife: Gardiz Province
Nationality:	Afghan (cannot be proved; lack of official proof of identity)
Ethnicity:	Husband: Hazara Wife: Pashtun
Languages spoken:	Husband: Dari Wife: Pashto and Dari

Handout for the participants:

Religion:	Husband: Shia Muslim Wife: Sunni Muslim
Story	The couple left Ghazni because the family of the wife opposed the union and the family of the husband did not support the marriage either. The couple sold all of their belongings and left the country and eloped to Iran. They stayed in Iran for about a year but they had to move from Iran as well. Their aim is to go to a country where their identity can be kept secret.
Husband	He belongs to the Hazara ethnicity. Ali and his wife met in university and decided to get married. He shared his intention with his family, but his family did not approve and according to the family, this union might have serious consequences.
Wife	She is the member of a Pashtun tribe. The family of the girl follows Sunni Islam and they are very traditional. When the family of the husband tried to approach them for the purpose of marriage, they directly refused. As a result, they were forced to elope to another country.

Questions:

- ⇒ Why the identity of the couple cannot be proved?
- ⇒ Why could the families of the couple have refused the marriage?
- ⇒ Why might they have moved to Iran first?
- ⇒ What might be the reason behind moving of the couple from Iran?
- ⇒ What probably motivated them to seek asylum in Europe? (other than usual pull factors)