Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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LGBT-related claims for asylum

Motion for a resolution
several Assembly members

This motion has not been discussed in the Assembly and commits only those who have signed it

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Lesbian, gay, bisexual and transgender persons (LGBT) are subject to persecution and criminalisation in more than 76 countries, including Council of Europe member States. They face discrimination and human rights violations, such as homophobic and transphobic acts or hate crimes, because of their actual or perceived sexual orientation or gender identity.

The Committee of Ministers has recognised that LGBT persons may fall under its definition of "a particular social group" (Rec(2004)9) and acknowledged that "a well-founded fear of persecution based on sexual orientation or gender identity may be a valid ground for granting refugee status and asylum" (CM/Rec(2010)5). While 33 member States recognise sexual orientation as a ground for persecution in asylum claims, only six do so for gender identity. Many countries continue to consider that LGBT persons would not be at risk in their countries of origin if they keep their sexual orientation or gender identity secret.

In addition, LGBT persons face serious obstacles in the asylum process, such as the lack of LGBT-sensitive procedures and of awareness, knowledge and training of national authorities. They also experience social isolation and violence in asylum centres. Nevertheless, only a few member States have elaborated LGBT-related guidelines for asylum decision makers.

Therefore, the Parliamentary Assembly should assess the recognition practice of LGBT persons in member States. It should make recommendations on how to increase their capacity in identifying LGBT persons and their acceptance to recognise sexual orientation and gender identity as grounds for asylum. The Assembly should also propose the development of guidelines in order to enhance LGBT-sensitivity during the asylum process.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group